

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: September 26, 2023

FILE: SPA #9, Map 77; ZCC #26, Map 77;
CUP #13, Map 77; CUP #14, Map 77;
PD #11, Map 77
S.D.: #4 - Couch

TITLE: (a) Specific Plan Amendment Case No. 9, Map 77; (b) Amendment of Zoning Map 77, Zone Change Case No. 26, (c) Conditional Use Permit No. 13, Map 77, (d) Conditional Use Permit No. 14, Map 77, (e) Precise Development Plan No. 11, Map 77

PROPOSAL: (a) Amend the Land Use Element of the Cal Centre Specific Plan from Map Code(s) 3.3 (Other Facilities) to Map Code(s) 7.3 (Heavy Industrial) on approximately 103 acres; from map code designation 6.2 (General Commercial) to 7.3 (Heavy Industrial) on approximately 48 acres; and from map code designation 6.3 (Highway Commercial) to 7.3 (Heavy Industrial) on approximately 96 acres; as well as amendments to Associated Maps of the Cal Centre Specific Plan; (b) A change in zone classification (ZCC No. 26, Map 77) from the existing zone District CH PD (Highway Commercial – Precise Development Combining) on approximately 105.7 acres; from A (Exclusive Agriculture) to M-3 PD (Heavy Industrial - Precise Development Combining) on approximately 108 acres; and from M-1 (Light Industrial) PD (Precise Development Combining) to M-3 PD (Heavy Industrial - Precise Development Combining) on approximately 42 acres; (c) Conditional Use Permit (CUP No. 13, Map 77) for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD (Heavy Industrial - Precise Development Combining) District; (d) Conditional Use Permit (CUP No.14, Map 77) for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD (Heavy Industrial - Precise Development Combining) District; (e) Precise Development Plan (PD No.11, Map 77) to allow for the construction and operation of a logistics center with gross floor area of four (4) million square feet, including a 590,000-square-foot high-cube cold storage warehouse, a 1,300,000-square-foot high-cube fulfillment center warehouse, and 1,260,000-square-foot and 850,000-square-foot high-cube transload and short term storage warehouses, as well as ancillary on-site land uses including a 21-acre photovoltaic (PV) solar panel array and a microgrid for electric vehicle and truck charging on approximately 255 acres

APPLICANT: Cal Centre, LLC by Daniel Rudnick (PP23404)

PROJECT SIZE: Approximately 255 acres.

LOCATION: 26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)

GENERAL PLAN DESIGNATION/ZONE CLASSIFICATION: 3.3 (Other Facilities), 6.2 (General Commercial), 6.3 (Highway Commercial) /CH PD (Highway Commercial – Precise Development Combining), A (Exclusive Agriculture), M-1 PD (Light Industrial-Precise Development Combining)

SURROUNDING LAND USE/ZONING: North, East and West - 8.1 (Intensive Agriculture) / A (Exclusive Agriculture); South - 8.1 (Intensive Agriculture) / A-1 (Limited Agriculture)

PROJECT ANALYSIS: The proposal before your Board is the Cal Centre Warehouse Project. The site includes the development of four (4) logistics facility buildings with a combined gross floor area of 4,000,000 square feet, a 21-acre solar energy array microgrid, an electric vehicle truck and car center, on-site wastewater and water treatment facilities, truck, employee and other parking areas, access driveways and roadways for internal circulation, and landscaping on 255 acres.

Environmental Setting

The Cal Centre Specific Plan is located within the San Joaquin Valley region of unincorporated Kern County. Surrounding area consist of agriculture, vacant and undeveloped lands. The proposed project is a 255-acre triangular site. The project is located at the northwest corner of Interstate 5 and Seventh Standard Road. Buttonwillow Drive runs along the site’s western boundary.

The Federal Emergency Management Agency (FEMA) floodplains map indicates the proposed project is located in flood zone X, which indicates the site is not in an area of flood hazard. The closest sensitive receptors are rural residences located approximately 0.3 miles to the south, 0.5 miles to the west, 1.3 miles to the north and one (1) mile to the east. The Buttonwillow community is approximately 2.6 miles to the south of the proposed project site. There are no schools, hospitals, daycare facilities, or other types of sensitive receptors within two (2) miles of the proposed project site.

The proposed project would be on approximately 255 acres comprised of six (6) privately-owned parcels (Assigned Parcel Number [APN]: 087-190-18, -19, -20, -21, -24, -25), which are also identified as Parcel 1 through 4 on the proposed precise development plan. The proposed project site has historically, and is currently used, for irrigated agriculture. The project site is surrounded by irrigated agricultural uses. The existing land use, designations, and zoning of the surrounding area are as described in Table 1 below, *Proposed Project Site and Surrounding Land Uses, Designation, and Zoning*.

Table 1. Proposed Project Site and Surrounding Land Uses, Designation, and Zoning

Location	Specific Plan Map Code Designations	Zone Classification	Land Use
Project Site	3.3 (Other Facilities) 6.2 (General Commercial) 6.3 (Highway Commercial)	A (Exclusive Agriculture) CH PD (Commercial Highway, Precise Development) M-1 PD (Light Industrial)	Irrigated Agriculture
North	8.1 (Intensive Agriculture)	A (Exclusive Agriculture)	Irrigated Agriculture; Interstate 5
East	8.1 (Intensive Agriculture)	A (Exclusive Agriculture)	Irrigated Agriculture
South	8.1 (Intensive Agriculture)	A-1 (Limited Agriculture)	Irrigated Agriculture
West	8.1 (Intensive Agriculture)	A (Exclusive Agriculture)	Irrigated Agriculture

Cal Centre Specific Plan (1987)

The Cal Centre EIR was prepared for the Cal Centre Specific Plan (referred to herein as the “approved project”) which evaluated the potential environmental impacts associated with the development of 255 acres for highway and service commercial uses (the EIR “Project Area”) and adopted the Cal Centre Specific Plan which includes Specific Plan designations, zoning and development standards. The Kern County Board of Supervisors certified the EIR

(State Clearinghouse No. 87030921) (referred to herein as the “certified EIR”) and approved the project on January 4, 1988. Further Specific Plan amendments for the approved project were approved by the Board of Supervisors in March 1988. A Precise Development Plan for 25 acres of the site was approved by the Planning and Natural Resources Hearing Officer at a Director’s Hearing in July 2016 (PD Plan No. 9, Map 77, Notice of Decision No. 42-16) and expired on May 3, 2021.

Proposed Project (2023)

The proposed project site is located within the administrative boundaries of the Cal Centre Specific Plan area and is similar to the existing uses that were previously approved in the certified final EIR. The approved project includes the phased development of the project area for highway and commercial service facilities. The entire site has been actively farmed since 1985 for alfalfa, oats, wheat, barley, carrots, watermelons, Sudan grass, corn and other row crops. To date, no commercial development has occurred within the project area. The proposed modified project would develop four logistics facility buildings with a combined gross floor area of 4,000,000 square feet, a 21-acre solar energy microgrid, an electric vehicle truck and car center, on-site wastewater and water treatment facilities, truck, employee and other parking areas, access driveways and roadways for internal circulation, and landscaping within the same project area considered in the certified EIR. All water use will be supplied from on-site groundwater wells and recycled water from the proposed on-site wastewater treatment facility. The proposed development will significantly reduce groundwater use from existing levels for on-site agriculture use and use substantially less water than the approved project. The Semitropic Water Storage District Groundwater Sustainability Agency has determined that proposed project water use is consistent with the Semitropic Groundwater Sustainability Plan adopted in accordance with the state Sustainable Groundwater Management Act. The development also includes rooftop PV solar facilities that will generate on-site renewable electricity equal to 90 percent of the project’s annual electrical demand.

Proposal

As noted above, the proposed project would require the following discretionary approvals:

- 1) Amendment to the Cal Centre Specific Plan (SPA No. 9, Map 77) from map code designation 3.3 (Other Facilities) to 7.3 (Heavy Industrial) on approximately 103 acres; from map code designation 6.2 (General Commercial) to 7.3 on approximately 48 acres; and from map code designation 6.3 (Highway Commercial) to 7.3 on approximately 96 acres; as well as amendments to the Circulation Maps of the Cal Centre Specific Plan
- 2) Change in Zone Classification (ZCC No. 26, Map 77) from the existing zone district CH PD (Highway Commercial – Precise Development Combining) to M-3 PD (Heavy Industrial - Precise Development Combining) on approximately 105.7 acres; from A (Exclusive Agriculture) to M-3 PD (Heavy Industrial - Precise Development Combining) on approximately 108 acres; and from M-1 PD (Light Industrial – Precise Development Combining) to M-3 PD (Heavy Industrial - Precise Development Combining) on approximately 42 acres.
- 3) Conditional Use Permit (CUP No. 13, Map 77) for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD (Heavy Industrial - Precise Development Combining) District

- 4) Conditional Use Permit (CUP No. 14, Map 77) for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD (Heavy Industrial - Precise Development Combining) District
- 5) Precise Development Plan (PD No. 11, Map 77) to allow for the construction and operation of a logistics center with gross floor area of four (4) million square feet, including a 590,000-square-foot high-cube cold storage warehouse, a 1,300,000-square-foot high-cube fulfillment center warehouse, and 1,260,000-square-foot and 850,000-square-foot high-cube transload and short-term storage warehouses, as well as ancillary on-site land uses including a 21-acre photovoltaic (PV) solar panel array and a microgrid for electric vehicle and truck charging on approximately 255 acres.

Project Characteristics

The proposed development will construct four (4) logistics facilities with gross floor area of 4,000,000 square feet, consisting of a 590,000-square-foot high-cube cold storage warehouse, a 1,300,000-square-foot high-cube fulfillment center warehouse, and 1,260,000-square-foot and 850,000-square-foot high-cube transload and short-term storage warehouses. Each warehouse will have a single-story storage area with an internal clear height of up to 55 feet and a maximum external height of less than 75 feet.

An internal access road connecting Buttonwillow Drive and 7th Standard Road and truck, employee and other vehicle parking will be constructed to serve the proposed logistics facilities. The proposed project is located immediately adjacent to I-5, the state's primary commercial corridor between major freight shipment facilities serving national and international markets. I-5 also provides a direct freight logistics linkage between the state's largest population centers in the San Francisco Bay area to the north and greater Los Angeles and Southern California to the south and with interstate highways that serve markets in the western United States. Existing I-5 on- and off-ramps are located on Buttonwillow Drive along the north boundary and on 7th Standard Road along the south boundary of the project area.

Construction & Operational Activities

The major construction activities for the proposed project will include grading, trenching, construction of buildings, and the installation of a septic system, etc. The entire process is estimated to take approximately 12 to 18 months and would primarily occur Monday through Friday during daylight hours. Additional hours/days may be necessary to facilitate the schedule. The construction workforce would consist of laborers, craftsmen, supervisory personnel, support personnel, and construction management personnel. The maximum construction workforce of the proposed project would be 300 daily. The maximum operation workforce for the warehousing and distribution center would be an estimated 2,000 employees, however staff will be staggered into three (3) shifts per day.

Construction & Operational Water Use

Potable water will be supplied from onsite groundwater wells and treated in a proposed domestic water treatment facility. A public water system will be formed in accordance with state law to own and operate the project's domestic water facilities. The project would use approximately 67-acre feet per year (AFY) of groundwater for potable purposes. The site is within the jurisdiction of the Semitropic Water Storage District ("SWSD") Groundwater Sustainability Agency ("GSA") formed to implement the state Sustainable Groundwater Management Act ("SGMA"). In 2021, the SWSD GSA adopted the Semitropic Sustainable Groundwater Plan in accordance with SGMA. In November 2022, SWSD and the SWSD GSA confirmed that the proposed water use would be consistent with the Semitropic Sustainable Groundwater Plan.

An on-site wastewater treatment facility will be constructed to manage all of the project's wastewater using an activated sludge and membrane bioreactor clarification process, including screening for solids removal, biological nutrient removal, anoxic secondary treatment, membrane clarification, and disinfection. Treated recycled water from the facility will be used for on-site non-potable uses, including landscape irrigation and solar panel washing. The recycled water will meet or exceed all applicable water quality standards for non-potable reuse, including Title 22, of the California Code of Regulations, regional groundwater quality objectives, and Kern County Development Standards.

The proposed development would use approximately 39 AFY of recycled water produced by the on-site wastewater treatment facility. All stormwater run-offs will be retained and managed onsite. The site includes 21 acres of PV solar generation in the southeast portion of the site and rooftop solar panels mounted on the on-site logistics buildings. The 21-acre solar array will support an onsite microgrid power substation and an electric vehicle truck and car center with charging facilities. The 21-acre array will also be designed to provide electrical power to the on-site water and wastewater treatment facilities. Rooftop solar panels will generate on-site renewable electricity equal to 90 percent of the proposed modified project's annual electrical demand.

Operational Traffic

A traffic study was prepared to evaluate the potential traffic and transportation impacts that could result from the proposed project. The study calculated that the proposed project would generate an average of 7,373 trips per day as summarized in Table 2, Project Average Daily Trips.

Table 2. Project Average Daily Trips

Vehicle Type	Average Daily Trips
Trucks	1,191
Passenger Vehicles	6,180
Total	7,372

The daily average trip generation would be lower than the 11,040 average daily trips considered in the certified EIR. The traffic study considered existing and future traffic volumes, including peak period traffic in 2024 and 2042 based on the Kern Council of Governments traffic model and published historic average daily trip growth rates on roadways adjacent to the project area. An internal access road connecting Buttonwillow Drive and 7th Standard Road and truck, employee and other vehicle parking will be constructed to serve the proposed logistics facilities.

The proposed project is located immediately adjacent to I-5, the state's primary commercial corridor between major freight shipment facilities serving national and international markets. I-5 also provides a direct freight logistics linkage between the state's largest population centers in the San Francisco Bay Area to the north and greater Los Angeles and Southern California to the south and with interstate highways that serve markets in the western United States.

The traffic study analyzed existing and future peak AM and PM hour intersection capacity, traffic signal warrants, roadway volume to capacity levels, queue lengths, and freeway ramp performance with and without the proposed modified project in 2022, 2024 and 2042. The study found that all of intersections and roadways currently operate at acceptable levels and will continue to operate at acceptable levels of service with anticipated future traffic, with or without the proposed project.

The project would construct frontage improvements along Seventh Standard Road and Buttonwillow Drive, in accordance with County development standards. These improvements would provide for adequate width for left and right turn channelization at project access points.

Operational Noise

The primary source of noise would be construction activities, which would be reduced by employing standard practices including limitation of construction hours and would comply with all local noise ordinances. Operational noise will primarily be reduced by the enclosed facility as most equipment and processes occur inside. Truck traffic would occur during the daytime and will comply with Kern County ordinances. The nearest sensitive receptor is located approximately 0.3 miles southwest of the proposed project site.

Site Access

Access to the proposed project site will be available from Buttonwillow Drive, Seventh Standard Road, and Wasco Way as shown in the site plan. An internal access road connecting Buttonwillow Drive and 7th Standard Road and truck, employee and other vehicle parking will be constructed to serve the proposed logistics facilities. The project is located immediately adjacent to I-5, the state's primary commercial corridor between major freight shipment facilities serving national and international markets.

Addendum Environmental Impact Report (EIR)

An Addendum to the certified final EIR for the Cal Centre Specific Plan (State Clearinghouse No. 87030921) was prepared for this project, in accordance with CEQA Guidelines. As required by CEQA, the Addendum includes appropriate review, analysis, and mitigation measures for the environmental impacts associated with the required discretionary approvals needed for the project. This Addendum EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. The certified EIR and Addendum EIR can be found at: <https://kernplanning.com/environmental-doc/cal-centre/>.

CEQA Section 15164(a) states, the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

According to CEQA Section 15162, a subsequent EIR shall be prepared if any one (1) or more of the following has occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) 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, shows any of the following:
- (a) The project will have new significant effects not discussed in the previous EIR;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one (1) 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 would substantially reduce one (1) or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The content and organization of the Addendum EIR prepared for this project is designed to meet the CEQA requirements listed above and includes the following sections:

- **Chapter 1 – Introduction and Overview.** Describes background and introductory information about the project; includes the background of the original project; identifies the rationale for preparing an addendum as the appropriate form of CEQA environmental review; and explains the purpose, scope, and content of the addendum.
- **Chapter 2 – Modified Project Description.** Describes the location, details, and objectives for the project.
- **Chapter 3 – Environmental Analysis.** Evaluates whether new or substantially more adverse significant environmental impacts than those disclosed in the original EIR would result from implementation of the project.
- **Chapter 4 – List of Preparers.** Lists the individuals involved in preparing the addendum.
- **Chapter 5 – References.** Identifies the documents (printed references) and individuals (personal communications) consulted during preparation of the addendum, including consultation with Responsible Agencies' staff.

The Final EIR and Addendum may be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. The environmental impacts that were identified in the certified Cal Centre project EIR and Addendum will be discussed in further detail below.

Addendum Scope of Environmental Review

This Addendum evaluated the proposed project to the previously approved Cal Centre Specific Plan project on whether it would require a Subsequent EIR under CEQA Guidelines Section 15162, or if it could be addressed in an Addendum EIR in accordance with CEQA Guidelines Section 15164. This Addendum confirms that a Subsequent EIR is not required because the certified final EIR retains considerable informational value and relevance to the

decision-making process, and none of the standards of Guidelines Section 15162 that would require a Subsequent EIR are satisfied. This Addendum also includes additions or changes to the previously certified final EIR required by the modifications to the project as required by CEQA Guidelines Section 15164.

The Addendum evaluated the potential for the proposed project to result in new or substantially more severe significant impacts compared to the impacts disclosed in the EIR prepared for the previously approved Cal Centre Specific Plan project. The environmental analysis provided below describes the information that was considered in evaluating the questions contained in the Kern County California Environmental Quality Act (CEQA) Checklist. The information used in this evaluation includes the certified final EIR for the Cal Centre Specific Plan project, the proposed project description, new technical studies, literature reviews, and field reconnaissance.

The previously certified EIR analyzed potential impacts from the permanent development of the entire project area for highway and service commercial uses. The EIR found that the following impacts from the approved project would be significant and unavoidable: (1) water resources-groundwater hydrology; (2) natural resources-soils; (3) air quality; (4) vegetation-crops (agriculture); (5) noise; (6) human interest (aesthetics and open space visual conditions); (7) transportation and circulation; and (8) potential impacts related to economic development resulting from an overabundance of highway commercial areas in the project market area.

The addendum EIR which was prepared for this project evaluated whether approval of the proposed modified project would result in new or substantially more severe significant environmental impacts compared with the proposed project area development impacts disclosed in the certified EIR. The addendum EIR established that, with implementation of mandatory project design and implementation components, the approved project would result in less-than-significant impacts related to the following environmental impact areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Utility Systems
- Wildfire

Based on the evaluation provided in the Addendum, no new significant impacts would occur as a result of the approval of the proposed modified project, nor would there be any substantial increase in the severity of any previously identified significant environmental impact. In addition, no new

information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

Findings and Mitigation Measures (Exhibits A and B)

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included as Exhibit A for each significant and insignificant impact as identified in the Addendum EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for agricultural resources, air quality, global climate change, noise, population, and transportation and traffic are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations included as Exhibit B in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur.

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the EIR Addendum and certified final EIR, and the record of proceedings for the proposed project.

The proposed project will result in direct economic benefits to Kern County. At buildout, the project is expected to generate significant revenues that outweigh its costs to the County General Funds (as calculated in 2023 dollars), representing a net benefit to the General Fund. General Fund revenues are used for a wide variety of County services and activities, and a portion of property taxes are also paid directly to local school districts, thereby increasing funding for local schools. Additionally, the project will create significant new construction jobs during project construction and, during project operations, provide employment for approximately 2,000 employees and operate three (3) shifts a day. The project's four (4) logistics facilities and warehousing facilities will be located immediately adjacent to Interstate 5, the state's primary commercial corridor between major freight shipment facilities, and will thus promote statewide, regionwide and national economic development by providing a direct freight logistics linkage between the state's largest population centers in the San Francisco Bay Area to the north and greater Los Angeles and southern California to the south and with interstate highways that serve markets in the western United States. The proposed project will provide further economic benefit to the County and its residents by increased spending in the community as a result of construction and development related work.

Other benefits include providing the production of renewable energy and the reduction of regional greenhouse gas emissions by including a commitment to produce or cause to be produced renewable electricity through the provision of 21 acres of PV solar generation in the southeast portion of the project site and rooftop solar panels mounted on the on-site logistics buildings. The 21-acre solar array will support an onsite microgrid power substation and an electrical vehicle truck and car center with charging facilities. The 21-acre array will also be designed to provide clean electrical power to the on-site water and wastewater treatment facilities, and rooftop solar panels will generate on-site renewable electricity equal to 90 percent of the proposed modified project's annual electrical demand. By providing logistics facilities immediately adjacent to I-5, the project will minimize the distance that trucks and other vehicles must transit from I-5 to access logistics warehouses, thus further reducing greenhouse gas emissions.

Senate Bill 18 Consultation

State planning law requires cities and counties to consult with California Native American tribes during the local planning process for the purpose of protecting cultural tribal resources. SB 18 requires that California Native American tribes be provided the opportunity for consultation prior to the adoption or amendment of a City's or County's General or Specific Plan. As required under SB 18, California Native American tribes were notified on March 9, 2023, of the proposed project's request of a Specific Plan Amendment to the Cal Centre Specific Plan. The Fernandeno Tataviam Band of Mission Indians and yak titʷu titʷu yak tiłhini Northern Chumash Tribe both replied to the tribal consultation letter and declined to enter into formal consultation for the proposed project.

Public Comments Received

During the course of processing this request, Staff notified affected agencies, County departments and property owners within 1,000 feet of the project site. As of the time of this writing, Staff has received five (5) comment letters. Two (2) of the comment letters were from the Kern County Public Works Department Development Review Division and Floodplain Management Section. These letters included suggested conditions of approval necessary to address potential traffic and drainage impacts associated with the proposed development. One (1) comment letter was received from PG&E and from SoCal Gas outlining their respective review process. One (1) comment letter was received in support of the request from the Jerry Slough Farming Company. All requested development requirements have been included as conditions of approval for this project.

Planning and Natural Resources Department Conclusions and Recommendation

Environmental Impacts

Staff has carefully reviewed the proposed project with regard to environmental concerns of the area. Staff notes that the Addendum EIR prepared for the proposed modifications to the Cal Centre Specific Plan has concluded there are no new potential impacts that were not covered in the previously certified Final EIR of the Cal Centre Specific Plan. It is Staff's opinion that the Addendum EIR prepared for the proposed project is a comprehensive document with the best information available at this time which details the environmental effects of the surrounding land use. The Addendum has shown the project does not include any substantial changes in the project that will result in new significant and unavoidable impacts and the project does not include any significant new information that was not considered in the previously certified final EIR. Therefore, pursuant to CEQA Section 15162, a subsequent EIR is not required.

Land Use Compatibility & Cal Centre Specific Plan Consistency

The proposed project site is undeveloped and largely devoid of structures, with the exception being a single farmhouse that is occupied by a lessee of the applicant and is located in the center-east portion of the site. All of the adjacent land to the east, west, south and north is used for agriculture or animal husbandry. The nearest inhabited community is the town of Buttonwillow about three (3) miles south of the site in the vicinity of the Highway 58 (McKittrick Drive) and Buttonwillow Drive intersection. About five (5) dairies are located within to (2) to four (4) miles of the site to the northeast, east and southeast. The proposed zoning of the proposed project site is M-3 PD (Heavy Industrial – Precise Development), which allows for the construction and operation of a warehousing with an approved PD Plan, and the construction and operation of a sewage treatment facility and a water treatment facility with an approved Conditional Use Permit. However, the existing specific plan map code designations for the proposed project site are 3.3 (Other Facilities), 6.2 (General Commercial), and 6.3 (Highway Commercial), which do not

support the land use compatibility for the logistics facilities, sewage treatment plant and water treatment plant. Therefore, to ensure land use compatibility, the proposed project has requested a Specific Plan Amendment to the Cal Center Specific Plan to change the map code designation for the proposed project site's 255 acres to 7.3 (Heavy Industrial) both compatibility and consistency. The approval of these actions would be consistent with the County's land use plans, policies, and regulations.

Zone Change Request.

With regard to the Zone Changes, 42 of the 255 acres of the project are currently zoned A (Exclusive Agriculture, approximately 105 acres are currently zoned CH PD (Commercial Highway – Precise Development), and approximately 42 acres are zone M-1 PD (Light Industrial – Precise Development). The applicant is requesting a change in zoning to M-3 PD to construct and operate four (4) logistics facilities with a combined gross square footage of 4,000,000 square feet, a sewage treatment facility, and a water treatment facility. The purpose of the M-3 (Heavy Industrial) District is to identify areas suitable for heavy manufacturing and industrial uses which have the greatest potential for producing undesirable or adverse by-products, including traffic, noise, odors, dust, and vibrations. The M-3 District should be located in places substantially removed from residential areas. Staff has determined that the location of the proposed project site is suitable for this change in zone district, as surrounding rural and agricultural uses would not be incompatible with the M-3 PD district.

Conditional Use Permit

As previously indicated, the project is proposing two (2) Conditional Use Permit requests to allow for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD District and to allow for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD District. In order to support a Conditional Use Permit request, specific findings must be adopted as the basis for approval. The findings that must be supported are:

- (1) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (2) The proposed use is consistent with the purpose of the applicable district or districts.
- (3) 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 19.08.080 of the Zoning Ordinance.
- (4) The proposed use meets the minimum requirements of the Zoning Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and State of California.
- (5) The proposed use will not be detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

Staff believes there is adequate justification to support the request for the Conditional Use Permit. The Kern County Zoning Ordinance lists sewage treatment plants and water treatment plants as permitted uses within the M-3 (Heavy Industrial) Zone District with approval of a Conditional Use Permit. In order to ensure that the construction and operation of the sewage treatment facility and the water treatment facility are executed in a safe manner, various conditions of approval have been included. The proposed Conditional Use Permit request does not appear to be materially detrimental to the public health, safety, or welfare of property or residents in the vicinity. The

proposed project is also consistent with the existing surrounding land uses of the area. Therefore, Staff recommends approval of the requested Conditional Use Permit, subject to the listed conditions of approval.

Precise Development Plan

With regard to the requested Precise Development Plan, with the Zone Change request approval, the project will be located entirely within the M-3 PD District. The purpose of the M-3 District is to identify and designate areas suitable for heavy manufacturing and industrial uses which have the greatest potential for producing undesirable or adverse by-products, including traffic, noise, odors, dust, and vibrations. The purpose of the PD (Precise Development Combining District) is to identify areas with unique site characteristics or environmental conditions, or areas surrounded by sensitive land uses to ensure that development in such areas is compatible with such constraints. Permitted land uses in this district include commercial uses, and uses related to utility lines and substations, resource extraction, and energy development.

Section 19.56.150 (Precise Development Plan Combining District – Basis for Approval) of the Zoning Ordinance states the decision-making authority may approve or conditionally approve an application for a Precise Development Plan if it finds both of the following:

- (1) The proposed development is consistent with the designations, goals, and policies of the applicable General or Specific Plan.
- (2) The proposed development will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

It is Staff's determination there is adequate justification to support the request for the Precise Development Plan. The Kern County Zoning Ordinance lists warehouses as a permitted use within the M-3 PD District with approval of a Precise Development Plan. In order to ensure that construction and operation of the warehouse facility is executed in a safe manner, multiple conditions of approval have been included. Adherence with the recommended conditions of approval should provide the necessary assurances the requested use will not be materially detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity in addition to affirming the development complies with all applicable laws, ordinances, and regulations. Therefore, Staff recommends approval of the requested Precise Development Plan, subject to the recommended conditions of approval.

Staff believes the proposed project is consistent with the above listed goals and policies of the Cal Centre Specific Plan. Approval of the precise development plan would allow reasonable development consistent with surrounding development and the proposed high-cube warehouses are a permitted use within the M-3 District, subject to compliance with Chapter 19.80 (Special Development Standards) of the Zoning Ordinance. As proposed and subject to the recommended conditions of approval, the requested Precise Development Plan meets the minimum requirements of the Zoning Ordinance (Title 19).

Based on the forgoing evaluation, Staff concludes the Precise Development Plan sufficiently demonstrates compliance with the necessary findings and, therefore, recommends approval, subject to conditions.

Kern County Planning and Natural Resources Department Overall Recommendation

As noted above, the project meets the necessary findings for the requested proposals. Additionally, Staff has determined that the project is sited in a location appropriate for the proposed project. An

Addendum EIR was prepared in accordance with the CEQA Guidelines which concluded that no substantial changes in the project were proposed; no new significant environmental effects or substantial increases in the severity of previously identified significant effects would occur; and no new information of substantial importance was discovered. The proposed project has undergone the appropriate review and analysis, and the appropriate conditions have been applied. Therefore, Staff has determined that the proposed project complies with the CEQA Guidelines.

Planning Commission Hearing (August 24, 2023)

The project was considered by the Kern County Planning Commission on August 24, 2023. At the hearing, Staff presented the proposed project. In addition to receiving public comments from the project applicant (Daniel and Philip Rudnick) in support of the request, Daniel Palla, an adjacent farmer spoke in opposition. Mr. Palla indicated that his family had been farming in the area for the past 70 years. Currently their farms are located to the west and northeast of the project site, and they are concerned how this project would impact their existing operations. Mr. Palla further requested that if the Commission did recommend approval, a three-(3-)year project activation condition be included so that the adjacent property owners can adequately plan for development if it were to occur.

Commissioner Skidmore asked Staff whether or not any comments had been received from the California Department of Transportation (Caltrans) regarding the adjacent on and off ramps. Staff responded that as of the time of the hearing, no comments were received. Mr. John Schuler, representing the project applicant, indicated that his firm prepared the traffic analysis. Mr. Schuler further indicated that based on the analysis those ramps appear to be adequate.

At the conclusion of all public testimony, a motion was made by Commissioner Oliver to approve the request as recommend by Staff with an initial three-(3-)year activation period. This recommendation also included revised conditions of approval to address traffic impacts as presented to the Commission by Staff. That motion was seconded by Commissioner Skidmore. By a vote of four (4) yes and one (1) vacant, the Commission recommend approval.

Subsequent to consideration of the project by the Kern County Planning Commission, it was determined by Staff that standard conditions of approval that encourage local hiring and require the project coordinate with the State Board of Equalization to ensure all applicable sales tax revenues are captured for the County were not included. Staff has included those requirements as Conditions of Approval 65 and 66 respectively to PD Plan #11, Map 77.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Public Works Department Development Review (1); Kern County Public Works Department Floodplain Management Section (1); PG&E (1); SoCal Gas (1); Jerry Slough Farming Company (1)

CEQA ACTION: Environmental Review: Addendum Environmental Impact Report

DEPARTMENT RECOMMENDATION: Adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt resolution, recommended findings, and approve amendment to the Land Use Element of the Cal-Center Specific Plan; adopt resolution, recommended findings, and enact ordinance approving Zone Change; adopt resolution, recommended findings, and approve Conditional Use Permits subject to recommended conditions; adopt resolution, recommended findings, and approve Precise Development Plan subject to recommended conditions

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR SPECIFIC PLAN AMENDMENT:

- (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 Addendum to a previously certified Environmental Impact Report, and this Board of Supervisors 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.
- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the requested Specific Plan Amendment would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.

- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.
- (8) 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.
- (9) 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.
- (10) Approval of the requested Specific Plan Amendments are consistent with the existing surrounding land uses.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR ZONE CHANGE CASE:

- (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 Addendum to a previously certified Environmental Impact Report, and this Board of Supervisors 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.

- (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 conditions of approval 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 logistics facility, sewage treatment facility and water treatment facility. Implementation of this project represents the best and highest use of this land by allowing this owner to develop the property with a use that is compatible and even complementary to the surrounding land uses in the vicinity.
- (7) Approval and implementation of the request zone change will facilitate the construction of a 255-acre logistics 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 up to 200 employees during construction to approximately 2,000 full time operational jobs are consistent with the objectives of the Cal Centre Specific Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefit residents, businesses, and industries, as well as ensuring future governmental fiscal stability, though collection of taxes, while encouraging new development to utilize existing transportation infrastructure and services.
- (8) Approval of the change in zone classification will allow for the construction and operation of a logistics facility, sewage treatment plant and water treatment plant 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 north/south and east/west transportation corridors.
- (9) 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 transportation infrastructure.
- (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) Implementation of the proposed zone change to M-3PD (Heavy Industrial - Precise Development Combining) will facilitate development of a 255-acre logistics facility, sewage treatment plant and water treatment plant. The M-3PD District is consistent with the existing character of the proposed location and implementation of the proposed logistics facility is compatible with existing agricultural and industrial uses and surrounding approved facilities within the project vicinity

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR CONDITIONAL USE PERMIT NO. 13:

- (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 Addendum to a previously certified Environmental Impact Report, and this Board of Supervisors 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.
- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the request would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.
- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.
- (8) The proposed use is consistent with the purpose of the applicable district or districts.
- (9) 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 19.08.060.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 13:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following Conditions of Approval.
- (2) This approval authorizes Conditional Use Permit (CUP 13, Map 77) for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD District; Any additions or expansions to the approved plan may be subject to a formal modification to this plan or a new Precise Development Plan/Conditional Use Permit, as determined by the Director of the Kern County Planning and Natural Resources Department
- (3) All necessary building permits must be obtained.
- (4) 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.
- (5) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (6) A plan for the disposal of drainage waters originating on site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development - Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (7) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Zoning Ordinance. A copy of the approved Outdoor Lighting Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.
- (8) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and 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.
- (9) Roof-mounted mechanical, refrigeration or heating equipment shall be concealed by full or partial enclosures that employ the same building materials as used in the facade and/or roof design so that the equipment is not visible from any off-site location. When located on the ground adjacent to a building, mechanical, refrigeration or heating equipment shall be screened by landscaping, solid masonry wall or solid fencing, or combination thereof, from abutting public streets and all adjacent properties developed with residential or commercial uses.
- (10) Should a conflict occur between the statistical data shown on the plan and the Conditions of Approval, the Conditions of Approval shall prevail.

- (11) 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, the 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.
- (12) This approval runs concurrent with PD Plan #11, Map 77. If the development for which this Conditional Use Permit has been approved pursuant to the provisions of the Zoning Ordinance has not commenced, or permits for such development have not been issued, within one- (1-) year of the granting of the use permit, or if the Conditional Use Permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the use permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR CONDITIONAL USE PERMIT NO. 14:

- (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 Addendum to a previously certified Environmental Impact Report, and this Board of Supervisors 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.

- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the request would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.
- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.
- (8) The proposed use is consistent with the purpose of the applicable district or districts.
- (9) 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 19.08.060.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 14:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following Conditions of Approval.
- (2) This approval authorizes Conditional Use Permit (CUP 14, Map 77) for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD District; Any additions or expansions to the approved plan may be subject to a formal modification to this plan or a new Precise Development Plan/Conditional Use Permit, as determined by the Director of the Kern County Planning and Natural Resources Department
- (3) All necessary building permits must be obtained.
- (4) 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.
- (5) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (6) A plan for the disposal of drainage waters originating on site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development - Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (7) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Zoning Ordinance. A copy of the approved Outdoor Lighting

Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.

- (8) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and 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.
- (9) Roof-mounted mechanical, refrigeration or heating equipment shall be concealed by full or partial enclosures that employ the same building materials as used in the facade and/or roof design so that the equipment is not visible from any off-site location. When located on the ground adjacent to a building, mechanical, refrigeration or heating equipment shall be screened by landscaping, solid masonry wall or solid fencing, or combination thereof, from abutting public streets and all adjacent properties developed with residential or commercial uses.
- (10) Should a conflict occur between the statistical data shown on the plan and the Conditions of Approval, the Conditions of Approval shall prevail.
- (11) 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, the 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.
- (12) This approval runs concurrent with PD Plan #11, Map 77. If the development for which this Conditional Use Permit has been approved pursuant to the provisions of the Zoning Ordinance has not commenced, or permits for such development have not been issued, within one- (1-) year of the granting of the use permit, or if the Conditional Use Permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the use permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR PRECISE DEVELOPMENT PLAN:

- (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 Environmental Impact Report, and this Board of Supervisors 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 recommends the Board of Supervisors adopt 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 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. Design Components have been incorporated from the Addendum Environmental Impact Report as conditions of approval.
- (4) The proposed development is consistent with the designations, goals, and policies of the Cal Centre Specific Plan.
- (5) The proposed use is consistent with the purpose of the applicable district or districts.
- (6) The proposed use is listed as a use subject to a Precise Development Plan 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.
- (7) The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (8) 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.

With implementation of the identified mitigation measures and identified conditions of approval, the proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

- (9) Approval of the Precise Development Plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public.
- (10) Approval of this request would promote development that is consistent with existing and potential land uses of the surrounding the area and will allow a reasonable use of this property.
- (11) The project will require minimal expansion of infrastructure to support the proposed development.

- (12) The requirement for road improvements is necessary for the protection of the public health, safety, and welfare and is in compliance with Section 65909 of the California Government Code, inasmuch as the proposed development will generate more traffic in the immediate vicinity.
- (13) Approval of this project shall not be considered operative, vested, or final in 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.
- (14) The proposed development is consistent with the designations, goals, and policies of the Cal Centre Specific Plan.
- (15) The proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity
- (16) Approval of the Precise Development Plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public.

RECOMMENDED CONDITIONS OF APPROVAL FOR PRECISE DEVELOPMENT PLAN:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (2) This Precise Development Plan authorizes the construction and operation of four logistics facility buildings with a combined gross floor area of 4,000,000 square feet, a 21-acre solar energy array microgrid power substation, an electric vehicle truck and car center, onsite wastewater and water treatment facilities, truck, employee and other parking areas, access driveways and roadways for internal circulation, and landscaping on 255 acres in an M-3 PD (Heavy Industrial - Precise Development Combining) District. Any additions or expansions to this plan may be subject to a minor plan modification, formal modification through the public hearing process or approval of a new precise development plan as determined by the Director of the Kern County Planning and Natural Resources Department.
- (3) All necessary building permits must be obtained.
- (4) Prior to the issuance of building permits, the applicant will color treat the proposed warehouse and office buildings to blend in with the colors found in the surrounding natural landscape while not producing reflection, as approved by the Kern County Planning and Natural Resources Department.
- (5) The following aesthetic features will be required in site plans and building permits for commercial buildings located within 1,000 feet of the Interstate 5 corridor:
 - (a) Rooftop screening features will be installed to create a visual screen for rooftop mechanical equipment, such as a parapet or screening material.

- (b) Reflective metal exteriors will not be used as exterior architectural elements in buildings immediately adjacent to Interstate 5.
- (6) Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit to the Kern County Planning and Natural Resources Department for approval, a landscape plan that will effectively buffer foreground views of the proposed project site from Interstate 5. This landscape plan will include, but is not limited to, landscape structural elements (such as fencing), and planting materials consistent with current Kern County landscape requirements and landscaped areas will be cleared of trash and debris at least monthly during the year.

The plan will also include:

- (a) Preparation by a licensed Landscape Architect and approval by the Kern County Planning and Natural Resources Department Director prior to buffer planting.
- (b) The plan will include California native, drought-tolerant plants.
- (c) The plan will provide for an irrigation plan as required under the Kern County Zoning Ordinance 19.86.070.
- (d) Should perimeter fencing be proposed, fencing materials will be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls will be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps may be chain-link with view obscuring slats. Barbed wire is not permitted.
- (e) A 20-foot-wide perimeter buffer along any visible boundary from the Interstate 5 frontage will be included as part of the landscape plan. This buffer will consist of live ground cover, shrubs, or grass, and:
 - 1. One (1) tree having a minimum planting height of six (6) feet for every 50 lineal feet of buffer.
 - 2. Shrubs which reach a minimum height of four (4) to six (6) feet.
 - 3. Live ground cover consisting of low-height plants, or shrubs, or grass will be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.
 - 4. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and will be limited to no more than 25 percent of the required landscape area.
 - 5. Landscaping will be installed prior to final occupancy.
- (7) The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will

be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.

- (8) Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit, and the Kern County Planning and Natural Resources Department will have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.
- (9) The Applicant will develop and implement a Fugitive Dust Control Plan in compliance with San Joaquin Valley Air Pollution Control District fugitive dust suppression regulations. The Fugitive Dust Control Plan will include:
 - (a) Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
 - (b) Description and location of operation(s).
 - (c) Listing of all fugitive dust emissions sources included in the operation.
 - (d) The following dust control measures will be implemented:
 - 1. All on-site unpaved roads will be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that will not increase any other environmental impacts including loss of vegetation.
 - 2. All material excavated or graded will be watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles will be watered as needed to limit dust emissions to less than 20% opacity or covered with temporary coverings.
 - 3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and those activities cause visible dust plumes that exceed the SJVAPCD 20% opacity standard.
 - 4. Track-out debris onto public paved roads will not extend 50 feet or more from an active operation and track-out will be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph.
 - 5. All hauling materials will be moist while being loaded into dump trucks.
 - 6. All haul trucks hauling soil, sand, and other loose materials on public roads will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
 - 7. Soil loads will be kept below six (6) inches or the freeboard of the truck.

8. Drop heights when loaders dump soil into trucks will not exceed five (5) feet above the truck.
 9. Gate seals will be tight on dump trucks.
 10. Traffic speeds on unpaved roads will be limited to 25 miles per hour.
 11. All grading activities will be suspended when visible dust emissions exceed 20%.
 12. Other fugitive dust control measures as necessary to comply with San Joaquin Valley Air Pollution Control District Rules and Regulations.
- (10) To minimize personnel and public exposure to potential Valley Fever containing dust both on- and off-site, the following additional control measures will be included in the DCP that will be implemented by the project applicant:
- (a) Equipment, vehicles, and other items will be thoroughly cleaned of dust before they are moved off-site to other work locations.
 - (b) Wherever possible, grading and trenching work will be phased so that earth-moving equipment is working well ahead or down-wind of workers on the ground.
 - (c) The area immediately behind grading or trenching equipment will be sprayed with water before ground workers move into the area.
 - (d) In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust will leave the area until a full truck resumes water spraying.
 - (e) All heavy-duty earth-moving vehicles will be closed-cab and equipped with a HEPA- filtered air system.
 - (f) Workers will receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores, to recognize the symptoms of Valley Fever and will be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training will be provided to the Kern County Planning and Natural Resources Department within five (5) days of the training session.
 - (g) A Valley Fever informational handout will be provided to all on-site construction personnel. The handout will, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
 - (h) On-site personnel will be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (NIOSH)-approved respirators will be provided to on-site personnel, upon request. When exposure to dust is unavoidable, appropriate NIOSH-approved respiratory protection will be provided to affected workers. If

respiratory protection is necessary due to Valley Fever exposure risks at the project site, a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144) will be implemented.

- (11) If required at the time of project implementation, a COVID -19 Health and Safety Plan will be prepared in accordance with the Kern County Public Health Service Department and Kern County Health Officer mandates. A copy of any required COVID-9 Health and Safety Plan will be submitted to the Kern County Planning and Natural Resources Department for review and filing.
- (12) Prior to issuance of grading permits, a one-(1-)time fee will be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.
- (13) Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below two (2) tons per year for NOx (total Project construction and operations), and a baseline below two (2) tons per year for PM10 emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project's Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).

A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective emission reductions as a replacement for the requirements of this mandatory project design and implementation component.

- (14) Prior to initiation of any site preparation and/or construction activities, the project proponent will retain a Lead Biologist. The Lead Biologist retained by the applicant will be a qualified biologist for all work on reports submitted for any application for project permit. The qualified biologist must have a Bachelor of Science Degree or Bachelor of Arts Degree in biology or related environmental science, have demonstrated familiarity with the natural history, habitat affinities and identification of Covered Species of the San Joaquin Valley and have conducted work in California for at least one (1) year of field level reconnaissance survey work in the San Joaquin Valley. The resume of the biologist preparing any report submitted for permits shall be included in the report. Lack of these specific qualifications will result in immediate rejection of the report without further review. The Lead Biologist will have oversight over implementation of all necessary avoidance and minimization efforts and will have the authority to stop construction activities if any of the requirements associated with these measures are not being fulfilled. If the biologist has requested work activities stop due to take of any listed species, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be notified within one (1) day via email and telephone
- (15) Prior to the issuance of grading or building permits and for the duration of construction activities, all new construction workers at the project site will attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist. Any employee responsible for the operations and maintenance or

decommissioning of the project facilities will also attend the Environmental Awareness Training and Education Program.

- (a) The Training Program will include, but not be limited to, information on the life history of species including the blunt-nosed leopard lizard, San Joaquin whipsnake, coast horned lizard, burrowing owl, Swainson's hawk, prairie falcon, Le Conte's thrasher, Nelson's antelope squirrel, giant kangaroo rat, short-nosed kangaroo rat, Tipton kangaroo rat, Tulare grasshopper mouse, San Joaquin pocket mouse, American badger, nesting birds, and San Joaquin kit fox, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of "take" under the Endangered Species Act, measures to protect the species, reporting requirements, specific measures that each worker will employ to avoid take of wildlife species, and penalties for violation of the Act.
- (b) To ensure employees and contractors understand their roles and responsibilities, training may be conducted in languages other than English.
- (c) An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed will kept on record;
- (d) A sticker will be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers will not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker;
- (e) A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Environmental Awareness Training and Education Program and copies of the signed acknowledgement forms will be submitted to the Kern County Planning and Natural Resources Department.
- (f) The construction crews and contractor(s) will be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.
- (g) An Operation and Maintenance-phase version of the WEAP will be maintained within the on-site O&M facility for review as may be necessary during the life of the project.
- (h) All vehicles will be directed to exercise caution when commuting within the project area. A 15-mile per hour speed limit will be enforced on unpaved roads.
- (i) Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.
- (j) A litter control program will be instituted at the project site. All workers will ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers will be removed from the project area at the end of each working day.

- (k) No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) will be permitted on construction sites to avoid harassment, killing, or injuring of listed species.
 - (l) Maintenance and construction excavations greater than two (2) feet deep will be covered, filled in at the end of each working day, or have earthen escape ramps no greater than 200 feet apart provided to prevent entrapment of listed species.
 - (m) All construction activities will be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time will equipment or personnel be allowed to adversely affect areas outside the project site.
 - (n) Because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of the project site by artificial lighting during nighttime hours is prohibited.
 - (o) Tightly woven fiber netting or similar material will be used for erosion control or other purposes at the project site to ensure that special-status species do not get trapped. This limitation will be communicated to the contractor through use of Special Provisions included in the bid solicitation package.
 - (p) Use of rodenticides and herbicides at the project site will be avoided to the maximum extent feasible. If use is unavoidable, rodenticides and/or herbicides will be utilized in such a manner to prevent primary or secondary poisoning of special-status species and depletion of prey populations on which they depend. All uses of such compounds will observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Pesticide Regulation, and other appropriate state and federal regulations as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.
- (16) A pre-construction survey by a qualified biologist or monitor will be conducted no more than 30 days and no less than 14 days prior to the commencement of any site preparation, ground disturbance, and/or construction activities in previously undisturbed areas of the project site. If any evidence of occupation of that portion of the project site by listed or other special-status plant or animal species is observed, a buffer will be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted for further guidance and consultation on additional measures. The project proponent or operator will obtain any required permits from the appropriate wildlife agency. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, will be submitted to the Kern County Planning and Natural Resources Department.

The following buffer distances will be established prior to commencement of any site preparation and/or construction activities, if any listed or other special status plant or animal species is observed:

- (a) San Joaquin kit fox or American badger potential den: 50 feet;
 - (b) San Joaquin kit fox or American badger known den: 100 feet;
 - (c) San Joaquin kit fox or American badger pupping den: contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife;
 - (d) Burrowing owl burrow outside of breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
 - (e) Burrowing owl burrow during breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
 - (f) Swainson's hawk nest during breeding season: 0.5 mile;
 - (g) Other protected raptor nests during the breeding season: as recommended by a qualified biologist;
 - (h) Other protected nesting migratory bird nests during the breeding season: as recommended by a qualified biologist; and
 - (i) Coast horned lizard, San Joaquin whipsnake, and other special-status wildlife species: as recommended by a qualified biologist
- (17) If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys will be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area will include a 500-foot buffer surrounding the property. If no active nests are found within the survey area, no further mitigation is required. If nesting activity is identified during the pre-construction survey process, the following measures will be implemented:
- (a) If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are observed within the project site, then the project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - (b) If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
 - (c) Active nests will be documented by a qualified biologist, and a letter report will be submitted to the Kern County Planning and Natural Resources Department documenting project compliance with the Migratory Bird Treaty Act and California Fish and Game Code.
- (18) The project proponent will implement the following measures, based on the recently updated California Department of Fish and Game (now California Department of Fish and Wildlife) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to

burrowing owl resulting from project implementation will be avoided and minimized to less-than-significant levels:

A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct pre-construction surveys of the permanent and temporary impacts areas, plus an ISO-meter (approximately 492-foot) buffer, to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the Staff Report and will consist of walking parallel transects seven (7) to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing. As each burrow is investigated, biologists will also look for signs of American badger and kit fox. Copies of the survey results will be submitted to the California Department of Fish and Wildlife and Kern County Planning and Natural Resources Department.

If burrowing owls are detected, no ground-disturbing activities, such as road construction or ancillary facilities, will be permitted within the distances listed below in the table titled “Burrowing Owl Burrow Buffers,” unless otherwise authorized by California Department of Fish and Wildlife. Burrowing owls will not be moved or excluded from burrows during the breeding season.

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the 2012 Staff Report on Burrowing Owl Mitigation. Burrowing owls should not be excluded from burrows unless or until:

Occupied burrows will not be disturbed during the nesting season unless a qualified biologist meeting the Biologist Qualifications set forth in the May 2012 California Department of Fish and Wildlife Staff Report, verifies through noninvasive methods that either: (1) the owls have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls will not be moved or excluded from burrows during the breeding season.

A Burrowing Owl Exclusion Plan is developed and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan will include, at a minimum:

Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;

Type of scope and appropriate timing of scoping to avoid impacts;

Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily, and monitored for evidence that owls are inside and can’t escape, i.e., look for sign immediately inside the door);

How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that owls reside the burrow);

Removal of other potential owl burrow surrogates or refugia on-site;

Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;

How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the measures described below.

Temporary exclusion is mitigated in accordance with the measures described below.

Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one (1) week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.

Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist will excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors will be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. The one-way doors can be removed 48 hours after installation, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.

During construction activities, monthly and final compliance reports will be provided to the California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department, and other applicable resources agencies documenting the effectiveness of mandatory project design and implementation components and the level of burrowing owl take associated with the proposed project.

Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented on-site or off-site in accordance with Burrowing Owl Staff Report guidance and in consultation with the California Department of Fish and Wildlife. At a minimum, the following recommendations will be implemented:

Temporarily disturbed habitat will be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating. If restoration is not feasible, then the project proponent will implement (2) below.

Permanent impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat will be mitigated such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced based on a site-specific analysis and will include:

Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and

dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. Conservation will occur in areas that support burrowing owl habitat and can be enhanced to support more burrowing owls.

Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife- approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

Develop and implement a mitigation land management plan in accordance with Burrowing Owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.

Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Habitat will not be altered or destroyed, and burrowing owls will not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Mitigation lands should be on, adjacent to, or in proximity to the impact site, where feasible, and where habitat is sufficient to support burrowing owls.

Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.

- (19) If any burrowing owl burrows are observed during the pre- construction survey, avoidance measures consistent with those included in the California Department of Fish and Wildlife staff report on burrowing owl mitigation (CDFG, 2012) will be implemented by a qualified biologist.

If occupied burrowing owl burrows are observed outside of the breeding season, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (CDFG, 2012) (Table 1). During the breeding season, a buffer zone, as noted in Table 1, will be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Buffer zones may be reduced in size through consultation with appropriate agencies and the project biologist to determine if avoidance would still be achieved. The Kern County Planning and Natural Resources Department will be kept apprised of meetings and correspondence for any consultation.

Table 1: Burrowing Owl Burrow Buffers (CDFG Staff Report, 2012)

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft
Nesting Sites	Aug 16-Oct 15	656 ft	656 ft	1,640 ft
Any Occupied Burrow	Oct 16-Mar 31	164 ft	328 ft	1,640 ft

- (20) Prior to issuance of grading or building permits, a long-term trash abatement program will be established for construction, operations and maintenance. Trash and food items will be contained in closed containers and removed daily.
- (21) Prior to and during construction activities, the project proponent will comply with the following:
- (a) Any pipe, culvert, or similar structure with a diameter of four (4) inches or greater, stored on-site for one (1) or more nights will be inspected to ensure kit foxes or other wildlife have not become entrapped or buried in the pipes. If the pipes, culverts, or similar structures with a diameter of four (4) inches or greater are not capped or otherwise covered, they will be inspected twice daily, in the morning and evening, and prior to burial or closure, to ensure no kit foxes or other wildlife become entrapped or buried in the pipes.
 - (b) All food, garbage, and plastic will be disposed of in closed containers and regularly removed from the site to minimize attracting ranging kit fox, or other wildlife to the site where they may be harmed. All trash will be removed and disposed of regularly in accordance with state and local laws and regulations.
- (22) Prior to and during construction activities:
- (a) If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens will be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens will be marked, and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status will change to “known” per United States Fish and Wildlife Service guidelines (1999), and the buffer distance will be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known, or pupping dens will occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

- (b) To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence will leave a five- (5-) inch opening between the fence mesh and the ground, or the fence will be raised five (5) inches above the ground. The bottom of the fence fabric will be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.
 - (c) All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods will 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 will not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.
 - (d) To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered with plywood or similar materials at the close of each working day or provided with one (1) or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures will be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted.
 - (e) All vertical tubes used in project construction, such as chain link fencing poles will be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.
- (23) Pre-construction protocol-level surveys by a qualified biologist for nesting birds will be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1– August 31), to reduce potential impacts to nesting birds and raptors. The survey will be conducted within 30 days of ground disturbance activities.
- (a) If any nesting birds/raptors are observed, a qualified biologist will determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure will be implemented so that the project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.
- (24) Prior to any vegetation removal during site preparation, the areas required for construction will be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife will be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation will not be removed in areas that contain actively nesting birds. A biological monitor will survey the areas of vegetation slated for removal, and a report will be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.

- (25) The measures below will be implemented throughout construction and operation of the project:
- (a) Project-related vehicles will observe a 15 mile-per-hour speed limit in all project areas, except on county roads and State and federal highways. Construction after sundown will be prohibited. Off-road traffic outside of designated project areas will be prohibited.
 - (b) No pets will be allowed in project areas, except for trained canine animals related to security and operation of the facility.
 - (c) All uses of herbicidal and rodenticide compounds will observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and federal and State legislation as well as additional project-related restrictions deemed necessary by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service.
 - (d) No plants or wildlife will be collected, taken, or removed from the construction areas or areas of off-site improvements, except as necessary for project-related vegetation removal or wildlife relocation. Salvage of native vegetation to be removed from construction areas is encouraged but will only be performed by qualified biologists and with written approval from the California Department of Fish and Wildlife.
 - (e) If San Joaquin kit fox known or pupping dens are observed in project areas, the project proponent will contact the United States Fish and Wildlife Service and California Department of Fish and Wildlife to discuss appropriate actions.
- (26) Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.

The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.

If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project Archaeologist, will designate repositories in the event that resources are recovered.

- (27) During project construction, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find. A qualified paleontologist will be obtained to evaluate the significance of the resource(s) and recommend appropriate treatment measures. Any fossils encountered and recovered will be catalogued and donated to a public, non- profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.
- (28) Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:

The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.

In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

Consistent with mandatory project design and implementation of Condition 23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.

If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):

- (a) a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;
- (b) sample excavation;
- (c) surface artifact collection;
- (d) site documentation; and,
- (e) historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.

The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

- (29) During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find.

A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.

At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

- (30) If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.

- (31) The proposed Project, will to the extent feasible and to the satisfaction of the Kern County Planning Department incorporate the following energy conservation and design features to reduce the level of energy consumption of the proposed Project. The following list is non-inclusive of all potential conservation and design features that may be included and may be added to at the discretion of Kern County as new technologies become available and feasible to be incorporated:

- (a) Solar photovoltaics (PV) mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants. Encourage green building measures that contribute to reducing energy use to 25% less than Title 24 requirements;
- (b) Solar water heating to provide non-industrial water heating;
- (c) Ground mounted solar PV arrays to provide a portion of the estimated electrical demand for the proposed Wastewater Treatment and Recycle Facility;

- (d) Commercial buildings will be designed to meet LEED Silver standards; Roofs on all buildings will be of a light color to reduce heat generation;
 - (e) Portions of parking lots (drive aisles) may be paved with concrete versus asphalt to reduce initial solar reflectance;
 - (f) Depending on the usage, portions of parking lots may be covered, and the parking lot roofs contain solar PV;
 - (g) Use LED lighting fixtures on all public streets and site lighting;
 - (h) Include dedicated EV parking at a rate more than required by current codes;
 - (i) Include EV charging facilities to encourage the usage of electric vehicles;
 - (j) Encourage the utilization of electric forklifts and other material handling vehicles to reduce usage of fossil fuels;
 - (k) Design circulation features into the public street improvements to include bus stops and/or other public transportation;
 - (l) Include bicycle friendly features to reduce Vehicle Miles Traveled (VMT) and to encourage non-vehicular transportation;
 - (m) Encourage the usage of high efficiency electric motors for the industrial uses and the wastewater treatment plant.
- (32) The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.
- (33) Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

- (a) Maximum considered earthquake and associated ground acceleration;
- (b) Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;
- (c) Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;
- (d) Foundation material type;
- (e) Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

- (34) Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.
- (35) Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.
- (36) Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department

- (37) The project proponent will use existing roads to the greatest extent feasible to minimize erosion.

Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

- (38) The project proponent will continuously comply with the following:
 - (a) The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best

management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).

- (b) The plans will be submitted to the Kern County Public Works Department for review and approval.
- (39) The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:
- (a) Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);
 - (b) Sediment collection facilities as may be required by the Kern County Public Works Department;
 - (c) A timetable for full implementation, estimated costs and a surety bond or other security as approved by the County; and
 - (d) Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.
 - (e) Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.
- (40) Prior to the issuance of permits, the project proponent will provide evidence to the Kern County Planning and Natural Resources Department that the siting, design and construction of any potentially proposed septic system(s) and leach field disposal system(s) comply with the 2016 Kern County On-site Systems Manual as authorized by the California Water Board Local Agency Management Program (LAMP) and administered locally by the Kern County Environmental Health Services Department (KCEHS). Proving the proposed septic design plans comply with these requirements will ensure that all standards for septic tanks, seepage pits, and soils are capable of adequately supporting the use of septic tanks.
- (41) The final leach field disposal system that may potentially be proposed will be designed by a licensed engineer, taking into full consideration the recommendations provided in the June 2016 Kern County On-site Systems Manual.
- (42) During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the

California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> for review and approval. The HMBP will:

- (a) Delineate hazardous material and hazardous waste storage areas,
- (b) Describe proper handling, storage, transport, and disposal techniques,
- (c) Describe methods to be used to avoid spills and minimize impacts in the event of a spill,
- (d) Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction,
- (e) Establish public and agency notification procedures for spills and other emergencies including fires,
- (f) Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site,

The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.

- (43) Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/ Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.
- (44) If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:
 - (a) All work will immediately stop in the vicinity of the suspected contaminant;
 - (b) Project Construction Manager will be notified;
 - (c) Area(s) will be secured as directed by the Project Construction Manager;
 - (d) Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,
 - (e) Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.
- (45) Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated

biphenyls will be removed by the hazardous specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.

Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-mounted transformers, PG&E will be contacted for their removal or replacement.

- (46) Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re-abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
- (47) The following note will appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required."
- (48) Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A "Dig Alert" ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.
- (49) If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non- Emergency telephone number for the Kern County Fire Department is (661) 324-6551. The project will follow all safety and cleanup regulations.
- (50) If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.
- (51) Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

Herbicides will be mixed and applied in conformance with the product manufacturer's directions.

The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.

To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.

Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.

If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.

- (52) If asbestos containing materials are identified during construction, then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.
- (53) The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:
 - (a) Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not apply to activities where hourly limitations would result in increased safety risk to workers or the public.
 - (b) Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
 - (c) Where feasible construction equipment will be fitted with approved noise-reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
 - (d) Haul trucks will not be allowed to idle for periods greater than five (5) minutes, except as needed to perform a specified function (e.g., concrete mixing).
 - (e) On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).
 - (f) Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.
- (54) Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural

Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:

- (a) The disturbance coordinator will be responsible for responding to any local complaints about construction noise.
 - (b) The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.
- (55) The following notes will be placed on all grading and building permits issued for the project site:
- (a) Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, will be used where feasible.
 - (b) During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.
 - (c) All equipment will be fitted with factory equipped mufflers and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- (56) Prior to the issuance of grading or building permits, the project proponent will develop and implement a Fire Safety Plan for use during construction and operation. The project proponent will submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan will contain notification procedures and emergency fire precautions for construction and operations phases of the proposed project.
- (57) Prior to the issuance of construction or building permits, the project proponent will:
- (a) Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:
 - 1. Timing of deliveries of heavy equipment and building materials;
 - 2. Directing construction traffic with a flag person;
 - 3. Placing temporary signing, lighting, and traffic control devices if required including pedestrians and bicyclist; including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

4. Ensuring access for emergency vehicles to the project sites;
 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 6. Maintaining access to adjacent property; and,
 7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.
- (b) Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits will be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department-Development Review.
 - (c) Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Kern County.
 - (d) Submit documentation that identifies the roads to be used during construction. The project proponent will be responsible for repairing any damage to non-county-maintained roads that may result from construction activities. The project proponent will submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.
 - (e) Within 30 days of completion of construction, the project proponent will submit a post-construction video log and inspection report to the County. This information will be submitted in DVD format. The County, in consultation with the project proponent's engineer, will determine the extent of remediation required, if any.
 - (f) Prior to issuance of building or grading permits the project applicant shall provide the calculated T.I. for Seventh Standard Road and Buttonwillow Drive for approval by the Kern County Public Works Department. If required, the project proponent shall reconstruct existing roadways to a sufficient T.I. as determined by Kern County Public Works Department.
 - (g) Prior to the issuance of building or grading permits, the project applicant shall record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Seventh Standard Road, project frontage, 55 feet in width, including right turn channelization (Plate R-40) and expanded intersection at Buttonwillow Drive, per the Kern County Land Division Ordinance and Development Standards.

- (h) Prior to the issuance of building or grading permits, the project applicant shall record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Buttonwillow Drive, project frontage, 55 feet in width, including right turn channelization (Plate R-40), per the Kern County Land Division Ordinance and Development Standards.
- (i) Prior to the issuance of building or grading permit, the project proponent shall dedicate a non-access easement along Wasco Way project frontage, thus ensuring no access to the project site is taken from this roadway. Should future site access be proposed from Wasco Way, the project proponent shall submit an additional traffic analysis to Kern County Public Works for review and approval. No access from Wasco Way shall be authorized unless approved by the Director of Public Works.
- (j) Prior to issuance of building or grading permits, under street improvement plans approved by the Kern County Public Works Department, the project proponent shall construct Seventh Standard Road to Type A Subdivision Standards, half-width arterial highway (Plate R-3) including expanded intersection (Plate R-35), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.
- (k) Prior to issuance of building or grading permits, under street improvement plans approved by the Kern County Public Works Department, construct Buttonwillow Drive to Type A Subdivision Standards, half width arterial highway (Plate R-3), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.
- (l) Prior to issuance of final occupancy permits, the project proponent shall construct full traffic signals at the intersections of Cal Centre Drive at Seventh Standard Road and Cal Centre Drive at Buttonwillow Drive. Should the project propose restricted access or should existing traffic configurations at these locations be warranted, the project proponent shall provide a supplemental traffic analysis with recommended improvements to be reviewed and approved by Kern County Public Works Department. If authorized by Kern County Public Works, modified control mechanisms can be implemented in lieu of full traffic signals.
- (m) Prior to issuance of building or grading permits, the project proponent shall enter into a secured agreement with the Kern County Public Works Department to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and or Kern County.
- (n) Prior to issuance of building or grading permits, the project proponent shall obtain all necessary Encroachment Permits for any proposed work within the County road right of way. These permits may be obtained from the Department Permits Engineer.

- (o) All internal roadways, including but not limited to Cal Centre Drive shall be considered private roadways and shall be privately maintained by the project proponent.
- (58) All special equipment for the proposed Project, such as package treatment plants, their appurtenances, and their effluent disposal areas and methods, if any, will be designed, located, and constructed in coordination with the Kern County Public Works Department, so as to preclude contamination, pollution, nuisance, and structural and mechanical instability.
- (59) Proposals and plans for package treatment and disposal facilities, if any, will be subject to the review and approval of:
 - (a) The State and County Environmental Health Services Departments for design and contamination aspects;
 - (b) The Regional Water Quality Control Board for elements of pollution and nuisance; and
 - (c) The Kern County Public Works Department for structural and mechanical integrity. Special structures, such as pump stations, pressure lines and sags, etc. will be subject to the approval of the Kern County Public Works Department and the maintaining District.
- (60) New wastewater package plant facilities, if any, will be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and will be operated in such a way as to not contaminate the underlying unconfined aquifer.
- (61) All facilities of the water system will be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.
- (62) Water meters will be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future landowners will be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.
- (63) During construction, demolition debris and construction wastes will be recycled to the extent feasible.
 - (a) An on-site recycling coordinator will be designated by the Project Applicant/Developer to facilitate recycling of all construction waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
 - (b) The name and phone number of the coordinator will be provided to the Kern County Waste Management Department prior to issuance of building permits.

- (c) The on-site recycling coordinator will also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal.
- (64) Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.
- (65) Prior to the issuance of any grading or building permits, the project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.
- (66) Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor
- (67) **Prior to final occupancy approval, the following conditions shall be verified and shall be continuously maintained while this permit is active:**
 - (a) 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, tees, 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/project proponent and may result in significant financial expenditures.
 - (b) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
 - (c) From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.
 - (d) The private road serving the site shall be improved with a minimum of two (2) inches of A.C. paving over a three- (3-) inch compacted aggregate base, with a minimum improved width of 25 feet.

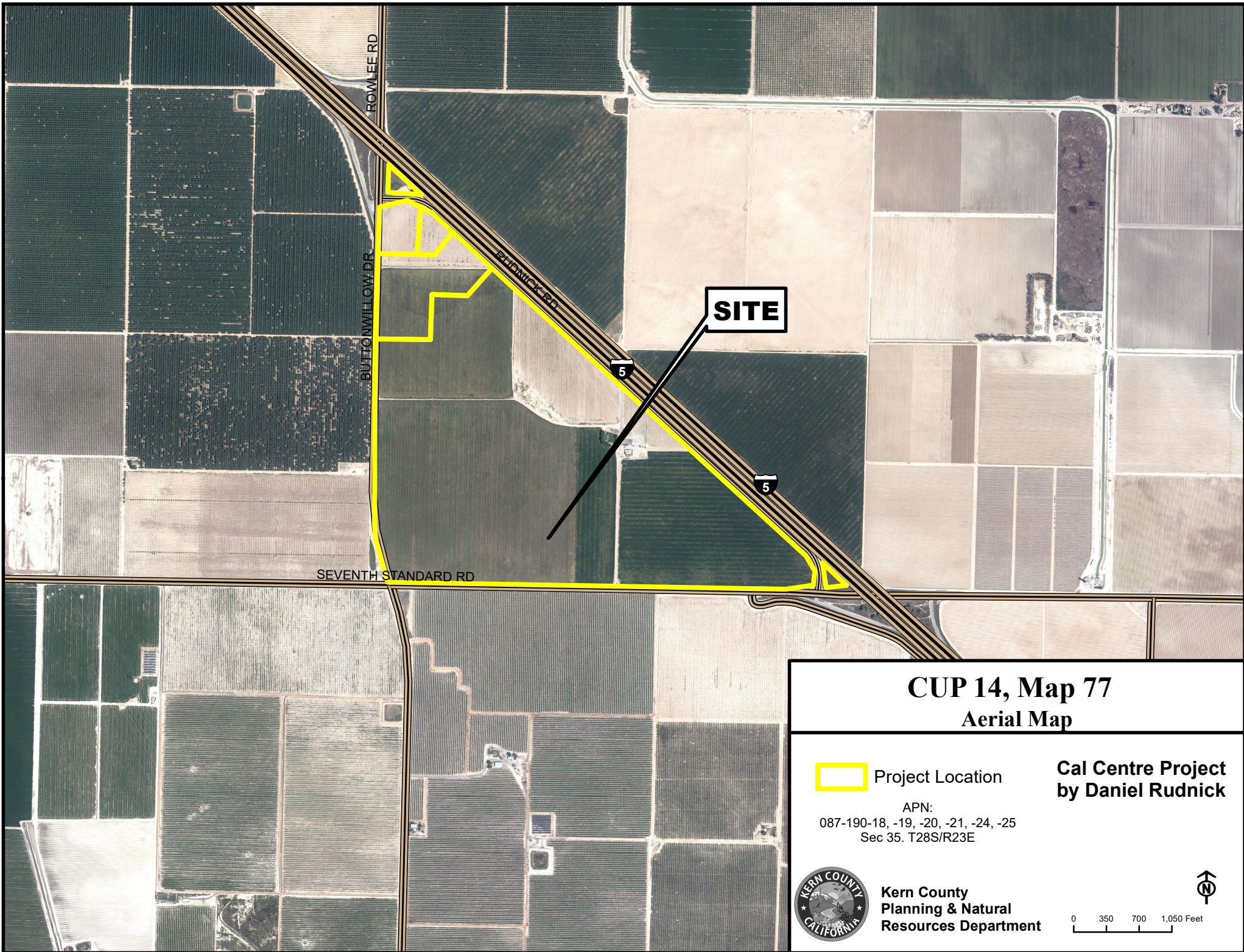
- (e) Parking spaces shall be provided as shown on the approved plan. Any change to the approved plan will require, at minimum, a minor plan modification.
- (f) All vehicle parking and maneuvering areas shall be surfaced with a minimum of two (2) inches of A.C. paving or material of higher quality.
- (g) Vehicle parking spaces shall be nine (9) feet by 20 feet or larger in size and shall be designated by white painted stripes, except as provided in Sections 19.82.030 and 19.82.040 of the Zoning Ordinance. A maximum of 20 percent of the required parking spaces may be designated as compact spaces and shall be eight (8) feet by 16 feet or larger in size.
- (h) Concrete wheel blocks or a six-(6-) inch raised A.C. curb shall be installed at each parking space that abuts a structure or property line.
- (i) Parking lot or site illumination shall be directed away from adjoining properties and public roads.
- (j) Landscaping and irrigation has been installed or bonded for pursuant to the approved landscape plan.
- (k) All signs shall comply with the signage regulations of the applicable base zone District and with Chapter 19.84 of the Zoning Ordinance.
- (l) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (m) All trash receptacles shall be screened in such a manner so that they are not visually obtrusive from any off-site location. The location and method of screening for all trash receptacles shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction.
- (n) 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. Screening, if required by the base district regulations, shall also be provided.
- (o) Based on area Fire and safety needs, the applicant shall pay \$300,000 annually to the Kern County Fire Department for equipment and staffing for a dedicated paramedic for the Buttonwillow area. The payment shall be made to the Kern County Planning and Natural Resources Department for transfer to the Kern County Fire Department. The first payment shall be made 30 days after the issuance of the first Certificate of Occupancy for any building or facility on the site. The date shown on the first Certificate of Occupancy for any building or facility on the property shall become the date every year on which the payment is due. No grace period shall be authorized for payment and any failure to pay on time shall be considered a violation of the conditions of this Precise Development Plan. The use of the funding shall be at the sole discretion of the Kern County Fire Department for the continued establishment of a fully equipped paramedic in the Buttonwillow area.

- (p) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (q) All new on-site utility services shall be placed underground.
- (68) If development for which this Precise Development Plan has been approved pursuant to the provisions of the Zoning Ordinance has not commenced within three (3) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the three- (3-) year period.

LHO:CMM:an

Attachment

FIGURES



CUP 14, Map 77

Aerial Map

 Project Location

**Cal Centre Project
by Daniel Rudnick**

APN:
087-190-18, -19, -20, -21, -24, -25
Sec 35. T28S/R23E



**Kern County
Planning & Natural
Resources Department**












0 350 700 1,050 Feet

GPA 9, ZCC 26, PD 11, CUP 13, CUP 14; Map 77

Vicinity Map

Cal Centre Project
by Daniel Rudnick

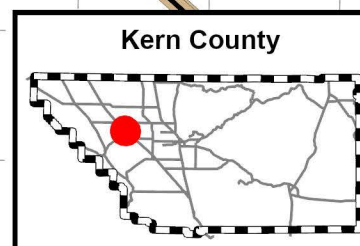
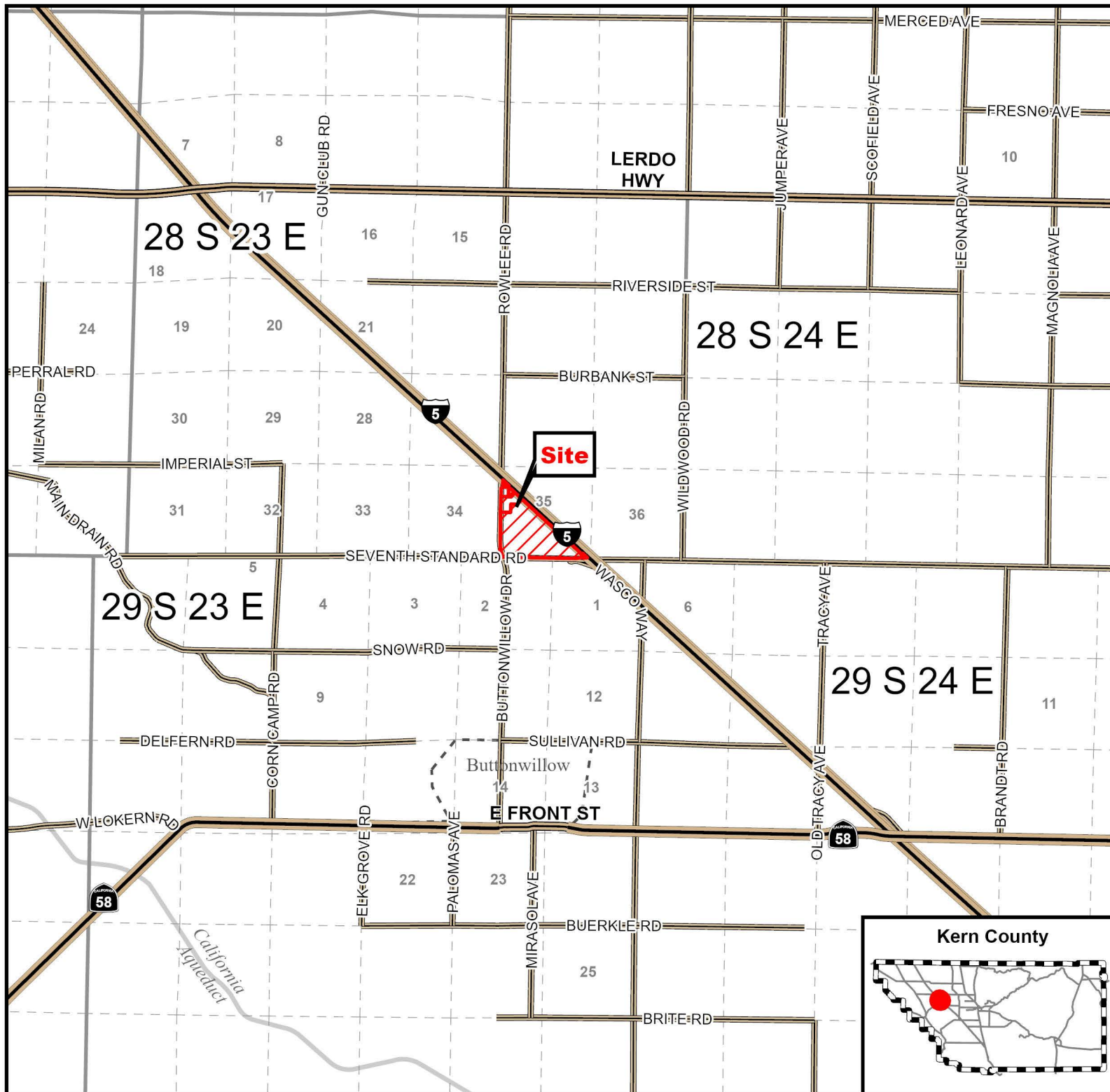
-  Project Location
-  INTERSTATE
-  NAMED ROAD
-  STATE HWY
-  Arterials
-  Kern County Boundary
-  Township/Range
-  Sections
-  Water Courses

APN: 087-190-18, 19, 20, 21, 24, 25
Sec. 35-T28S/R28E

0 4,000 8,000 Feet



Kern County
Planning & Natural
Resources Department



GPA 9, ZCC 26, PD 11, CUP 13, CUP 14; Map 77

Existing Zone Classifications

Cal Centre Project
by Daniel Rudnick


Highways

SYMBOL


 INTERSTATE


 Arterials


 Locals


 Kern County Boundary


KERN COUNTY ZONING DESIGNATIONS

 A - Exclusive Agriculture


 A-1 - Limited Agriculture


 C-2 - General Commercial

 CH - Highway Commercial

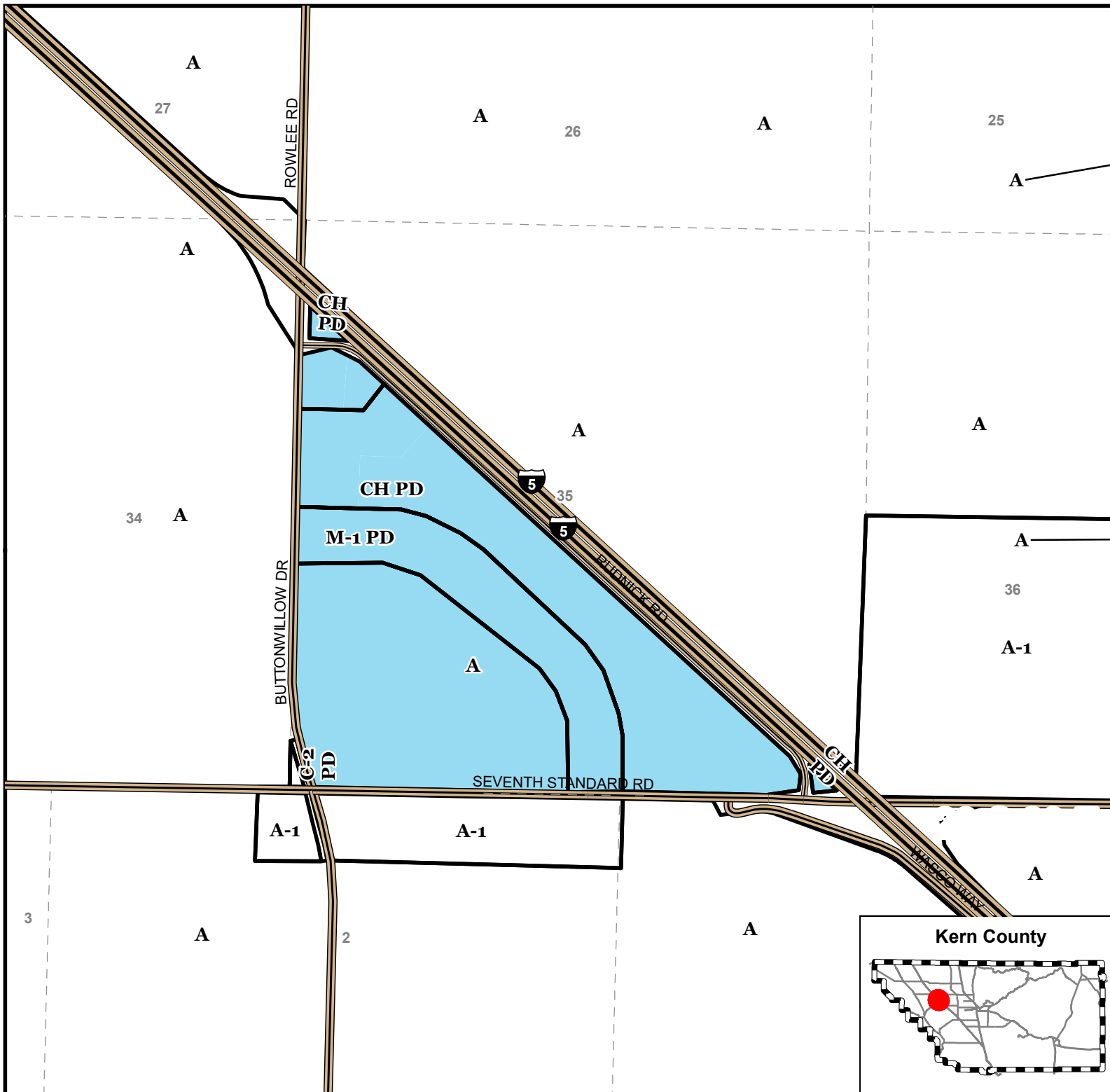
 M-1 - Light Industrial

 PD - Precise Development Combining

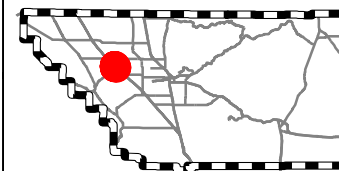
 Township/Range

 Sections

 Project Location



Kern County



APN:
087-190-18, -19, -20, -21, -24, -25

Sec.35 - T28S/R28E

0 460 920 1,380 1,840 Feet



**Kern County
Planning & Natural
Resources Department**

GPA 9, ZCC 26, PD 11, CUP 13, CUP 14; Map 77

Proposed Zone Classifications

Cal Centre Project
by Daniel Rudnick


Highways

SYMBOL

 INTERSTATE

 Arterials


 Locals


 Kern County Boundary


 Project Location

KERN COUNTY ZONING DESIGNATIONS

 A - Exclusive Agriculture


 A-1 - Limited Agriculture


 C-2 - General Commercial

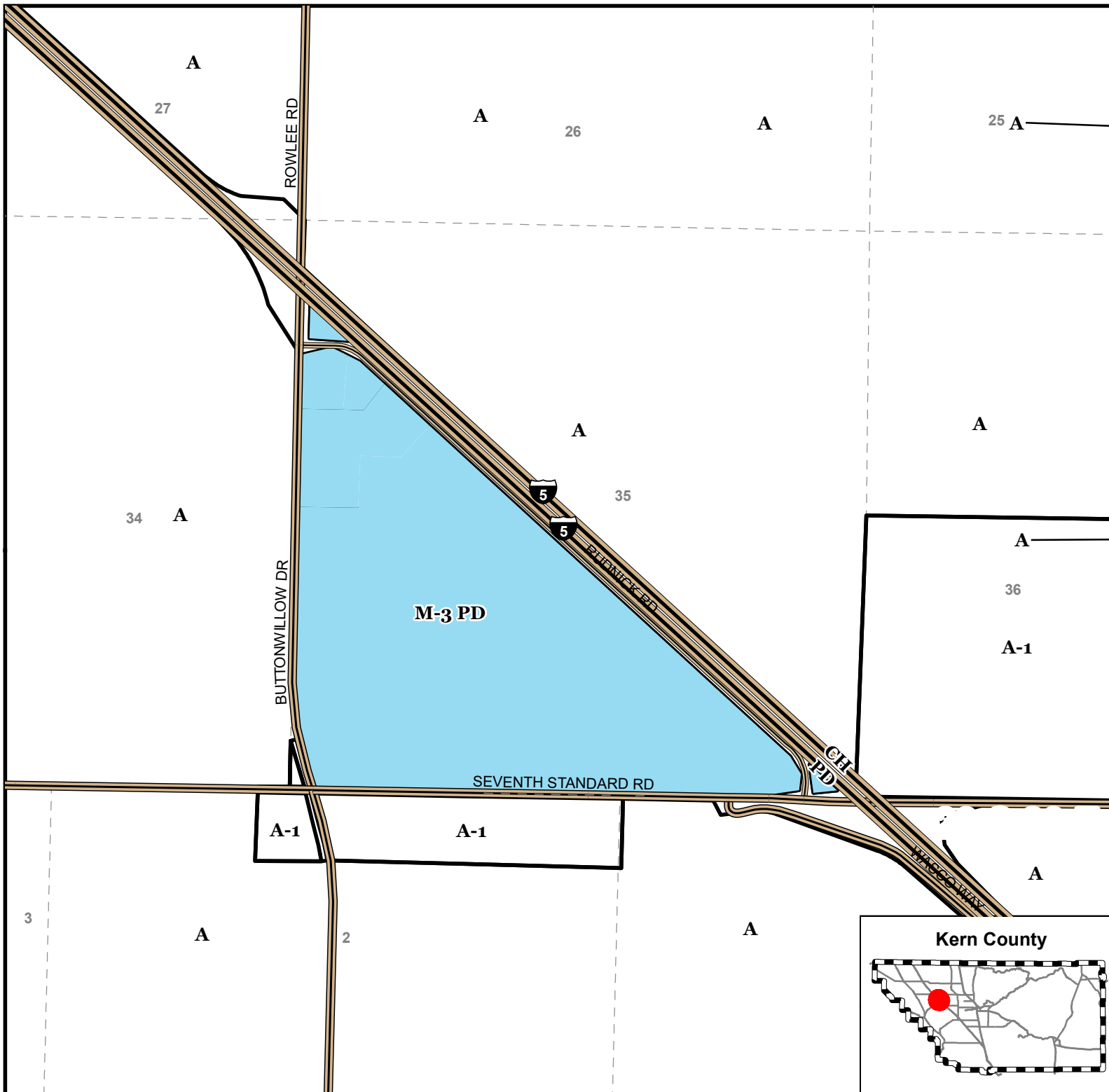
 CH - Highway Commercial

 M-1 - Light Industrial

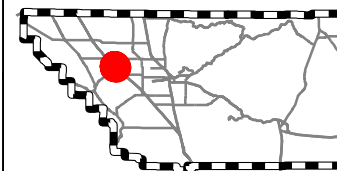
 PD - Precise Development Combining

 Township/Range

 Sections



Kern County



APN:

087-190-18, -19, -20, -21, -24, -25

Sec.35 - T28S/R28E

0 460 920 1,380 1,840 Feet



**Kern County
Planning & Natural
Resources Department**

GPA 9, ZCC 26, PD 11, CUP 13, CUP 14; Map 77

Existing General Plan Designations

Cal Centre Project
by Daniel Rudnick

Highways

SYMBOL

INTERSTATE

Arterials

Locals

Kern County Boundary

Specific Plans

4.1 - Accepted County Plan Area

GENERAL PLAN BOUNDARIES

4.1 - ACCEPTED COUNTY PLAN AREAS

8.1 - INTENSIVE AGRICULTURE (MIN. 20- ACRE PARCEL SIZE)

8.5 - RESOURCE MANAGEMENT (MIN. 20- OR 80-ACRE PARCEL SIZE)

SPECIFIC PLAN DESIGNATIONS

3.3 - OTHER FACILITIES

6.2 - GENERAL COMMERCIAL

6.3 - 6.3 HIGHWAY COMMERCIAL

HAZARD DESIGNATIONS

2.3 - Shallow Ground Water

Township/Range

Sections

Project Location

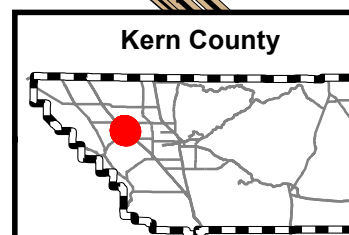
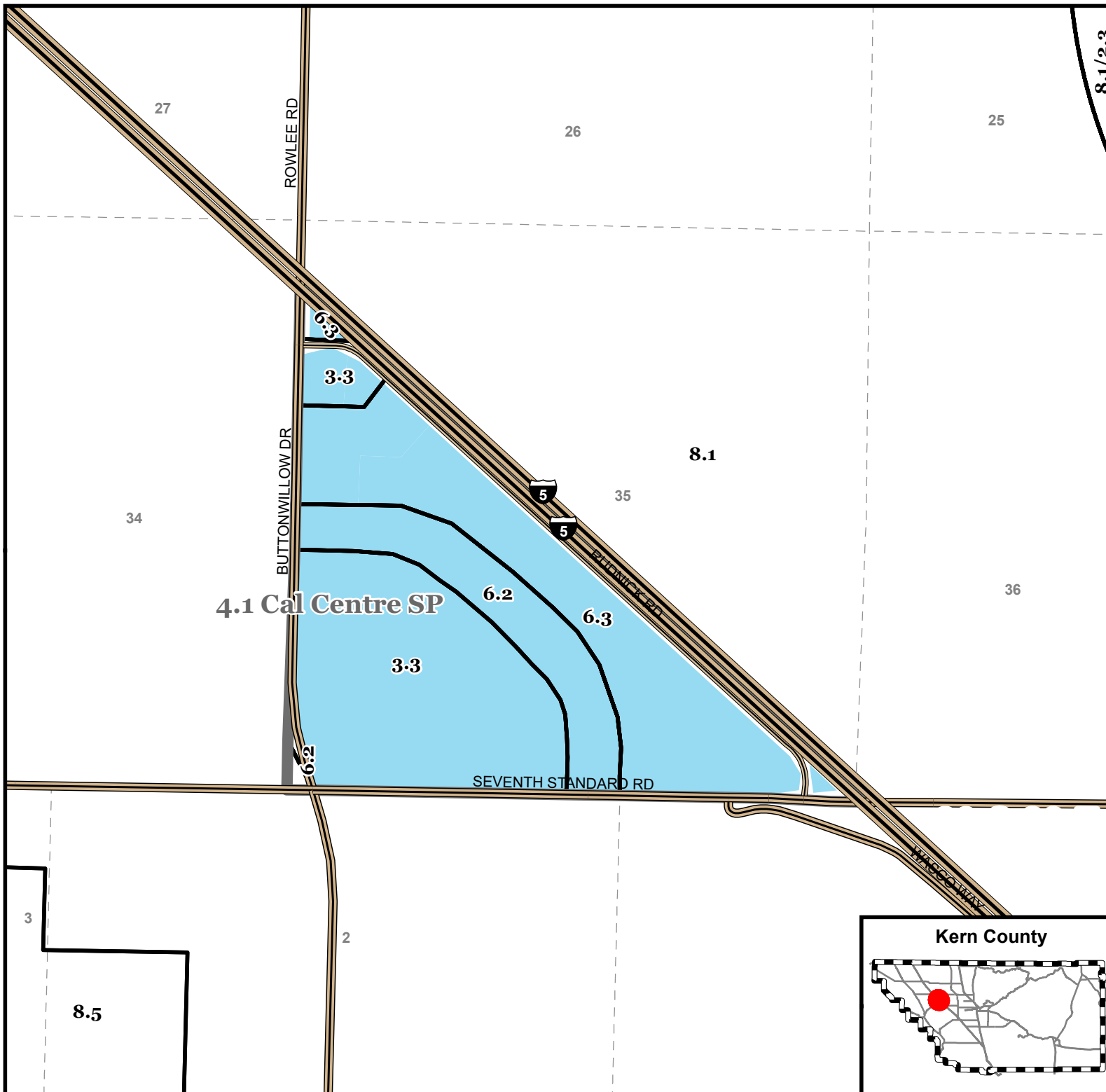
APN:
087-190-18, -19, -20, -21, -24, -25

Sec.35 - T28S/R28E

0 460 920 1,380 1,840 Feet



Kern County
Planning & Natural
Resources Department



GPA 9, ZCC 26, PD 11, CUP 13, CUP 14; Map 77

Proposed General Plan Designations

Cal Centre Project
by Daniel Rudnick


Highways

SYMBOL

 INTERSTATE

 Arterials

 Locals

 Kern County Boundary


 Project Location

GENERAL PLAN BOUNDARIES

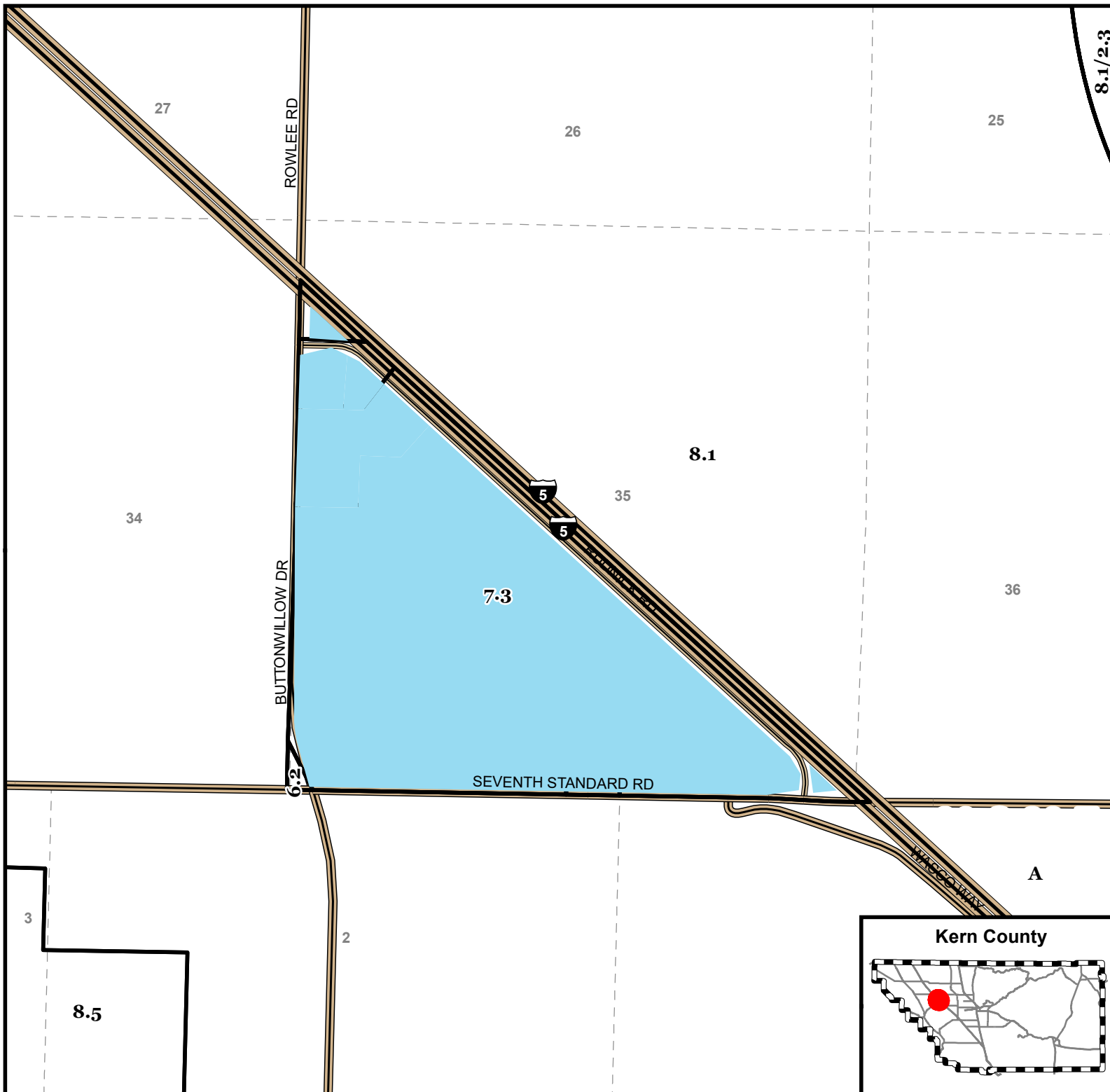
 6.2 - GENERAL COMMERCIAL

 7.3 - HEAVY INDUSTRIAL

 8.1 - INTENSIVE AGRICULTURE (MIN.
20- ACRE PARCEL SIZE)

 8.5 - RESOURCE MANAGEMENT (MIN.
20- OR 80-ACRE PARCEL SIZE)

— — Sections



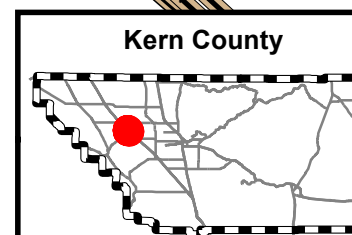
APN:
087-190-18, -19, -20, -21, -24, -25

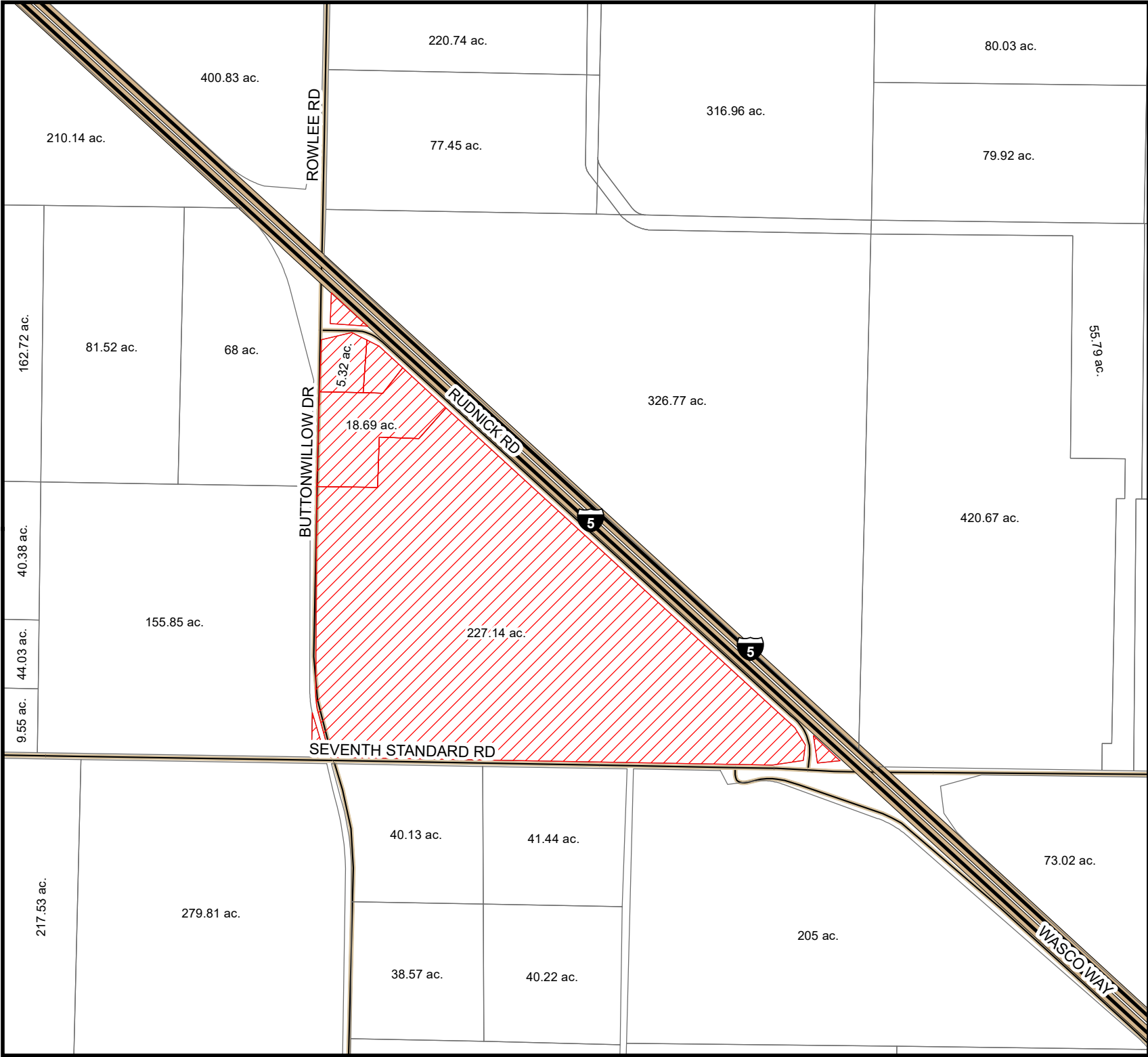
Sec.35 - T28S/R28E

0 460 920 1,380 1,840 Feet



Kern County
Planning & Natural
Resources Department










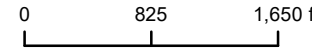
**GPA 9, ZCC 26,
PD 11, CUP 13,
CUP 14; Map 77**

**Assessor's
Parcelization
Map**

**Cal Centre Project
by Daniel Rudnick**

-  Project Location
-  Parcel Boundaries
-  INTERSTATE
-  Arterials
-  Locals

APN:
087-190-18, -19, -20, -21, -24, -25
Sec. 35 - T28S/R23E



REQUIRED FRONT SETBACKS

- 40 FEET FROM CENTERLINE AT CAL CENTRE DRIVE (LOCAL STREET)
- 55' FROM CENTRE LINE OF BUTTONWILLOW DRIVE AND 7TH STANDARD ROAD (MAJOR ARTERIAL HIGHWAY)

NOTE: NO MINIMUM SIDE OR REAR SETBACKS REQUIRED IN M-3 ZONING DISTRICTS.

CAL CENTRE

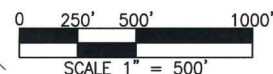
NE CORNER OF BUTTONWILLOW DRIVE AND
7TH STANDARD ROAD AND INTERSTATE 5

APN: 087-190-18, 19, 20, 21, 24, 25

PARKING SUMMARY

OFFICE PARKING AT 1 SPACE/250-SF; WAREHOUSE AT 1 SPACE/1,000-SF (0 TO 10,000-SF) AND 1 SPACE/3,000-SF (10,000-SF OVER 10K-SF)

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	1690	2718
TRUCK PARKING		1188
ADA ACCESSIBLE (9' X 20')	37	55
ADA VAN ACCESSIBLE (9' X 20')	9	12



SHEET INDEX

- OVERALL SITE
- EXISTING LOTS
- BUILDING 1
- BUILDING 2
- BUILDING 3
- BUILDING 4
- ANCILLARY FACILITIES
- LEGAL DESCRIPTION
- C.U.P. — GEOGRAPHIC DESCRIPTION
- WASTEWATER TREATMENT PLANT PLOT PLAN
- WELL WATER TREATMENT PLANT PLOT PLAN
- MICROGRID PLOT PLAN

STATISTICAL INFORMATION

CAL CENTRE SPECIFIC PLAN
SPECIFIC PLAN DESIGNATION
SPECIFIC PLAN ZONING
PROPOSED USE
ACREAGE

7.1
M3-PD
WAREHOUSE
255

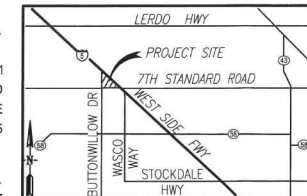
PROPOSED BUILDINGS:

GROUND FLOOR AREA:

	SQFT
BUILDING 1	590,000
BUILDING 2	1,300,000
BUILDING 3	1,260,000
BUILDING 4	850,000
SEWER TREATMENT PLANT	400
EV TRUCK/CAR CENTER	11,000
TOTAL:	4,062,400

BUILDING:	LOT SIZE (ACRES)	COVERAGE
A BUILDING 1	29.5	45.90%
B BUILDING 2	60.4	49.90%
C BUILDING 3	58.5	49.10%
D BUILDING 4	46.5	41.92%
E EV TRUCK CENTER	11.2	
F SOLAR ARRAY	20.9	
G DOMESTER WATER TREATMENT PLANT	1.3	
H MICROGRID STATION	1.7	
I WASTEWATER TREATMENT PLANT	2.8	
J STORMWATER RETENTION PARCEL	9.2	
K APN 087-190-24	1.2	
L APN 087-190-25	0.6	
M CAL CENTRE DRIVE	7.0	
N BUTTONWILLOW ROAD DEDICATION	1.5	
O 7TH STANDARD ROAD DEDICATION	2.6	
	255	

HEIGHT:	MAX 75'
LANDSCAPE AREA (ACRES):	29.0 (11% OF TOTAL) MIN 5% REQUIRED IN M-3 ZONING
SEWAGE DISPOSAL:	PRIVATE ON-SITE WASTE TREATMENT PLANT
WATER SUPPLY:	PRIVATE ON-SITE WATER WELL AND TREATMENT PLANT
DRAINAGE:	ONSITE STORMWATER RETENTION PONDS



VICINITY MAP
N.T.S.

APPLICANT'S REPRESENTATIVE

DANIEL RUDNICK, CAL CENTRE LLC
ADDRESS: 13405 PHOENIX PALM COURT
BAKERSFIELD, CA 93314
CONTACT: (661)333-2662
EMAIL: DANIEL@CALCENTRE.COM

SITE NOTES

- SITE IS CURRENTLY VACANT.
- THERE ARE NO BUILDINGS WITHIN 10 FEET OF THE PROJECT SITE ON ADJACENT PROPERTIES
- ALL DRIVEWAYS ARE FOR GENERAL AUTO/LIGHT TRUCK AND HEAVY TRUCK USE
- NO SIDEWALKS ARE PROPOSED ALONG BUTTONWILLOW DRIVE OR 7TH STANDARD ROAD
- NO OUTDOOR STORAGE IS PLANNED; HOWEVER IT IS AN ALLOWABLE ACCESSORY USE
- SIGNAGE:
-UP TO 4 MONUMENT SIGNS (TWO FOR EACH BUILDING). MAXIMUM 8 FEET HIGH, 100 SF PER SIGN AND A MINIMUM OF 20 FEET APART
-SIGNS ATTACHED TO BUILDINGS UP TO TWO SIGNS ON EACH ELEVATION
-NO SIGNS WILL EXTEND BEYOND EXISTING OR PROPOSED FUTURE RIGHT OF WAY LINES.
- ALL EXTERIOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES AND ROADS.
- TRASH AND RECYCLABLE STORAGE AND PICKUP TO BE PER KERN COUNTY STANDARDS AND COORDINATED WITH LOCAL TRASH PROVIDER.
- ALL LANDSCAPING TO BE LOW WATER USE AND IN ACCORDANCE WITH KERN COUNTY STANDARDS
- FIRE WATER SUPPLIES WILL BE PROVIDED IN ACCORDANCE WITH FIRE DEPARTMENT REQUIREMENTS
- PROJECT WILL NOT BE BUILT IN PHASES

PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

OVERALL SITE
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC

SEC.35,T.28,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 087-190-18, 19, 20, 21, 24, 25

JKH
Weiss

Real Estate Development Consultants
Civil Engineering - Surveying - Land Mapping
1775 Technology Drive, Suite 800
San Jose, CA 95128-1000, 281-4033

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SHEET 1 OF 12
6-28-2023

P:\S144 - Cal Center - Bakersfield\Cal-Center\Engineering Plans\Planning\PD Plan - CAL CENTRE - Wasco Road.dwg - Austin Lin - EDITED: Wed, Jun 28, 2023 5:30pm

**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

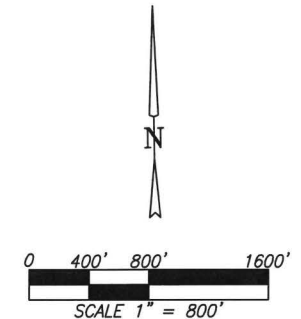
**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**

	Existing Zoning	Proposed Zoning	Existing General Plan	Proposed General Plan
Parcel 1				
APN 087-190-18	A	M3-PD	3.3	7.3
APN 087-190-19	A	M3-PD	3.3	7.3
APN 087-190-20	CH-PD	M3-PD	6.3	7.3
Parcel 2				
APN 087-190-21	A, M-1 PD, CH-PD	M3-PD	3.3, 6.2, 6.3	M3-PD
Parcel 3				
APN 087-190-24	CH-PD	M3-PD	6.3	7.3
Parcel 4				
APN 087-190-25	CH-PD	M3-PD	6.3	7.3

Curve Table			
Curve #	Length	Radius	Delta
C1	733.61'	2370.0'	017°44'07"
C2	37.57'	20.0'	107°37'38"
C3	239.28'	2455.0'	005°35'04"



PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

EXISTING LOTS
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC

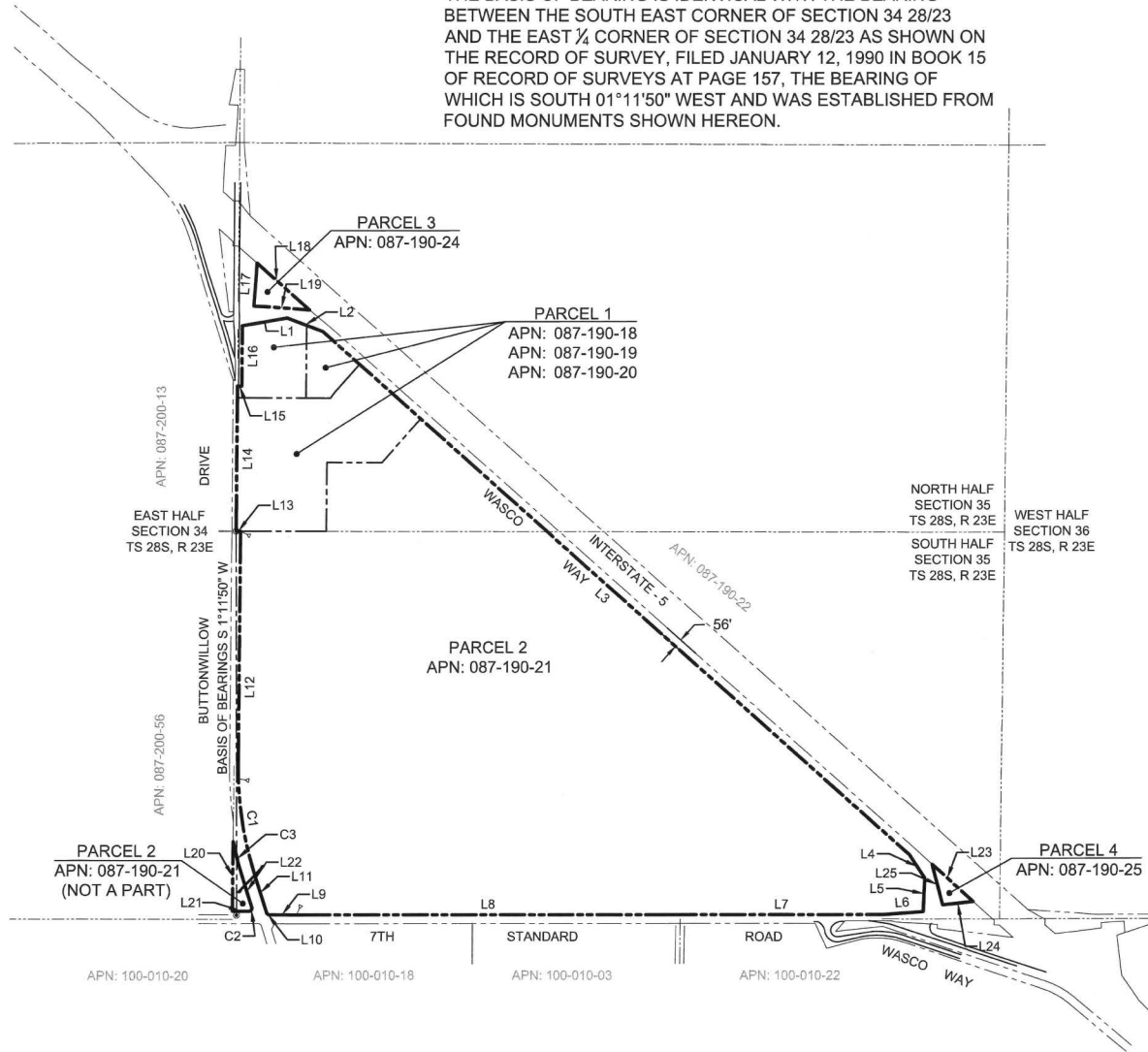
SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 087-190-18,19, 20, 21, 24, 25

weiss
Real Estate Development Consultants
Civil Engineering - Landscaping - Land Planning
3715 27th Street, Suite 100
San Jose, CA 95131 (408) 286-4555

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BASIS OF BEARING:

THE BASIS OF BEARING IS IDENTICAL WITH THE BEARING BETWEEN THE SOUTH EAST CORNER OF SECTION 34 28/23 AND THE EAST ¼ CORNER OF SECTION 34 28/23 AS SHOWN ON THE RECORD OF SURVEY, FILED JANUARY 12, 1990 IN BOOK 15 OF RECORD OF SURVEYS AT PAGE 157, THE BEARING OF WHICH IS SOUTH 01°11'50" WEST AND WAS ESTABLISHED FROM FOUND MONUMENTS SHOWN HEREON.



Line Table		
Line #	Length	Direction
L1	312.58'	S81°00'25.51"W
L2	260.50'	N68°10'34.81"W
L3	5394.95'	N47°34'13.03"W
L4	190.92'	N32°35'51.55"W
L5	228.39'	N03°33'45.56"E
L6	276.40'	N86°28'10.03"E
L7	1389.22'	S89°00'46.03"E
L8	2640.55'	S89°01'51.41"E
L9	182.18'	S88°54'40.53"E
L10	16.14'	S52°43'38.00"E
L11	299.41'	S16°32'17.00"E
L12	1600.66'	S01°11'50.00"W
L13	30.00'	S88°56'59.85"E
L14	988.54'	S01°11'48.09"W
L15	30.00'	S88°48'12.82"E
L16	412.32'	S01°11'48.09"W
L17	292.37'	S04°57'37.80"W
L18	480.00'	N47°34'13.21"W
L19	380.96'	S85°05'46.61"E
L20	475.36'	S01°11'50.39"W
L21	112.37'	S88°54'40.53"E
L22	228.83'	N16°32'17.00"W
L23	380.02'	S46°55'56.03"E
L24	209.59'	N84°34'57.97"E
L25	287.68'	S13°52'20.67"E

SHEET 2 OF 12
6-28-2023

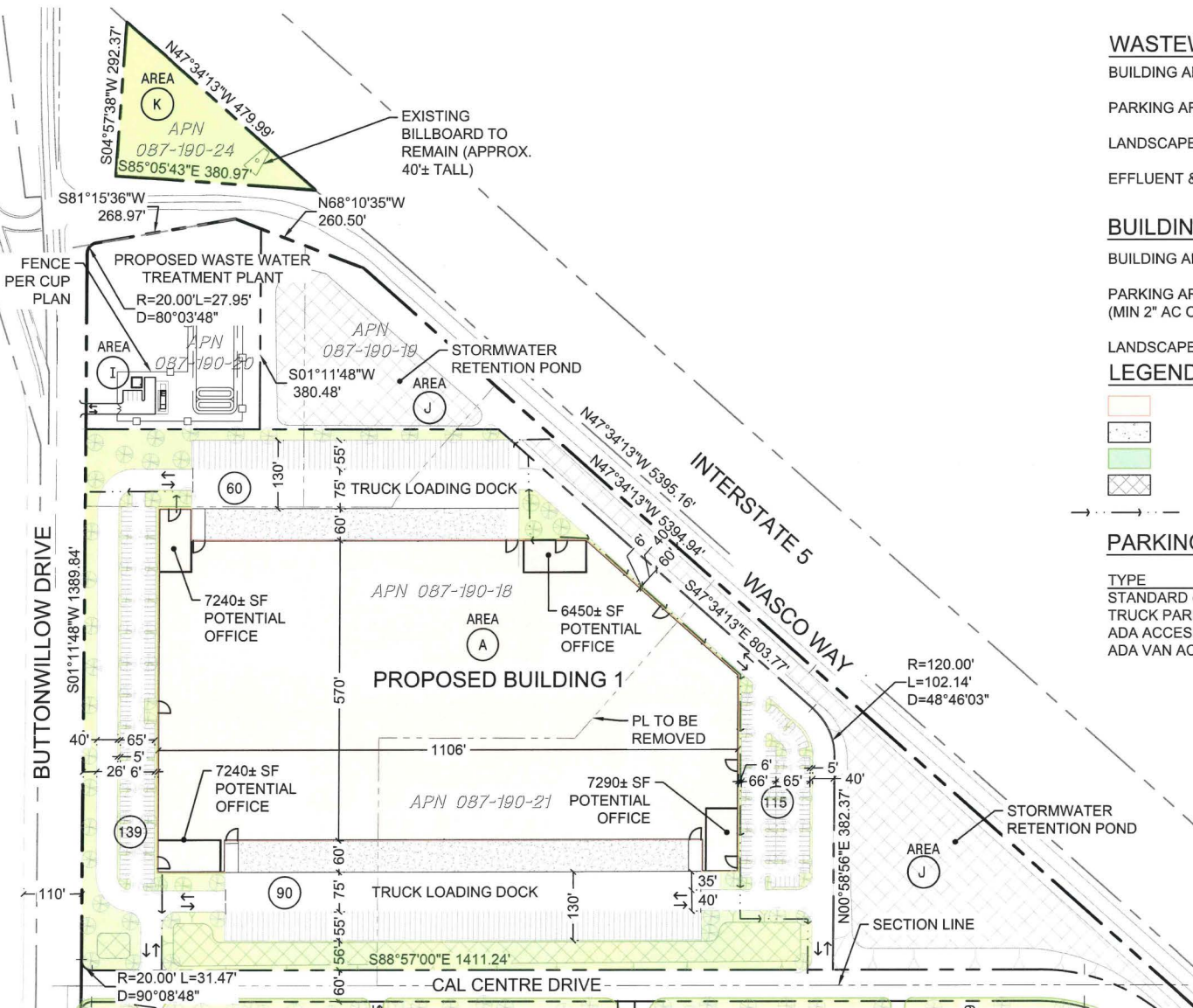
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



WASTEWATER TREATMENT FACILITIES

BUILDING AREA:	400 SQFT
PARKING AREA:	5,525 SQFT
LANDSCAPE AREA:	100,000 SQFT
EFFLUENT & EQUALIZATION PONDS:	15,600 SQFT

BUILDING 1

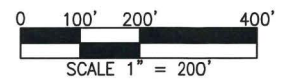
BUILDING AREA:	590,000 SQFT
PARKING AREA: (MIN 2" AC OVER 4" CLASS II AB)	492,000 SQFT
LANDSCAPE AREA:	203,000 SQFT

LEGEND

	PROPOSED BUILDING		DOOR
	CONCRETE PAVING		TREE LOCATION
	LANDSCAPED AREA		
	STORMWATER RETENTION		
	ACCESSIBLE PATH OF TRAVEL (4' MIN WIDTH)		

PARKING SUMMARY:

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	240	254
TRUCK PARKING		150
ADA ACCESSIBLE (9' X 20')	7	7
ADA VAN ACCESSIBLE (9' X 20')	2	2



PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

**BUILDING 1 AND WASTE TREATMENT
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC**

SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 087-190-18,19, 20, 21, 24, 25

Weiss
Real Estate Development Consultants
Civil Engineering - Surveying - Land Planning
1751 Technology Drive, Suite 880
San Jose, CA 95128-6000, 784-4500

SHEET 3 OF 12
6-28-2023

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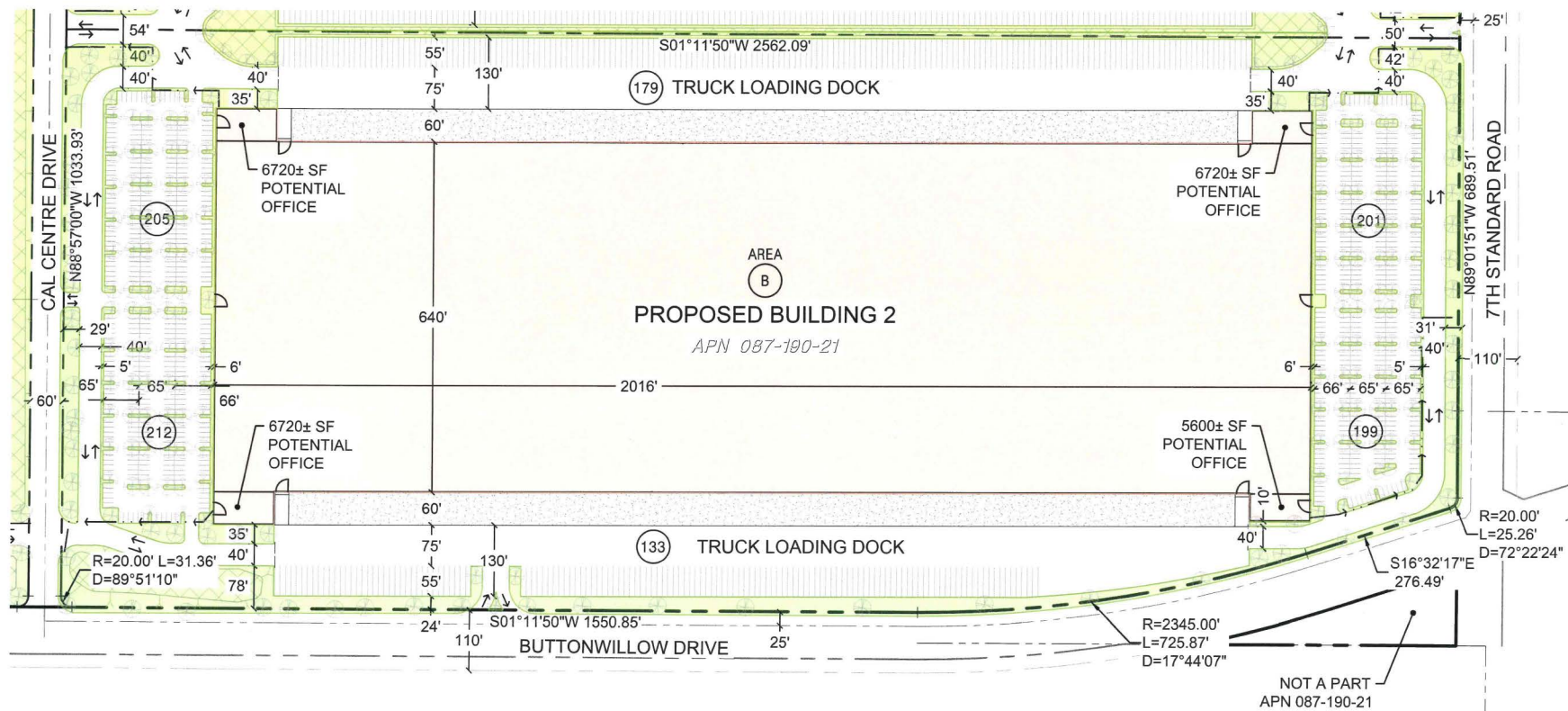
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



BUILDING 2

BUILDING AREA: 1,300,000 SQFT

PARKING AREA: 1,070,000 SQFT
(MIN 2" AC OVER 4" CLASS II AB)

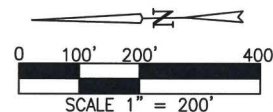
LANDSCAPE AREA: 261,000 SQFT

LEGEND

	PROPOSED BUILDING		DOOR
	CONCRETE PAVING		TREE LOCATION
	LANDSCAPED AREA		
	STORMWATER RETENTION		
	ACCESSIBLE PATH OF TRAVEL (4' MIN WIDTH)		

PARKING SUMMARY:

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	550	817
TRUCK PARKING		312
ADA ACCESSIBLE (9' X 20')	11	17
ADA VAN ACCESSIBLE (9' X 20')	2	3



SHEET 4 OF 12
6-28-2023

PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

BUILDING 2
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC

SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 087-190-18,19, 20, 21, 24, 25

J M H Weiss
Real Estate Development Consultants
Civil Engineering - Consulting - Land Planning
1201 Technology Drive, Suite 800
San Jose, CA 95128 (408) 286-4555

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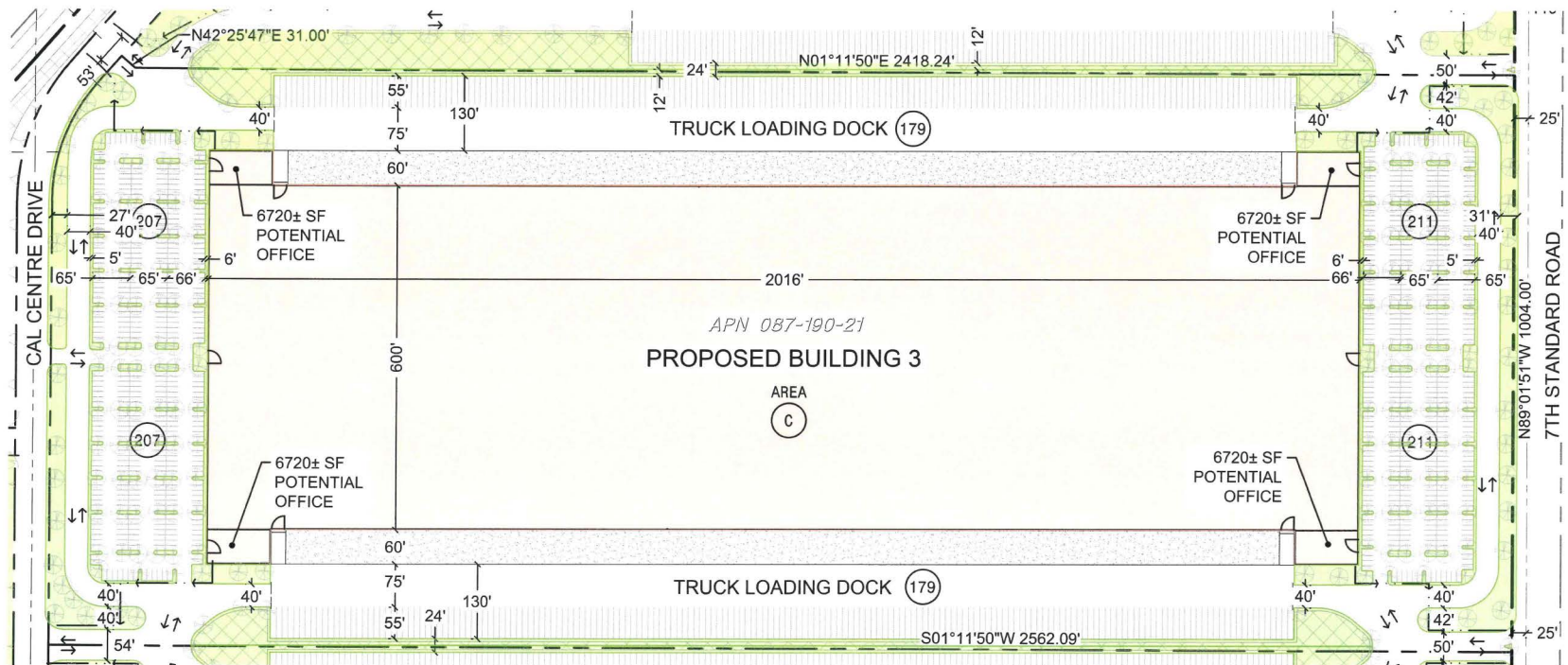
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



BUILDING 3

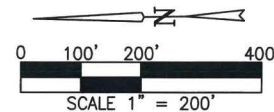
BUILDING AREA:	1,260,000 SQFT
PARKING AREA: (MIN 2" AC OVER 4" CLASS II AB)	1,138,000 SQFT
LANDSCAPE AREA:	217,000 SQFT

LEGEND

	PROPOSED BUILDING		DOOR
	CONCRETE PAVING		TREE LOCATION
	LANDSCAPED AREA		
	STORMWATER RETENTION		
	ACCESSIBLE PATH OF TRAVEL (4' MIN WIDTH)		

PARKING SUMMARY:

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	537	836
TRUCK PARKING		358
ADA ACCESSIBLE (9' X 20')	11	17
ADA VAN ACCESSIBLE (9' X 20')	2	3



SHEET 5 OF 12
6-28-2023

PD PLAN 11, MAP No. 77 (CAL CENTRE SPECIFIC PLAN) PRECISE DEVELOPMENT PLAN
BUILDING 3 CAL CENTRE WAREHOUSE PROJECT BY CAL CENTRE LLC
SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE AND 7TH STANDARD ROAD AND INTERSTATE 5. APN: 087-190-18,19,20,21,24,25 J M H Weiss Real Estate Development Consultants Civil Engineering - Surveying - Land Planning 1355 Technology Drive, Suite 800 San Jose, CA 95128-1408/284-4555

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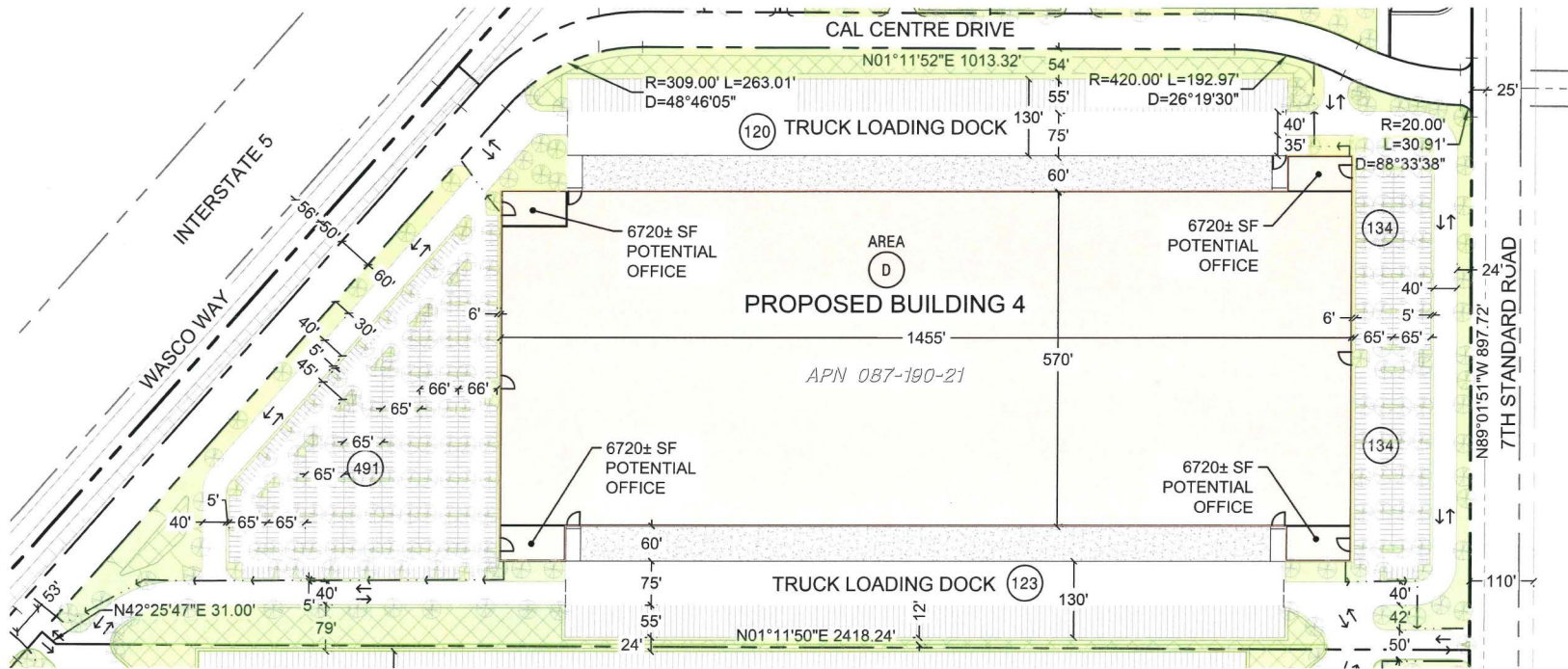
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



BUILDING 4

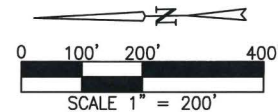
BUILDING AREA:	850,000 SQFT
PARKING AREA: (MIN 2" AC OVER 4" CLASS II AB)	889,000 SQFT
LANDSCAPE AREA:	288,000 SQFT

LEGEND

	PROPOSED BUILDING		DOOR
	CONCRETE PAVING		TREE LOCATION
	LANDSCAPED AREA		
	STORMWATER DETENTION		
	ACCESSIBLE PATH OF TRAVEL (4' MIN WIDTH)		

PARKING SUMMARY:

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	363	759
TRUCK PARKING		243
ADA ACCESSIBLE (9' X 20')	8	16
ADA VAN ACCESSIBLE (9' X 20')	2	3



SHEET 6 OF 12
6-28-2023

PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

BUILDING 4
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC

SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 087-190-18, 19, 20, 21, 24, 25

WELLS
Real Estate Development Consultants
Civil Engineering - Surveying - Land Planning
2733 Technology Drive, Suite 880
San Jose, CA 95135 (408) 288-6555

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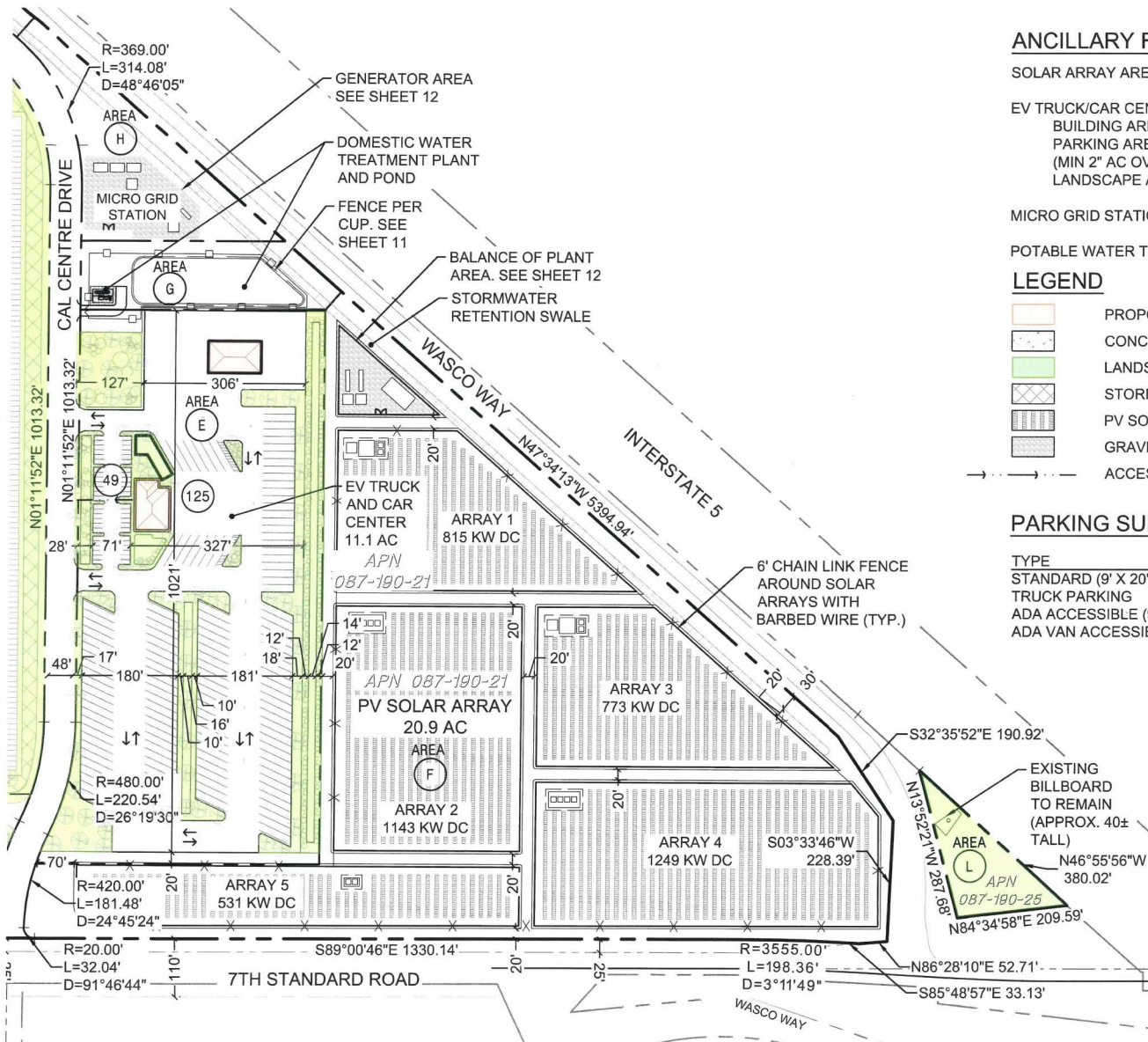
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



ANCILLARY FACILITIES

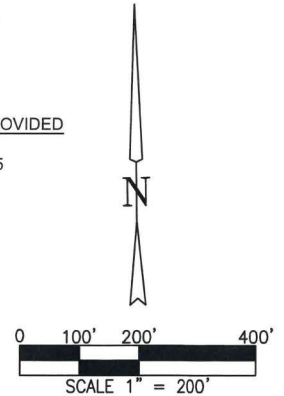
SOLAR ARRAY AREA:	910,400 SQFT
EV TRUCK/CAR CENTER	
BUILDING AREA:	11,000 SQFT
PARKING AREA:	339,000 SQFT
(MIN 2" AC OVER 4" CLASS II AB)	
LANDSCAPE AREA:	142,000 SQFT
MICRO GRID STATION AREA:	74,000 SQFT
POTABLE WATER TREATMENT PLANT AND POND:	56,628 SQFT

LEGEND

	PROPOSED BUILDING		DOOR
	CONCRETE		TREE LOCATION
	LANDSCAPE		
	STORMWATER RETENTION POND		
	PV SOLAR ARRAY		
	GRAVEL		
	ACCESSIBLE PATH OF TRAVEL (4' MIN WIDTH)		

PARKING SUMMARY:

TYPE	REQUIRED	PROVIDED
STANDARD (9' X 20')	186	49
TRUCK PARKING		125
ADA ACCESSIBLE (9' X 20')	6	2
ADA VAN ACCESSIBLE (9' X 20')	1	1



PD PLAN 11, MAP No. 77 (CAL CENTRE SPECIFIC PLAN) PRECISE DEVELOPMENT PLAN
ANCILLARY FACILITIES CAL CENTRE WAREHOUSE PROJECT BY CAL CENTRE LLC
SEC. 35, T. 28, R. 23E - NE CORNER OF BUTTONWILLOW DRIVE AND 7TH STANDARD ROAD AND INTERSTATE 5. APN: 087-190-18, 19, 20, 21, 24, 25
 J M H Real Estate Development Consultants Civil Engineering - Surveying - Land Planning 1710 Technology Drive, Suite 800 San Jose, CA 95128 (408) 286-4555

SHEET 7 OF 12
6-28-2023

DRAFT SET — NOT FOR CONSTRUCTION

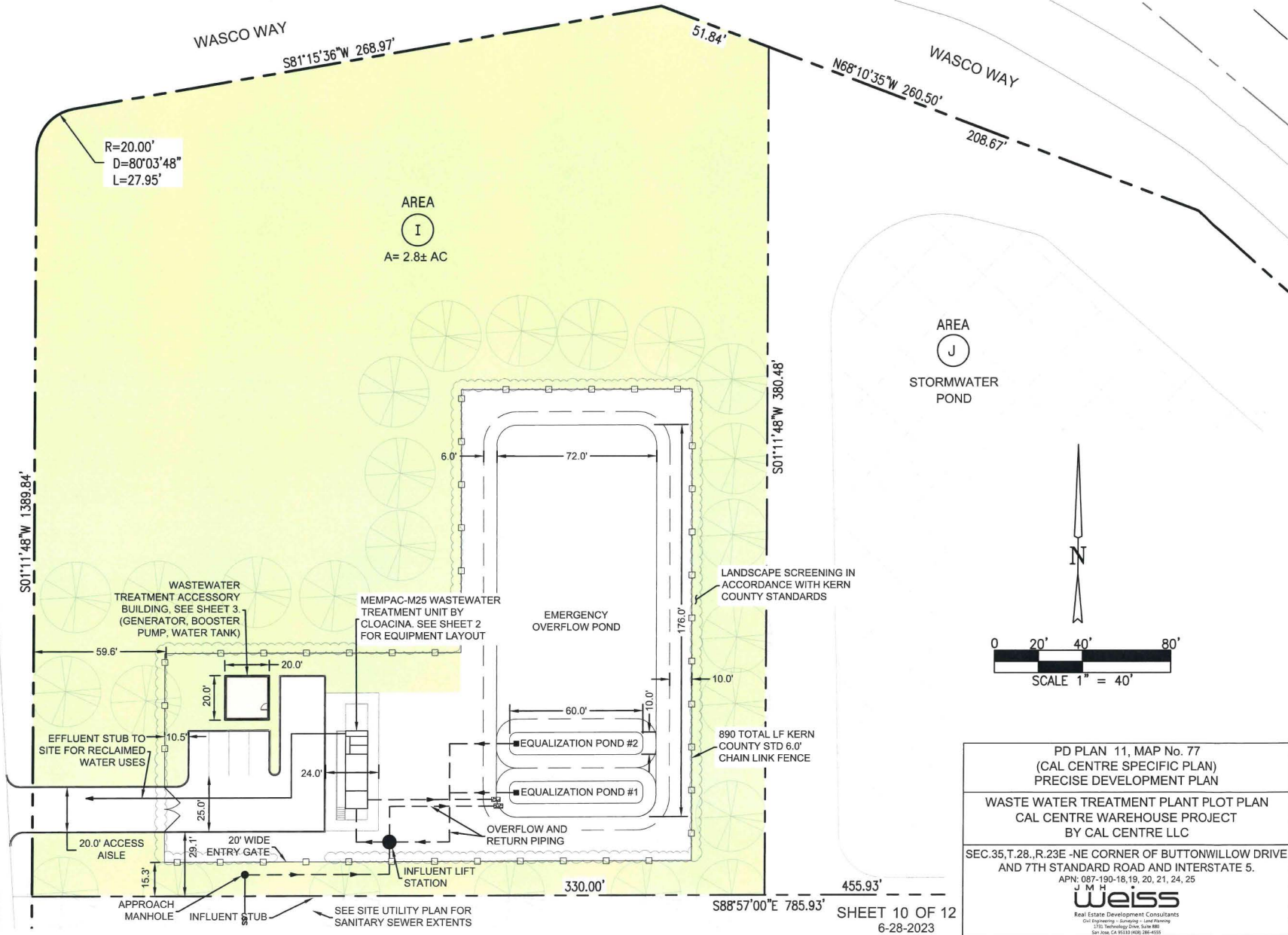
**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**



PD PLAN 11, MAP No. 77 (CAL CENTRE SPECIFIC PLAN) PRECISE DEVELOPMENT PLAN
WASTE WATER TREATMENT PLANT PLOT PLAN CAL CENTRE WAREHOUSE PROJECT BY CAL CENTRE LLC
SEC.35,T.28,,R.23E -NE CORNER OF BUTTONWILLOW DRIVE AND 7TH STANDARD ROAD AND INTERSTATE 5. APN: 087-190-18,19, 20, 21, 24, 25 J M H Weiss Real Estate Development Consultants Civil Engineering - Planning - Land Surveying 2751 Technology Drive, Suite 400 San Jose, CA 95134-4000 (408)455-1100

DRAFT SET — NOT FOR CONSTRUCTION

P:\5144 - Cal Center - Bakersfield\Cal-Center\Exhibits\CUP Application Exhibits\Sewer Treatment\5144 Conditional Use Permit - Sewer Treatment Plant.dwg - Austin Lin - EDITED: Wed, Jun 28, 2023 5:31pm

**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

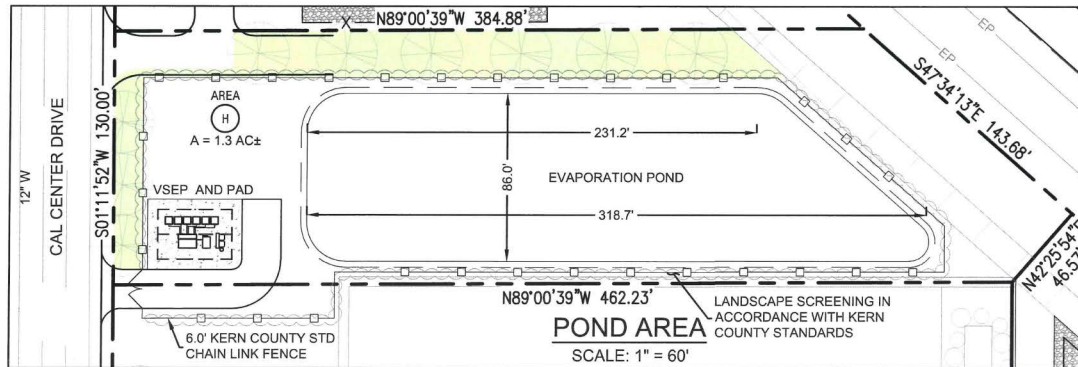
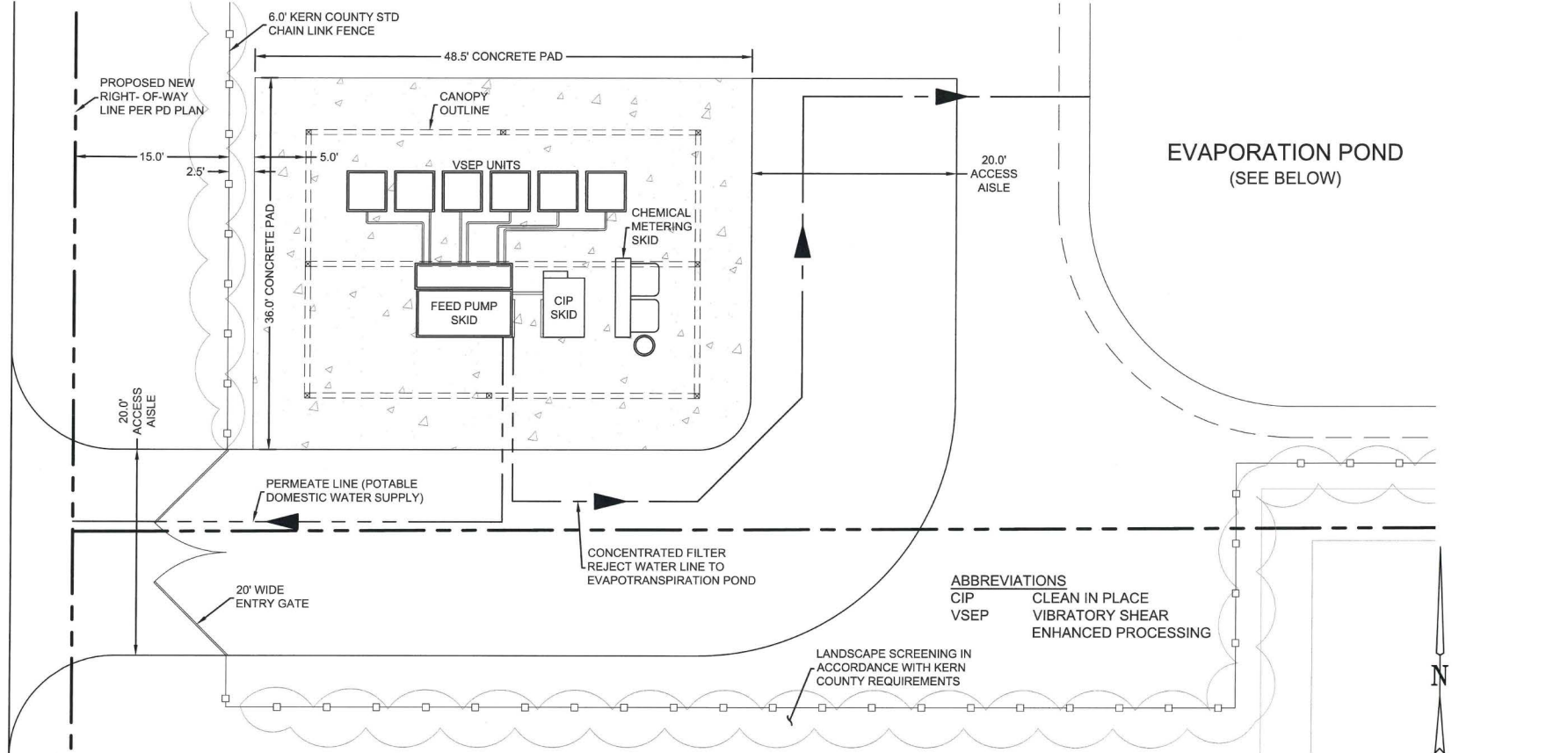
**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**

CAL CENTRE DRIVE



SHEET 11 OF 12
6-28-2023

<p>PD PLAN 11, MAP No. 77 (CAL CENTRE SPECIFIC PLAN) PRECISE DEVELOPMENT PLAN</p>
<p>WELL WATER TREATMENT PLANT PLOT PLAN CAL CENTRE WAREHOUSE PROJECT BY CAL CENTRE LLC</p>
<p>SEC.35,T.28,R.23E -NE CORNER OF BUTTONWILLOW DRIVE AND 7TH STANDARD ROAD AND INTERSTATE 5. APN: 087-190-18,19,20,21,24,25</p>
<p>J M H Weiss Real Estate Development Consultants Civil Engineering - Surveying - Land Planning 1201 Technology Drive, Suite 800 San Jose, CA 95128 (408) 289-4333</p>

DRAFT SET — NOT FOR CONSTRUCTION

P:\5144 - Cal Center - Bakersfield\Cal-Center\Exhibits\CUP Application Exhibits\Water Treatment\5144 Conditional Use Permit - Water Treatment Plant.dwg - Austin Lin - EDITED: Wed, Jun 28, 2023 5:32pm

**GPA 9, ZCC 6, PD 11,
CUP 13, CUP 14;
Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**

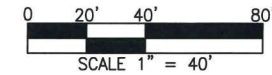
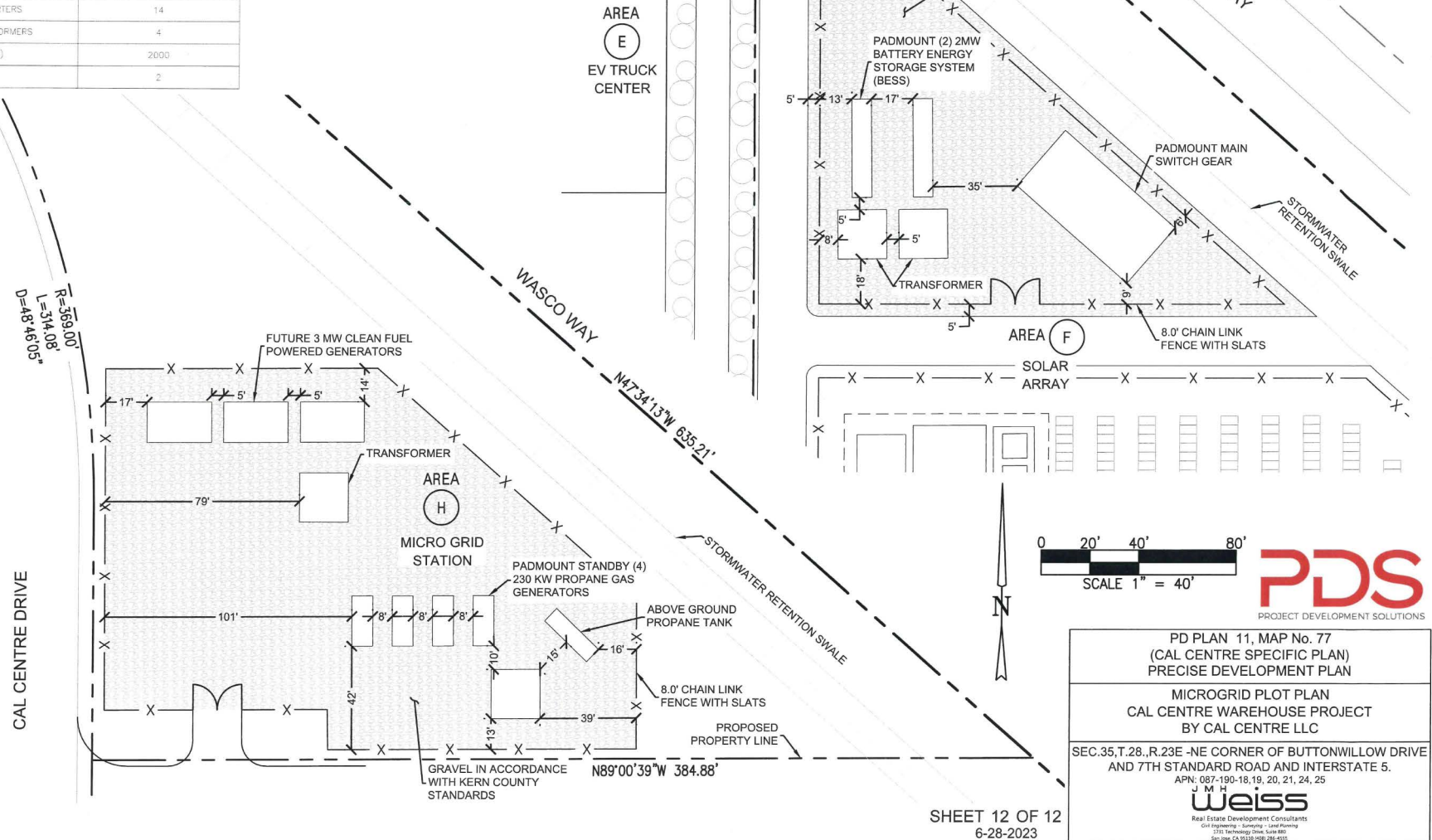


**Kern County
Planning & Natural
Resources Department**

PV SYSTEM DC RATING (kW)	4500
PV SYSTEM AC CAPACITY (kW)	3500
DC/AC RATIO AT INVERTER	1.29
MODULE MODEL	Triha Solar, TSM-DEG21C.20
MODULE STC DC RATING(W)	650
MODULE COUNT	6952
INVERTER MODEL	CPS SCH275KTL-DQ/US-800-36
INVERTER RATING (kW)	250
QUANTITY OF INVERTERS	14
QUANTITY OF TRANSFORMERS	4
BESS SIZE (kW)	2000
BESS COUNT	2

NOTES

1. PROPOSED PROPANE GAS GENERATOR IS SIZED TO MEET CRITICAL LOAD



PDS
PROJECT DEVELOPMENT SOLUTIONS

PD PLAN 11, MAP No. 77
(CAL CENTRE SPECIFIC PLAN)
PRECISE DEVELOPMENT PLAN

MICROGRID PLOT PLAN
CAL CENTRE WAREHOUSE PROJECT
BY CAL CENTRE LLC

SEC.35,T.28.,R.23E -NE CORNER OF BUTTONWILLOW DRIVE
AND 7TH STANDARD ROAD AND INTERSTATE 5.
APN: 067-190-18,19, 20, 21, 24, 25

Weiss
Real Estate Development Consultants
Civil Engineering - Surveying - Land Planning
1230 Technology Drive, Suite 600
San Jose, CA 95128-0088-286-4555

SHEET 12 OF 12
6-28-2023

DRAFT SET — NOT FOR CONSTRUCTION

P:\5144 - Cal Center - Bakersfield\Cal-Center\Engineering Plans\Planning\PD PLAN - MICROGRID.dwg - Austin Lin - EDITED: Wed, Jun 28, 2023 5:32pm

**GPA 9, ZCC 6, PD 11,
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Map 231**

**Proposed Project Precise Development Plan
(PD Plan 11, Map No. 77)**

**Cal Centre Project
by Daniel Rudnick**



**Kern County
Planning & Natural
Resources Department**

Correspondence

Tim Thomson
Jerry Slough Farming Co.
19407 Wildwood Road
Buttonwillow, CA 93206
(661) 764-5300
(661)-332-6274
jsfctim@gmail.com

September 15, 2023

Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, California 93301

In re: Specific Plan Amendment Case No. 9, Map 77 and Related Applications and
Proceedings, Kern County Board of Supervisors, September 26, 2023.


I am writing in support of the proposed Specific Plan Amendment Case No. 9, Map 77, and related applications and proceedings, which would allow for the construction and operation of a logistics center with a gross floor area of four million square feet and ancillary on-site land uses on approximately 255 acres west of Interstate 5 and north of 7th Standard Road. I represent Jerry Slough Farming Co., which owns land east of the project site. We also currently lease the project site for farming. Our crops include organic produce, such as bell peppers, hot peppers, canning tomatoes, watermelons, and lettuce for seed. I am a Board Officer and Member of the Semitropic Water Storage District.

I support the project for several reasons.

First, our land is near the project site, and the crops we grow require significant labor, machinery, and other onsite management activities. We do not anticipate that the proposed logistics project will interfere with or complicate our farming operations.

In addition, a significant amount of farmland in our region, including the project site, relies on groundwater for crop production. Groundwater use on each acre of farmland is being curtailed over time to comply with the state Sustainable Groundwater Management Act (SGMA). The proposed project's water demand will be substantially below the reduced SGMA groundwater allocation that will be available to the site in the future. The unused portion of the site's groundwater allocation will remain in the aquifer and help to support groundwater sustainability in our region.

Finally, the proposed logistics project will allow for the continued productive use of land that would be permanently fallowed as groundwater supplies are cut by SGMA. This is a challenging issue for landowners throughout our region, and widespread farmland fallowing will adversely affect the County's economy and tax base supporting essential public services. The proposed logistics project will generate new employment opportunities and tax revenues for our community on land that will become increasingly infeasible to farm in the future.


Tim Thomson, Owner
Jerry Slough Farming Co.

COUNTY OF KERN
PUBLIC WORKS DEPARTMENT
Office Memorandum

To: Lorelei Oviatt, Director
Planning and Natural Resources Department
Attn: Craig Murphy, Assistant Director

August 22, 2023

From: Cesar Ayon, Engineering Manager CA
Public Works Department/Development Review Division

Subject: 7-8.5c Specific Plan Amendment #9, Map 77
7-5.3 Zone Change Case #26, Map 77
7-5.3 Conditional Use Permit #13, Map 77
7-5.3 Conditional Use Permit #14, Map 77
7-6 Precise Development #11, Map 77
(26190 7th Standard Road, Buttonwillow)

This Department has reviewed the subject project and recommends the following:

1. **Prior to issuance of building or grading permits:** Applicant shall provide the calculated T.I. for Seventh Standard Road, Buttonwillow Drive and Cal Centre Drive for approval by the Kern County Public Works Department.
2. Record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Seventh Standard Road, project frontage, 55 feet in width, including right turn channelization (Plate R-40) and expanded intersection at Buttonwillow Drive, per the Kern County Land Division Ordinance and Development Standards.
3. Record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Buttonwillow Drive, project frontage, 55 feet in width, including right turn channelization (Plate R-40), per the Kern County Land Division Ordinance and Development Standards.
4. Record a public access easement of all subject property for all interior streets, 60 feet in width, including the additional right of way for cul-de-sacs and knuckles, per the Kern County Land Division Ordinance and Development Standards.
5. Dedicated vehicular access rights along Wasco Way project frontage.
6. Under street improvement plans approved by the Kern County Public Works Department, construct Seventh Standard Road to Type A Subdivision Standards, half width arterial highway (Plate R-3) including expanded intersection (Plate R-35), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.
7. Under street improvement plans approved by the Kern County Public Works Department, construct Buttonwillow Drive to Type A Subdivision Standards, half width arterial highway (Plate R-3), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.

8. Under street improvement plans, approved by the Kern County Public Works Department/Development Review, construct all interior streets to Type A Subdivision Standards, full width Commercial Street (Plate R-13), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), asphalt concrete, and the necessary tie-ins.
9. The traffic study did not account for the intersection of Cal Centre Drive at Seventh Standard Road and Cal Centre Drive at Buttonwillow Drive. According to the Kern County Public Works, Traffic Division, if these two intersections are to be full access, there needs to be a control mechanism. Therefore, the County recommends traffic signals at these intersections for safety.
10. Enter into a secured agreement with the Kern County Public Works Department to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and or Kern County.
11. Provide a Traffic Control Plan that addresses the routes, duration and manner of traffic control that will be implemented to accommodate construction related traffic.
12. Obtain all necessary Encroachment Permits for any proposed work within the County road right of way. These permits may be obtained from our Permits Engineer.
13. 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, fences, or similar obstructions, shall be removed from the ultimate road rights-of-way. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

Thank you for the opportunity to comment on this project, if you have any questions or comments, please contact Paul Candelaria of this Department.

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
Craig Murphy

Date: September 1, 2023

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

**Subject: Notice of Public Hearing – Board of Supervisors
Special Plan Amendment #9, Map #77
Zone Classification Change #26, Map #77
Conditional Use Permit #13, Map #77
Conditional Use Permit #14, Map #77
Precise Development Plan #11, Map #77**

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

Therefore, this section recommends the following be included as conditions of approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department.



September 7, 2023

Mayra Martinez
County of Kern
2700 M Street, Suite 100
Bakersfield, CA 93301

Ref: Gas and Electric Transmission and Distribution

Dear Mayra Martinez,

Thank you for submitting the Cal Centre Project 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_US/business/services/building-and-renovation/overview/overview.page.
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.



Transmission Technical
Services Department

9400 Oakdale Ave
Chatsworth, CA 91311
SC9314

August 28, 2023

Craig M. Murphy
Kern County
MurphyC@kerncounty.com

Subject: SPA #9, Map #77; ZCC #26, Map #77 CUP #13, Map #77,
CUP #14, Map #77, PD #11, Map #77

DCF: 1852-23NC

The Transmission Department of SoCalGas does not operate any facilities within your proposed improvement. However, the Distribution Department of SoCalGas may maintain and operate facilities within your project scope.

To assure no conflict with the Distribution's pipeline system, please e-mail them at:

NorthwestDistributionUtilityRequest@semprautilities.com

Best Regards,
Nerses Papazyan
SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com

Planning Commission Resolutions

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

In the matter of:

RESOLUTION NO. 56-23

APPLICATION FOR SPECIFIC PLAN AMENDMENT CASE NO. 9, MAP NO. 77

26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)
Cal Centre, LLC by Daniel Rudnick (PP23404)

FINDINGS AND DETERMINATION

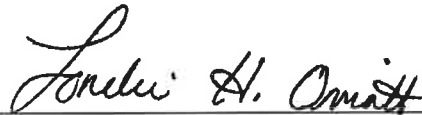
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Oliver, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **24th**, day of **August, 2023**, by the following vote, to wit:

AYES: Ashley, Dunbar, Oliver, Skidmore

NOES: None

ABSTAINED: Vacant

ABSENT: None



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.149 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: 087-190-18, -19, -20, -21, -24, & -25

Section 35, T28S, R23E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department);
and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests

(a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 3.3 (Other Facilities) to Map Code(s) 7.3 (Heavy Industrial) on approximately 103 acres; from map code designation 6.2 (General Commercial) to 7.3 (Heavy Industrial) on approximately 48 acres; and from map code designation 6.3 (Highway Commercial) to 7.3 on approximately 96 acres; as well as amendments to associated circulation maps of the Cal Centre Specific Plan; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the Specific Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Addendum to a previously certified Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum to a previously certified Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum to a previously certified Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum to a previously certified Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Addendum to a previously certified Environmental Impact Report and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution; and

(b) The findings of this Commission upon which its decision is based are as follows:

- (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 Addendum to a previously certified Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt 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 Commission 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.
- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the requested Specific Plan Amendment would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.
- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.

- (8) 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.
- (9) 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.
- (10) Approval of the requested Specific Plan Amendments are consistent with the existing surrounding land uses.

(c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Daniel Rudnick (agent) (1)
Cal Centre, LLC (applicant/owner) (1)
LiUNA/Arthur Izzo (1)
File (3)

es:ml

BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 57-23

APPLICATION FOR ZONE CHANGE CASE NO. 27, MAP NO. 77

26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)
Cal Centre, LLC by Daniel Rudnick (PP23404)

FINDINGS AND DETERMINATION

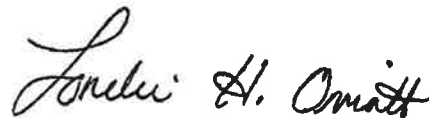
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Oliver, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **24th**, day of **August, 2023**, by the following vote, to wit:

AYES: Ashley, Dunbar, Oliver, Skidmore

NOES: None

ABSTAINED: Vacant

ABSENT: None



SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297. 149 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 087-190-18, -19, -20, -21, -24, & -25

Section 35, T28S, R23E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a Zone Change insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly a change in zone classification (ZCC 26, Map 77) from the existing zone District CH PD (Highway Commercial – Precise Development Combining) on approximately 105.7 acres; from A (Exclusive Agriculture) to M-3 PD on approximately 108 acres; and from M-1 (Light Industrial) PD to M-3 PD on approximately 42 acres; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Addendum to a previously certified Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum to a previously certified Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum to a previously certified Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum to a previously certified Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum to a previously certified Environmental Impact Report and, after careful consideration of all facts and evidence as presented at said hearing, it is the

decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (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 Addendum to a previously certified Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt 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 Commission 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.
- (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 conditions of approval 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 logistics facility, sewage treatment facility and water treatment facility. Implementation of this project represents the best and highest use of this land by allowing this owner to develop the property with a use that is compatible and even complementary to the surrounding land uses in the vicinity.

- (7) Approval and implementation of the request zone change will facilitate the construction of a 255-acre logistics 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 up to 200 employees during construction to approximately 2,000 full time operational jobs are consistent with the objectives of the Cal Centre Specific Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefit residents, businesses, and industries, as well as ensuring future governmental fiscal stability, though collection of taxes, while encouraging new development to utilize existing transportation infrastructure and services.
 - (8) Approval of the change in zone classification will allow for the construction and operation of a logistics facility, sewage treatment plant and water treatment plant 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 north/south and east/west transportation corridors.
 - (9) 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 transportation infrastructure.
 - (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) Implementation of the proposed zone change to M-3PD (Heavy Industrial - Precise Development Combining) will facilitate development of a 255-acre logistics facility, sewage treatment plant and water treatment plant. The M-3PD District is consistent with the existing character of the proposed location and implementation of the proposed logistics facility is compatible with existing agricultural and industrial uses and surrounding approved facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Daniel Rudnick (agent) (1)
Cal Centre, LLC (applicant/owner) (1)
LiUNA (1)
File (3)

es:ml

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

In the matter of:

RESOLUTION NO. 58-23

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 13, MAP NO. 77

26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)
Cal Centre, LLC by Daniel Rudnick (PP23404)

FINDINGS AND DETERMINATION

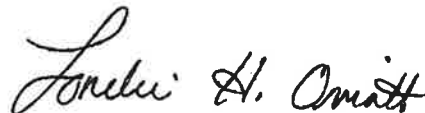
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Oliver, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **24th**, day of **August, 2023**, by the following vote, to wit:

AYES: Ashley, Dunbar, Oliver, Skidmore

NOES: None

ABSTAINED: Vacant

ABSENT: None



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.149 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 087-190-18, -19, -20, -21, -24, & -25

Section 35, T28S, R23E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department);
and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a Conditional Use Permit as provided in Section, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD District; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Addendum to a previously certified Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum to a previously certified Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum to a previously certified Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum to a previously certified Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum to a previously certified Environmental Impact Report and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors; **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons

specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following Conditions of Approval.
- (2) This approval authorizes Conditional Use Permit (CUP 13, Map 77) for the construction and operation of a sewage treatment facility on approximately 2.8 acres in an M-3 PD District; Any additions or expansions to the approved plan may be subject to a formal modification to this plan or a new Precise Development Plan/Conditional Use Permit, as determined by the Director of the Kern County Planning and Natural Resources Department
- (3) All necessary building permits must be obtained.
- (4) 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.
- (5) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (6) A plan for the disposal of drainage waters originating on site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development - Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (7) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Zoning Ordinance. A copy of the approved Outdoor Lighting Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.
- (8) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and 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.
- (9) Roof-mounted mechanical, refrigeration or heating equipment shall be concealed by full or partial enclosures that employ the same building materials as used in the facade and/or roof design so that the equipment is not visible from any off-site location. When located on the ground adjacent to a building, mechanical, refrigeration or heating equipment shall be screened by landscaping, solid masonry wall or solid fencing, or combination thereof, from abutting public streets and all adjacent properties developed with residential or commercial uses.
- (10) Should a conflict occur between the statistical data shown on the plan and the Conditions of Approval, the Conditions of Approval shall prevail.

- (11) 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, the 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.
- (12) This approval runs concurrent with PD Plan #11, Map 77. If the development for which this Conditional Use Permit has been approved pursuant to the provisions of the Zoning Ordinance has not commenced, or permits for such development have not been issued, within one- (1-) year of the granting of the use permit, or if the Conditional Use Permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the use permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (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 Addendum to a previously certified Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt 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 Commission 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.

- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the request would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.
- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.
- (8) The proposed use is consistent with the purpose of the applicable district or districts.
- (9) 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 19.08.060.

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Cal Centre, LLC (agent) (1)
Daniel Rudnick (applicant/owner) (1)
LiUNA (1)
File (3)

es:ml

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

In the matter of:

RESOLUTION NO. 59-23

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 14, MAP NO. 77

26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)
Cal Centre, LLC by Daniel Rudnick (PP23404)

FINDINGS AND DETERMINATION

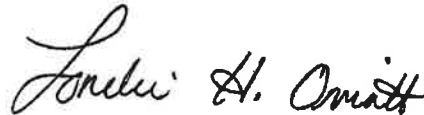
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Oliver, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **24th**, day of **August, 2023**, by the following vote, to wit:

AYES: Ashley, Dunbar, Oliver, Skidmore

NOES: None

ABSTAINED: Vacant

ABSENT: None



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.149 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 087-190-18, -19, -20, -21, -24, & -25

Section 35, T28S, R23E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a Conditional Use Permit as provided in Section, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD District; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Addendum to a previously certified Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum to a previously certified Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum to a previously certified Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum to a previously certified Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum to a previously certified Environmental Impact Report and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of

Supervisors **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following Conditions of Approval.
- (2) This approval authorizes Conditional Use Permit (CUP 14, Map 77) for the construction and operation of a water treatment facility on approximately 1.3 acres in an M-3 PD District; Any additions or expansions to the approved plan may be subject to a formal modification to this plan or a new Precise Development Plan/Conditional Use Permit, as determined by the Director of the Kern County Planning and Natural Resources Department
- (3) All necessary building permits must be obtained.
- (4) 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.
- (5) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
- (6) A plan for the disposal of drainage waters originating on site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development - Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
- (7) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Zoning Ordinance. A copy of the approved Outdoor Lighting Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.
- (8) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and 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.
- (9) Roof-mounted mechanical, refrigeration or heating equipment shall be concealed by full or partial enclosures that employ the same building materials as used in the facade and/or roof design so that the equipment is not visible from any off-site location. When located on the ground adjacent to a building, mechanical, refrigeration or heating equipment shall be screened by landscaping, solid masonry wall or solid fencing, or combination thereof,

from abutting public streets and all adjacent properties developed with residential or commercial uses.

- (10) Should a conflict occur between the statistical data shown on the plan and the Conditions of Approval, the Conditions of Approval shall prevail.
- (11) 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, the 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.
- (12) This approval runs concurrent with PD Plan #11, Map 77. If the development for which this Conditional Use Permit has been approved pursuant to the provisions of the Zoning Ordinance has not commenced, or permits for such development have not been issued, within one- (1-) year of the granting of the use permit, or if the Conditional Use Permit has been unused, abandoned, discontinued, or has ceased for a period of one (1) year, the use permit shall become null and void and of no effect, unless an extension has been granted by the decision-making authority upon written request for an extension before the expiration of the one- (1-) year period; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (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 Addendum to a previously certified Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt 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 Commission 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 recommends the Board of Supervisors adopt 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 Addendum to a previously certified 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. Design components have been incorporated from the Addendum to the previously certified Environmental Impact Report as conditions of approval.
- (4) The proposed use is consistent with the goals and policies of the Cal Centre Specific Plan and will establish development to benefit tourists and truck carrier traffic using the Interstate-5 transportation corridor.
- (5) Approval of the request would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.
- (6) The project site is ideally located for a major logistical hub. Implementation of the proposed project would facilitate development of an industrial logistical center located along major transportation corridors which include but are not limited to Interstate-5 and Seventh Standard Road. Such development along major transportation corridors are consistent with applicable federal, State and local goals for the establishment for logistical hubs that rely on regional transportation infrastructure.
- (7) All new infrastructure will be paid for by the project developer which is consistent with the adopted Cal Centre Specific Plan.
- (8) The proposed use is consistent with the purpose of the applicable district or districts.
- (9) 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 19.08.060.

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Cal Centre, LLC (agent) (1)
Daniel Rudnick (applicant/owner) (1)
LiUNA (1)
File (3)

es:ml

BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 60-23

APPLICATION FOR PRECISE DEVELOPMENT PLAN NO. 11, MAP NO. 77

26190 7th Standard Road; Buttonwillow (APNs: 087-190-18, -19, -20, -21, -24, & -25)
Cal Centre, LLC by Daniel Rudnick (PP23404)

FINDINGS AND DETERMINATION

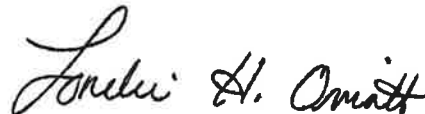
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Oliver, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **24th**, day of **August, 2023**, by the following vote, to wit:

AYES: Ashley, Dunbar, Oliver, Skidmore

NOES: None

ABSTAINED: Vacant

ABSENT: None



SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.149 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 087-190-18, -19, -20, -21, -24, & -25

Section 35, T28S, R23E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department);
and

(f) Said application has been made pursuant to provisions of Chapter 19.56 of said Ordinance Code, and requests a Precise Development Plan, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly to allow for the construction and operation of a logistics center with gross floor area of four (4) million square feet, including a 590,000-square-foot high-cube cold storage warehouse, a 1,300,000 square-foot high-cube fulfillment center warehouse, and 1,260,000-square-foot and 850,000-square-foot high-cube transload and short term storage warehouses, as well as ancillary on-site land uses including a 21-acre photovoltaic (PV) solar panel microgrid for electric vehicle and truck charging on approximately 255 acres; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Addendum to a previously certified Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum to a previously certified Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum to a previously certified Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum to a previously certified Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum to a previously certified Environmental Impact Report and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **A D O P T** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; and

recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (2) This Precise Development Plan authorizes the construction and operation of four logistics facility buildings with a combined gross floor area of 4,000,000 square feet, a 21-acre solar energy array microgrid power substation, an electric vehicle truck and car center, onsite wastewater and water treatment facilities, truck, employee and other parking areas, access driveways and roadways for internal circulation, and landscaping on 255 acres in an M 3 PD (Heavy Industrial - Precise Development Combining) District. Any additions or expansions to this plan may be subject to a minor plan modification, formal modification through the public hearing process or approval of a new precise development plan as determined by the Director of the Kern County Planning and Natural Resources Department.
- (3) All necessary building permits must be obtained.
- (4) Prior to the issuance of building permits, the applicant will color treat the proposed warehouse and office buildings to blend in with the colors found in the surrounding natural landscape while not producing reflection, as approved by the Kern County Planning and Natural Resources Department.
- (5) The following aesthetic features will be required in site plans and building permits for commercial buildings located within 1,000 feet of the Interstate 5 corridor:
 - (a) Rooftop screening features will be installed to create a visual screen for rooftop mechanical equipment, such as a parapet or screening material.
 - (b) Reflective metal exteriors will not be used as exterior architectural elements in buildings immediately adjacent to Interstate 5.
- (6) Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit to the Kern County Planning and Natural Resources Department for approval, a landscape plan that will effectively buffer foreground views of the proposed project site from Interstate 5. This landscape plan will include, but is not limited to, landscape structural elements (such as fencing), and planting materials consistent with current Kern County landscape requirements and landscaped areas will be cleared of trash and debris at least monthly during the year.

The plan will also include:

- (a) Preparation by a licensed Landscape Architect and approval by the Kern County Planning and Natural Resources Department Director prior to buffer planting.
- (b) The plan will include California native, drought-tolerant plants.
- (c) The plan will provide for an irrigation plan as required under the Kern County Zoning Ordinance 19.86.070.

- (d) Should perimeter fencing be proposed, fencing materials will be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls will be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps may be chain-link with view obscuring slats. Barbed wire is not permitted.
- (e) A 20-foot-wide perimeter buffer along any visible boundary from the Interstate 5 frontage will be included as part of the landscape plan. This buffer will consist of live ground cover, shrubs, or grass, and:
 - 1. One (1) tree having a minimum planting height of six (6) feet for every 50 lineal feet of buffer.
 - 2. Shrubs which reach a minimum height of four (4) to six (6) feet.
 - 3. Live ground cover consisting of low-height plants, or shrubs, or grass will be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.
 - 4. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and will be limited to no more than 25 percent of the required landscape area.
 - 5. Landscaping will be installed prior to final occupancy.
- (7) The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.
- (8) Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit, and the Kern County Planning and Natural Resources Department will have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.
- (9) The Applicant will develop and implement a Fugitive Dust Control Plan in compliance with San Joaquin Valley Air Pollution Control District fugitive dust suppression regulations. The Fugitive Dust Control Plan will include:
 - (a) Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
 - (b) Description and location of operation(s).
 - (c) Listing of all fugitive dust emissions sources included in the operation.
 - (d) The following dust control measures will be implemented:

1. All on-site unpaved roads will be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that will not increase any other environmental impacts including loss of vegetation.
 2. All material excavated or graded will be watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles will be watered as needed to limit dust emissions to less than 20% opacity or covered with temporary coverings.
 3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and those activities cause visible dust plumes that exceed the SJVAPCD 20% opacity standard.
 4. Track-out debris onto public paved roads will not extend 50 feet or more from an active operation and track-out will be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph.
 5. All hauling materials will be moist while being loaded into dump trucks.
 6. All haul trucks hauling soil, sand, and other loose materials on public roads will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
 7. Soil loads will be kept below six (6) inches or the freeboard of the truck.
 8. Drop heights when loaders dump soil into trucks will not exceed five (5) feet above the truck.
 9. Gate seals will be tight on dump trucks.
 10. Traffic speeds on unpaved roads will be limited to 25 miles per hour.
 11. All grading activities will be suspended when visible dust emissions exceed 20%.
 12. Other fugitive dust control measures as necessary to comply with San Joaquin Valley Air Pollution Control District Rules and Regulations.
- (10) To minimize personnel and public exposure to potential Valley Fever containing dust both on- and off-site, the following additional control measures will be included in the DCP that will be implemented by the project applicant:
- (a) Equipment, vehicles, and other items will be thoroughly cleaned of dust before they are moved off-site to other work locations.
 - (b) Wherever possible, grading and trenching work will be phased so that earth-moving equipment is working well ahead or down-wind of workers on the ground.
 - (c) The area immediately behind grading or trenching equipment will be sprayed with water before ground workers move into the area.

- (d) In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust will leave the area until a full truck resumes water spraying.
 - (e) All heavy-duty earth-moving vehicles will be closed-cab and equipped with a HEPA- filtered air system.
 - (f) Workers will receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores, to recognize the symptoms of Valley Fever and will be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training will be provided to the Kern County Planning and Natural Resources Department within five (5) days of the training session.
 - (g) A Valley Fever informational handout will be provided to all on-site construction personnel. The handout will, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
 - (h) On-site personnel will be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (NIOSH)-approved respirators will be provided to on-site personnel, upon request. When exposure to dust is unavoidable, appropriate NIOSH –approved respiratory protection will be provided to affected workers. If respiratory protection is necessary due to Valley Fever exposure risks at the project site, a respiratory protection program in accordance with Cal/OSHA’s Respiratory Protection standard (8 CCR 5144) will be implemented.
- (11) If required at the time of project implementation, a COVID -19 Health and Safety Plan will be prepared in accordance with the Kern County Public Health Service Department and Kern County Health Officer mandates. A copy of any required COVID-9 Health and Safety Plan will be submitted to the Kern County Planning and Natural Resources Department for review and filing.
 - (12) Prior to issuance of grading permits, a one-(1-)time fee will be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.
 - (13) Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below two (2) tons per year for NOx (total Project construction and operations), and a baseline below two (2) tons per year for PM10 emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project’s Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).

A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective emission reductions as a replacement for the requirements of this mandatory project design and implementation component.

- (14) Prior to initiation of any site preparation and/or construction activities, the project proponent will retain a Lead Biologist. The Lead Biologist retained by the applicant will be a qualified biologist for all work on reports submitted for any application for project permit. The qualified biologist must have a Bachelor of Science Degree or Bachelor of Arts Degree in biology or related environmental science, have demonstrated familiarity with the natural history, habitat affinities and identification of Covered Species of the San Joaquin Valley and have conducted work in California for at least one (1) year of field level reconnaissance

survey work in the San Joaquin Valley. The resume of the biologist preparing any report submitted for permits shall be included in the report. Lack of these specific qualifications will result in immediate rejection of the report without further review. The Lead Biologist will have oversight over implementation of all necessary avoidance and minimization efforts and will have the authority to stop construction activities if any of the requirements associated with these measures are not being fulfilled. If the biologist has requested work activities stop due to take of any listed species, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be notified within one (1) day via email and telephone

- (15) Prior to the issuance of grading or building permits and for the duration of construction activities, all new construction workers at the project site will attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist. Any employee responsible for the operations and maintenance or decommissioning of the project facilities will also attend the Environmental Awareness Training and Education Program.
- (a) The Training Program will include, but not be limited to, information on the life history of species including the blunt-nosed leopard lizard, San Joaquin whipsnake, coast horned lizard, burrowing owl, Swainson's hawk, prairie falcon, Le Conte's thrasher, Nelson's antelope squirrel, giant kangaroo rat, short-nosed kangaroo rat, Tipton kangaroo rat, Tulare grasshopper mouse, San Joaquin pocket mouse, American badger, nesting birds, and San Joaquin kit fox, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of "take" under the Endangered Species Act, measures to protect the species, reporting requirements, specific measures that each worker will employ to avoid take of wildlife species, and penalties for violation of the Act.
 - (b) To ensure employees and contractors understand their roles and responsibilities, training may be conducted in languages other than English.
 - (c) An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed will kept on record;
 - (d) A sticker will be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers will not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker;
 - (e) A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Environmental Awareness Training and Education Program and copies of the signed acknowledgement forms will be submitted to the Kern County Planning and Natural Resources Department.
 - (f) The construction crews and contractor(s) will be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.
 - (g) An Operation and Maintenance-phase version of the WEAP will be maintained within the on-site O&M facility for review as may be necessary during the life of the project.
 - (h) All vehicles will be directed to exercise caution when commuting within the project area. A 15-mile per hour speed limit will be enforced on unpaved roads.

- (i) Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.
 - (j) A litter control program will be instituted at the project site. All workers will ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers will be removed from the project area at the end of each working day.
 - (k) No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) will be permitted on construction sites to avoid harassment, killing, or injuring of listed species.
 - (l) Maintenance and construction excavations greater than two (2) feet deep will be covered, filled in at the end of each working day, or have earthen escape ramps no greater than 200 feet apart provided to prevent entrapment of listed species.
 - (m) All construction activities will be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time will equipment or personnel be allowed to adversely affect areas outside the project site.
 - (n) Because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of the project site by artificial lighting during nighttime hours is prohibited.
 - (o) Tightly woven fiber netting or similar material will be used for erosion control or other purposes at the project site to ensure that special-status species do not get trapped. This limitation will be communicated to the contractor through use of Special Provisions included in the bid solicitation package.
 - (p) Use of rodenticides and herbicides at the project site will be avoided to the maximum extent feasible. If use is unavoidable, rodenticides and/or herbicides will be utilized in such a manner to prevent primary or secondary poisoning of special-status species and depletion of prey populations on which they depend. All uses of such compounds will observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Pesticide Regulation, and other appropriate state and federal regulations as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.
- (16) A pre-construction survey by a qualified biologist or monitor will be conducted no more than 30 days and no less than 14 days prior to the commencement of any site preparation, ground disturbance, and/or construction activities in previously undisturbed areas of the project site. If any evidence of occupation of that portion of the project site by listed or other special-status plant or animal species is observed, a buffer will be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted for further guidance and consultation on additional measures. The project proponent or operator will obtain any required permits from the appropriate wildlife agency. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, will be submitted to the Kern County Planning and Natural Resources Department.

The following buffer distances will be established prior to commencement of any site preparation and/or construction activities, if any listed or other special status plant or animal species is observed:

- (a) San Joaquin kit fox or American badger potential den: 50 feet;
 - (b) San Joaquin kit fox or American badger known den: 100 feet;
 - (c) San Joaquin kit fox or American badger pupping den: contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife;
 - (d) Burrowing owl burrow outside of breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
 - (e) Burrowing owl burrow during breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
 - (f) Swainson's hawk nest during breeding season: 0.5 mile;
 - (g) Other protected raptor nests during the breeding season: as recommended by a qualified biologist;
 - (h) Other protected nesting migratory bird nests during the breeding season: as recommended by a qualified biologist; and
 - (i) Coast horned lizard, San Joaquin whipsnake, and other special-status wildlife species: as recommended by a qualified biologist
- (17) If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys will be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area will include a 500-foot buffer surrounding the property. If no active nests are found within the survey area, no further mitigation is required. If nesting activity is identified during the pre-construction survey process, the following measures will be implemented:
- (a) If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are observed within the project site, then the project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - (b) If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
 - (c) Active nests will be documented by a qualified biologist, and a letter report will be submitted to the Kern County Planning and Natural Resources Department documenting project compliance with the Migratory Bird Treaty Act and California Fish and Game Code.
- (18) The project proponent will implement the following measures, based on the recently updated California Department of Fish and Game (now California Department of Fish and Wildlife) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation will be avoided and minimized to less-than-significant levels:

A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct pre-construction surveys of the permanent and temporary impacts areas, plus an ISO-meter (approximately 492-foot) buffer, to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the Staff Report and will consist of walking parallel transects seven (7) to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing. As each burrow is investigated, biologists will also look for signs of American badger and kit fox. Copies of the survey results will be submitted to the California Department of Fish and Wildlife and Kern County Planning and Natural Resources Department.

If burrowing owls are detected, no ground-disturbing activities, such as road construction or ancillary facilities, will be permitted within the distances listed below in the table titled "Burrowing Owl Burrow Buffers," unless otherwise authorized by California Department of Fish and Wildlife. Burrowing owls will not be moved or excluded from burrows during the breeding season.

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the 2012 Staff Report on Burrowing Owl Mitigation. Burrowing owls should not be excluded from burrows unless or until:

Occupied burrows will not be disturbed during the nesting season unless a qualified biologist meeting the Biologist Qualifications set forth in the May 2012 California Department of Fish and Wildlife Staff Report, verifies through noninvasive methods that either: (1) the owls have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls will not be moved or excluded from burrows during the breeding season.

A Burrowing Owl Exclusion Plan is developed and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan will include, at a minimum:

Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;

Type of scope and appropriate timing of scoping to avoid impacts;

Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily, and monitored for evidence that owls are inside and can't escape, i.e., look for sign immediately inside the door);

How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that owls reside the burrow);

Removal of other potential owl burrow surrogates or refugia on-site;

Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;

How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the measures described below.

Temporary exclusion is mitigated in accordance with the measures described below.

Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one (1) week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.

Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist will excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors will be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. The one-way doors can be removed 48 hours after installation, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.

During construction activities, monthly and final compliance reports will be provided to the California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department, and other applicable resources agencies documenting the effectiveness of mandatory project design and implementation components and the level of burrowing owl take associated with the proposed project.

Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented on-site or off-site in accordance with Burrowing Owl Staff Report guidance and in consultation with the California Department of Fish and Wildlife. At a minimum, the following recommendations will be implemented:

Temporarily disturbed habitat will be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating. If restoration is not feasible, then the project proponent will implement (2) below.

Permanent impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat will be mitigated such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced based on a site-specific analysis and will include:

Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. Conservation will occur in areas that support burrowing owl habitat and can be enhanced to support more burrowing owls.

Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife- approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

Develop and implement a mitigation land management plan in accordance with Burrowing Owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.

Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Habitat will not be altered or destroyed, and burrowing owls will not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Mitigation lands should be on, adjacent to, or in proximity to the impact site, where feasible, and where habitat is sufficient to support burrowing owls.

Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.

- (19) If any burrowing owl burrows are observed during the pre- construction survey, avoidance measures consistent with those included in the California Department of Fish and Wildlife staff report on burrowing owl mitigation (CDFG, 2012) will be implemented by a qualified biologist.

If occupied burrowing owl burrows are observed outside of the breeding season, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (CDFG, 2012) (Table 1). During the breeding season, a buffer zone, as noted in Table 1, will be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Buffer zones may be reduced in size through consultation with appropriate agencies and the project biologist to determine if avoidance would still be achieved. The Kern County Planning and Natural Resources Department will be kept apprised of meetings and correspondence for any consultation.

Table 1: Burrowing Owl Burrow Buffers (CDFG Staff Report, 2012)

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft
Nesting Sites	Aug 16-Oct 15	656 ft	656 ft	1,640 ft
Any Occupied Burrow	Oct 16-Mar 31	164 ft	328 ft	1,640 ft

- (20) Prior to issuance of grading or building permits, a long- term trash abatement program will be established for construction, operations and maintenance. Trash and food items will be contained in closed containers and removed daily.

- (21) Prior to and during construction activities, the project proponent will comply with the following:
- (a) Any pipe, culvert, or similar structure with a diameter of four (4) inches or greater, stored on-site for one (1) or more nights will be inspected to ensure kit foxes or other wildlife have not become entrapped or buried in the pipes. If the pipes, culverts, or similar structures with a diameter of four (4) inches or greater are not capped or otherwise covered, they will be inspected twice daily, in the morning and evening, and prior to burial or closure, to ensure no kit foxes or other wildlife become entrapped or buried in the pipes.
 - (b) All food, garbage, and plastic will be disposed of in closed containers and regularly removed from the site to minimize attracting ranging kit fox, or other wildlife to the site where they may be harmed. All trash will be removed and disposed of regularly in accordance with state and local laws and regulations.
- (22) Prior to and during construction activities:
- (a) If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens will be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens will be marked, and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status will change to “known” per United States Fish and Wildlife Service guidelines (1999), and the buffer distance will be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known, or pupping dens will occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife.
 - (b) To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence will leave a five- (5-) inch opening between the fence mesh and the ground, or the fence will be raised five (5) inches above the ground. The bottom of the fence fabric will be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.
 - (c) All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods will 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 will not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.
 - (d) To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered with plywood or similar materials at the close of each working day or provided with one (1) or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures will be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted.

- (e) All vertical tubes used in project construction, such as chain link fencing poles will be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.
- (23) Pre-construction protocol-level surveys by a qualified biologist for nesting birds will be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1– August 31), to reduce potential impacts to nesting birds and raptors. The survey will be conducted within 30 days of ground disturbance activities.
- (a) If any nesting birds/raptors are observed, a qualified biologist will determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure will be implemented so that the project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.
- (24) Prior to any vegetation removal during site preparation, the areas required for construction will be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife will be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation will not be removed in areas that contain actively nesting birds. A biological monitor will survey the areas of vegetation slated for removal, and a report will be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.
- (25) The measures below will be implemented throughout construction and operation of the project:
- (a) Project-related vehicles will observe a 15 mile-per-hour speed limit in all project areas, except on county roads and State and federal highways. Construction after sundown will be prohibited. Off-road traffic outside of designated project areas will be prohibited.
 - (b) No pets will be allowed in project areas, except for trained canine animals related to security and operation of the facility.
 - (c) All uses of herbicidal and rodenticide compounds will observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and federal and State legislation as well as additional project-related restrictions deemed necessary by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service.
 - (d) No plants or wildlife will be collected, taken, or removed from the construction areas or areas of off-site improvements, except as necessary for project-related vegetation removal or wildlife relocation. Salvage of native vegetation to be removed from construction areas is encouraged but will only be performed by qualified biologists and with written approval from the California Department of Fish and Wildlife.
 - (e) If San Joaquin kit fox known or pupping dens are observed in project areas, the project proponent will contact the United States Fish and Wildlife Service and California Department of Fish and Wildlife to discuss appropriate actions.
- (26) Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.

The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.

If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project Archaeologist, will designate repositories in the event that resources are recovered.

- (27) During project construction, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find. A qualified paleontologist will be obtained to evaluate the significance of the resource(s) and recommend appropriate treatment measures. Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.
- (28) Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:

The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.

In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

Consistent with mandatory project design and implementation of Condition 23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.

If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):

- (a) a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;
- (b) sample excavation;
- (c) surface artifact collection;
- (d) site documentation; and,
- (e) historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.

The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

- (29) During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground- disturbing activities within 50 feet of the find.

A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.

At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

- (30) If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.

- (31) The proposed Project, will to the extent feasible and to the satisfaction of the Kern County Planning Department incorporate the following energy conservation and design features to reduce the level of energy consumption of the proposed Project. The following list is non-inclusive of all potential conservation and design features that may be included and may be added to at the discretion of Kern County as new technologies become available and feasible to be incorporated:

- (a) Solar photovoltaics (PV) mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants. Encourage green building measures that contribute to reducing energy use to 25% less than Title 24 requirements;
- (b) Solar water heating to provide non-industrial water heating;
- (c) Ground mounted solar PV arrays to provide a portion of the estimated electrical demand for the proposed Wastewater Treatment and Recycle Facility;

- (d) Commercial buildings will be designed to meet LEED Silver standards; Roofs on all buildings will be of a light color to reduce heat generation;
 - (e) Portions of parking lots (drive aisles) may be paved with concrete versus asphalt to reduce initial solar reflectance;
 - (f) Depending on the usage, portions of parking lots may be covered, and the parking lot roofs contain solar PV;
 - (g) Use LED lighting fixtures on all public streets and site lighting;
 - (h) Include dedicated EV parking at a rate more than required by current codes;
 - (i) Include EV charging facilities to encourage the usage of electric vehicles;
 - (j) Encourage the utilization of electric forklifts and other material handling vehicles to reduce usage of fossil fuels;
 - (k) Design circulation features into the public street improvements to include bus stops and/or other public transportation;
 - (l) Include bicycle friendly features to reduce Vehicle Miles Traveled (VMT) and to encourage non-vehicular transportation;
 - (m) Encourage the usage of high efficiency electric motors for the industrial uses and the wastewater treatment plant.
- (32) The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.
- (33) Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

- (a) Maximum considered earthquake and associated ground acceleration;
- (b) Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;
- (c) Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;
- (d) Foundation material type;
- (e) Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

- (34) Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.
- (35) Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.
- (36) Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department

- (37) The project proponent will use existing roads to the greatest extent feasible to minimize erosion.

Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

- (38) The project proponent will continuously comply with the following:
 - (a) The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).
 - (b) The plans will be submitted to the Kern County Public Works Department for review and approval.

- (39) The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:
- (a) Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);
 - (b) Sediment collection facilities as may be required by the Kern County Public Works Department;
 - (c) A timetable for full implementation, estimated costs and a surety bond or other security as approved by the County; and
 - (d) Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.
 - (e) Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.
- (40) Prior to the issuance of permits, the project proponent will provide evidence to the Kern County Planning and Natural Resources Department that the siting, design and construction of any potentially proposed septic system(s) and leach field disposal system(s) comply with the 2016 Kern County On-site Systems Manual as authorized by the California Water Board Local Agency Management Program (LAMP) and administered locally by the Kern County Environmental Health Services Department (KCEHS). Proving the proposed septic design plans comply with these requirements will ensure that all standards for septic tanks, seepage pits, and soils are capable of adequately supporting the use of septic tanks.
- (41) The final leach field disposal system that may potentially be proposed will be designed by a licensed engineer, taking into full consideration the recommendations provided in the June 2016 Kern County On-site Systems Manual.
- (42) During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> for review and approval. The HMBP will:
- (a) Delineate hazardous material and hazardous waste storage areas,
 - (b) Describe proper handling, storage, transport, and disposal techniques,
 - (c) Describe methods to be used to avoid spills and minimize impacts in the event of a spill,
 - (d) Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction,
 - (e) Establish public and agency notification procedures for spills and other emergencies including fires,
 - (f) Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site,

The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.

- (43) Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/ Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.
- (44) If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:
 - (a) All work will immediately stop in the vicinity of the suspected contaminant;
 - (b) Project Construction Manager will be notified;
 - (c) Area(s) will be secured as directed by the Project Construction Manager;
 - (d) Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,
 - (e) Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.
- (45) Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated biphenyls will be removed by the hazardous specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.

Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-mounted transformers, PG&E will be contacted for their removal or replacement.
- (46) Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re-abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
- (47) The following note will appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required."
- (48) Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A "Dig Alert"

ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.

- (49) If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non-Emergency telephone number for the Kern County Fire Department is (661) 324-6551. The project will follow all safety and cleanup regulations.
- (50) If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.
- (51) Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

Herbicides will be mixed and applied in conformance with the product manufacturer's directions.

The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.

To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.

Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.

If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.

- (52) If asbestos containing materials are identified during construction, then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.
- (53) The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:
 - (a) Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not apply to activities where hourly limitations would result in increased safety risk to workers or the public.

- (b) Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
 - (c) Where feasible construction equipment will be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
 - (d) Haul trucks will not be allowed to idle for periods greater than five (5) minutes, except as needed to perform a specified function (e.g., concrete mixing).
 - (e) On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).
 - (f) Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.
- (54) Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:
- (a) The disturbance coordinator will be responsible for responding to any local complaints about construction noise.
 - (b) The disturbance coordinator will determine the cause of the noise complaint (e.g., starting to early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.
- (55) The following notes will be placed on all grading and building permits issued for the project site:
- (a) Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, will be used where feasible.
 - (b) During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.
 - (c) All equipment will be fitted with factory equipped mufflers and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- (56) Prior to the issuance of grading or building permits, the project proponent will develop and implement a Fire Safety Plan for use during construction and operation. The project proponent will submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan will contain notification procedures and emergency fire precautions for construction and operations phases of the proposed project.

(57) Prior to the issuance of construction or building permits, the project proponent will:

- (a) Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:
 - 1. Timing of deliveries of heavy equipment and building materials;
 - 2. Directing construction traffic with a flag person;
 - 3. Placing temporary signing, lighting, and traffic control devices if required including pedestrians and bicyclist; including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
 - 4. Ensuring access for emergency vehicles to the project sites;
 - 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 - 6. Maintaining access to adjacent property; and,
 - 7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.
- (b) Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits will be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department-Development Review.
- (c) Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Kern County.
- (d) Submit documentation that identifies the roads to be used during construction. The project proponent will be responsible for repairing any damage to non-county- maintained roads that may result from construction activities. The project proponent will submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.
- (e) Within 30 days of completion of construction, the project proponent will submit a post-construction video log and inspection report to the County. This information will be submitted in DVD format. The County, in consultation with the project proponent's engineer, will determine the extent of remediation required, if any.

- (f) Prior to issuance of building or grading permits the project applicant shall provide the calculated T.I. for Seventh Standard Road and Buttonwillow Drive for approval by the Kern County Public Works Department. If required, the project proponent shall reconstruct existing roadways to a sufficient T.I. as determined by Kern County Public Works Department.
- (g) Prior to the issuance of building or grading permits, the project applicant shall record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Seventh Standard Road, project frontage, 55 feet in width, including right turn channelization (Plate R-40) and expanded intersection at Buttonwillow Drive, per the Kern County Land Division Ordinance and Development Standards.
- (h) Prior to the issuance of building or grading permits, the project applicant shall record, through the Public Works Department, an irrevocable offer of dedication to the County of Kern of all subject property for Buttonwillow Drive, project frontage, 55 feet in width, including right turn channelization (Plate R-40), per the Kern County Land Division Ordinance and Development Standards.
- (i) Prior to the issuance of building or grading permit, the project proponent shall dedicate a non-access easement along Wasco Way project frontage, thus ensuring no access to the project site is taken from this roadway. Should future site access be proposed from Wasco Way, the project proponent shall submit an additional traffic analysis to Kern County Public Works for review and approval. No access from Wasco Way shall be authorized unless approved by the Director of Public Works.
- (j) Prior to issuance of building or grading permits, under street improvement plans approved by the Kern County Public Works Department, the project proponent shall construct Seventh Standard Road to Type A Subdivision Standards, half-width arterial highway (Plate R-3) including expanded intersection (Plate R-35), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.
- (k) Prior to issuance of building or grading permits, under street improvement plans approved by the Kern County Public Works Department, construct Buttonwillow Drive to Type A Subdivision Standards, half width arterial highway (Plate R-3), in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements will be curb, gutter, sidewalk, drive approaches (Plate R-58), median, asphalt concrete, and the necessary tie-ins.
- (l) Prior to issuance of final occupancy permits, the project proponent shall construct full traffic signals at the intersections of Cal Centre Drive at Seventh Standard Road and Cal Centre Drive at Buttonwillow Drive. Should the project propose restricted access or should existing traffic configurations at these locations be warranted, the project proponent shall provide a supplemental traffic analysis with recommended improvements to be reviewed and approved by Kern County Public Works Department. If authorized by Kern County Public Works, modified control mechanisms can be implemented in lieu of full traffic signals.

- (m) Prior to issuance of building or grading permits, the project proponent shall enter into a secured agreement with the Kern County Public Works Department to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and or Kern County.
 - (n) Prior to issuance of building or grading permits, the project proponent shall obtain all necessary Encroachment Permits for any proposed work within the County road right of way. These permits may be obtained from the Department Permits Engineer.
 - (o) All internal roadways, including but not limited to Cal Centre Drive shall be considered private roadways and shall be privately maintained by the project proponent.
- (58) All special equipment for the proposed Project, such as package treatment plants, their appurtenances, and their effluent disposal areas and methods, if any, will be designed, located, and constructed in coordination with the Kern County Public Works Department, so as to preclude contamination, pollution, nuisance, and structural and mechanical instability.
 - (59) Proposals and plans for package treatment and disposal facilities, if any, will be subject to the review and approval of:
 - (a) The State and County Environmental Health Services Departments for design and contamination aspects;
 - (b) The Regional Water Quality Control Board for elements of pollution and nuisance; and
 - (c) The Kern County Public Works Department for structural and mechanical integrity. Special structures, such as pump stations, pressure lines and sags, etc. will be subject to the approval of the Kern County Public Works Department and the maintaining District.
 - (60) New wastewater package plant facilities, if any, will be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and will be operated in such a way as to not contaminate the underlying unconfined aquifer.
 - (61) All facilities of the water system will be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.
 - (62) Water meters will be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future land owners will be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.
 - (63) During construction, demolition debris and construction wastes will be recycled to the extent feasible.
 - (a) An on-site recycling coordinator will be designated by the Project Applicant/Developer to facilitate recycling of all construction waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
 - (b) The name and phone number of the coordinator will be provided to the Kern County Waste Management Department prior to issuance of building permits.

- (c) The on-site recycling coordinator will also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal.
- (64) Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.
- (65) **Prior to final occupancy approval, the following conditions shall be verified and shall be continuously maintained while this permit is active:**
- (a) 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, tees, 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/project proponent and may result in significant financial expenditures.
 - (b) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
 - (c) From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.
 - (d) The private road serving the site shall be improved with a minimum of two (2) inches of A.C. paving over a three- (3-) inch compacted aggregate base, with a minimum improved width of 25 feet.
 - (e) Parking spaces shall be provided as shown on the approved plan. Any change to the approved plan will require, at minimum, a minor plan modification.
 - (f) All vehicle parking and maneuvering areas shall be surfaced with a minimum of two (2) inches of A.C. paving or material of higher quality.
 - (g) Vehicle parking spaces shall be nine (9) feet by 20 feet or larger in size and shall be designated by white painted stripes, except as provided in Sections 19.82.030 and 19.82.040 of the Zoning Ordinance. A maximum of 20 percent of the required parking spaces may be designated as compact spaces and shall be eight (8) feet by 16 feet or larger in size.
 - (h) Concrete wheel blocks or a six-(6-) inch raised A.C. curb shall be installed at each parking space that abuts a structure or property line.
 - (i) Parking lot or site illumination shall be directed away from adjoining properties and public roads.
 - (j) Landscaping and irrigation has been installed or bonded for pursuant to the approved landscape plan.
 - (k) All signs shall comply with the signage regulations of the applicable base zone District and with Chapter 19.84 of the Zoning Ordinance.

- (l) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (m) All trash receptacles shall be screened in such a manner so that they are not visually obtrusive from any off-site location. The location and method of screening for all trash receptacles shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction.
- (n) 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. Screening, if required by the base district regulations, shall also be provided.
- (o) Based on area Fire and safety needs, the applicant shall pay \$300,000 annually to the Kern County Fire Department for equipment and staffing for a dedicated paramedic for the Buttonwillow area. The payment shall be made to the Kern County Planning and Natural Resources Department for transfer to the Kern County Fire Department. The first payment shall be made 30 days after the issuance of the first Certificate of Occupancy for any building or facility on the site. The date shown on the first Certificate of Occupancy for any building or facility on the property shall become the date every year on which the payment is due. No grace period shall be authorized for payment and any failure to pay on time shall be considered a violation of the conditions of this Precise Development Plan. The use of the funding shall be at the sole discretion of the Kern County Fire Department for the continued establishment of a fully equipped paramedic in the Buttonwillow area.
- (p) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (q) All new on-site utility services shall be placed underground.
- (66) If development for which this Precise Development Plan has been approved pursuant to the provisions of the Zoning Ordinance has not commenced within three (3) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the three- (3-) year period.

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (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 Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt 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 Commission 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 recommends the Board of Supervisors adopt 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 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. Design Components have been incorporated from the Addendum Environmental Impact Report as conditions of approval.
- (4) The proposed development is consistent with the designations, goals, and policies of the Cal Centre Specific Plan.
- (5) The proposed use is consistent with the purpose of the applicable district or districts.
- (6) The proposed use is listed as a use subject to a Precise Development Plan 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.
- (7) The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (8) 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.

With implementation of the identified mitigation measures and identified conditions of approval, the proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

- (9) Approval of the Precise Development Plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public.
- (10) Approval of this request would promote development that is consistent with existing and potential land uses of the surrounding the area and will allow a reasonable use of this property.
- (11) The project will require minimal expansion of infrastructure to support the proposed development.
- (12) The requirement for road improvements is necessary for the protection of the public health, safety, and welfare and is in compliance with Section 65909 of the California Government Code, inasmuch as the proposed development will generate more traffic in the immediate vicinity.

- (13) Approval of this project shall not be considered operative, vested, or final in 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.
- (14) The proposed development is consistent with the designations, goals, and policies of the Cal Centre Specific Plan.
- (15) The proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity
- (16) Approval of the Precise Development Plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Daniel Rudnick (agent) (1)
Cal Centre, LLC (applicant/owner) (1)
LiUNA/Arthur Izzo (1)
Kern County Assessor/Chief, Realty Division (1)
File (3)

es:ml

Exhibit A
15091 Findings of Fact

EXHIBIT A
FINDINGS OF FACT IN SUPPORT OF FINDINGS
RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACT

State CEQA Guidelines Section 15091

For

Cal Centre Warehouse Project
by Cal Centre LLC

Specific Plan Amendment No.9, Map 77
Zone Change Case No. 26, Map 77
Precise Development Plan No. 11, Map 77
Conditional Use Permit No.13, Map 77
Conditional Use Permit No.14, Map 77

For

Addendum No. 1
Certified Final Environmental Impact Report
(SCH# 87030921)
Cal Centre Specific Plan

Lead Agency:

Kern County Planning and Natural Resources Department

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the *Final Environmental Impact for General Plan Amendment Case No. 2, Map. No. 77-35 (Cal Center), State Clearinghouse #87030921* (“EIR”), and *Addendum No. 1 Certified Final Environmental Impact Report Cal Center Specific Plan, State Clearinghouse #8703092* (“Addendum”) for the Cal Centre Warehouse Project, Specific Plan Amendment No. 9, Map 77, Zone Change Case No. 26, Map 77, Precise Development Plan No. 11, Map 77, Conditional Use Permit No. 13, Map 77, and Conditional Use Permit No. 14, Map 77, as well as additional facts found in the complete record of proceedings. The EIR and Addendum are hereby incorporated herein by reference and are available for review at the Kern County Planning and Natural Resources Department, 2700 “M” Street, Suite 100, Bakersfield, California 93301, during normal business hours.

SECTION II. INTRODUCTION AND PROJECT SUMMARY

The EIR was prepared for the Cal Centre Specific Plan (referred to herein as the “approved project”) which evaluated the potential environmental impacts associated with the development of 255 acres for highway and service commercial uses (the EIR “Project Area”) and adopted the Cal Centre Specific Plan which includes Specific Plan designations, zoning, development and mitigation standards. The Kern County Board of Supervisors certified the EIR (referred to herein as the “certified EIR”) and approved the approved project on January 4, 1988. Further Specific Plan amendments for the approved project were approved by the Board of Supervisors in March 1988. A Precise Development Plan for 25 acres of the site was approved by the Planning and Natural Resources Hearing Officer at a Director’s Hearing in July 2016 (PD Plan No. 9, Map no. 77, Notice of Decision 42-16) and expired on May 3, 2021.

The Addendum considers modifications to the approved project, which includes a Specific Plan amendment (SPA 9, Map 77) from 3.3 (Public Facilities), 6.3 (Highway Commercial) and 6.2 (Service, General Commercial) to 7.3 (Heavy Industrial), amendments to the plans and circulation maps of the Specific Plan (SPA 9, Map 77), (SPA 9, Map 77), a zone change from A (Exclusive Agriculture), CH PD (Highway Commercial, Precise Development Combining District), and C-2 PD (General Commercial, Precise Development Combining District) to M-3 PD (Heavy Industrial, Precise Development Combining District (ZCC 26, Map 77), a conditional use permit (CUP 13, Map 77) to construct an onsite sewage treatment plant and related facilities, a conditional use permit (CUP 14, Map 77) to construct an onsite domestic well water treatment plant, and consideration of a precise development (“PD”) plan (PD Plan 11, Map 77) for four logistics warehouse buildings with a combined gross floor area of 4 million (4,000,000) square feet, an EV Truck/Car Charging Center (11,000 square feet) and onsite ancillary land uses, including a 21-acre photovoltaic (“PV”) solar panel array and a microgrid for electric vehicle and truck charging, and rooftop PV solar facilities that will generate onsite electricity equal to 90 percent of the project’s annual electrical demand (the “modified Project”) on 255 acres.

The modified Project also includes additional design features and implementation requirements which incorporate and expand on mitigation policies incorporated into the Specific Plan and which are adopted as mandatory conditions of Project approval, as listed in Table 2.1

TABLE 2.1: Project Design and Implementation Components	
D&I Component 1	Prior to the issuance of building permits, the applicant will color treat the proposed warehouse and office buildings to blend in with the colors found in the surrounding natural landscape while not producing reflection, as approved by the Kern County Planning and Natural Resources Department.
D&I Component 2	The following aesthetic features will be required in site plans and building permits for commercial buildings located within 1,000 feet of the Interstate 5 corridor:

	<p>a. Rooftop screening features will be installed to create a visual screen for rooftop mechanical equipment, such as a parapet or screening material.</p> <p>b. Reflective metal exteriors will not be used as exterior architectural elements in buildings immediately adjacent to Interstate 5.</p>
D&I Component 3	<p>Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit to the Kern County Planning and Natural Resources Department for approval, a landscape plan that will effectively buffer foreground views of the proposed project site from Interstate 5. This landscape plan will include, but is not limited to, landscape structural elements (such as fencing), and planting materials consistent with current Kern County landscape requirements and landscaped areas will be cleared of trash and debris at least monthly during the year.</p> <p>The plan will also include:</p> <p>a. Preparation by a licensed Landscape Architect and approval by the Kern County Planning and Natural Resources Department Director prior to buffer planting;</p> <p>b. The plan will include California native, drought-tolerant plants.</p> <p>c. The plan will provide for an irrigation plan as required under the Kern County Zoning Ordinance 19.86.070.</p> <p>d. Should perimeter fencing be proposed, fencing materials will be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls will be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps may be chain-link with view obscuring slats. Barbed wire is not permitted.</p> <p>e. A 20-foot wide perimeter buffer along any visible boundary from the Interstate 5 frontage will be included as part of the landscape plan. This buffer will consist of live ground cover, shrubs, or grass, and:</p> <p>1. One (1) tree having a minimum planting height of six (6) feet for every 50 lineal feet of buffer;</p>

	<p>2. Shrubs which reach a minimum height of four (4) to six (6) feet.</p> <p>3. Live ground cover consisting of low-height plants, or shrubs, or grass will be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs</p> <p>4. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and will be limited to no more than 25 percent of the required landscape area.</p> <p>5. Landscaping will be installed prior to final occupancy.</p>
D&I Component 4	The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.
D&I Component 5	Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit, and the Kern County Planning and Natural Resources Department will have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.
D&I Component 6	<p>The Applicant will develop and implement a Fugitive Dust Control Plan in compliance with San Joaquin Valley Air Pollution Control District fugitive dust suppression regulations. The Fugitive Dust Control Plan will include:</p> <p>a. Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.</p> <p>b. Description and location of operation(s).</p> <p>c. Listing of all fugitive dust emissions sources included in the operation.</p> <p>d. The following dust control measures will be implemented:</p> <p>1. All onsite unpaved roads will be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air</p>

	<p>Resources Board approved soil stabilizers, and that will not increase any other environmental impacts including loss of vegetation.</p> <p>2. All material excavated or graded will be watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles will be watered as needed to limit dust emissions to less than 20% opacity or covered with temporary coverings.</p> <p>3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and those activities cause visible dust plumes that exceed the SJVAPCD 20% opacity standard.</p> <p>4. Track-out debris onto public paved roads will not extend 50 feet or more from an active operation and track-out will be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph.</p> <p>5. All hauling materials will be moist while being loaded into dump trucks.</p> <p>6. All haul trucks hauling soil, sand, and other loose materials on public roads will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).</p> <p>7. Soil loads will be kept below 6 inches or the freeboard of the truck.</p> <p>8. Drop heights when loaders dump soil into trucks will not exceed 5 feet above the truck.</p> <p>9. Gate seals will be tight on dump trucks.</p> <p>10. Traffic speeds on unpaved roads will be limited to 25 miles per hour.</p> <p>11. All grading activities will be suspended when visible dust emissions exceed 20%.</p> <p>12. Other fugitive dust control measures as necessary to comply with San Joaquin Valley Air Pollution Control District Rules and Regulations.</p>
D&I Component 7	To minimize personnel and public exposure to potential Valley Fever– containing dust both on- and off-site, the following

	<p>additional control measures will be included in the DCP that will be implemented by the project applicant:</p> <ul style="list-style-type: none"> a. Equipment, vehicles, and other items will be thoroughly cleaned of dust before they are moved off-site to other work locations. b. Wherever possible, grading and trenching work will be phased so that earth-moving equipment is working well ahead or down- wind of workers on the ground. c. The area immediately behind grading or trenching equipment will be sprayed with water before ground workers move into the area. d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust will leave the area until a full truck resumes water spraying. e. All heavy-duty earth-moving vehicles will be closed-cab and equipped with a HEPA- filtered air system. f. Workers will receive training in procedures to minimize activities that may result in the release of airborne <i>Coccidioides immitis</i> (CI) spores, to recognize the symptoms of Valley Fever and will be instructed to promptly report suspected symptoms of work- related Valley Fever to a supervisor. Evidence of training will be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session. g. A Valley Fever informational handout will be provided to all on- site construction personnel. The handout will, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department. h. On-site personnel will be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (NIOSH)-approved respirators will be provided to on-site personal, upon request. When exposure to dust is unavoidable, appropriate NIOSH – approved respiratory protection will be provided to affected workers. If respiratory protection is necessary due to Valley Fever exposure risks at the project site, a respiratory protection program in accordance with Cal/OSHA’s Respiratory Protection standard (8 CCR 5144) will be implemented.
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D&I Component 8	If required at the time of project implementation, a COVID -19 Health and Safety Plan will be prepared in accordance with the Kern County Public Health Service Department and Kern County Health Officer mandates. A copy of any required COVID-9 Health and Safety Plan will be submitted to the Kern County Planning and Natural Resources Department for review and filing.
D&I Component 9	Prior to issuance of grading permits, a one-time fee will be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.
D&I Component 10	<p>Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below 2 tons per year for NOx (total Project construction and operations), and a baseline below 2 tons per year for PM10 emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project's Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).</p> <p>A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective emission reductions as a replacement for the requirements of this mandatory project design and implementation component.</p>
D&I Component 11	Prior to initiation of any site preparation and/or construction activities, the project proponent will retain a Lead Biologist. The Lead Biologist retained by the applicant will be a qualified biologist for all work on reports submitted for any application for project permit. The qualified biologist must have a Bachelor of Science Degree or Bachelor of Arts Degree in biology or related environmental science, have demonstrated familiarity with the natural history, habitat affinities and identification of Covered Species of the San Joaquin Valley and have conducted work in California for at least one (1) year of field level reconnaissance survey work in the San Joaquin Valley. The resume of the biologist preparing any report submitted for permits shall be included in the report. Lack of these specific qualifications will result in immediate rejection of the report without further review. The Lead Biologist will have oversight over implementation of all necessary avoidance and minimization efforts and will have the authority to stop construction activities if any of the requirements associated with

	these measures are not being fulfilled. If the biologist has requested work activities stop due to take of any listed species, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be notified within 1 day via email and telephone.
D&I Component 12	<p>Prior to the issuance of grading or building permits and for the duration of construction activities, all new construction workers at the project site will attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist. Any employee responsible for the operations and maintenance or decommissioning of the project facilities will also attend the Environmental Awareness Training and Education Program.</p> <ol style="list-style-type: none"> 1. The Training Program will include, but not be limited to, information on the life history of species including the blunt-nosed leopard lizard, San Joaquin whipsnake, coast horned lizard, burrowing owl, Swainson's hawk, prairie falcon, Le Conte's thresher, Nelson's antelope squirrel, giant kangaroo rat, short-nosed kangaroo rat, Tipton kangaroo rat, Tulare grasshopper mouse, San Joaquin pocket mouse, American badger, nesting birds, and San Joaquin kit fox, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of "take" under the Endangered Species Act, measures to protect the species, reporting requirements, specific measures that each worker will employ to avoid take of wildlife species, and penalties for violation of the Act. 2. To ensure employees and contractors understand their roles and responsibilities, training may be conducted in languages other than English. 3. An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed will kept on record; 4. A sticker will be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers will not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker; 5. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Environmental Awareness Training and Education Program and

	<p>copies of the signed acknowledgement forms will be submitted to the Kern County Planning and Natural Resources Department.</p> <p>6. The construction crews and contractor(s) will be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.</p> <p>7. An Operation and Maintenance-phase version of the WEAP will be maintained within the on-site O&M facility for review as may be necessary during the life of the project.</p> <p>8. All vehicles will be directed to exercise caution when commuting within the project area. A 15-mile per hour speed limit will be enforced on unpaved roads.</p> <p>9. Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.</p> <p>10. A litter control program will be instituted at the project site. All workers will ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers will be removed from the project area at the end of each working day.</p> <p>11. No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) will be permitted on construction sites to avoid harassment, killing, or injuring of listed species.</p> <p>12. Maintenance and construction excavations greater than 2 feet deep will be covered, filled in at the end of each working day, or have earthen escape ramps no greater than 200 feet apart provided to prevent entrapment of listed species.</p> <p>13. All construction activities will be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time will equipment or personnel be allowed to adversely affect areas outside the project site.</p> <p>14. Because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian</p>
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	<p>safety, lighting of the project site by artificial lighting during nighttime hours is prohibited.</p> <p>15. Tightly woven fiber netting or similar material will be used for erosion control or other purposes at the project site to ensure that special-status species do not get trapped. This limitation will be communicated to the contractor through use of Special Provisions included in the bid solicitation package.</p> <p>16. Use of rodenticides and herbicides at the project site will be avoided to the maximum extent feasible. If use is unavoidable, rodenticides and/or herbicides will be utilized in such a manner to prevent primary or secondary poisoning of special-status species and depletion of prey populations on which they depend. All uses of such compounds will observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Pesticide Regulation, and other appropriate state and federal regulations as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.</p>
D&I Component 13	<p>A pre-construction survey by a qualified biologist or monitor will be conducted no more than 30 days and no less than 14 days prior to the commencement of any site preparation, ground disturbance, and/or construction activities in previously undisturbed areas of the project site. If any evidence of occupation of that portion of the project site by listed or other special-status plant or animal species is observed, a buffer will be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted for further guidance and consultation on additional measures. The project proponent or operator will obtain any required permits from the appropriate wildlife agency. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, will be submitted to the Kern County Planning and Natural Resources Department.</p> <p>The following buffer distances will be established prior to commencement of any site preparation and/or construction activities, if any listed or other special status plant or animal species is observed:</p> <p>a. San Joaquin kit fox or American badger potential den: 50 feet;</p>

	<p>b. San Joaquin kit fox or American badger known den: 100 feet;</p> <p>c. San Joaquin kit fox or American badger pupping den: contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife;</p> <p>d. Burrowing owl burrow outside of breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;</p> <p>e. Burrowing owl burrow during breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;</p> <p>f. Swainson's hawk nest during breeding season: 0.5 mile;</p> <p>g. Other protected raptor nests during the breeding season: as recommended by a qualified biologist;</p> <p>h. Other protected nesting migratory bird nests during the breeding season: as recommended by a qualified biologist; and</p> <p>i. Coast horned lizard, San Joaquin whipsnake, and other special- status wildlife species: as recommended by a qualified biologist.</p>
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D&I Component 14	<p>If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys will be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area will include a 500-foot buffer surrounding the property. If no active nests are found within the survey area, no further mitigation is required. If nesting activity is identified during the pre-construction survey process, the following measures will be implemented:</p> <ul style="list-style-type: none"> a. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are observed within the project site, then the project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and, c. Active nests will be documented by a qualified biologist, and a letter report will be submitted to the Kern County Planning and Natural Resources Department documenting project compliance with the Migratory Bird Treaty Act and California Fish and Game Code.
D&I Component 15	<p>The project proponent will implement the following measures, based on the recently updated California Department of Fish and Game (now California Department of Fish and Wildlife) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation will be avoided and minimized to less-than-significant levels:</p> <p>A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct pre-construction surveys of the permanent and temporary impacts areas, plus an ISO-meter (approximately 492-foot) buffer, to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the Staff Report and will consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing. As each burrow is investigated, biologists will also look for signs of</p>

	<p>American badger and kit fox. Copies of the survey results will be submitted to the California Department of Fish and Wildlife and Kern County Planning and Natural Resources Department.</p> <p>If burrowing owls are detected, no ground-disturbing activities, such as road construction or ancillary facilities, will be permitted within the distances listed below in the table titled “Burrowing Owl Burrow Buffers,” unless otherwise authorized by California Department of Fish and Wildlife. Burrowing owls will not be moved or excluded from burrows during the breeding season.</p> <p>If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the 2012 Staff Report on Burrowing Owl Mitigation. Burrowing owls should not be excluded from burrows unless or until:</p> <p>Occupied burrows will not be disturbed during the nesting season unless a qualified biologist meeting the Biologist Qualifications set forth in the May 2012 California Department of Fish and Wildlife Staff Report, verifies through noninvasive methods that either: (1) the owls have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls will not be moved or excluded from burrows during the breeding season.</p> <p>A Burrowing Owl Exclusion Plan is developed and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan will include, at a minimum:</p> <p>Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;</p> <p>Type of scope and appropriate timing of scoping to avoid impacts;</p> <p>Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily, and monitored for evidence that owls are inside and can’t escape, i.e., look for sign immediately inside the door);</p> <p>How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to</p>
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	<p>prevent collapsing until the entire burrow has been excavated and it can be determined that owls reside the burrow);</p> <p>Removal of other potential owl burrow surrogates or refugia on-site;</p> <p>Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;</p> <p>Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;</p> <p>How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.</p> <p>Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the measures described below.</p> <p>Temporary exclusion is mitigated in accordance with the measures described below.</p> <p>Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for 1 week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.</p> <p>Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re- sight).</p> <p>In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist will excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag will be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors will be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. The one-way doors can be removed 48 hours after installation, and ground- disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.</p> <p>During construction activities, monthly and final compliance reports will be provided to the California Department of Fish and Wildlife, Kern County Planning and Natural Resources</p>
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	<p>Department, and other applicable resources agencies documenting the effectiveness of mandatory project design and implementation components and the level of burrowing owl take associated with the proposed project.</p> <p>Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented on-site or off- site in accordance with Burrowing Owl Staff Report guidance and in consultation with the California Department of Fish and Wildlife. At a minimum, the following recommendations will be implemented:</p> <p>Temporarily disturbed habitat will be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating. If restoration is not feasible, then the project proponent will implement (2) below.</p> <p>Permanent impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat will be mitigated such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced based on a site-specific analysis and will include:</p> <p>Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non- breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. Conservation will occur in areas that support burrowing owl habitat and can be enhanced to support more burrowing owls.</p> <p>Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.</p> <p>Develop and implement a mitigation land management plan in accordance with Burrowing Owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.</p> <p>Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.</p>
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	<p>Habitat will not be altered or destroyed, and burrowing owls will not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.</p> <p>Mitigation lands should be on, adjacent to, or in proximity to the impact site, where feasible, and where habitat is sufficient to support burrowing owls.</p> <p>Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.</p>															
D&I Component 16	<p>If any burrowing owl burrows are observed during the pre-construction survey, avoidance measures consistent with those included in the California Department of Fish and Wildlife staff report on burrowing owl mitigation (CDFG, 2012) will be implemented by a qualified biologist.</p> <p>If occupied burrowing owl burrows are observed outside of the breeding season, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (CDFG, 2012) (Table 1). During the breeding season, a buffer zone, as noted in Table 1, will be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Buffer zones may be reduced in size through consultation with appropriate agencies and the project biologist to determine if avoidance would still be achieved. The Kern County Planning and Natural Resources Department will be kept apprised of meetings and correspondence for any consultation.</p> <p>Table 1: Burrowing Owl Burrow Buffers (CDFG Staff Report, 2012)</p> <table><tr><th>Location</th><th>Time of Year</th><th colspan="3">Level of Disturbance</th></tr><tr><td></td><td></td><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting Sites</td><td>April 1-Aug 15</td><td>656 ft</td><td>1,640 ft</td><td>1,640 ft</td></tr></table>	Location	Time of Year	Level of Disturbance					Low	Medium	High	Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft
Location	Time of Year	Level of Disturbance														
		Low	Medium	High												
Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft												

	Nesting Sites	Aug 16-Oct 15	656 ft	656 ft	1,640 ft
	Any Occupied Burrow	Oct 16-Mar 31	164 ft	328 ft	1,640 ft
D&I Component 17	Prior to issuance of grading or building permits, a long- term trash abatement program will be established for construction, operations and maintenance. Trash and food items will be contained in closed containers and removed daily.				
D&I Component 18	<p>Prior to and during construction activities, the project proponent will comply with the following:</p> <p>a. Any pipe, culvert, or similar structure with a diameter of 4 inches or greater, stored on-site for one or more nights will be inspected to ensure kit foxes or other wildlife have not become entrapped or buried in the pipes. If the pipes, culverts, or similar structures with a diameter of 4 inches or greater are not capped or otherwise covered, they will be inspected twice daily, in the morning and evening, and prior to burial or closure, to ensure no kit foxes or other wildlife become entrapped or buried in the pipes.</p> <p>b. All food, garbage, and plastic will be disposed of in closed containers and regularly removed from the site to minimize attracting ranging kit fox, or other wildlife to the site where they may be harmed. All trash will be removed and disposed of regularly in accordance with state and local laws and regulations.</p>				
D&I Component 19	<p>Prior to and during construction activities:</p> <p>a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens will be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens will be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status will change to “known” per United States Fish and Wildlife Service guidelines (1999), and the buffer distance will be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or</p>				

	<p>pupping dens will occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife.</p> <p>b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence will leave a 5-inch opening between the fence mesh and the ground or the fence will be raised 5 inches above the ground. The bottom of the fence fabric will be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.</p> <p>c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods will 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 will not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.</p> <p>d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures will be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted.</p> <p>e. All vertical tubes used in project construction, such as chain link fencing poles will be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.</p>
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D&I Component 20	<p>Pre-construction protocol-level surveys by a qualified biologist for nesting birds will be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1– August 31), to reduce potential impacts to nesting birds and raptors. The survey will be conducted within 30 days of ground disturbance activities.</p> <p>a. If any nesting birds/raptors are observed, a qualified biologist will determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure will be implemented so that the project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.</p>
D&I Component 21	<p>Prior to any vegetation removal during site preparation, the areas required for construction will be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife will be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation will not be removed in areas that contain actively nesting birds. A biological monitor will survey the areas of vegetation slated for removal, and a report will be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.</p>

D&I Component 22	<p>The measures below will be implemented throughout construction and operation of the project:</p> <ul style="list-style-type: none"> a. Project-related vehicles will observe a 15 mile-per-hour speed limit in all project areas, except on county roads and State and federal highways. Construction after sundown will be prohibited. Off-road traffic outside of designated project areas will be prohibited. b. No pets will be allowed in project areas, except for trained canine animals related to security and operation of the facility. c. All uses of herbicidal and rodenticide compounds will observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and federal and State legislation as well as additional project-related restrictions deemed necessary by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service. d. No plants or wildlife will be collected, taken, or removed from the construction areas or areas of off-site improvements, except as necessary for project-related vegetation removal or wildlife relocation. Salvage of native vegetation to be removed from construction areas is encouraged, but will only be performed by qualified biologists and with written approval from the California Department of Fish and Wildlife. e. If San Joaquin kit fox known or pupping dens are observed in project areas, the project proponent will contact the United States Fish and Wildlife Service and California Department of Fish and Wildlife to discuss appropriate actions.
D&I Component 23	<p>Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.</p> <p>The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.</p>

	<p>If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.</p> <p>All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project Archaeologist, will designate repositories in the event that resources are recovered.</p>
D&I Component 24	<p>During project construction, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find. A qualified paleontologist will be obtained to evaluate the significance of the resource(s) and recommend appropriate treatment measures. Any fossils encountered and recovered will be catalogued and donated to a public, non- profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.</p>
D&I Component 25	<p>Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:</p> <p>The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.</p> <p>In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p>

	<p>Consistent with mandatory project design and implementation component 23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.</p> <p>If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):</p> <p>a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;</p> <p>sample excavation;</p> <p>surface artifact collection;</p> <p>site documentation; and,</p> <p>historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.</p> <p>The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p>
D&I Component 26	<p>During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find.</p> <p>A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.</p> <p>At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and</p>

	<p>appropriate sediment samples will be collected and submitted for analysis.</p> <p>Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.</p>
D&I Component 27	<p>If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.</p>
D&I Component 28	<p>The proposed Project, will to the extent feasible and to the satisfaction of the Kern County Planning Department incorporate the following energy conservation and design features to reduce the level of energy consumption of the proposed Project. The following list is non-inclusive of all potential conservation and design features that may be included and may be added to at the discretion of Kern County as new technologies become available and feasible to be incorporated:</p>

	<p>Solar photovoltaics (PV) mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants. Encourage green building measures that contribute to reducing energy use to 25% less than Title 24 requirements;</p> <p>Solar water heating to provide non-industrial water heating;</p> <p>Ground mounted solar PV arrays to provide a portion of the estimated electrical demand for the proposed Wastewater Treatment and Recycle Facility;</p> <p>Commercial buildings will be designed to meet LEED Silver standards; Roofs on all buildings will be of a light color to reduce heat generation;</p> <p>Portions of parking lots (drive aisles) may be paved with concrete versus asphalt to reduce initial solar reflectance;</p> <p>Depending on the usage, portions of parking lots may be covered, and the parking lot roofs contain solar PV;</p> <p>Use LED lighting fixtures on all public streets and site lighting;</p> <p>Include dedicated EV parking at a rate more than required by current codes;</p> <p>Include EV charging facilities to encourage the usage of electric vehicles;</p> <p>Encourage the utilization of electric forklifts and other material handling vehicles to reduce usage of fossil fuels;</p> <p>Design circulation features into the public street improvements to include bus stops and/or other public transportation;</p> <p>Include bicycle friendly features to reduce Vehicle Miles Traveled (VMT) and to encourage non-vehicular transportation;</p> <p>Encourage the usage of high efficiency electric motors for the industrial uses and the wastewater treatment plant.</p>
D&I Component 29	<p>The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.</p>

D&I Component 30	<p>Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.</p> <p>The geotechnical study must be signed by a California-registered professional engineer and must identify the following:</p> <p>Maximum considered earthquake and associated ground acceleration;</p> <p>Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;</p> <p>Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;</p> <p>Foundation material type;</p> <p>Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.</p> <p>The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.</p> <p>The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.</p>
D&I Component 31	<p>Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval</p>

	and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.
D&I Component 32	Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.
D&I Component 33	<p>Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.</p> <p>These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department.</p>
D&I Component 34	<p>The project proponent will use existing roads to the greatest extent feasible to minimize erosion.</p> <p>Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.</p>
D&I Component 35	<p>The project proponent will continuously comply with the following:</p> <p>The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).</p>

	The plans will be submitted to the Kern County Public Works Department for review and approval.
D&I Component 36	<p>The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability); 2. Sediment collection facilities as may be required by the Kern County Public Works Department; 3. A timetable for full implementation, estimated costs and a surety bond or other security as approved by the County; and 4. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved. <p>Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.</p>
D&I Component 37	<p>Prior to the issuance of permits, the project proponent will provide evidence to the Kern County Planning and Natural Resources Department that the siting, design and construction of any potentially proposed septic system(s) and leach field disposal system(s) comply with the 2016 Kern County On-site Systems Manual as authorized by the California Water Board Local Agency Management Program (LAMP) and administered locally by the Kern County Environmental Health Services Department (KCEHS). Proving the proposed septic design plans comply with these requirements will ensure that all standards for septic tanks, seepage pits, and soils are capable of adequately supporting the use of septic tanks.</p>

D&I Component 38	The final leach field disposal system that may potentially be proposed will be designed by a licensed engineer, taking into full consideration the recommendations provided in the June 2016 Kern County On-site Systems Manual.
D&I Component 39	<p>During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System (CERS) at http://cers.calepa.ca.gov/ for review and approval. The HMBP will:</p> <p>Delineate hazardous material and hazardous waste storage areas, Describe proper handling, storage, transport, and disposal techniques,</p> <p>Describe methods to be used to avoid spills and minimize impacts in the event of a spill,</p> <p>Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction,</p> <p>Establish public and agency notification procedures for spills and other emergencies including fires,</p> <p>Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site,</p> <p>The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.</p>
D&I Component 40	Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/ Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance

	with the approved Spill Prevention Control and Countermeasures Response Plan.
D&I Component 41	<p>If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:</p> <p>All work will immediately stop in the vicinity of the suspected contaminant;</p> <p>Project Construction Manager will be notified;</p> <p>Area(s) will be secured as directed by the Project Construction Manager;</p> <p>Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,</p> <p>Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.</p>
D&I Component 42	<p>Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated biphenyls will be removed by the hazardous specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.</p> <p>Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-mounted transformers, PG&E will be contacted for their removal or replacement.</p>
D&I Component 43	Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re- abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
D&I Component 44	The following note will appear on all final maps and grading plans: "If during grading or construction, any plugged and abandoned or

	unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required.”
D&I Component 45	Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A “Dig Alert” ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.
D&I Component 46	If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non- Emergency telephone number for the Kern County Fire Department is (661) 324- 6551. The project will follow all safety and cleanup regulations.
D&I Component 47	If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.
D&I Component 48	<p>Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.</p> <p>Herbicides will be mixed and applied in conformance with the product manufacturer’s directions.</p> <p>The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.</p>

	<p>To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.</p> <p>Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.</p> <p>If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.</p>
D&I Component 49	<p>If asbestos containing materials are identified during construction then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.</p>
D&I Component 50	<p>The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:</p> <ol style="list-style-type: none"> 1. Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not apply to activities where hourly limitations would result in increased safety risk to workers or the public. 2. Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings. 3. Where feasible construction equipment will be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer. 4. Haul trucks will not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).

	<p>5. On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).</p> <p>6. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.</p>
D&I Component 51	<p>Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:</p> <p>1. The disturbance coordinator will be responsible for responding to any local complaints about construction noise.</p> <p>2. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.</p>
D&I Component 52	<p>The following notes will be placed on all grading and building permits issued for the project site:</p> <p>Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, will be used where feasible.</p> <p>During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.</p> <p>All equipment will be fitted with factory equipped mufflers, and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.</p>
D&I Component 53	<p>Prior to the issuance of grading or building permits, the project proponent will develop and implement a Fire Safety Plan for use</p>

	<p>during construction and operation. The project proponent will submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan will contain notification procedures and emergency fire precautions for construction and operations phases of the proposed project.</p>
D&I Component 54	<p>Prior to the issuance of construction or building permits, the project proponent will:</p> <ol style="list-style-type: none"> 1. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues: <p>Timing of deliveries of heavy equipment and building materials; Directing construction traffic with a flag person;</p> <p>Placing temporary signing, lighting, and traffic control devices if required including pedestrians and bicyclist; including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;</p> <p>Ensuring access for emergency vehicles to the project sites;</p> <p>Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;</p> <p>Maintaining access to adjacent property; and,</p> <p>Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.</p> 2. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway

	<p>Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits will be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department-Development Review.</p> <p>3. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Kern County.</p> <p>4. Submit documentation that identifies the roads to be used during construction. The project proponent will be responsible for repairing any damage to non-county- maintained roads that may result from construction activities. The project proponent will submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.</p> <p>5. Within 30 days of completion of construction, the project proponent will submit a post-construction video log and inspection report to the County. This information will be submitted in DVD format. The County, in consultation with the project proponent's engineer, will determine the extent of remediation required, if any.</p>
D&I Component 55	<p>All special equipment for the proposed Project, such as package treatment plants, their appurtenances, and their effluent disposal areas and methods, if any, will be designed, located, and constructed in coordination with the Kern County Public Works Department, so as to preclude contamination, pollution, nuisance, and structural and mechanical instability.</p>
D&I Component 56	<p>Proposals and plans for package treatment and disposal facilities, if any, will be subject to the review and approval of:</p> <p>1. The State and County Environmental Health Services Departments for design and contamination aspects;</p> <p>2. The Regional Water Quality Control Board for elements of pollution and nuisance; and</p> <p>3. The Kern County Public Works Department for structural and mechanical integrity. Special structures, such as pump stations, pressure lines and sags, etc. will be subject to the approval of the</p>

	Kern County Public Works Department and the maintaining District.
D&I Component 57	New wastewater package plant facilities, if any, will be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and will be operated in such a way as to not contaminate the underlying unconfined aquifer.
D&I Component 58	All facilities of the water system will be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.
D&I Component 59	Water meters will be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future land owners will be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.
D&I Component 60	<p>During construction, demolition debris and construction wastes will be recycled to the extent feasible.</p> <ol style="list-style-type: none"> 1. An on-site recycling coordinator will be designated by the Project Applicant/Developer to facilitate recycling of all construction waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. 2. The name and phone number of the coordinator will be provided to the Kern County Waste Management Department prior to issuance of building permits. 3. The on-site recycling coordinator will also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal.
D&I Component 61	Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.

D&I Component 62	Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E natural gas services and facilities, as needed as Project construction progresses.
D&I Component 63	The Project proponent will notify PG&E six months prior to any construction activities in the immediate vicinity of a PG&E transmission line, if any are within or in the immediate vicinity of the Project site.

When, as here, an environmental impact report has been certified for a project, CEQA Guidelines Section 15162 provides that no subsequent Environmental Impact Report shall be prepared for that project unless the Responsible Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. 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 Environmental Impact Report was certified as complete shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Environmental Impact Report;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Environmental Impact Report;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce on or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measure or alternatives which are considerably different from those analyzed in the previous Environmental Impact Report would substantially reduce

one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An agency may prepare an addendum to a certified EIR pursuant to CEQA Guidelines Section 15164, which states, in pertinent part, that “if some changes or additions are necessary but none of the conditions described in [CEQA Guidelines] Section 15162 calling for the preparation of a subsequent EIR have occurred.” The Addendum was prepared to determine whether, for purposes of CEQA Guidelines Section 15162, the modified Project would result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified EIR. All applicable mitigation measures and development standards from the Specific Plan will be required to be implemented as conditions of modified Project approval. In accordance with CEQA Guidelines Section 15164(c), an addendum to an EIR need not be circulated for public review but can be included in or attached to the certified EIR. The decision-making body must consider the addendum with the certified EIR prior to making a decision on the project (CEQA Guidelines Section 15164(d)).

For purposes of CEQA and these Findings, the Record of Proceedings for the modified Project consists of the following documents and other evidence, at a minimum:

- All public notices issued by the County in conjunction with the approved project and the modified Project;
- The EIR and the Addendum for the approved project and the modified Project;
- All written comments submitted by agencies and members of the public concerning the approved project, the modified Project, the EIR, and the Addendum;
- All responses to written comments submitted by agencies and members of the public regarding the approved project, the modified Project, the EIR, and the Addendum;
- The reports and technical memoranda included or referenced in the EIR and the Addendum;
- All documents, studies, EIRs, or other materials incorporated by reference in the EIR and the Addendum;
- The Addendum, the EIR, and all written comments thereon, and all written comments on the approved project and modified Project submitted to the County by agencies and members of the public prior to the close of the Board of Supervisors public hearing on the modified Project.
- The Ordinances and Resolutions adopted by the County in connection with the approved project, the modified Project, and all documents incorporated by reference therein;
- Matters of common knowledge to the County, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings; and

- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these findings are based are available for review at the Kern County Planning and Natural Resources Department, 2700 “M” Street, Suite 100, Bakersfield, California 93301, during normal business hours. The custodian for these documents is the County of Kern. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

SECTION III. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT.

3.1 AESTHETICS

The visual setting for the modified Project is the same as considered in the certified EIR, which considered impacts related to the development of the site for highway and service commercial uses. The site has been continuously used for agriculture since 1985. The certified EIR found that the site is part of the open nature of, and has visual continuity with, the character of the surrounding agricultural areas. The site was also found to have no unique landforms, land masses, water conditions or texture variations.

The certified EIR concluded that the approved project would transform 255-acres of agricultural land into an urban setting and would alter the current visual quality of the area by imposing structures of various sizes and designs into a visually open agricultural area. In addition, site development would compound the cumulative loss of scenic qualities associated with agriculture and open, natural landscapes. The certified EIR determined that Project Area development would result in the permanent elimination of open space visual conditions on the site. These impacts would be significant and unavoidable.

Impact Analysis

Would the project have a substantial adverse effect on a scenic vista?

There are no designated scenic vistas within the Project Area. The certified EIR determined that the development of the site for highway and service commercial uses would significantly and unavoidably impact the visual continuity of the site with adjacent open space agricultural uses. The modified Project will develop the same area considered in the certified EIR with logistics warehouses, a solar power array, and related uses. The magnitude and quality of impacts to the visual continuity of the site with adjacent open space agricultural uses from the modified Project would be substantially similar to the development of the site for highway and service commercial uses. The Board hereby finds that no new or substantially more severe significant impacts than considered in the certified EIR would occur and this impact will remain significant and unavoidable.

Mandatory Project Features and Implementation Components

The modified Project includes the following mandatory project design and implementation components:

D&I Component 1 Prior to the issuance of building permits, the applicant will color treat the proposed warehouse and office buildings to blend in with the colors found in the surrounding natural landscape while not producing reflection, as approved by the Kern County Planning and Natural Resources Department.

D&I Component 2 The following aesthetic features shall be required in site plans and building permits for commercial buildings located within 1,000 feet of the Interstate 5 corridor:

1. Rooftop screening features shall be installed to create a visual screen for rooftop mechanical equipment, such as a parapet or screening material.
2. Reflective metal exteriors shall not be used as exterior architectural elements in buildings immediately adjacent to State Route 99.

D&I Component 3 Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit to the Kern County Planning and Natural Resources Department for approval, a landscape plan that will effectively buffer foreground views of the proposed project site from Interstate 5. This landscape plan will include, but is not limited to, landscape structural elements (such as fencing), and planting materials consistent with current Kern County landscape requirements and landscaped areas will be cleared of trash and debris at least monthly during the year.

The plan will also include:

- a. Preparation by a licensed Landscape Architect and approval by the Kern County Planning and Natural Resources Department Director prior to buffer planting;
- b. The plan will include California native, drought-tolerant plants.
- c. The plan will provide for an irrigation plan as required under the Kern County Zoning Ordinance 19.86.070.
- d. Should perimeter fencing be proposed, fencing materials will be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock,

tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls will be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps may be chain-link with view obscuring slats. Barbed wire is not permitted.

- e. A 20-foot wide perimeter buffer along any visible boundary from the Interstate 5 frontage will be included as part of the landscape plan. This buffer will consist of live ground cover, shrubs, or grass, and:
 - 1. One (1) tree having a minimum planting height of six (6) feet for every 50 lineal feet of buffer;
 - 2. Shrubs which reach a minimum height of four (4) to six (6) feet.
 - 3. Live ground cover consisting of low-height plants, or shrubs, or grass will be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs
 - 4. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and will be limited to no more than 25 percent of the required landscape area.
 - 5. Landscaping will be installed prior to final occupancy.

D&I Component 4 The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.

D&I Component 5 Prior to the issuance of building permits for any facilities on the project site, the project applicant shall submit, and the Kern County Planning and Natural Resources Department shall have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.

Level of Significance after Mandatory Project Features and Implementation Components

The Board hereby finds that implementation of mandatory project features and implementation components 1-1 through 1-5 would reduce the aesthetic impacts of the modified Project, but the visual character of the modified Project would still result in a significant adverse impact to a scenic vista as evaluated in the certified EIR. The Board hereby finds that the modified Project would not result in new or substantially more severe significant scenic vista impacts than identified in the certified EIR. The Board hereby finds that this aesthetic impact would remain significant and unavoidable.

Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no state scenic highways within or in the vicinity of the Project Area. An approximately 5-mile-long segment of Highway 41 has been identified as an Eligible State Scenic Highway and is located in the far northwest corner of Kern County. This portion of Highway 41 is several miles north of and is not visible from the Project Area. The certified EIR found that the site contains no unique landforms, land masses, water conditions or texture variations. There are no rock outcroppings, historic buildings. There are no trees within the Project Area apart from a small number of nonnative trees located near the onsite residence. The Board hereby finds that the modified Project would not result in significant, or significant new or more severe significant damage to scenic resources than considered in the certified EIR and that this impact is less than significant.

Would the project in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Project Area is located within a nonurbanized area and development of the site will have no significant impact to scenic quality in an urban area. The certified EIR determined that Project Area development for highway and service commercial uses would significantly and unavoidably change the character of the site and impact its visual continuity with adjacent open space agricultural uses and result in the permanent elimination of open space visual conditions. The Board hereby finds that the Proposed project development would have substantially the same impacts to the existing visual character and quality of public views of the Project Area and its surroundings considered in the certified EIR, that no new or substantially more severe significant impacts would occur, and that this impact remains significant and unavoidable.

Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The approved project considered in the certified EIR would result in the construction of permanent parking area, building, safety and commercial lighting and other operational lighting and reflective surfaces, such as windows and other reflective surfaces within the Project Area. The modified Project will comply with the applicable provisions of Chapter 19.81 of the Kern County Zoning Ordinance, which provide requirements for outdoor lighting to: (1) encourage a safe, secure, and

less light-oriented nighttime environment for County residents, businesses, and visitors; (2) promote a reduction in unnecessary light intensity and glare and reduce light spillover onto adjacent properties; (3) protect the ability to view the night sky by restricting unnecessary upward projections of light; and (4) promote energy conservation and a reduction in the generation of greenhouse gases by reducing wasted electricity that can result from excessive or unwanted outdoor lighting. The modified Project will result in Project Area development that would have substantially similar daytime and nighttime light and glare effects as approved project development. The Board hereby finds that no new or substantially more severe significant impacts would occur.

Mandatory Project Features and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project features and implementation measures related to lighting impacts:

- D&I Component 4 The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.
- D&I Component 5 Prior to the issuance of building permits for any facilities on the project site, the project applicant shall submit, and the Kern County Planning and Natural Resources Department shall have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified project would not result in new or substantially more severe significant impacts to day and night time views from new sources of light and glare compared with the approved project in the certified EIR. The Board hereby finds that compliance with Chapter 19.81 of the Kern County Zoning Ordinance would reduce modified Project night time view impacts from light and glare relative to the approved project in the certified EIR. The Board hereby finds that impacts from Project Area development, including new sources of light and glare, would remain significant and unavoidable though they would be reduced with implementation of mandatory project design and implementation components 1-4 and 1-5.

Would the project contribute to cumulative aesthetic impacts?

The certified EIR determined that the development of the site would contribute to a cumulative loss of scenic qualities associated with agriculture and open, natural landscapes. The Board hereby finds that the modified Project would result in a comparable level of Project Area development and would cause substantially similar cumulative aesthetic impacts. The Board hereby finds that

no new or substantially more severe significant cumulative aesthetic impacts would occur from modified Project development.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 1 Prior to the issuance of building permits, the applicant will color treat the proposed warehouse and office buildings to blend in with the colors found in the surrounding natural landscape while not producing reflection, as approved by the Kern County Planning and Natural Resources Department.

D&I Component 2 The following aesthetic features shall be required in site plans and building permits for commercial buildings located within 1,000 feet of the Interstate 5 corridor:

- a. Rooftop screening features shall be installed to create a visual screen for rooftop mechanical equipment, such as a parapet or screening material.
- b. Reflective metal exteriors shall not be used as exterior architectural elements in buildings immediately adjacent to State Route 99.

D&I Component 3 Prior to the issuance of building permits for any facilities on the project site, the project applicant will submit to the Kern County Planning and Natural Resources Department for approval, a landscape plan that will effectively buffer foreground views of the proposed project site from Interstate 5. This landscape plan will include, but is not limited to, landscape structural elements (such as fencing), and planting materials consistent with current Kern County landscape requirements and landscaped areas will be cleared of trash and debris at least monthly during the year.

The plan will also include:

- a. Preparation by a licensed Landscape Architect and approval by the Kern County Planning and Natural Resources Department Director prior to buffer planting;
- b. The plan will include California native, drought-tolerant plants.
- c. The plan will provide for an irrigation plan as required under the Kern County Zoning Ordinance 19.86.070.
- d. Should perimeter fencing be proposed, fencing materials will be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought

iron, or brick, or other durable materials. Masonry block walls will be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps may be chain-link with view obscuring slats. Barbed wire is not permitted.

- e. A 20-foot wide perimeter buffer along any visible boundary from the Interstate 5 frontage will be included as part of the landscape plan. This buffer will consist of live ground cover, shrubs, or grass, and:
 - 1. One (1) tree having a minimum planting height of six (6) feet for every 50 lineal feet of buffer;
 - 2. Shrubs which reach a minimum height of four (4) to six (6) feet.
 - 3. Live ground cover consisting of low-height plants, or shrubs, or grass will be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs
 - 4. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and will be limited to no more than 25 percent of the required landscape area.
 - 5. Landscaping will be installed prior to final occupancy.

D&I Component 4 The project facility will comply with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and will be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting will be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses or bulbs will not extend below the shields.

D&I Component 5 Prior to the issuance of building permits for any facilities on the project site, the project applicant shall submit, and the Kern County Planning and Natural Resources Department shall have approved, plans verifying all outdoor lighting is designed so that all direct lighting is confined to the project site property lines and that adjacent properties and roadways are protected from spillover light and glare.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in new or more significant cumulative aesthetic impacts than identified in the certified Final EIR, and that such impacts would remain significant and unavoidable though they would be reduced with implementation of mandatory project design and implementation components 1-1 through 1-5.

3.2 AGRICULTURE AND FORESTRY RESOURCES

The agricultural and forestry resources setting for the modified Project is the same as the considered in the EIR. The entire 255 acre site has been actively farmed since 1985 for alfalfa, oats, wheat, barley, carrots, watermelons, Sudan grass, corn and other crops. To date, no commercial development has occurred within the Project Area. The certified EIR determined that the approved development of the site would cause permanent, significant and unavoidable impacts to 255–acres of prime farmland and valuable Class 1 soils on the site. Non-human consumptive crops would continue to be grown within about 110 western acres of the approved project using treated effluent from development until alternative disposal methods were identified. This interim agricultural area would eventually be permanently developed, and the certified EIR found that the entire 255-acre site would be eventually lost to future agricultural uses. The certified EIR also found that the development of the site would reduce the ability to intensively farm adjacent properties and could abridge the proper use of fumigants, fertilizers and other chemicals at these locations.

Impact Analysis

Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The modified Project would develop the Project Area to the same extent considered in the certified EIR. As a result, impacts to onsite Farmland and Class 1 soils on the site would be the same. The Board hereby finds that modified Project would not result in new or substantially more severe significant impacts related to the conversion of Farmland than considered in the certified EIR and that this impact would remain significant and unavoidable.

Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

None of the Project Area is subject to a Williamson Act contract. About 110 acres of the site are currently zoned for exclusive agriculture (Zoning Code designation “A”) in accordance with the Kern County Zoning Ordinance. If the modified Project is approved, zoning for the Project Area would be changed to heavy industry (zoning code designation “M-3”) with a PD zone overlay. None of the site would be subject to zoning for agricultural use. The approved project considered in the certified EIR would result in the development of all agricultural land within the Project Area. The Board hereby finds that modified project would have the same impacts to onsite agricultural land, that no new or substantially more severe significant impacts would occur, and that this impact would remain less than significant.

Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g))?

The Project Area does not contain forest land or timberland or zoning related to forest land or timberland. The Board hereby finds that the modified Project will not impact these resources, that

no new or substantially more severe significant impacts would occur, and that this impact would remain less than significant.

Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The Project Area does not contain forest land and the modified Project would not convert any forest land to non-forest use. The Board hereby finds that no new or substantially more severe significant impacts would occur and that this impact would remain less than significant.

Would the project involve other changes in the existing environment which, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No forest land is located within or near the Project Area and the modified Project would not impact or result in forest land conversion to non-forest use. The Board hereby finds that the modified Project would not result in new or substantially more severe significant Project Area agricultural conversion impacts than considered in the certified EIR. The certified EIR found that the development of the site could increase pressure for additional urban development on surrounding agricultural land. The Board hereby finds that the modified Project would have a similar potential effect on surrounding agricultural land, that no new or substantially more severe significant impacts related to potential Farmland conversion land would occur, and that this impact remains less than significant.

Would the project result in the cancellation of an open space contract made pursuant to the California Land Conservation act of 1965 or farmland security zone contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code)?

None of the Project Area is subject to an open space contract made pursuant to the California Land Conservation act of 1965 or a farmland security zone contract. The Board hereby finds that the modified Project will not impact any such contracts and that this impact is less than significant.

Cumulative impacts to agricultural or forest resources

The Project Area does not contain and is not located near forest resources. The certified EIR found that the development of the Project Area for highway and commercial uses would result in a significant and unavoidable impact to agricultural resources due to the permanent loss of 255 acres of Class 1 soils and related crops. The certified EIR found that this loss would cumulatively add to the loss of agricultural land on a local and national level. The Board hereby finds that the modified Project would result in the same impacts to agricultural resources within Project Area and would have the same level of cumulative agricultural impacts considered in the certified Final EIR, that no new or substantially more severe significant cumulative impacts would occur, and that this impact remains significant and unavoidable.

3.3 AIR QUALITY

The Project Area is located within the San Joaquin Valley Air Basin (“SJVAB”) and in the jurisdiction of the San Joaquin Valley Air Pollution Control District (“SJVAPCD”). Air emissions in the certified EIR were quantified from daily employee automobile trips to and from the site and

were qualitatively discussed with reference to an estimated 11,040 average daily trips, including vehicles traveling on I-5 that would access the approved project's highway and commercial uses. The EIR included a narrative discussion of other sources of air emissions, including construction and commercial facility operations. The certified EIR found that increased vehicle emissions from the approved project would result in significant and unavoidable impacts to air quality.

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. Criteria air pollutants include reactive organic gases ("ROG"; also referred to as volatile organic compounds ("VOCs")), oxides of nitrogen ("NOx"), carbon monoxide ("CO"), sulfur oxides ("SOx"), particulate matter with an aerodynamic diameter less than or equal to 10 microns in size ("PM10"), and particulate matter with an aerodynamic diameter less than or equal to 2.5 microns in size ("PM2.5"). ROG and NOx are also precursors to ozone ("O3") formation. A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. A toxic substance released into the air is considered a toxic air contaminant ("TAC"). The modified Project's potential criteria air pollution and TAC impacts were evaluated by Dudek in an air quality analysis and in a health risk analysis.

Impact Analysis

Would the project conflict with or obstruct implementation of the applicable air quality plan?

The SJVAPCD has prepared plans to attain federal and state O3 and particulate matter ambient air quality standards as required by federal and California law, including the 1- Hour O3 Plan, the 8-Hour O3 Plan, the PM10 Maintenance Plan, and the 2018 PM2.5 Plan. The SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on SJVAPCD new source review offset requirements for stationary sources.

The modified Project will execute a DMC with the SJVAPCD and will comply with all applicable stationary source permitting rules implemented by the SJVAPCD. The DMC requires quantifiable and enforceable emission reductions that are not otherwise required by laws or regulations ("surplus" emissions). The DMC and stationary source permit requirements will ensure that all project-related construction and operational emissions within the SJVAB are offset and are consistent with SJVAPCD air quality plans.

All modified Project buildings, yard trucks and forklifts will be electrified. The modified Project will not use natural gas. The modified Project includes a 21-acre PV solar array that will support a microgrid, onsite EV charging and provide electricity to the proposed onsite water and wastewater treatment plants. The modified Project is required to comply with the applicable requirements of the California 2022 Building Energy Efficiency Standards. Rooftop PV solar facilities will have the capacity to produce onsite renewable electricity equal to 90 percent of the project's annual electrical demand. The Board hereby finds that the modified Project will not result in new or more significant impacts related to or conflicting with or obstructing implementation of an applicable air quality plan than considered in the certified EIR.

Project Design and Implementation Components

The modified Project, Table 2-1, shall be required to implement the following mandatory project design and implementation components:

D&I Component 10 Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below 2 tons per year for NO_x (total Project construction and operations), and a baseline below 2 tons per year for PM₁₀ emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project's Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).

A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective emission reductions as a replacement for the requirements of this mandatory project design and implementation component.

D&I component 6, which addresses fugitive dust reduction. and D&I component 7, which addresses Valley Fever, will further reduce air emissions, including PM₁₀ and PM_{2.5} emissions. In addition, the modified Project will execute a DMC with the SJVAPCD which will reduce PM₁₀, PM_{2.5} and ROG emissions to levels that would occur without the modified Project development (i.e., result in no net emission increases with project implementation).

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant impacts related to compliance with applicable air quality plans, and that impacts will be less than significant with implementation of mandatory project design and implementation component 5, other D&I components that provide air quality benefits, and implementation of the DMC.

Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard? Specifically, would implementation of the project (in a specific location) exceed any of the following adopted thresholds:

San Joaquin Valley Unified Air Pollution Control District:

Operational and Area Sources

Reactive Organic Gases (ROG): 10 tons per year.
Oxides of Nitrogen (NOx): 10 tons per year.
Particulate Matter (PM10): 15 tons per year.

Stationary Sources as determined by District Rules

Severe Nonattainment: 25 tons per year.
Extreme Nonattainment: 10 tons per year.

The modified Project's construction and operational emissions are quantified in Addendum Appendix B using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. The analysis includes estimated emissions prior to and with the implementation of the DMC for the modified Project compared with the numerical emission significance thresholds for criteria pollutants in the current (2015) SJVAPCD Guide for Assessing and Mitigating Air Quality Impacts.

Modified Project construction would result in the temporary addition of pollutants to the SJVAB from off-road construction equipment, soil disturbance, reactive organic ROG off-gassing from architectural coatings and asphalt pavement application, and offsite sources such as delivery trucks and worker vehicle trips. The following table summarizes the project's maximum annual construction-related criteria air emissions relative to the SJVAPCD criteria pollution significance thresholds prior to and after implementation of the DMC:

Constituent	ROG	NOx	CO	SOx	PM10	PM2.5
Unit	tons per year					
Maximum Annual Construction Emissions	10.83	10.3	12.95	0.03	1.94	0.74
Maximum Annual Construction Emissions with DMC	0	0	12.95	0.03	0	0
<i>SJVAPCD Threshold</i>	<i>10</i>	<i>10</i>	<i>100</i>	<i>27</i>	<i>15</i>	<i>15</i>
Below Threshold with DMC?	Yes	Yes	Yes	Yes	Yes	Yes

Modified Project operations would generate criteria pollutant emissions from area sources such as consumer products, architectural coatings, landscaping equipment, mobile sources including truck and light and medium duty vehicle traffic, stationary sources such as emergency diesel generator testing and maintenance, onsite wastewater treatment process off-gassing, and transport refrigeration units (TRU) operation. The following table summarizes the modified Project's operational criteria air emissions relative to the SJVAPCD criteria pollution significance thresholds prior to and after implementation of the DMC:

Constituent	ROG	NOx	CO	SOx	PM10	PM2.5
Operational Source	Unit: tons per year					
Area	17.02	0.00	0.04	0.00	<0.01	<0.01
Mobile	1.94	6.58	41.00	0.16	19.21	5.16
Stationary	0.23	0.13	0.60	<0.01	<0.01	<0.01
Wastewater Treatment	<0.01	0.00	0.00	0.00	0.00	0.00
Transport Refrigeration Units	<0.01	0.00	0.00	0.00	0.00	0.00
Total Operational Emissions	19.20	6.72	41.64	0.16	19.21	5.16
Total Operational Emissions with DMC	0	0	41.64	0.16	0	0
<i>SJVAPCD Threshold</i>	<i>10</i>	<i>10</i>	<i>100</i>	<i>27</i>	<i>15</i>	<i>15</i>
Below Threshold with DMC?	Yes	Yes	Yes	Yes	Yes	Yes

As summarized above, the modified Project construction and operational criteria air emissions would be lower than would occur from the approved project in the certified EIR because of the implementation of the DMC. The DMC will avoid a net increase in project ROG, NO_x, PM₁₀ and PM_{2.5} construction and operational emissions in the SJVAB. SO_x and CO emissions will be substantially below the SJVAPCD significance thresholds. In addition, criteria emissions from construction and operational period vehicles are substantially lower than considered in the certified EIR due to federal emission standards for off-road engines, state and federal heavy-duty engine and on-road vehicle standards and California low-emission vehicle regulations for passenger cars, light-duty trucks, and medium-duty vehicles. Despite significant population and vehicle use growth, emissions data published by the United States Environmental Protection Agency shows that from 1990 to 2021 total criteria pollutants emitted in California from mobile sources fell by from 42% to over 96%. The modified Project will further reduce criteria emissions by electrifying and avoiding natural gas use in buildings, electrifying all onsite cargo handling equipment, and providing charging facilities using onsite PV solar generation for electric trucks and other vehicles.

Project Design and Implementation Components

The modified Project, Table 2-1, shall be required to implement following mandatory project design and implementation components:

D&I Component 6 The Applicant will develop and implement a Fugitive Dust Control Plan in compliance with San Joaquin Valley Air Pollution Control District fugitive dust suppression regulations. The Fugitive Dust Control Plan will include:

- a. Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
- b. Description and location of operation(s).
- c. Listing of all fugitive dust emissions sources included in the operation.
- d. The following dust control measures will be implemented:
 1. All onsite unpaved roads will be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that will not increase any other environmental impacts including loss of vegetation.
 2. All material excavated or graded will be watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles will be watered as needed to limit dust emissions to less than 20% opacity or covered with temporary coverings.
 3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles

per hour and those activities cause visible dust plumes that exceed the SJVAPCD 20% opacity standard.

4. Track-out debris onto public paved roads will not extend 50 feet or more from an active operation and track-out will be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph.
5. All hauling materials will be moist while being loaded into dump trucks.
6. All haul trucks hauling soil, sand, and other loose materials on public roads will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
7. Soil loads will be kept below 6 inches or the freeboard of the truck.
8. Drop heights when loaders dump soil into trucks will not exceed 5 feet above the truck.
9. Gate seals will be tight on dump trucks.
10. Traffic speeds on unpaved roads will be limited to 25 miles per hour.
11. All grading activities will be suspended when visible dust emissions exceed 20%.
12. Other fugitive dust control measures as necessary to comply with San Joaquin Valley Air Pollution Control District Rules and Regulations.

D&I Component 7 To minimize personnel and public exposure to potential Valley Fever–containing dust both on- and off-site, the following additional control measures will be included in the DCP that will be implemented by the project applicant:

- a. Equipment, vehicles, and other items will be thoroughly cleaned of dust before they are moved off-site to other work locations.
- b. Wherever possible, grading and trenching work will be phased so that earth-moving equipment is working well ahead or down-wind of workers on the ground.
- c. The area immediately behind grading or trenching equipment will be sprayed with water before ground workers move into the area.

- d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust will leave the area until a full truck resumes water spraying.
- e. All heavy-duty earth-moving vehicles will be closed-cab and equipped with a HEPA- filtered air system.
- f. Workers will receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores, to recognize the symptoms of Valley Fever and will be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training will be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session.
- g. A Valley Fever informational handout will be provided to all on- site construction personnel. The handout will, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
- h. On-site personnel will be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (NIOSH)-approved respirators will be provided to on-site personal, upon request. When exposure to dust is unavoidable, appropriate NIOSH –approved respiratory protection will be provided to affected workers. If respiratory protection is necessary due to Valley Fever exposure risks at the project site, a respiratory protection program in accordance with Cal/OSHA’s Respiratory Protection standard (8 CCR 5144) will be implemented.

D&I Component 8 If required at the time of project implementation, a COVID -19 Health and Safety Plan will be prepared in accordance with the Kern County Public Health Service Department and Kern County Health Officer mandates. A copy of any required COVID-9 Health and Safety Plan will be submitted to the Kern County Planning and Natural Resources Department for review and filing.

D&I Component 9 Prior to issuance of grading permits, a one-time fee will be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs..

D&I Component 10 Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below 2 tons per year for NOx (total Project

construction and operations), and a baseline below 2 tons per year for PM10 emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project's Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).

A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective emission reductions as a replacement for the requirements of this mandatory project design and implementation component.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant related to a cumulatively considerable net increase of any criteria pollutant than considered in the certified EIR, and that impacts will be less than significant with implementation of mandatory project design and implementation components 6 through 10.

Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, including hospitals, schools, convalescent facilities, and residential areas. The nearest sensitive receptors in the vicinity of the Project Area are rural housing located 0.3 miles to the south, 0.5 miles to the west, 1.3 miles to the north, and 1.0 miles to the east. The Buttonwillow community is approximately 2.6 miles to the south of the project.

A health risk assessment ("HRA") was prepared to evaluate potential modified Project TAC impacts to sensitive receptors during construction and project operations. The HRA utilized the following SJVAPCD thresholds of significance for combined TAC emissions from permitted (e.g., stationary) and non-permitted (e.g., mobile) sources:

- Probability of contracting cancer for the maximally exposed individual equals or exceeds 20 in 1 million people; and
- Hazard Index for acute and chronic non-carcinogenic TACs equals or exceeds 1 for the maximally exposed individual.

The HRA evaluated these thresholds for the maximally exposed individual resident (MEIR) in the nearest existing residence to the south of the project site and for the Buttonwillow community.

The following table summarizes the modified Project's construction-related HRA for the MEIR and Buttonwillow relative to the SJVAPCD significance thresholds:

Impact Parameter	Units	Project Impact	SJVAPCD Threshold	Level of Significance
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MEIR – Cancer Risk	Per Million	4.89	20	Less than Significant
MEIR – Chronic Hazard Index	Not Applicable	0.0027	1	Less than Significant
Buttonwillow –Cancer Risk	Per Million	0.77	20	Less than Significant
Buttonwillow –Chronic Hazard Index	Not Applicable	0.0004	1	Less than Significant

The HRA concluded that potential cancer and acute and chronic non-carcinogenic risks from project construction emissions would be substantially below the applicable SJVAPCD significance thresholds for the MEIR and the Buttonwillow community. No new or substantially more severe significant impacts would occur.

The operational HRA utilized the SJVAPCD exposure duration of 70 years to estimate MEIR cancer risks, starting in the 3rd trimester of pregnancy. The analysis considered potential TAC exposure by multiple pathways, including inhalation, soil, dermis, and in mother's milk, where applicable for each TAC. The following table summarizes the project's operational HRA for the MEIR and Buttonwillow relative to the SJVAPCD significance thresholds:

Impact Parameter	Units	Project Impact	SJVAPCD Threshold	Level of Significance
MEIR – Cancer Risk	Per Million	1.77	20	Less than Significant
MEIR – Chronic Hazard Index	Not Applicable	0.0004	1	Less than Significant
MEIR – Acute Hazard Index	Not Applicable	0.0010	1	Less than Significant
Buttonwillow–Cancer Risk	Per Million	0.18	20	Less than Significant
Buttonwillow–Chronic Hazard Index	Not Applicable	0.00004	1	Less than Significant
Buttonwillow –Acute Hazard Index	Not Applicable	0.0003	1	Less than Significant

The analysis shows that potential cancer and acute and chronic non-carcinogenic risks from project operational emissions would be substantially below the applicable SJVAPCD significance thresholds for the MEIR and the Buttonwillow community. No new or substantially more severe significant impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 10 Prior to issuance of building permit, the applicant will submit evidence, verified by the Air District, that total Project construction and operations emissions have a baseline below 2 tons per year for NOx (total Project construction and operations), and a baseline below 2 tons per year for PM10 emissions (total Project constructions and operations). Required reductions will be achieved from any combination of Project design, compliance with the Indirect Source Review (ISR), and the project's Development Mitigation Contract with the San Joaquin Valley Air Pollution Control District (Air District).

A copy of the executed Development Mitigation Contract will be provided to the Planning Department to substantiate compliance. The project may reduce unmitigated emissions of ROG by participation in any air mitigation program adopted by Kern County that provides equal or more effective

emission reductions as a replacement for the requirements of this mandatory project design and implementation component..

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more significant impacts related to exposing sensitive receptors to substantial pollutant concentrations and that impacts will be less than significant with implementation of mandatory project design and implementation component 10.

Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Potential odors produced during construction could temporarily occur from construction equipment unburned hydrocarbon tailpipe emissions, architectural coatings, and asphalt pavement application. These odors would disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. SJVAPCD Rule 4641 limits the amount of VOC emissions from cutback asphalt and would reduce the risk of paving odor impacts. Substantially similar potential construction odor impacts would occur from construction equipment used to develop the approved project in the certified EIR. The modified Project would not result in new or substantially more severe significant construction odor emissions.

The modified Project does not include most of the common sources of odors that are known to occur in the SJVAB, such as food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed onsite wastewater treatment plant could be a potential source of odors, but will be a small package facility that will only serve the project. The facility's annual treatment capacity would be approximately 100 times smaller than the annual capacity of the nearby Wasco wastewater treatment plant. The facility would be located more than 0.5-mile from the nearest sensitive receptor. Potential odor impacts from the modified Project wastewater treatment operations would be similar to or less than the odor impacts that would be associated with the use of onsite septic tanks and wastewater irrigation that would occur from the approved project considered in the certified EIR. The board hereby finds that no new or substantially more severe significant impacts would occur.

The Project Area is currently used for irrigated crops which require fertilization and that produce dust and related odors from disking, tilling, crop management and harvesting activities. The modified Project would curtail these potential sources of odors to the same extent as the approved project considered in the certified EIR and that this impact is less than significant.

Result in cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)

The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts due to an air quality plan conflict, a cumulatively considerable increase in criteria air emissions, impacts to sensitive receptors, health risk impacts from TAC exposure, or odors. The Board hereby finds that the modified Project's DMC implementation and the substantial reduction in mobile source criteria emissions that has occurred since 1990 will reduce

modified Project criteria air emissions and impacts, including potential cumulative air quality impacts, to less than significant levels with implementation of mandatory project design and implementation components 6 through 10.

3.4 BIOLOGICAL RESOURCES

The biological resource setting for the modified Project is the same as the considered in the EIR. The entire 255 acre site has been actively farmed since 1985 for alfalfa, oats, wheat, barley, carrots, watermelons, Sudan grass, corn and other crops. To date, no commercial development has occurred within the Project Area. The site has been ripped in multiple directions to a depth of three feet or more at least 24 times for deep-rooted crops since 1985. Pipeline trenches have also been excavated and irrigation pipelines installed to a depth of 4 feet around and throughout the site. The certified EIR found that the Project Area was totally disturbed by cultivation practices, all of the adjacent property was also under intense cultivation, and that the nearest relatively undisturbed habitat was located about a mile to the west of the site. Impacts to native vegetation and wildlife were found to be less than significant.

A biological resources assessment of the Project Area was prepared by McCormick Biological Inc. (“MBI”) in September 2022. MBI also conducted a biological resource survey of the site in March 2017 as referenced in the 2022 assessment. Consistent with the findings in the certified EIR, the assessment determined that the Project Area has historically been used for intensive farming activities and that no native habitat exists onsite. The Project Area is located in the center of the southern San Joaquin Valley and is isolated from suitable habitat for special- status biological resources in other locations. Based on reported occurrences in the Project Area region, the assessment evaluated the potential occurrence of four sensitive natural communities, 18 special-status plants, and 41 special-status wildlife on the site. The assessment found no evidence of, or potentially suitable habitat that would support any of these resources within the Project Area.

Impact Analysis

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service?

The 2022 biological resources assessment of the Project Area evaluated a total of 18 special-status plants that have been documented as potentially occurring in the vicinity of the modified Project site. None of these special-status plant species were found to have the potential to occur within the Project Area due to the lack of suitable habitat. No listed or rare plant species were identified within the Project Area during onsite surveys in 2017 and 2022. The assessment concluded that the modified Project would not result in significant impacts to special- status plants due the site’s frequent disturbance and continual use for intensive agriculture, and because the site is surrounded by other agricultural lands and I-5.

The site could provide occasional foraging habitat for the tri-colored blackbird, golden eagle, burrowing owl, mountain plover, northern harrier, white-tailed kite, loggerhead shrike, and yellow- headed blackbird. The biological assessment determined that the Project Area is

surrounded by agricultural lands that provide comparable foraging opportunities. As a result, the loss of potential occasional foraging habitat from the development of the Project Area agricultural lands would be less than significant.

No nesting opportunities for Swainson's hawk were identified within the Project Area. Although construction activities, such as noise and dust, could affect foraging raptors such as the Swainson's hawk, the assessment found that raptors are highly mobile and would access other, higher-quality foraging lands in the vicinity of the site if affected by modified Project construction activities. No direct impacts to individual Swainson's hawk were determined to be likely to occur. The loss of potential occasional Swainson's hawk foraging habitat from the development of the Project Area agricultural lands was found to be less than significant due to the availability of comparable or higher-quality foraging habitats in the vicinity of the project and the Board hereby concurs with this finding.

The Project Area was found to provide only marginal quality foraging habitat and no denning opportunities for the San Joaquin kit fox (SJKF). The site was found to provide limited shelter and foraging opportunities for other common wildlife species. Although noise, dust and other disturbance from construction activities could indirectly affect SJKF, the SJKF forages over a large home range and would access other higher-quality foraging lands in the vicinity of the modified Project. The assessment concluded that no direct impacts to SJKF would likely occur. Due to the quantity of high value SJKF foraging habitat in the vicinity of the Project Area, the Board hereby finds that the loss of potential SJKF foraging habitat from the development of the Project Area would be less than significant.

The assessment concluded that the Project Area could be used by foraging birds but is also surrounded by similar croplands that provide higher-quality foraging habitat for several avian species. Due to the quantity of comparable and higher value bird foraging habitat in the vicinity of the Project Area, the Board hereby finds that the loss of potential bird foraging habitat from the development of the Project would be less than significant.

The Project Area contains structures, ornamental trees and shrubs which could be used by nesting birds. Due to frequent land disturbance for agricultural uses, the site has reduced suitability for ground nesting birds. Nesting birds are protected by state and federal law. The assessment concluded that the implementation of standard pre-construction nesting bird surveys and avoidance practices required in California during construction would reduce potential nesting bird impacts to less than significant levels and the Board hereby concurs with this finding.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 11 Prior to initiation of any site preparation and/or construction activities, the project proponent will retain a Lead Biologist. The Lead Biologist retained by the applicant will be a qualified biologist for all work on reports submitted for any application for project permit. The qualified biologist must have a Bachelor of Science Degree or Bachelor of Arts Degree in biology or related

environmental science, have demonstrated familiarity with the natural history, habitat affinities and identification of Covered Species of the San Joaquin Valley and have conducted work in California for at least one (1) year of field level reconnaissance survey work in the San Joaquin Valley. The resume of the biologist preparing any report submitted for permits shall be included in the report. Lack of these specific qualifications will result in immediate rejection of the report without further review. The Lead Biologist will have oversight over implementation of all necessary avoidance and minimization efforts and will have the authority to stop construction activities if any of the requirements associated with these measures are not being fulfilled. If the biologist has requested work activities stop due to take of any listed species, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be notified within 1 day via email and telephone.

D&I Component 12 Prior to the issuance of grading or building permits and for the duration of construction activities, all new construction workers at the project site will attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist. Any employee responsible for the operations and maintenance or decommissioning of the project facilities will also attend the Environmental Awareness Training and Education Program.

a. The Training Program will include, but not be limited to, information on the life history of species including the blunt-nosed leopard lizard, San Joaquin whipsnake, coast horned lizard, burrowing owl, Swainson's hawk, prairie falcon, Le Conte's thrasher, Nelson's antelope squirrel, giant kangaroo rat, short-nosed kangaroo rat, Tipton kangaroo rat, Tulare grasshopper mouse, San Joaquin pocket mouse, American badger, nesting birds, and San Joaquin kit fox, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of "take" under the Endangered Species Act, measures to protect the species, reporting requirements, specific measures that each worker will employ to avoid take of wildlife species, and penalties for violation of the Act.

b. To ensure employees and contractors understand their roles and responsibilities, training may be conducted in languages other than English.

c. An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed will kept on record;

d. A sticker will be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers will not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness

Training and Education Program and are wearing hard hats with the required sticker;

e. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Environmental Awareness Training and Education Program and copies of the signed acknowledgement forms will be submitted to the Kern County Planning and Natural Resources Department.

f. The construction crews and contractor(s) will be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.

g. An Operation and Maintenance-phase version of the WEAP will be maintained within the on-site O&M facility for review as may be necessary during the life of the project.

h. All vehicles will be directed to exercise caution when commuting within the project area. A 15-mile per hour speed limit will be enforced on unpaved roads.

i. Project employees will be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards.

j. A litter control program will be instituted at the project site. All workers will ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers will be removed from the project area at the end of each working day.

k. No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) will be permitted on construction sites to avoid harassment, killing, or injuring of listed species.

l. Maintenance and construction excavations greater than 2 feet deep will be covered, filled in at the end of each working day, or have earthen escape ramps no greater than 200 feet apart provided to prevent entrapment of listed species.

m. All construction activities will be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time will equipment or personnel be allowed to adversely affect areas outside the project site.

n. Because dusk and dawn are often the times when listed species are most actively foraging, all construction activities will cease 0.5 hour before sunset and will not begin prior to 0.5 hour before sunrise. Except when necessary for driver or pedestrian safety, lighting of the project site by artificial lighting during nighttime hours is prohibited.

o. Tightly woven fiber netting or similar material will be used for erosion control or other purposes at the project site to ensure that special-status species do not get trapped. This limitation will be communicated to the contractor through use of Special Provisions included in the bid solicitation package.

Use of rodenticides and herbicides at the project site will be avoided to the maximum extent feasible. If use is unavoidable, rodenticides and/or herbicides will be utilized in such a manner to prevent primary or secondary poisoning of special-status species and depletion of prey populations on which they depend. All uses of such compounds will observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Pesticide Regulation, and other appropriate state and federal regulations as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.

D&I Component 13 A pre-construction survey by a qualified biologist or monitor will be conducted no more than 30 days and no less than 14 days prior to the commencement of any site preparation, ground disturbance, and/or construction activities in previously undisturbed areas of the project site. If any evidence of occupation of that portion of the project site by listed or other special-status plant or animal species is observed, a buffer will be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted for further guidance and consultation on additional measures. The project proponent or operator will obtain any required permits from the appropriate wildlife agency. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, will be submitted to the Kern County Planning and Natural Resources Department.

The following buffer distances will be established prior to commencement of any site preparation and/or construction activities, if any listed or other special status plant or animal species is observed:

- a. San Joaquin kit fox or American badger potential den: 50 feet;
- b. San Joaquin kit fox or American badger known den: 100 feet;

- c. San Joaquin kit fox or American badger pupping den: contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife;
- d. Burrowing owl burrow outside of breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
- e. Burrowing owl burrow during breeding season: as recommended by the California Department of Fish and Wildlife Staff Report 2012;
- f. Swainson's hawk nest during breeding season: 0.5 mile;
- g. Other protected raptor nests during the breeding season: as recommended by a qualified biologist;
- h. Other protected nesting migratory bird nests during the breeding season: as recommended by a qualified biologist; and
- i. Coast horned lizard, San Joaquin whipsnake, and other special- status wildlife species: as recommended by a qualified biologist.

D&I Component 14 If construction activities are conducted during typical nesting bird season (February 15 through September 15), pre-construction surveys will be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area will include a 500-foot buffer surrounding the property. If no active nests are found within the survey area, no further mitigation is required. If nesting activity is identified during the pre-construction survey process, the following measures will be implemented:

- a. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are observed within the project site, then the project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- c. Active nests will be documented by a qualified biologist, and a letter report will be submitted to the Kern County Planning and Natural Resources Department documenting project compliance with the Migratory Bird Treaty Act and California Fish and Game Code.

D&I Component 15 The project proponent will implement the following measures, based on the recently updated California Department of Fish and Game (now California Department of Fish and Wildlife) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation will be avoided and minimized to less-than-significant levels:

A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) will conduct pre-construction surveys of the permanent and temporary impacts areas, plus an ISO-meter (approximately 492-foot) buffer, to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the Staff Report and will consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing. As each burrow is investigated, biologists will also look for signs of American badger and kit fox. Copies of the survey results will be submitted to the California Department of Fish and Wildlife and Kern County Planning and Natural Resources Department.

If burrowing owls are detected, no ground-disturbing activities, such as road construction or ancillary facilities, will be permitted within the distances listed below in the table titled “Burrowing Owl Burrow Buffers,” unless otherwise authorized by California Department of Fish and Wildlife. Burrowing owls will not be moved or excluded from burrows during the breeding season.

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the 2012 Staff Report on Burrowing Owl Mitigation. Burrowing owls should not be excluded from burrows unless or until:

Occupied burrows will not be disturbed during the nesting season unless a qualified biologist meeting the Biologist Qualifications set forth in the May 2012 California Department of Fish and Wildlife Staff Report, verifies through noninvasive methods that either: (1) the owls have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls will not be moved or excluded from burrows during the breeding season.

A Burrowing Owl Exclusion Plan is developed and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan will include, at a minimum:

Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;

Type of scope and appropriate timing of scoping to avoid impacts;

Occupancy factors to look for and what will guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily, and monitored for evidence that owls are inside and can't escape, i.e., look for sign immediately inside the door);

How the burrow(s) will be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that owls reside the burrow);

Removal of other potential owl burrow surrogates or refugia on-site;

Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;

How the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

Permanent loss of occupied burrow(s) and habitat is mitigated in accordance with the measures described below.

Temporary exclusion is mitigated in accordance with the measures described below.

Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for 1 week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.

Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist will excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag will be inserted into the tunnels during excavation to

maintain an escape route for any animals inside the burrow. One-way doors will be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. The one-way doors can be removed 48 hours after installation, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.

During construction activities, monthly and final compliance reports will be provided to the California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department, and other applicable resources agencies documenting the effectiveness of mandatory project design and implementation components and the level of burrowing owl take associated with the proposed project.

Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented on-site or off-site in accordance with Burrowing Owl Staff Report guidance and in consultation with the California Department of Fish and Wildlife. At a minimum, the following recommendations will be implemented:

Temporarily disturbed habitat will be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating. If restoration is not feasible, then the project proponent will implement (2) below.

Permanent impacts to nesting, occupied, and satellite burrows and/or burrowing owl habitat will be mitigated such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced based on a site-specific analysis and will include:

Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. Conservation will occur in areas that support burrowing owl habitat and can be enhanced to support more burrowing owls.

Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife- approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

Develop and implement a mitigation land management plan in accordance with Burrowing Owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.

Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Habitat will not be altered or destroyed, and burrowing owls will not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

Mitigation lands should be on, adjacent to, or in proximity to the impact site, where feasible, and where habitat is sufficient to support burrowing owls.

Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.

D&I Component 16 If any burrowing owl burrows are observed during the pre- construction survey, avoidance measures consistent with those included in the California Department of Fish and Wildlife staff report on burrowing owl mitigation (CDFG, 2012) will be implemented by a qualified biologist.

If occupied burrowing owl burrows are observed outside of the breeding season, a passive relocation effort may be instituted in accordance with the guidelines established by the California Burrowing Owl Consortium (1993) and the California Department of Fish and Wildlife (CDFG, 2012) (Table 1). During the breeding season, a buffer zone, as noted in Table 1, will be maintained unless a qualified biologist verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Buffer zones may be reduced in size through consultation with appropriate agencies and the project biologist to determine if avoidance would still be achieved. The Kern County Planning and Natural Resources Department will be kept apprised of meetings and correspondence for any consultation.

Table 1: Burrowing Owl Burrow Buffers (CDFG Staff Report, 2012)

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1-Aug 15	656 ft	1,640 ft	1,640 ft

Nesting Sites	Aug 16-Oct 15	656 ft	656 ft	1,640 ft
Any Occupied Burrow	Oct 31-Mar 31	164 ft	328 ft	1,640 ft

D&I Component 17 Prior to issuance of grading or building permits, a long- term trash abatement program will be established for construction, operations and maintenance. Trash and food items will be contained in closed containers and removed daily.

D&I Component 18 Prior to and during construction activities, the project proponent will comply with the following:

a. Any pipe, culvert, or similar structure with a diameter of 4 inches or greater, stored on-site for one or more nights will be inspected to ensure kit foxes or other wildlife have not become entrapped or buried in the pipes. If the pipes, culverts, or similar structures with a diameter of 4 inches or greater are not capped or otherwise covered, they will be inspected twice daily, in the morning and evening, and prior to burial or closure, to ensure no kit foxes or other wildlife become entrapped or buried in the pipes.

b. All food, garbage, and plastic will be disposed of in closed containers and regularly removed from the site to minimize attracting ranging kit fox, or other wildlife to the site where they may be harmed. All trash will be removed and disposed of regularly in accordance with state and local laws and regulations.

D&I Component 19 Prior to and during construction activities:

a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens will be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens will be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status will change to “known” per United States Fish and Wildlife Service guidelines (1999), and the buffer distance will be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or pupping dens will occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence will leave a 5-inch opening between the fence mesh and the ground or the fence will be raised 5 inches above the ground. The bottom of the fence fabric will be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.

c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods will 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 will not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.

d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures will be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted.

e. All vertical tubes used in project construction, such as chain link fencing poles will be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.

D&I Component 20 Pre-construction protocol-level surveys by a qualified biologist for nesting birds will be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1–August 31), to reduce potential impacts to nesting birds and raptors. The survey will be conducted within 30 days of ground disturbance activities.

If any nesting birds/raptors are observed, a qualified biologist will determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure will be implemented so that the project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.

D&I Component 21 Prior to any vegetation removal during site preparation, the areas required for construction will be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife will be allowed to leave the construction area unharmed. Should any active bird nests be

identified, the vegetation will not be removed in areas that contain actively nesting birds. A biological monitor will survey the areas of vegetation slated for removal, and a report will be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.

D&I Component 22 The measures below will be implemented throughout construction and operation of the project:

- a. Project-related vehicles will observe a 15 mile-per-hour speed limit in all project areas, except on county roads and State and federal highways. Construction after sundown will be prohibited. Off-road traffic outside of designated project areas will be prohibited.
- b. No pets will be allowed in project areas, except for trained canine animals related to security and operation of the facility.
- c. All uses of herbicidal and rodenticide compounds will observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and federal and State legislation as well as additional project-related restrictions deemed necessary by the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service.
- d. No plants or wildlife will be collected, taken, or removed from the construction areas or areas of off-site improvements, except as necessary for project-related vegetation removal or wildlife relocation. Salvage of native vegetation to be removed from construction areas is encouraged, but will only be performed by qualified biologists and with written approval from the California Department of Fish and Wildlife.

If San Joaquin kit fox known or pupping dens are observed in project areas, the project proponent will contact the United States Fish and Wildlife Service and California Department of Fish and Wildlife to discuss appropriate actions.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service. The Board hereby finds that no significant, or new or substantially more severe significant impacts than considered in the certified EIR would occur and that impacts would be less than significant with implementation of mandatory project design and implementation components 11 through 22.

Will the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service?

There are no riparian habitats or sensitive natural communities within the Project Area. The 2022 assessment determined that the modified Project would not impact any riparian habitats or sensitive natural communities and the Board hereby finds that this impact would be less than significant.

Would the project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no federally jurisdictional wetlands within the Project Area. The September 2022 assessment determined that the modified Project would not impact any federally jurisdictional wetlands and the Board hereby finds that this impact would be less than significant.

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

There are no native wildlife nursery sites or habitats for any native resident or migratory fish within the Project Area. The 2022 assessment concluded that the Project Area lacks suitable onsite conditions for sustaining significant wildlife movement or corridors, such as habitat dissimilar with the surrounding vicinity, riparian areas along rivers and streams, washes, canyons, or otherwise undisturbed areas within urbanized or disturbed locations. The Project Area is not located in an identified migratory corridor or a significant movement pathway for any native resident avian or terrestrial species. The Board hereby finds that the modified Project would not significantly impact native resident or migratory fish or wildlife species movement, established native resident or migratory wildlife corridors, or a native wildlife nursery site.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Kern County has adopted oak tree conservation policies and implementation measures in Section 1.10.10 of the Kern County General Plan Land Use, Open Space and Conservation Element. No oak trees occur within or in the vicinity of the project site. The Project Area is not located in oak woodland areas subject to the Kern County oak tree conservation policies. The 2022 assessment concluded that there are no biological resources within the Project Area separately protected by local policies or ordinances and that the modified Project would not impact any of these resources and the Board hereby concurs with this finding.

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

The Project Area is not subject to any approved local, regional, state or federal habitat conservation plan. There are no approved local, regional, state or federal habitat conservation plan or other approved local regional, or other approved state habitat conservation plan, adjacent to or in the vicinity of the modified Project. The 2022 assessment concluded that the modified Project will not conflict with any existing Habitat Conservation Plan, Natural Community Conservation Plan, or

other approved local, regional, or state habitat conservation plan and the Board hereby concurs with this finding.

Cumulative Impacts to Biological Resources

The modified Project will not significantly impact sensitive plant or animal species or any established native species migration corridors, movement or nursery sites. There are no riparian habitats, sensitive natural communities, wetlands, or locally protected natural resources within the site. The Project Area is not covered by and will not affect any biological resources within an adopted local, regional, federal or state habitat conservation plan. The Board hereby finds that the modified Project will not contribute to cumulatively significant biological resource impacts with implementation of mandatory project design and implementation components 11 through 22 and these impacts are less than significant.

3.5 CULTURAL RESOURCES

The environmental setting for cultural resources is the same as described in the certified EIR. There are no historical markers or designated cultural or historical resources on or near the site. The Project Area and the surrounding agricultural lands have low potential for archaeological resources due to long-term and continuous cultivation. The site has been heavily disturbed by previous and current agricultural operations and has been ripped in multiple directions several times to a depth of three feet or more for deep-rooted crops. Pipeline trenches have been excavated and irrigation pipelines installed to a depth of 4 feet around and throughout the site. The certified EIR found that the approved project's cultural resource impacts were less than significant.

An onsite cultural resource survey was conducted in July 2022 and a cultural resource technical memorandum was prepared for the modified Project in September 2022.

Impact Analysis

Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

The certified EIR did not identify any historical resources within the site as defined in Section 15064.5 of the CEQA Guidelines, and none have subsequently been identified within or in the immediate vicinity of the Project Area. Continuous cultivation has resulted in the full ground-surface disturbance of the site to a significant depth for deep-rooted crops and to install piping. The 2022 cultural resources memorandum concluded that, due to the heavy disturbance of the Project Area, the modified Project has a low probability of disturbing significant buried cultural resources, encountering in-situ significant cultural resources, encountering unknown, potentially intact prehistoric resources, encountering human remains, or encountering tribal cultural resources. Consistent with the certified EIR, ground-disturbing activity will be suspended until a qualified archeologist evaluates historical resources that may be unearthed during construction. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts to historical resources than considered in the certified EIR.

Mandatory Project Design and Implementation Component

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 23 Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.

The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.

If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project Archaeologist, will designate repositories in the event that resources are recovered.

D&I Component 24 During project construction, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find. A qualified paleontologist will be obtained to evaluate the significance of the resource(s) and recommend appropriate treatment measures. Any fossils encountered and recovered will be catalogued and donated to a public, non- profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

D&I Component 25 Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:

The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.

In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

Consistent with mandatory project design and implementation component 23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.

If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):

a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;

sample excavation;

surface artifact collection;

site documentation; and,

historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.

The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County

Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

D&I Component 26 During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground- disturbing activities within 50 feet of the find.

A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.

At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

D&I Component 27 If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts to historical resources than considered in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation components 23 through 27.

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

The certified EIR did not identify any archaeological resource within the site as defined in Section 15064.5 of the CEQA Guidelines, and none have subsequently been identified in or near the Project Area. Continuous cultivation has resulted in the full ground-surface disturbance of the site to a significant depth for deep-rooted crops and to install irrigation piping. The 2022 cultural resources memorandum concluded that, due to the heavy disturbance of the Project Area, the modified Project has a low probability of disturbing significant buried cultural resources, encountering in-situ significant cultural resources, encountering unknown, potentially intact prehistoric resources, encountering human remains, or encountering tribal cultural resources. Consistent with the certified EIR, ground-disturbing activity will be suspended until a qualified archeologist evaluates archaeological resources that may be unearthed during construction. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts to archeological resources than considered in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 23 Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.

The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.

If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project

Archaeologist, will designate repositories in the event that resources are recovered.

D&I Component 24 During project construction, if a paleontological resource is found, the project contractor will cease ground-disturbing activities within 50 feet of the find. A qualified paleontologist will be obtained to evaluate the significance of the resource(s) and recommend appropriate treatment measures. Any fossils encountered and recovered will be catalogued and donated to a public, non- profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

D&I Component 25 Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:

The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.

In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

Consistent with mandatory project design and implementation component

23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.

If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):

a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;

sample excavation;

surface artifact collection;

site documentation; and,

historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.

The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

- D&I Component 26 During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground- disturbing activities within 50 feet of the find.

A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.

At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

- D&I Component 27 If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human

remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts to archeological resources than considered in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation components 23 through 27.

Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The certified EIR did not identify any records of human remains in the Project Area, and none have subsequently been identified in or near the site. Continuous cultivation has resulted in the full ground-surface disturbance of the site to a significant depth for deep-rooted crops and to install irrigation piping. The September 2022 memorandum concluded that, due to the heavy disturbance of the Project Area, the modified Project development has a low probability of encountering human remains.

California Health and Safety Code Section 7050.5 requires that if any human remains are observed outside of a cemetery, no further excavation or disturbance can occur until the county coroner determines the cause of death and notifies the Native American Heritage Commission if the remains are believed to be Native American in origin. The modified Project will comply with all applicable laws, including Health and Safety Code Section 7050.5. The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts to human remains outside of formal cemeteries.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 27 If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c),

and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No work will recommence on the site until all provisions of these reviews have occurred.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts to human remains than considered in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation component 27, as well as D&I Components 23-26 discussed above.

Cumulative impacts to historical and archaeological resources and human remains.

The Board hereby finds that the modified Project will not have significant impacts to cultural resources, including historical and archeological resources, or to human remains, that no new or substantially more severe significant cumulative cultural resource impacts than considered in the certified final EIR will occur with implementation of mandatory project design and implementation components 23 through 27, and that this impact will be less than significant.

3.6 ENERGY

The modified Project would result in the consumption of electricity supplied by Pacific Gas & Electric (“PG&E”) for onsite operations and gasoline and diesel consumption for construction period and operational vehicles and equipment. The CalEEMod version 2020.4.0 model results and published emissions per gallon of gasoline and diesel information were used to estimate the project’s annual diesel and gasoline demand. Heavy-duty construction equipment and trucks were assumed to use diesel fuel. Lighter duty vehicles were assumed to use gasoline.

The modified Project buildings and onsite yard trucks and forklifts will be all-electric. The modified Project’s potential annual electricity demand was estimated by using the CalEEMod version 2020.4.0 model results. This estimate includes electricity used by the proposed onsite water and wastewater treatment facilities although renewable electricity generated by the onsite 21-acre PV solar array will be available for these uses. The modified Project would install rooftop PV solar with the capacity to generate onsite renewable electricity equal to 90 percent of the project’s annual electrical demand. The proposed logistics buildings can support the installation of sufficient onsite PV solar generation capacity to offset 90 percent of the project’s annual

electrical demand as calculated by the CalEEMod model results and taking account of the Project Area's estimated average insolation and PV capacity factor. The project's actual annual electricity demand and onsite rooftop solar requirements will be assessed from monitored electrical consumption for onsite uses, including the amount of water and wastewater facility electricity demand supplied from the onsite 21-acre solar array. The modified Project will comply with all applicable rooftop solar and storage requirements, including the state 2022 Building Energy Efficiency Standards, and as described above will generate 90% of estimated project demand.

Impact Analysis

Would the project result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources, during project construction or operation?

Based on the CalEEMod model output for the modified Project, the following table summarizes the project's construction period off-road equipment and vendor diesel and worked vehicle (gasoline) consumption in gallons:

Construction Activity	Off-road Equipment (diesel)	Vendor Trucks (Diesel)	Worker Vehicles (gasoline)	Total
Unit: Gallons				
Site Preparation	3,276	139	205	3,621
Grading/Excavation	123,838	1,394	4,556	129,788
Building Construction	136,401	17,545	150,926	304,872
Paving/Concrete	76,825	152,032	64,312	293,170
Architectural Coatings	15,055	0	5,961	21,016
Total	355,395	171,110	225,961	752,466

The following table summarizes the modified Project's diesel consumption for trucks and stationary sources and gasoline for passenger and light duty vehicles in gallons per year as estimated from the CalEEMod results:

	Gallons per year
Passenger Vehicles (gasoline)	1,704,654
Haul Trucks (diesel)	12,514
Stationary Sources (diesel)	10,561
Total	1,727,729

The following table summarizes the modified Project's electrical consumption estimated from the CalEEMod results, estimated onsite generation from rooftop PV solar facilities, and net electrical demand in kilowatt-hours (kWh) per year:

	Kilowatt-hours/year
Buildings, Cargo Handling Equipment, and Parking Lots	74,292,260
Onsite PV Solar Generation (90% of estimated demand)	66,863,034
Total Project Electricity Demand	7,429,226

According to the state Department of Tax and Fee Administration, California used 3,104,618,382 gallons of diesel fuel and 13,060,407,775 gallons of gasoline in 2021. The project's one-time construction period use of diesel (526,505 gallons) and gasoline (225,961 gallons) would amount

to less than 0.02% of the state's diesel consumption and less than 0.002% of state gasoline demand in 2021, Project operations would use less than 0.001% of state diesel and less than 0.01% of state gasoline demand in 2021. The project would not significantly impact gasoline or diesel fuel use in California.

According to the United States Environmental Protection Agency, fuel efficiency has significantly improved and is currently at an all-time high. The 2022 Scoping Plan approved by the California Air Resources Board includes multiple measures to reduce fossil fuel consumption by heavy duty construction equipment and trucks, including by electrification, cleaner fuels, and the use of less carbon intensive "green" or renewable natural gas, diesel and hydrogen for combustion. The Scoping Plan also reflects state policies that require all-electric light duty vehicle sales by 2035, and the electrification of a significant majority of all in-state light duty vehicles by 2045. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts related to diesel and gasoline energy than the approved project considered in the certified EIR.

According to the United States Energy Information Agency, California consumed 250,175,000,000 kWh of electricity in 2021. The modified Project will offset 90 percent of its total electrical demand with renewable electricity produced by onsite rooftop PV solar capacity. Based on the CalEEMod results, the project would consume 7,429,226 kWh per year net of onsite generation, or less than 0.003% of state electrical demand in 2021. The modified Project includes onsite generation that exceeds the requirements of the 2022 Building Energy Efficiency Standards. Onsite renewable energy generation deployment and building electrification are consistent with California's long term energy policies, including the 2022 Scoping Plan and related energy laws, regulations and plans. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts related to electricity consumption than the approved project considered in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 28 The proposed Project, will to the extent feasible and to the satisfaction of the Kern County Planning Department incorporate the following energy conservation and design features to reduce the level of energy consumption of the proposed Project. The following list is non-inclusive of all potential conservation and design features that may be included and may be added to at the discretion of Kern County as new technologies become available and feasible to be incorporated:

Solar photovoltaics (PV) mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants. Encourage green building measures that contribute to reducing energy use to 25% less than Title 24 requirements;

Solar water heating to provide non-industrial water heating;

Ground mounted solar PV arrays to provide a portion of the estimated electrical demand for the proposed Wastewater Treatment and Recycle Facility;

Commercial buildings will be designed to meet LEED Silver standards;
Roofs on all buildings will be of a light color to reduce heat generation;

Portions of parking lots (drive aisles) may be paved with concrete versus asphalt to reduce initial solar reflectance;

Depending on the usage, portions of parking lots may be covered, and the parking lot roofs contain solar PV;

Use LED lighting fixtures on all public streets and site lighting;

Include dedicated EV parking at a rate more than required by current codes;
Include EV charging facilities to encourage the usage of electric vehicles;

Encourage the utilization of electric forklifts and other material handling vehicles to reduce usage of fossil fuels;

Design circulation features into the public street improvements to include bus stops and/or other public transportation;

Include bicycle friendly features to reduce Vehicle Miles Traveled (VMT) and to encourage non-vehicular transportation;

Encourage the usage of high efficiency electric motors for the industrial uses and the wastewater treatment plant.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts due to wasteful, inefficient or unnecessary consumption of energy resources than the approved project in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation component 28.

Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

There are no local renewable energy plans applicable to the Project Area and the modified Project is consistent with state renewable energy plans, including the building and off-road vehicle electrification goals in the 2022 Scoping Plan and the onsite renewable energy requirements in the 2022 Building Energy Efficiency Standards. The project will include a 21-acre solar array that will provide renewable electricity to an onsite microgrid and EV charging facilities. These facilities are consistent with the 2022 Scoping Plan and other state efforts to encourage the use of electrical trucks and lighter duty vehicles and reduce the use of fossil fuels for transportation purposes.

Building and vehicle energy efficiency have substantially improved since the certified EIR was approved. The hereby finds that the modified Project would not result in new or substantially more severe significant impacts related to consistency with renewable energy and energy efficiency than the approved project considered in the certified EIR and that this impact is less than significant.

Cumulative energy impacts.

The Board hereby finds that the modified Project would have less than significant impacts due to energy consumption and conflicts with renewable energy and energy efficiency plans. The project would provide logistical warehouse capacity immediately adjacent to I-5 which directly connects with the state's largest ports and population centers and with major markets in the western U.S. The modified Project location will minimize the distance that freight trucks and vehicles must transit from I-5 to access logistical facilities. Building electrification, onsite rooftop solar capacity, and onsite solar powered EV generation services supplied by onsite renewable generation are consistent with state renewable energy and efficiency requirements, plans and objectives. The Board hereby finds that the modified Project would not result in new or substantially more severe cumulative energy impacts than the approved project in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation component 28.

3.7 GEOLOGY AND SOILS

The environmental setting for geology and soils is the same as the Project Area described in the certified EIR. The project site is located in the Great Valley Geomorphic Province of California, an alluvial plain, and includes most of the western half of Kern County, bordered on the east by the Sierra Nevada Mountains and on the west by the Temblor Range. The Buttonwillow Ridge, an anticlinal formation, runs through the site in a northwest/southeast direction. No earthquake faults have been identified on the site. The southern San Joaquin Valley, including the Project Area, is considered to be seismically active. Site soils are exclusively Milham sandy loam, 0 to 2 percent, with moderately slow permeability.

Impact Analysis

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Strong seismic ground shaking

?

Seismic-related ground failure, including liquefaction?

Landslides?

There are no active faults within the Project Area, and no risk of a known earthquake fault rupture would occur within the site. The certified EIR determined that because the site has a flat topography, there is no significant risk of landslides in the Project Area.

The project site is located in a seismically active region containing active fault systems. The site could be subject to severe groundshaking or seismic related ground failure in the event of a maximum magnitude earthquake along the San Andreas, Garlock, White Wolf or Pond-Poso faults.

The certified EIR determined that liquefaction during a seismic event could occur and result in structural damage due to sandy soils and areas of high groundwater located mainly in the northeast portion of the site and eastern portions of the Project Area. The approved project would result in the full development of the site, including permanent buildings with full-time occupancy for highway and commercial uses. The certified EIR found that compliance with applicable state and County building codes and other seismicity-related measures would reduce substantial adverse effects, including the risk of loss, injury, or death from an earthquake, groundshaking and liquefaction to less than significant levels.

The modified Project would be developed within the Project Area considered in the certified EIR and would be subject to the same potential risks of loss, injury, or death related to earthquakes, seismic groundshaking and liquefaction. The project will conform with all applicable state and County building codes and other seismicity-related measures, most of which have been significantly enhanced since the certified EIR was approved. The Board hereby finds that the modified Project will not result in new or substantially more severe significant risks of loss, injury, or death related to earthquakes, seismic groundshaking and liquefaction than the approved project in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 29 The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.

D&I Component 30 Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

Maximum considered earthquake and associated ground acceleration;

Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;

Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;

Foundation material type;

Recommendations for placement and design of facilities, foundations, and

Remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

D&I Component 31 Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.

D&I Component 32 Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.

D&I Component 33 Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the

specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department.

D&I Component 34 The project proponent will use existing roads to the greatest extent feasible to minimize erosion.

Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

D&I Component 35 The project proponent will continuously comply with the following:

The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).

The plans will be submitted to the Kern County Public Works Department for review and approval.

D&I Component 36 The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:

1. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);
2. Sediment collection facilities as may be required by the Kern County Public Works Department;

3. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and
4. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant risks of loss, injury, or death related to earthquakes, seismic groundshaking and liquefaction than the approved project in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation components 29 through 36.

Would the project result in substantial soil erosion or the loss of topsoil?

The certified EIR found that full development for highway and commercial uses would result in the loss of all Class 1 agricultural soils within the site. The certified EIR found that the loss of agricultural land from Project Area development, including the loss of Class 1 agricultural soils, would be a significant and unavoidable impact. Erosion impacts from development were found to be less than significant due to the flatness of the site.

The modified Project would be developed within the Project Area considered in the certified EIR. The development of the Project Area and would result in the same significant and unavoidable impacts to Class 1 agricultural soils. The site's flatness would avoid significant erosion impacts. The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts due to soil erosion or the loss of topsoil than the approved project in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

- D&I Component 29 The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.
- D&I Component 30 Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil

conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

Maximum considered earthquake and associated ground acceleration;

Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;

Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;

Foundation material type;

Recommendations for placement and design of facilities, foundations, and Remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

D&I Component 31 Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.

D&I Component 32 Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.

D&I Component 33 Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department.

D&I Component 34 The project proponent will use existing roads to the greatest extent feasible to minimize erosion.

Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

D&I Component 35 The project proponent will continuously comply with the following:

The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).

The plans will be submitted to the Kern County Public Works Department for review and approval.

D&I Component 36 The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:

1. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water

Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);

2. Sediment collection facilities as may be required by the Kern County Public Works Department;
3. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and
4. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant impacts due to soil erosion and that impacts related to the loss of onsite agriculture from Project Area development, which include the loss of Class 1 agricultural soils, would be the same as considered in the certified EIR and would remain significant and unavoidable even with implementation of mandatory project design and implementation components 29 through 36.

Would the project be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The certified EIR found that that no landslide risks would occur due to the flat site topography and that impacts from subsidence would be less than significant. There are no known faults onsite that could rupture and cause lateral spreading. Liquefaction impacts were found to be less than significant due to required compliance with standard building code regulations.

The modified Project would be implemented in the same location as the approved project and landslide, lateral spreading, collapse and liquefaction-related risks would be the same as considered in the certified EIR. The project will conform with all applicable state and County building codes most of which have been significantly enhanced since the certified EIR was approved to protect against risks related to geological unit or soil instabilities. The Board hereby finds that the modified Project will not result in new or substantially more severe significant risks of landslides, lateral spreading, collapse and liquefaction than the approved project in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 29 The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.

D&I Component 30 Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

Maximum considered earthquake and associated ground acceleration;

Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;

Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;

Foundation material type;

Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

D&I Component 31 Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried

metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.

D&I Component 32 Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.

D&I Component 33 Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department.

D&I Component 34 The project proponent will use existing roads to the greatest extent feasible to minimize erosion.

Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

D&I Component 35 The project proponent will continuously comply with the following:

The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).

The plans will be submitted to the Kern County Public Works Department for review and approval.

D&I Component 36 The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the

Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:

1. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);
2. Sediment collection facilities as may be required by the Kern County Public Works Department;
3. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and
4. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, new or substantially more severe significant risks of landslides, lateral spreading, collapse and liquefaction than the approved project in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation components 29 through 36.

Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The Project Area is not located in an area with significant expansive soil risks. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts related to locating structures on expansive soil creating substantial risks to life or property than considered in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 29 The project proponent will limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent will retain a California registered professional engineer to approve the final grading earthwork and foundation plans prior to construction.

D&I Component 30 Prior to the issuance of building or grading permits for the project, the Project proponent will conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed by a California-registered professional engineer and must identify the following:

Maximum considered earthquake and associated ground acceleration;

Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows;

Stability of any existing or proposed cut-and-fill slopes; Collapsible or expansive soils;

Foundation material type;

Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.

The project proponent will determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent will not locate project facilities on or immediately adjacent to a fault trace. All structures will be offset at least 100-feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.

The Kern County Public Works Department will evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

D&I Component 31 Prior to the issuance of grading permits, the project proponent will retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site will adhere to the specifications, procedures, and site conditions contained in the final design plans, which will be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions will encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design will be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements will be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.

- D&I Component 32 Building locations will be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.
- D&I Component 33 Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, will be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.
- These studies will be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses will be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation will be submitted to the Kern County Planning and Natural Resources Department.
- D&I Component 34 The project proponent will use existing roads to the greatest extent feasible to minimize erosion.
- Prior to approval of the grading permit, final plans will be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.
- D&I Component 35 The project proponent will continuously comply with the following:
- The project proponent will limit grading to the minimum area necessary for construction and operation of the project. Final grading plans will include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required).
- The plans will be submitted to the Kern County Public Works Department for review and approval.
- D&I Component 36 The project proponent will prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan will be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan will include, but is not limited to, the following:

1. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department will be reviewed for applicability);
2. Sediment collection facilities as may be required by the Kern County Public Works Department;
3. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and
4. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.

Level of Significance after Mandatory Project Design and Implementation components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts related to locating structures on expansive soil than considered in the certified EIR and that impacts will be less than significant with implementation of mandatory project design and implementation components 29 through 36.

Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The certified EIR determined that, due to shallow perched groundwater on the site, septic tanks should be avoided within the Project Area. The approved project includes the use of septic tanks during the early phases of development. The certified EIR found that high groundwater conditions could result in the early failure of these tanks and potentially degrade water quality. This impact was considered to be significant and unavoidable.

The modified Project would not use septic tanks and would avoid related impacts to water quality. An onsite wastewater treatment facility will be constructed and operated to capture wastewater and produce recycled water to be used for landscape irrigation and solar panel washing. The treatment process will include an activated sludge process and membrane bioreactor clarification process including screening for solids removal, biological nutrient removal, anoxic secondary treatment, membrane clarification, and disinfection. All treated wastewater and solids from the wastewater treatment process will be used and disposed in compliance with the Tulare Lake Basin Plan groundwater quality objectives, site-specific Waste Discharge Requirements issued under the California Porter- Cologne Act, and all applicable Kern County development standards.

There are no significant soil support constraints within the Project Area that would impact or be impacted by the proposed wastewater treatment facilities. The modified Project would avoid the significant and unavoidable impacts related to septic tanks identified in the certified EIR. No new or substantially more severe significant impacts due to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 37 Prior to the issuance of permits, the project proponent will provide evidence to the Kern County Planning and Natural Resources Department that the siting, design and construction of any potentially proposed septic system(s) and leach field disposal system(s) comply with the 2016 Kern County On-site Systems Manual as authorized by the California Water Board Local Agency Management Program (LAMP) and administered locally by the Kern County Environmental Health Services Department (KCEHS). Proving the proposed septic design plans comply with these requirements will ensure that all standards for septic tanks, seepage pits, and soils are capable of adequately supporting the use of septic tanks.

D&I Component 38 The final leach field disposal system that may potentially be proposed will be designed by a licensed engineer, taking into full consideration the recommendations provided in the June 2016 Kern County On-site Systems Manual.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would avoid onsite impacts related to new septic tank installation and use, that impacts will be less than significant with implementation of mandatory project design and implementation components 37 and 38, and that no significant, or new or substantially more severe significant impacts due to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems would occur.

Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The certified EIR found that there are no unique geological features in the Project Area and did not identify any unique or other paleontological resources or sites in or near the site. None have subsequently been identified in or near the Project Area. Continuous cultivation has resulted in the full ground-surface disturbance of the site to a significant depth for deep-rooted crops and to install irrigation piping. There is a low likelihood that Project Area development could unearth and impact a unique paleontological resource or site. Consistent with the certified EIR, ground-disturbing activity will be suspended until a qualified paleontologist evaluates paleontological resources that may be unearthed during construction.

The modified Project would be implemented in the same Project Area as the approved project considered in the certified EIR. The Board hereby finds that the modified Project will not result in any new or substantially more severe significant impacts to unique paleontological resources or sites, or unique geologic features, than considered in the certified EIR.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 26 During implementation of the proposed project, if a paleontological resource is found, the project contractor will cease ground- disturbing activities within 50 feet of the find.

A qualified paleontologist will evaluate the significance of the resource(s) and recommend appropriate treatment measures.

At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

Any fossils encountered and recovered will be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs will also be filed at the repository.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant impacts to unique paleontological resources or sites, or unique geologic features, than the approved project in the certified EIR, and that impacts will be less than significant with implementation of mandatory project design and implementation component 26.

Cumulative impacts to geologic and soil resources.

The certified EIR determined that full development of the site for highway and commercial uses would contribute to the local and national loss of agricultural land, including the loss of Class 1 soils suitable for agriculture, and the Board hereby finds that this cumulative impact would remain significant and unavoidable. The modified Project would not result in new or substantially more severe significant cumulative impacts to other geological resources, and from seismic, erosion, landslides, lateral spreading and other instability risks with implementation of mandatory project design and implementation components 29 through 38 and 26 and the Board hereby finds that these impacts would be less than significant.

3.8 GREENHOUSE GAS EMISSIONS AND GLOBAL CLIMATE CHANGE

Since the approval of the certified EIR, international agreements, as well as federal and state laws and regulations, have been adopted to reduce greenhouse gas (“GHG”) emissions; however, both the existence of carbon dioxide and other greenhouse gases from fossil fuel combustion and other activities were known at the time the certified EIR was approved. California is a recognized leader in reducing greenhouse gas and addressing climate change, and has enacted scores of legal requirements mandating reductions in fossil fuel use for electricity generation, adopting fuel and fleet standards to reduce greenhouse gas emissions from the transportation sector, improve energy and water efficiency and conservation in buildings and landscaping, and require greenhouse gas reductions from virtually all economic sectors from agriculture, to manufacturing, to oil production, to waste management. The substantial majority of the modified Project’s GHG emissions would be generated from fossil fuel combustion for transportation uses, including trucks and light and medium duty vehicles.

Impact Analysis

Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The project’s construction and annual GHG emissions are summarized in Addendum Appendix B. As with the approved project in the certified EIR, the modified Project’s GHG emissions are attributable to the consumption of fossil fuels, primarily for trucks and light duty vehicles. California has enacted a Cap-and-Trade program to mitigate GHG emissions from these sources. The SJVAPCD is the expert air agency for SJVAB where the Project Area is located. The SJVAPCD has adopted Policy APR-2025, which states that lead agencies preparing CEQA documents rely on reductions from the Cap-and-Trade program to achieve required state GHG emission reductions from activities covered by the program. SJVAPCD Policy APR-2025 states that all GHG emission increases resulting from the combustion of any fuel, except jet fuel, produced, imported and/or delivered in California are mitigated under the Cap-and-Trade program. In addition, GHG emissions from vehicles have been substantially reduced since the certified EIR was approved. According to the federal Energy Department and Environmental Protection Agency, average carbon dioxide emissions fell to an all-time low for 2021 model-year vehicles.

Other state programs that are designed to reduce consumption of fossil fuels and GHG emissions include vehicle fuel efficiency standards, low-carbon fuel standards, an advanced clean cars program, and California’s Green Building Standards (“CALGreen”), which include mandatory measures to support the state’s GHG reduction programs, and the state’s 2022 Building Energy Efficiency Standards.

All project on-road vehicles, including heavy-duty trucks, passenger vehicles, light-duty trucks, and medium-duty vehicles, utility provided electricity, and other GHG sources are required to comply with all applicable local and state GHG emission reduction regulations and requirements, including the state Cap-and-Trade program and applicable CALGreen, Building Energy Efficiency Standards and related requirements. None of these local and state GHG emission reduction regulations and requirements were in effect at the time the certified EIR was approved.

The project includes all-electric buildings, all-electric cargo handling equipment, the installation of rooftop solar PV that will produce onsite renewable electricity and offset 90% of the project's total annual electrical consumption, and onsite EV and truck charging facilities supplied by renewable electrical energy from the proposed onsite 21-acre PV solar array. These elements of the modified Project are consistent with and support state laws, plans and policies to reduce GHG emissions.

The modified Project would provide logistics facilities immediately adjacent to I-5. This location will minimize the distance that trucks other vehicles must transit from I-5 to access logistics warehouses and reduce GHG emissions.

The Board hereby finds that the modified Project will not result in new or substantially more severe significant greenhouse gas emission impacts than the approved project in the certified EIR and this impact would be less than significant.

Would the project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

California has enacted a Cap-and-Trade program to mitigate GHG emissions from these sources. The SJVAPCD is the expert air agency for SJVAB where the Project Area is located. The SJVAPCD has adopted Policy APR-2025, which states that lead agencies preparing CEQA documents rely on reductions from the Cap-and-Trade program to achieve required state GHG emission reductions from activities covered by the program. SJVAPCD Policy APR-2025 states that all GHG emission increases resulting from the combustion of any fuel, except jet fuel, produced, imported and/or delivered in California are mitigated under the Cap-and-Trade program.

Other state programs that are designed to reduce consumption of fossil fuels and GHG emissions include vehicle fuel efficiency standards, low-carbon fuel standards, an advanced clean cars program, and California's Green Building Standards (CALGreen), which include mandatory measures to support the State's GHG reduction programs, and the 2022 Building Energy Efficiency Standards.

All project on-road vehicles, including heavy-duty trucks, passenger vehicles, light-duty trucks, and medium-duty vehicles, utility provided electricity, and other GHG sources are required to comply with all applicable local and state GHG emission reduction regulations and requirements, including the state Cap-and-Trade program and applicable CALGreen, Building Energy Efficiency Standards and related requirements. None of these local and state GHG emission reduction regulations and requirements were in effect at the time the certified EIR was approved.

GHG emissions from vehicles have been substantially reduced since the certified EIR was approved. According to the federal Energy Department and Environmental Protection Agency, average carbon dioxide emissions fell to an all-time low for 2021 model-year vehicles. In addition, the project includes components that support long-term state GHG reduction efforts, including all-electric buildings and all-electric cargo handling equipment. The 2022 Scoping Plan approved by the California Air Resources Board includes multiple measures intended to reduce GHG emissions from heavy duty construction equipment and trucks, including by electrification, cleaner fuels, and the use of less carbon intensive "green" or renewable natural gas, diesel and hydrogen. In addition,

the Scoping Plan reflects the state's policies that require all- electric light duty vehicle sales by 2035, and the electrification of a significant majority of all instate light duty vehicles by 2045.

The project includes all-electric buildings, all-electric cargo handling equipment, the installation of rooftop solar PV that will produce onsite renewable electricity and offset 90% of the project's total annual electrical consumption, and onsite EV and truck charging facilities supplied by renewable electrical energy from the proposed onsite 21-acre PV solar array. These elements of the modified Project are consistent with and support state laws, plans and policies to reduce GHG emissions. The modified Project would provide logistics facilities immediately adjacent to I-5. This location will minimize the distance that trucks other vehicles must transit from I-5 to access logistics warehouses and reduce GHG emissions.

The modified Project's all-electric buildings, all-electric yard trucks and forklifts, onsite EV charging facilities powered by onsite solar generation, and significant rooftop solar capacity are consistent with and help achieve the state's GHG emission reduction plans, policies and regulations. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts related to conflict with an applicable GHG reduction plan, policy, or regulation than the approved project in the certified EIR and that impacts would be less than significant.

Cumulative greenhouse gas emissions impacts

All modified Project equipment, on-road vehicles, including heavy-duty trucks, passenger vehicles, light-duty trucks, and medium-duty vehicles, utility-provided electricity, and other GHG sources are required to comply with all applicable local and state GHG emission reduction regulations and requirements, including the state Cap-and-Trade program and CALGreen, 2022 Building Energy Efficiency Standards and other efficiency measures. None of these requirements were in effect when the certified EIR was approved.

The project includes all-electric buildings, all-electric cargo handling equipment, the installation of rooftop solar PV that will produce onsite renewable electricity and offset 90% of the project's total annual electrical consumption, and onsite EV and truck charging facilities supplied by renewable electrical energy from the proposed onsite 21-acre PV solar array. These elements of the modified Project are consistent with and support state laws, plans and policies to reduce GHG emissions. The modified Project would provide logistics facilities immediately adjacent to I-5. This location will minimize the distance that trucks other vehicles must transit from I-5 to access logistics warehouses and reduce GHG emissions.

The Board hereby finds that the modified Project would not result in new or substantially more severe significant cumulative GHG emission impacts than the approved project in the certified EIR and that this impact would be less than significant.

3.9 HAZARDS AND HAZARDOUS MATERIALS

The environmental setting for hazards and hazardous materials is the same as described in the certified EIR. The site has been used for agriculture since 1985, which includes the application of fertilizers and other chemicals for onsite crop cultivation. There are no known construction material or oil and gas deposits within the site, and no mining or petroleum extraction exploration

or development has occurred in the Project Area. There are no landfills within the site. The certified EIR found that the approved project would introduce humans and human activity into an agricultural area and that chemical drift and particulate movement towards the project site from adjacent normal farming activity, such as chemical applications, tilling and harvesting, could occur.

Impact Analysis

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The modified Project would not routinely transport, use, or dispose hazardous materials. All equipment and vehicle fuels handling and conveyance will comply with applicable laws and regulations. All wastewater will be treated onsite, recycled for non-potable onsite uses, and managed in accordance with applicable laws and regulations, including state and County health and safety requirements. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts associated with significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 39 During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> for review and approval. The HMBP will:

Delineate hazardous material and hazardous waste storage areas

Describe proper handling, storage, transport, and disposal techniques

Describe methods to be used to avoid spills and minimize impacts in the event of a spill

Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction

Establish public and agency notification procedures for spills and other emergencies including fires.

Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.

D&I Component 40 Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/ Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.

D&I Component 41 If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:

All work will immediately stop in the vicinity of the suspected contaminant; Project Construction Manager will be notified;

Area(s) will be secured as directed by the Project Construction Manager;

Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,

Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.

D&I Component 42 Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated biphenyls will be removed by the hazardous materials specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.

Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-

mounted transformers, PG&E will be contacted for their removal or replacement.

- D&I Component 43 Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re-abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
- D&I Component 44 The following note will appear on all final maps and grading plans: “If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required.”
- D&I Component 45 Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A “Dig Alert” ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.
- D&I Component 46 If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non- Emergency telephone number for the Kern County Fire Department is (661) 324-6551. The project will follow all safety and cleanup regulations.
- D&I Component 47 If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.
- D&I Component 48 Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

Herbicides will be mixed and applied in conformance with the product manufacturer's directions.

The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.

To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.

Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.

If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.

D&I Component 49 If asbestos containing materials are identified during construction then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts associated with significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials, and that impacts would be less than significant with implementation of mandatory project design and implementation components 39 through 49.

Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The modified Project would not routinely transport, use, or dispose hazardous materials. All equipment and vehicle fuels handling and conveyance will comply with applicable laws and regulations. Onsite water and wastewater treatment facilities, including chemicals used in and residual solids from water and wastewater treatment, will be managed in accordance with applicable laws and regulations, including state and County health and safety requirements. The risk of upset or accident conditions that involve hazardous material releases is substantially similar to the potential risks associated with Project Area buildout for highway and service commercial uses considered in the certified EIR. The Board hereby finds that no new or substantially more severe significant impacts would occur.

Mandatory Project Design and Implementation Components

D&I Component 39 During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California

Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> for review and approval. The HMBP will:

Delineate hazardous material and hazardous waste storage areas

Describe proper handling, storage, transport, and disposal techniques

Describe methods to be used to avoid spills and minimize impacts in the event of a spill

Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction

Establish public and agency notification procedures for spills and other emergencies including fires.

Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.

D&I Component 40 Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/ Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.

- D&I Component 41 If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:
- All work will immediately stop in the vicinity of the suspected contaminant;
- Project Construction Manager will be notified;
- Area(s) will be secured as directed by the Project Construction Manager;
- Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,
- Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.
- D&I Component 42 Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated biphenyls will be removed by the hazardous materials specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.
- Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-mounted transformers, PG&E will be contacted for their removal or replacement.
- D&I Component 43 Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re-abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
- D&I Component 44 The following note will appear on all final maps and grading plans: “If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required.”
- D&I Component 45 Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers

such as flags or stakes at least two days prior to commencing any excavation work. A “Dig Alert” ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.

D&I Component 46 If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non- Emergency telephone number for the Kern County Fire Department is (661) 324-6551. The project will follow all safety and cleanup regulations.

D&I Component 47 If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.

D&I Component 48 Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

Herbicides will be mixed and applied in conformance with the product manufacturer’s directions.

The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.

To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.

Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.

If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.

D&I Component 49 If asbestos containing materials are identified during construction then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and that impacts would be less than significant with implementation of mandatory project design and implementation components 39 through 49.

Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools located or proposed within one-quarter mile of the site. The modified Project would not result in hazardous emissions or hazardous or acutely hazardous materials, substances, or waste handling within one-quarter mile of any existing or proposed school. The Board hereby finds that no new or substantially more severe significant impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 39 During the life of the project, including decommissioning, the project operator will prepare and maintain a Hazardous Materials Business Plan (HMBP), as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> for review and approval. The HMBP will:

Delineate hazardous material and hazardous waste storage areas Describe proper handling, storage, transport, and disposal techniques

Describe methods to be used to avoid spills and minimize impacts in the event of a spill

Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction

Establish public and agency notification procedures for spills and other emergencies including fires.

Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent will ensure that all contractors working on the project are familiar with the facility's HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the approved HMBP from CERS will be submitted to the Kern County Planning and Natural Resources Department for inclusion in the project's permanent record.

D&I Component 40 Prior to the issuance of a certificate of occupancy for an individual parcel project which exceeds any of the thresholds established by Title 40, Code of Federal Regulations, Part 112, related to facilities requiring a Spill Prevention Control and Countermeasures (SPCC) Response Plan, the individual parcel proponent will prepare and submit an SPCC Response Plan to the Kern County Public Health Services Department/Environmental Health Division and the California Department of Water Resources. The individual parcel proponent will ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.

D&I Component 41 If suspect materials or wastes of unknown origin are discovered during construction on the project site, which is thought to include hazardous waste materials the following will occur:

All work will immediately stop in the vicinity of the suspected contaminant;

Project Construction Manager will be notified;

Area(s) will be secured as directed by the Project Construction Manager;

Notification will be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,

Copies of all notifications and correspondence will be submitted to the Kern County Planning and Natural Resources Department.

D&I Component 42 Prior to issuance of the grading permit, a qualified hazardous materials specialist will inspect each power pole on-site with a transformer. Those containing polychlorinated biphenyls will be removed by the hazardous specialist and disposed of at an appropriate hazardous materials disposal site to the satisfaction of Department of Toxic Substances Control. The hazardous materials specialist will provide a short report to the Kern County Planning and Natural Resources Department and the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.

Prior to construction, Pacific Gas and Electric Company (PG&E) will be contacted regarding the disposition of pole-mounted transformers. In the event of a future release or leak of insulating fluids from any of the pole-mounted transformers, PG&E will be contacted for their removal or replacement.

- D&I Component 43 Prior to start of construction, any abandoned petroleum prospect well within the project development area will be located, exposed, and re-abandoned, if required, to conform to the current abandonment requirements of the California Department of Conservation, Geologic Energy Management Division and the Kern County Department of Environmental Health Services.
- D&I Component 44 The following note will appear on all final maps and grading plans: “If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the Geologic Energy Management Division will be contacted to inspect and approve any remediation required.”
- D&I Component 45 Prior to grading or excavating the Underground Service Alert One-call center will be contacted at (800) 227-2600. The proposed excavation area will be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A “Dig Alert” ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.
- D&I Component 46 If a rupturing of a pipeline should occur during excavation and construction activities the Kern County Fire Department and Pacific Gas and Electric Company should be contacted immediately. Natural gas transmission pipeline rupture most often indicated an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Greenfield Station 52, located at 312 Taft Highway, should be contacted at (661) 834-5144. The non- Emergency telephone number for the Kern County Fire Department is (661) 324-6551. The project will follow all safety and cleanup regulations.
- D&I Component 47 If the on-site water wells are not to be used for irrigation or industrial purposes, they will be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources, and permit requirements of the Kern County Environmental Health Services Division.

D&I Component 48 Prior to the issuance of grading or building permits for the project, if herbicides are to be utilized, the contractor or personnel applying herbicides must have the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

Herbicides will be mixed and applied in conformance with the product manufacturer's directions.

The herbicide applicator will be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used.

To minimize harm to wildlife, vegetation, and waterbodies, herbicides will not be applied directly to wildlife, products identified as non-toxic to birds and small mammals will be used if nests or dens are observed.

Herbicides will not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water, and will not be applied when wind velocity exceeds 10 miles per hour.

If spray is observed to be drifting to a non-target location, spraying will be discontinued until conditions causing the drift have abated.

D&I Component 49 If asbestos containing materials are identified during construction then the San Joaquin Valley Air Pollution Control District will be contacted for removal and disposal procedures. These procedures will be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not cause significant, or new or substantially more severe significant impacts related to hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and that impacts will be less than significant with implementation of mandatory project design and implementation components 39 through 49.

Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The Project Area is not included in the list of hazardous materials sites maintained by the California Environmental Protection Agency in accordance with Government Code Section 65962.5. The modified Project will not create a hazard to the public or the environment related to inclusion as a listed hazardous materials site pursuant to Government Code Section 65962.5. The Board hereby finds that new or substantially more severe significant impacts would occur, and that impacts would be less than significant.

For a project located within the adopted Kern County Airport Land Use Compatibility Plan, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The Kern County Airport Land Use Compatibility Plan (“ALUCP”) specifies restrictions within designated zones surrounding airports to ensure that activities within those zones are compatible with the safe operation of the airport. The Project Area is not located within the areas designated in the Kern County Airport Land Use Compatibility Plan. The modified Project will not result in safety hazards or excessive noise for people working in the ALUCP-designated area. The Board hereby finds that no new or substantially more severe significant impacts would occur, and that impacts would be less than significant.

Would the project impair implementation of, or physically interfere with, an adopted Emergency Response Plan or emergency evacuation plan?

An emergency response and evacuation plan has been adopted for the potential failure of the Lake Isabella Dam and is applicable to the San Joaquin Valley portion of Kern County. Lake Isabella is located approximately 40 miles northeast of Bakersfield along the Kern River in the Sierra Nevada mountains. The plan specifies evacuation routes and evacuation zones based on downstream locations that could be subject to inundation from a dam failure. The inundation zones include most of the city of Bakersfield and extend west to I-5. The Project Area is located to the northwest and outside of the Lake Isabella inundation zones identified in the evacuation plan. The Board hereby finds that no new or substantially more severe significant impacts would occur, and that impacts would be less than significant.

Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The Project Area is not located in or in the vicinity of significant fire hazard zones. The Project Area is located on the floor of the San Joaquin Valley in a location mapped by Kern County as having a fire severity rating of less than moderate due to the lack of fuel. In contrast, the hills surrounding the San Joaquin Valley, and several miles distant from the Project Area, are considered to have moderate, high, or very high fire risks. There are no major urbanized areas, wildlands or residences intermixed with wildlands within or adjacent to the site. The Board hereby finds that no new or substantially more severe significant impacts would occur, and that impacts would be less than significant.

Would implementation of the project generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste? Specifically, would the project exceed the following qualitative threshold:

The presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with the project is significant when the applicable enforcement agency determines that any of the vectors:

Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and

Are associated with design, layout, and management of project operations and Disseminate widely from the property; and

Cause detrimental effects on the public health or well-being of the majority of the surrounding population?

The Project Area is located on the San Joaquin Valley floor where the Valley Fever vector, the fungus *Coccidioides immitis*, could occur airborne during construction. The certified EIR found that ponding could occur during periods of heavy rain along the border of the site with I-5, which blocks offsite flows to the east.

All wastewater will be treated onsite, recycled for non-potable onsite uses, and managed in accordance with applicable laws and regulations, including state and County health and safety requirements. All stormwater and drainage waters will be managed onsite in accordance with all applicable laws and regulations, including Kern County requirements. The modified Project will comply with all applicable state and Kern County vector control requirements for managing onsite areas used for wastewater and stormwater management. Existing agricultural uses that could generate agricultural waste and stimulate vectors will be curtailed by modified Project development. The Board hereby finds that no new or substantially more severe significant impacts would occur, and that impacts would be less than significant.

Contribute to cumulative hazards and hazardous materials impacts.

The Board hereby finds that the modified Project will not result significant impacts related to hazards and hazardous materials, and that impacts would be less than significant. The Board hereby finds that no new or substantially more severe significant impacts related to cumulative hazards and hazardous materials than considered in the certified EIR would occur and that impacts would be less than significant with implementation of mandatory project design and implementation components 39 through 49.

3.10 HYDROLOGY AND WATER QUALITY

The environmental setting for hydrology and water quality is the same as described in the certified EIR. The Project Area is relatively flat with an average elevation change of about 10 feet per half mile (0.3% slope). Drainage off the Buttonwillow Ridge in the site flows to the northeast and southwest and can temporarily pond during larger storm events along the freeway to the east. The project site is not in a floodplain identified by the Federal Emergency Management Agency (FEMA) or Kern County. Existing agricultural wells have been used to irrigate the site for alfalfa and other crops each year since 1985. Perched groundwater has been encountered at a depth of about 20 feet, primarily in the eastern portions of the Project Area.

The approved project includes the disposal of treated wastewater in the interim agricultural buffer area within the site. To protect groundwater quality, the certified EIR found that any such wastewater disposal should occur in the western portions of the site where the risk of groundwater

contact would be reduced. The certified EIR found that the approved project would potentially impact groundwater quality from the disposal of treated wastewater in the western portions of the site, the possibility that ponded runoff and sump pumping would affect perched groundwater, reduced recharge due to impervious development on the site, and the possible failure of early phase septic tanks in areas of high groundwater.

A hydrology and water quality report was prepared for the modified Project. The modified Project will construct and operate onsite stormwater management facilities, a wastewater treatment facility (“WWTF”), and a potable water treatment facility. Potable water will be supplied from onsite groundwater wells and treated at the potable water treatment facility. Recycled water will be produced by the onsite WWTF. At full buildout, the modified Project would use approximately 106 AFY, including 67 AFY of groundwater for potable demand, and 39 AFY of nonpotable recycled water.

The Project Area is within the SWSD service area and the jurisdiction of the SWSD GSA. The SWSD GSA has adopted the Semitropic Groundwater Sustainability Plan and a Landowner Water Budget Program to achieve the objectives required by the state Sustainable Groundwater Management Act. The SWSD and SWSD GSA reviewed the modified Project’s water use, including groundwater, and confirmed in a November 8, 2022 email letter to the project applicant that the proposed use would be consistent with the Semitropic Groundwater Sustainability Plan.

Onsite stormwater retention facilities will be located on the northeast side of the Modified Project site, adjacent to I-5 and designed to capture runoff from a 10-year, 5-day rainfall event in accordance with Kern County development standards. No offsite stormwater discharge will occur. Landscaped buffers surrounding impervious project areas and along I-5 will capture and facilitate groundwater recharge.

The potable water treatment facility will include a conventional first stage spiral wound reverse osmosis membrane system and second stage vibratory shear enhanced processing to reduce the volume of concentrated brine from the water treatment system. Concentrated brine disposal will be managed in accordance with all applicable Waste Discharge Requirements (“WDRs”) and other laws and regulations. A public water system will be formed to own and operate the potable water facilities.

Recycled water produced by the WWTF will be used for landscape irrigation and solar panel washing and will meet or exceed all applicable water quality standards for nonpotable reuse. The facility will use an activated sludge and membrane bioreactor clarification process, screening for solids removal, biological nutrient removal, anoxic secondary treatment, membrane clarification, and disinfection. Waste activated sludge, screened solids and other wastes from the WWTF will be managed or disposed offsite at a publicly owned treatment works or a permitted landfill. Onsite WWTF drying facilities will utilize fully contained units designed, constructed, and operated in accordance with all applicable WDRs and Kern County permitting requirements.

Impact Analysis

Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Modified Project construction will comply with the state General Construction Permit and avoid significant construction period impacts to water quality. The project includes a storm drainage system that will convey stormwater to onsite water retention basins. The stormwater management facilities will conform with Kern County Engineering, Surveying, and Permit Services Departments Development Standards Engineering Bulletin 11-01 (Precipitation Data) and Bulletin 11-02 (Sump Volume Requirements) and avoid substantial onsite and offsite erosion, siltation or flooding. The onsite stormwater facilities will be designed to capture runoff from a 10-year, 5-day rainfall event and will have a retention drawdown time of approximately 6 days, less than the 7-day maximum required by Kern County. There are no natural surface water features on or near the Project Area and all stormwater will be retained onsite. The Board hereby finds that no new or substantially more severe significant impacts to surface water quality will occur, and that impacts would be less than significant.

The proposed onsite WWTF, stormwater facilities, and use of recycled water for irrigation and other nonpotable reuse will be designed, constructed, and operated in compliance with the Tulare Lake Basin Plan groundwater quality objectives, WDRs issued by the Central Valley Regional Water Quality Control Board, and all applicable Kern County Development Standards. Recycled water produced by the WWTF will meet all applicable water quality criteria for electrical conductivity, total dissolved solids, chloride and other constituents and will not adversely affect groundwater quality. All concentrated brine and solid waste generated by the potable water and wastewater treatment facilities will be managed and disposed in compliance with site-specific WDRs. Consistent with the certified EIR, onsite retention basins will be located in the northern portions of the site to avoid areas with perched groundwater. The Board hereby finds that no new or substantially more severe significant impacts to groundwater quality will occur, and that impacts would be less than significant.

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The modified Project includes onsite stormwater and runoff retention facilities that will prevent offsite discharges and allow for infiltration with a maximum drawdown period of six days. These facilities will facilitate recharge into the underlying aquifer. Approximately 55 acres of the Project Area, including landscaped buffers, retention facilities and the 21-acre solar array, would remain pervious and also facilitate recharge.

The modified Project will use groundwater pumped from onsite wells and treated at an onsite water treatment facility for potable demand. Onsite wastewater will be captured and used to produce high-quality recycled water at the proposed onsite WWTF. At full buildout, the project would use 67 AFY of groundwater and 39 AFY of nonpotable recycled water. From 2000 to 2021, an average of 600 AFY of groundwater has been used for Project Area agriculture. The approved project in the certified EIR would use approximately 411 AFY. Modified Project groundwater use would be 89% lower than the average historical groundwater use for agriculture and significantly below the water use for the approved project in the certified EIR.

In March 2021 the SWSD GSA adopted a Landowner Water Budget Program by resolution to reduce groundwater withdrawals within the Semitropic Groundwater Sustainability Plan area. The

Landowner Water Budget Program requires that Project Area groundwater use be reduced to 1.05 AFY per acre and to 270 AFY for the site by 2040. The project's full buildout groundwater demand of 67 AFY would be 0.26 AFY per acre, significantly lower than the SWSD GSA Landowner Water Budget Program allocation for the Project Area.

The SWSD and SWSD GSA reviewed the modified Project's proposed water use, including groundwater. On November 8, 2022, the SWSD and SWSD GSA confirmed in an email letter to the project applicant that the modified Project water use would be consistent with the Semitropic Groundwater Sustainability Plan.

The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts from decreasing groundwater supplies or interfering substantially with groundwater recharge and will not impede sustainable groundwater management within the basin regulated by the SWSD GSA, and that impacts would be less than significant.

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:

result in a substantial erosion or siltation on- or off-site;

substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite;

create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

impede or redirect flood flows?

There are no streams or rivers within the Project Area, and none would be altered by the modified Project. The project includes a storm drainage system that will convey stormwater to onsite water retention basins. The stormwater management facilities will be designed, engineered, constructed, and operated to conform with all applicable requirements, including the Kern County Engineering, Surveying, and Permit Services Departments Development Standards Engineering Bulletin 11-01 (Precipitation Data) and Bulletin 11-02 (Sump Volume Requirements) and will capture runoff from a 10-year, 5-day rainfall event with a drawdown time of approximately 6 days. Pervious surfaces will be retained within 55 acres of the Project Area. The proposed stormwater facilities will meet all applicable runoff management requirements for the modified Project and will not exceed the capacity of any existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The modified Project facilities will avoid substantial onsite and offsite erosion, siltation or flooding. The Board hereby finds that no new or substantially more severe significant impacts would occur, and impacts would be less than significant.

Would the project in flood hazard, tsunami, seiche zones, risk release of pollutants due to project inundation?

The Project Area is not located within a 100-year floodplain or a designated Flood Hazard Boundary. There are no natural water bodies near the Project Area. There are no flood hazard, tsunami or seiche zones in or near the Project Area, and no new or substantially more severe significant impacts from pollutant releases in these zones would occur. The Board hereby finds that impacts related to flood hazard, tsunami, seiche zones, and the risk of release of pollutants due to project inundation would be less than significant.

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The modified Project stormwater management, wastewater treatment and potable water treatment facilities will meet all of the surface and groundwater quality objectives in the Tulare Lake Basin Plan adopted by the Central Valley Regional Water Quality Control Board, California Code of Regulations Title 22 Recycled Water Criteria, WDRs issued by the Regional Board under the California Porter-Cologne Water Quality Control Act, and all applicable Kern County development standards. The modified Project will not result in significant or new or substantially more severe significant impacts to surface and groundwater quality or groundwater recharge. The SWSD and SWSD GSA reviewed the modified Project's proposed water use as described in the WSA. On November 8, 2022, the SWSD and SWSD GSA confirmed in an email letter to the project applicant that the modified Project water use is consistent with the Semitropic Groundwater Sustainability Plan adopted to implement SGMA.

The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts related to conflicts with or obstructing the implementation of a water quality control plan or a sustainable groundwater management plan, and that impacts would be less than significant.

Contribute to cumulative hydrology and water quality impacts.

The modified Project would not result in new or substantially more severe significant impacts from: (a) a violation of any water quality standards or waste discharge requirements; (b) substantially depleting groundwater supplies or interfering substantially with groundwater recharge and impeding sustainable groundwater management; (c) substantially altering a stream or river or substantially increasing siltation or erosion or onsite or offsite flooding, exceeding the capacity of planned or existing stormwater management systems, creating substantial additional polluted runoff sources, or impeding or redirecting flood flows; (d) releasing pollutants from project inundation in flood hazard, tsunami, or seiche zones, or (e) conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. The Project Area is not within a 100-year flood zone or a designated Flood Hazard Area. No natural waterbodies are located within 12 miles of the site. No new or substantially more severe significant cumulative hydrology and water quality impacts will occur. The Board hereby finds that these impacts would be less than significant.

3.11 LAND USE AND PLANNING

The environmental setting for land use and planning is the same as described in the certified EIR. The Project Area is located within the unincorporated portion of Kern County and is subject to the Kern County General Plan (“KCGP”). The nearest community is Buttonwillow, which is located about three miles to the south of the southern border of the site.

Impact Analysis

Would the project physically divide an established community?

The modified Project is not located within and would not divide any established community and the Board hereby finds that related impacts would be less than significant.

Would the project cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No plan, policy or regulation has been adopted for the purpose of avoiding or mitigating an environmental effect within the Project Area. The modified Project would change the existing A, M-1 and CH zoning for the Project Area to M-3, heavy industry, with a PD overlay, and change the KCGP designation for the site to 7.3, Heavy Industrial. If approved, these changes would allow for the development of the modified Project consistent with the requirements of the KCGP and the Kern County Zoning Ordinance, which include provisions that address environmental effects. The modified Project’s consistency with other applicable plans, policies or regulations, including plans, policies or regulations that include measures to avoid or mitigate environmental effects is discussed in other relevant sections of these findings, such as Section 3.3, Air Quality, Section 3.4, Biological Resources, Section 3.6, Energy, Section 3.8, Greenhouse Gas Emissions and Global Climate Change, Section 3.10, Hydrology and Water Quality, Section 3.17. Transportation and Traffic and Section 3.19, Utilities and Service Systems. The Project Area is not covered by an existing approved HCP, NCCP or any other local, state or federal farmland or species conservation plan or contract. The Board hereby finds that the modified Project would not cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Contribute to cumulative land use and planning impacts.

The modified Project would not conflict with the Kern County Zoning Ordinance zoning and the KCGP land use designations for the Project Area. The project would not divide an established community or conflict with an approved HCP or NCCP. The modified Project will not conflict with any other plan, policy or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. The Board hereby finds that no new or significantly more severe significant cumulative land use and planning impacts would occur and all such impacts would be less than significant.

3.12 MINERAL RESOURCES

The environmental setting for mineral resources is the same as described in the certified EIR. No petroleum or gas resource wells have ever been drilled within the Project Area. No mineral or construction resources have been identified in or near the site.

Impact Analysis

Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The certified EIR found that there are no mineral resources within or near the Project Area. No petroleum or gas wells have been drilled on and no producing wells are adjacent to the site. The Board hereby finds that the modified Project would not cause new or significantly more severe significant impacts to mineral resources and that all such impacts would be less than significant.

Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The certified EIR found that there are no mineral resources within or near the Project Area. No petroleum or gas wells have been drilled on and no producing wells are adjacent to the site. No portion of the project site has been designated as a mineral resources recovery site on any local general plan, specific plan, or other land use plan. The Board hereby finds that the modified Project would not result in new or significantly more severe significant impacts to a locally important mineral resource site and that all such impacts would be less than significant.

Contribute to cumulative mineral resources impacts.

No mineral resources areas or locally important mineral resource recover sites are located or have been designated within the Project Area. The Board hereby finds that the modified Project will not result in new or substantially more severe significant cumulative impacts to mineral resources and that all such impacts would be less than significant.

3.13 NOISE

The environmental setting for noise is the same as described in the certified EIR. Section 3.2 of the Kern County General Plan identifies residential areas, schools, convalescent and acute care hospitals, parks and recreational areas and churches as noise-sensitive land uses. The KCGP policies include limiting average day-night sound levels (“L_{dn}”) in noise sensitive land use areas to 65 decibels (“dB”) Ldn for outdoor activity areas and 45 dB Ldn for indoor interior living spaces or other noise sensitive interior spaces. The certified EIR considered potential impacts to sensitive and very sensitive receptors within a noise contour of 60 dB, A-weighted (“dBA”) generated by traffic from adjacent roadways, including I-5. Federal law regulates noise from certain other sources, such as aircraft or highway construction, and federal labor laws limit worker exposure to 90 dBA over an 8-hour work day (29 CFR 1910.95).

There are no noise-sensitive residential areas, schools, convalescent and acute care hospitals, parks and recreational areas, within three miles of the Project Area. The nearest established community is Buttonwillow, which is located three miles from the southern border of the site. A farm house that also functions as a farm office is located in the center-east portion of the site and is occupied by a lessee of the applicant. No other inhabited structures exist on the site. The nearest offsite residence is located within 0.3 miles to the south of the site. Three occupied residences are located within one mile of the site’s eastern border and are separated from the Project Area by I-5. All of the adjacent land to the east, west, south and north is used for agriculture or animal husbandry.

The certified EIR considered noise impacts to potentially sensitive noise receptors, such as people in living quarters or motels, that could be built as part of the approved highway and commercial uses for the site, as well as external ambient noise levels. The EIR concluded that exterior noise level impacts from development and vehicle sources would be significant and unavoidable.

Impact Analysis

Would the project result in generation of a substantial temporary or permanent increase in the ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

The modified Project would develop the Project Area considered in the certified EIR. The proposed logistical warehouse development would result in a lower number of average daily vehicle trips to and from the site than considered in the certified EIR. The highway and commercial service uses in the approved project would result in multiple onsite noise sources from human activity, including hotels and motels, restaurants, markets, and commercial fueling stations. The modified Project would develop the Project Area primarily for logistical land uses and a substantial amount of onsite activity will occur within the four proposed warehouse facilities. Other portions of the site will be developed with passive uses, such as the 21-acre solar grid, onsite retention and detention ponds and landscaped areas using recycled water. The proposed wastewater treatment water treatment facilities will be constructed in accordance with all applicable design and regulatory requirements, including acoustical and noise reduction requirements. No noise-sensitive residential areas, schools, convalescent and acute care hospitals, parks and recreational areas and churches, would be significantly impacted by the modified Project.

Temporary and permanent potential noise impacts from modified Project construction and operations, including to the offsite residence located within 0.3 miles to the south of the site, and occupied residences located within one mile of the site's eastern border that are separated from the Project Area by I-5, will be substantially similar with impacts from the approved project in the certified EIR. The Board hereby finds that no new or substantially more severe significant noise impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 50 The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:

1. Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not

apply to activities where hourly limitations would result in increased safety risk to workers or the public.

2. Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
3. Where feasible construction equipment will be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
4. Haul trucks will not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).
5. On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).
6. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.

D&I Component 51 Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:

1. The disturbance coordinator will be responsible for responding to any local complaints about construction noise.
2. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting to early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.

D&I Component 52 The following notes will be placed on all grading and building permits issued for the project site:

Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric

air compressors and similar power tools, rather than diesel equipment, will be used where feasible.

During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.

All equipment will be fitted with factory equipped mufflers, and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in new or substantially more severe significant noise impacts than considered in the certified EIR, and that impacts would remain significant and unavoidable with implementation of mandatory project design and implementation components 50 through 52.

Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

The Kern County General Plan does not identify ground borne vibration or noise standards. No noise-sensitive land uses defined in the KCGP, including residential areas, schools, convalescent and acute care hospitals, parks and recreational areas and churches, are located adjacent to or within three miles of the site. The modified Project does not include operational land uses that would be expected to cause excess ground borne vibration or noise levels. Temporary ground borne potential impacts from project construction would be substantially similar to the impacts for the approved project in the certified EIR. The Board hereby finds that no new or substantially more severe significant ground borne impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 50 The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:

1. Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not apply to activities where hourly limitations would result in increased safety risk to workers or the public.

2. Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
3. Where feasible construction equipment will be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
4. Haul trucks will not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).
5. On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).
6. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.

D&I Component 51 Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:

1. The disturbance coordinator will be responsible for responding to any local complaints about construction noise.
2. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.

D&I Component 52 The following notes will be placed on all grading and building permits issued for the project site:

Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, will be used where feasible.

During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.

All equipment will be fitted with factory equipped mufflers, and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts from ground borne vibration or ground borne noise levels, and that impacts will be less than significant with implementation of mandatory project design and implementation components 50 through 52.

Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The highway and commercial service uses in the approved project would result in a multiple onsite potential noise sources affecting ambient noise levels from human activity, including hotels and motels, restaurants, markets, and commercial fueling stations. The EIR concluded that exterior noise impacts would be significant and unavoidable.

The modified Project would develop the Project Area considered in the certified EIR. The modified Project would result in a lower number of average daily vehicle trips to and from the site than considered in the certified EIR. No noise-sensitive land uses defined in the Kern County General Plan, including residential areas, schools, convalescent and acute care hospitals, parks and recreational areas and churches, are located adjacent to or within three miles of the Project Area. Potential impacts from increased ambient noise levels in the project vicinity would be substantially similar to the approved project impacts in the certified EIR. The Board hereby finds that no new or substantially more severe significant noise impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 50 The project will reduce short-term noise during construction by implementing the following mandatory design and implementation components:

1. Construction activities at the project site will comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities will be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations will not

apply to activities where hourly limitations would result in increased safety risk to workers or the public.

2. Equipment staging and laydown areas will be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
3. Where feasible construction equipment will be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
4. Haul trucks will not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).
5. On-site vehicle speeds will be limited to 15 miles per hour, or less (except in cases of emergency).
6. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.

D&I Component 51 Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" will be established. The project operator will submit to the Kern County Planning and Natural Resources Department evidence of methods of implementation to respond noise complaints during construction and will require that:

1. The disturbance coordinator will be responsible for responding to any local complaints about construction noise.
2. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will be required to implement reasonable measures such that the complaint is resolved.

D&I Component 52 The following notes will be placed on all grading and building permits issued for the project site:

Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and

similar power tools, rather than diesel equipment, will be used where feasible.

During construction, stationary construction equipment will be placed such that emitted noise is directed away from sensitive noise receivers.

All equipment will be fitted with factory equipped mufflers, and be in good working condition. Construction contracts will specify that all construction equipment, fixed or mobile, will be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in new or substantially more severe significant ambient noise impacts in the project vicinity than the approved project in the certified EIR, and that impacts would remain significant and unavoidable with implementation of mandatory project design and implementation components 50 through 52.

For a project located within the Kern County Airport Land Use Compatibility Plan, would the project expose people residing or working in the project area to excessive noise levels?

The Project Area is not located within the Kern County Airport Land Use Compatibility Plan. The Board hereby finds that no impacts will occur.

Cumulative noise impacts.

The modified Project would develop the Project Area considered in the certified EIR. The modified Project would result in a lower number of average daily vehicle trips to and from the site than considered in the certified EIR. No residential areas, schools, convalescent and acute care hospitals, parks and recreational areas and churches, are located adjacent to or within three miles of the Project Area. Potential cumulative noise impacts from would be substantially similar to the approved project in the certified EIR. The Board hereby finds that no new or substantially more severe significant cumulative noise impacts would occur with implementation of mandatory project design and implementation components 50 through 52.

3.14 POPULATION AND HOUSING

The environmental setting for population and housing is the same as described in the certified EIR. Kern County is California's third largest county, encompassing 8,202 square miles at the southern end of the Central Valley. The County's largest city is Bakersfield, which is located about 24 miles east of the site. The Project Area is currently used for agriculture and is surrounded by several square miles of agricultural lands to the north, east, west and south. There is no significant resident population located within three miles of the site. A farm house that also functions as a farm office and is occupied by a lessee of the applicant is located in the center-east portion of the site. The nearest offsite residence is located within 0.3 miles to the south, and three occupied residences are located within one mile of the site's eastern border and are separated from the Project Area by I-5. The nearest inhabited community and schools are located in the town of Buttonwillow about three miles south of the site. The certified EIR indicates that Buttonwillow had a population of

about 1,350 people in 1980. According to the United States Census Bureau, Buttonwillow had a population of 1,337 people in the 2020 Decennial Census.

Impact Analysis

Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The modified Project does not include the construction of new housing or the significant extension of roads or other infrastructure that could induce substantial unplanned population growth. Potential population growth impacts from the development of the Project Area for logistical warehouse uses would be substantially similar to the impacts associated with the buildout of the Project Area for highway and commercial service uses considered in the certified EIR. The Board hereby finds that no new or substantially more severe significant impacts from inducing substantial unplanned population growth would occur, and that impacts would be less than significant.

Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Substantial numbers of existing housing are not located in the Project Area or in the immediate vicinity of the site. The modified Project will not require the construction of replacement housing. The Board hereby finds that there would be no impact.

Cumulative impact on population and housing.

The modified Project will not induce unplanned population growth by building new housing in any area, will not displace existing housing or people, and will not require the construction of replacement housing in any location. Potential impacts related to inducing unplanned population growth from new businesses would be comparable to the level impacts associated with the development of the site for highway and commercial services considered in the certified EIR. The Board hereby finds that no new or substantially more severe significant cumulative impacts to population and housing would occur, and that impacts would be less than significant.

3.15 PUBLIC SERVICES

The environmental setting for public services is the same as described in the certified EIR. Law enforcement for the Project Area is provided by the Kern County Sheriff's Office and the California Highway Patrol. Fire protection is provided by the Kern County Fire Department. The nearest schools are located in Buttonwillow, three miles to the south, and the nearest medical facilities are located in Buttonwillow, Shafter and Bakersfield.

Impact Analysis

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to

maintain acceptable service ratios, response times, or other performance objectives for any of the public services: fire protection, police protection, schools, parks, and other public facilities?

The certified EIR determined that the approved project would not impact schools, parks, recreational facilities, medical services or other public services related to the creation of new permanent residents. Police and fire services would be provided in accordance with applicable development requirements, and impacts were not found to be significant. The modified Project would have substantially similar impacts to government facilities and public services as the approved project in the certified EIR. The Board hereby finds that no new or substantially more severe significant impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 53 Prior to the issuance of grading or building permits, the project proponent will develop and implement a Fire Safety Plan for use during construction and operation. The project proponent will submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan will contain notification procedures and emergency fire precautions for construction and operations phases of the proposed project.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant impacts to public services, and that impacts will be less than significant with implementation of mandatory project design and implementation component 53.

Contribute to cumulative public service impacts.

The certified EIR determined that the approved project would not impact schools, parks, recreational facilities or other public services that primarily serve permanent residents. Police and fire services would be provided in accordance with applicable development requirements, and impacts were not found to be significant. The modified Project would have substantially similar cumulative impacts to government facilities and public services as the approved project in the certified EIR. The Board hereby finds that no new or substantially more severe significant cumulative public service impacts would occur with implementation of mandatory project design and implementation component 53 and that impacts would be less than significant.

3.16 RECREATION

The environmental setting for recreation is the same as described in the certified EIR. There are no recreational facilities within or adjacent to the Project Area. The certified EIR determined that the approved project would not significantly impact recreational resources because no permanent residents were proposed in conjunction with the development of the site for highway and commercial uses.

Impact Analysis

Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated?

The modified Project does not include any new residential development and would not result in significant new permanent residential populations in or near the Project Area. The Board hereby finds that no new or substantially more severe significant impacts to neighborhood or regional parks or other recreational facilities would occur and that impacts would be less than significant.

Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The modified Project does not include new recreational facilities or require the expansion or construction of any new recreational facilities. The Board hereby finds that no new or more significant impacts to recreational facilities would occur and impacts would be less than significant.

Cumulative impacts on recreational facilities.

The modified Project will not significantly impact or cause new or significantly more severe significant impacts to recreational resources. The modified Project will not contribute to a cumulatively significant impacts on recreational resources. The Board hereby finds that all such impacts would be less than significant.

3.17 TRANSPORTATION AND TRAFFIC

The environmental setting for transportation and traffic is the same as described in the certified EIR. The site is bordered to the south by Seventh Standard Road, a two lane east-west highway with paved shoulders in the vicinity of the Project. Buttonwillow Drive is located on the west side of the site and is a two lane north-south street extending south from a partial interchange with I-5 to an intersection with Seventh Standard Road. Wasco Way runs parallel to and fronts I-5 along the eastern border of the site from Buttonwillow Drive, near the I-5 interchange south to Seventh Standard Road. At Seventh Standard Road, the north and south legs of Wasco Way are offset by roughly 700 feet. I-5 is located immediately east of Wasco Way in the project vicinity.

The certified EIR evaluated the potential traffic and transportation impacts from the approved highway and commercial service development from a total trip generation of 11,040 vehicles per day. The EIR traffic study concluded that freeway interchanges and the local street system could accommodate the approved project without significant additional mitigation. Impacts related to potential excessive traffic movement from the lack of full interchanges and to the traveling public unfamiliar with area circulation conditions were found to be significant and unavoidable.

Impact Analysis

Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The California Department of Transportation (“Caltrans”) is responsible for operating and maintaining the State highway system, including, I-5 and State Route (SR) 58, SR-43, and I-5 ramps and ramp terminal intersections. Local roadways are operated and maintained by the Kern County Roads Department. The California Highway Patrol enforces highway safety laws. The Circulation Element of the Kern County General Plan is the guiding document for transportation goals and policies in the Project Area.

A traffic study was prepared by Ruettgers and Schuler to evaluate potential traffic and transportation impacts that could result from the modified Project. The study calculated that modified Project development would generate an average of 7,373 trips per day as summarized in the following table:

	Average Daily Trips
Trucks	1,191
Passenger Vehicles	6,180
Total	7,372

The modified Project’s daily average trip generation would be lower than the 11,040 average daily trips considered in the certified EIR.

The modified Project study considered existing and future traffic volumes, including peak period traffic in 2024 and 2042 based on the Kern Council of Governments traffic model and published historic average daily trip growth rates on roadways adjacent to the Project Area. The traffic study analyzed existing and future peak AM and PM hour intersection capacity, traffic signal warrants, roadway volume to capacity levels, queue lengths, and freeway ramp performance with and without the modified Project in 2022, 2024 and 2042. The study found that all of intersections and roadways currently operate at acceptable levels and will continue to operate at acceptable levels of service with anticipated future traffic, with or without the modified Project through 2042.

The project will construct frontage improvements along Seventh Standard Road and Buttonwillow Drive in accordance with County development standards which will provide adequate width for left and right turn channelization at project access points. The traffic study determined that no mitigation measures were required for the modified Project.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation component:

D&I Component 54 Prior to the issuance of construction or building permits, the project proponent will:

1. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual

on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:

Timing of deliveries of heavy equipment and building materials;
Directing construction traffic with a flag person;

Placing temporary signing, lighting, and traffic control devices if required including pedestrians and bicyclist; including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

Ensuring access for emergency vehicles to the project sites;
Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;

Maintaining access to adjacent property; and

Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

2. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits will be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department- Development Review.

3. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Kern County.

4. Submit documentation that identifies the roads to be used during construction. The project proponent will be responsible for repairing any damage to non-county- maintained roads that may result from construction activities. The project proponent will submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.

5. Within 30 days of completion of construction, the project proponent will submit a post-construction video log and inspection report to the County. This information will be submitted in DVD format. The County, in

consultation with the project proponent's engineer, will determine the extent of remediation required, if any.

Level of Significance after Mandatory Project Design and Implementation Components

The modified Project will have a lower average daily trip generation rate than the approved project in the certified EIR. The traffic study for the modified Project did not identify any new or substantially more severe significant circulation system impact that would occur from modified Project development. D&I Component 54 will avoid potential construction period impacts to roadways, circulation and transportation facilities. The Board hereby finds that no new or substantially more severe significant impacts related to potential conflicts with a circulation system program, plan, ordinance, or policy than the approved project in the certified EIR would occur and that impacts are less than significant.

Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 (b)?

The vehicle miles traveled ("VMT") associated with the modified Project are estimated in Appendix B, Attachment A. CEQA Guidelines Section 15064.3(b) refers to automobile VMT. As discussed in the California Governor's Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts In CEQA* and other resources, Guidelines Section 15064.3(b) only applies to on-road passenger vehicles and light duty trucks. CEQA Guidelines Section 15064.3(b) also applies prospectively and not to CEQA documents, such as the certified EIR, that complied with applicable CEQA requirements when publicly reviewed. CEQA does not require that an addendum to a certified EIR be published for public review.

The modified Project includes all-electric buildings, all-electric yard trucks and forklifts, onsite EV charging facilities using renewable energy supplies from the proposed onsite 21-acre PV solar array, and rooftop PV solar that will generate onsite renewable electricity equal to 90% of the project's annual electrical demand. The modified Project elements will reduce GHG emissions which is the objective of CEQA Guidelines Section 15064.3(b). According to the federal Environmental Protection Agency, GHG emissions from vehicles have been reduced and average fuel efficiency have improved to all-time record levels since the certified EIR was approved. Modified Project GHG emissions would be lower than would occur from the approved project in the certified EIR.

The modified Project is located immediately adjacent to I-5, an integral component of the national interstate highway system. I-5 is the state's primary commercial corridor between major freight shipment facilities serving national and international markets, and the state's largest population centers, in the San Francisco Bay Area to the north and the greater Los Angeles and southern California to the south. The project's location immediately adjacent to I-5 will reduce the distance that logistics vehicles must travel to transport freight to and from warehouse and storage facilities serving major shipping facilities and markets in the state and the western U.S. and reduce associated GHG emissions. The Board hereby finds that impacts would be less than significant.

Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous inter- sections) or incompatible uses (e.g., farm equipment)?

The certified EIR considered that, with the addition of approximately 11,000 daily trips from the approved project, traffic hazards could occur when Rowlee Road and Seventh Standard Road were used to move large, slow-moving farm equipment. The modified Project would result in a total of 7,372 average daily trips, lower than the average daily trips for the approved project in the certified EIR. The modified Project would not result in new or new or substantially more severe significant impacts related to incompatible uses than considered in the certified EIR.

The modified Project includes frontage improvements along Seventh Standard Road and Buttonwillow Drive. An internal access road will connect Buttonwillow Drive and 7th Standard Road and truck, employee and other vehicle parking will be constructed as required to serve the proposed logistics facilities. All modified Project design features will comply with all state, federal and Kern County development standards. These requirements will avoid hazards, such as sharp curves or dangerous intersections, from the construction and operation of the project's traffic and transportation facilities. The Board hereby finds that no new or substantially more severe significant impacts related to potential design feature hazards would occur, and that impacts would be less than significant.

Would the project result in inadequate emergency access?

The modified Project site is not included in and would not interfere with any adopted emergency response plan in the region. Project development, including the provision of adequate emergency access, will comply with all applicable state, federal and Kern County requirements. The Board hereby finds that no new or substantially more severe significant impacts related to the adequacy of emergency access would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 53 Prior to the issuance of grading or building permits, the project proponent will develop and implement a Fire Safety Plan for use during construction and operation. The project proponent will submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan will contain notification procedures and emergency fire precautions for construction and operations phases of the proposed project.

D&I Component 54 Prior to the issuance of construction or building permits, the project proponent will:

1. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual

on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:

Timing of deliveries of heavy equipment and building materials;

Directing construction traffic with a flag person;

Placing temporary signing, lighting, and traffic control devices if required including pedestrians and bicyclist; including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

Ensuring access for emergency vehicles to the project sites;

Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;

Maintaining access to adjacent property; and,

Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

2. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits will be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department-Development Review.

3. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the state and/or Kern County.

4. Submit documentation that identifies the roads to be used during construction. The project proponent will be responsible for repairing any damage to non-county- maintained roads that may result from construction activities. The project proponent will submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.

5. Within 30 days of completion of construction, the project proponent will submit a post-construction video log and inspection report to the County. This information will be submitted in DVD format. The County, in consultation with the project proponent's engineer, will determine the extent of remediation required, if any.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not cause significant, or new or substantially more severe significant impacts related to inadequate emergency access than the approved project in the certified EIR. D&I components 53 and 54 require emergency access during construction and in response to fires. The Board hereby finds that impacts would be less than significant with implementation of mandatory project design and implementation components 53 and 54.

Cumulative impacts on transportation and traffic

The modified Project will generate a lower number of daily trips than considered in the certified EIR. The modified Project traffic study determined that no significant impacts would occur under 2024 and 2042 conditions with the project. The traffic study concluded that no mitigation would be required for modified Project development. The modified Project will not cause significant or new or substantially more severe significant impacts or increased hazards from design features. No new or substantially more severe significant impacts related to incompatible uses, such as farm equipment, than considered in the certified EIR would occur. The Board hereby finds that the modified Project would not cause new or substantially more severe significant cumulative traffic and transportation impacts with implementation of mandatory project design and implementation components 53 and 54 and that impacts would be less than significant.

3.18 TRIBAL CULTURAL RESOURCES

Tribal cultural resources are defined in California Public Resources Code Section 21074. The Project Area and the surrounding agricultural lands are considered to have low potential for archaeological and tribal resources due to long-term and continuous cultivation. No listed or eligible cultural resources are located within the site. The site has been heavily disturbed by previous and current agricultural operations and has been ripped in multiple directions several times to a depth of three feet or more for deep-rooted crops. Pipeline trenches have been excavated and irrigation pipelines installed to a depth of 4 feet around and throughout the site. The certified EIR determined that the approved project's cultural resource impacts were less than significant.

Impact Analysis

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources defined in Public Resources Code Section 5020.1(k) or

A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native America tribe?

An onsite cultural resource survey was conducted in July 2022 and a cultural resource technical memorandum was prepared for the modified Project in September 2022. An updated cultural resource record search of the California Historical Resource Information System located at the Southern San Joaquin Valley Information Center was performed, and the consultant obtained a Sacred Lands File search from the Native American Heritage Commission (“NAHC”). No historic or prehistoric archaeological resources were identified as a result of the reconnaissance survey. The records searches, supplemental research, and reconnaissance survey did not identify any known cemeteries or burial sites within the project and survey areas. The NAHC reported that the Sacred Lands File records search was negative for the presence of tribal cultural resources in the Project Area. The cultural resource technical memorandum concluded that no adverse impacts to historical resources, historic or prehistoric archaeological resources, or human remains would occur from modified Project development.

Based on the low probability of encountering tribal cultural resources indicated by the records searches and the heavily disturbed character of the site, the cultural resource technical memorandum concluded that the modified Project would have no impacts to tribal cultural resources and would not cause a substantial adverse change to tribal cultural resources. Consistent with the certified EIR, ground-disturbing activity will be suspended until a qualified tribal cultural resource expert evaluates tribal cultural resources that may be unearthed during construction.

The modified Project would develop the Project Area considered in the certified EIR. No new or substantially more severe significant impacts would occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 23 Prior to ground disturbance, or the issuance of grading or building permits, the project proponent will retain a qualified lead archaeologist to carry out all mandatory project design and implementation components related to archaeological resources.

The approved monitor will monitor all initial ground-disturbing activities (such as site preparation and initial grading) and excavations on the project site.

If archaeological resources are encountered during implementation of the project, ground-disturbing activities will cease within the immediate vicinity of the find. The lead archaeologist will establish a buffer area around the find and make an evaluation of the find to determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS). The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The developer, in consultation with the Lead Agency and Project Archaeologist, will designate repositories in the event that resources are recovered.

D&I Component 25 Prior to the issuance of grading or building permits, the project proponent will ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project:

The construction zone will be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan will be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.

In coordination with the qualified archaeologist avoidance the project will delineate environmentally sensitive areas. Protective fencing will not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

Consistent with mandatory project design and implementation component 23 (above) a qualified archaeological monitor and Native American Monitor, will monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance.

If avoidance is demonstrated to be infeasible, the resource will be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan will be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan will include a research design and a

scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to):

a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;

sample excavation;

surface artifact collection;

site documentation; and,

historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project.

The Cultural Resources Treatment Plan will also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan will be submitted to and approved by the Kern County Planning and Natural Resources Director and will also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

D&I Component 27 If human remains are uncovered during project construction, the project proponent will immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. Notification will be made to the Kern County Planning and Natural Resources Department within 12 hours of contacting the Coroner. If the County Coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission will designate a Most Likely Descendent (MLD) for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner will ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply. No

work will recommence on the site until all provisions of these reviews have occurred.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not cause significant, or new or substantially more severe significant impacts to tribal cultural resources than the approved project in the certified EIR. Impacts would be less than significant with implementation of mandatory project design and implementation components 23, 25 and 27.

Cumulative impacts on tribal cultural resources.

Due to negative Sacred Land File and supplemental records search results, negative onsite reconnaissance survey observations, and the current and historically heavy disturbance of the Project Area for agricultural uses, there is a very low probability of encountering a tribal cultural resource during modified Project construction or operations. The cultural resource technical memorandum for the modified Project concluded that no impacts to tribal cultural resources or a substantial adverse change to tribal cultural resources would occur. The Board hereby finds that the modified Project would not result in new or substantially more severe significant cumulative impacts to tribal cultural resources with implementation of mandatory project design and implementation components 23, 25 and 27.

3.19 UTILITIES AND SERVICE SYSTEMS

The environmental setting for utilities and service systems is the same as described in the certified EIR. The Project Area has been used for agriculture since 1985. Onsite crops are irrigated with groundwater from onsite wells and, when available, imported surface water supplied by SWSD on a non-contract basis. The Project Area does not have natural gas service. Electrical service is provided by the Pacific Gas and Electric Company. The Project Area is not connected to or served by a regional stormwater or wastewater system or provider.

The approved project in the certified EIR would initially develop the eastern portions of the site. A wastewater treatment facility would be constructed and would dispose treated wastewater to irrigate non-consumptive crops on the western portion of the site. The western portions of the site would be developed when alternative wastewater treatment options become available. All domestic water for the approved project in the certified EIR would be provided by an approved water system from onsite groundwater resources. Solid waste would be disposed at a Kern County solid waste facility. The certified EIR requires that Kern County approve a drainage plan for the site as part of the approved project.

Impact Analysis

Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The modified Project will not use natural gas. Onsite renewable PV solar electrical power generation capacity will be installed on building rooftops and in a 21-acre array in accordance with

all applicable laws, regulations and standards. The modified Project will include onsite water treatment, wastewater treatment facilities and stormwater facilities. All of these facilities will meet applicable requirements, including permits and approvals from the Central Valley Regional Water Quality Control Board, the State Water Resources Control Board, and state and County public health standards. The Project Area has electrical service from PG&E and telecommunications services can be obtained from satellite-based providers. The Board hereby finds that no new or substantially more severe significant impacts related to the relocation or construction of new or expanded utility services will occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 55 All special equipment for the proposed Project, such as package treatment plants, their appurtenances, and their effluent disposal areas and methods, if any, will be designed, located, and constructed in coordination with the Kern County Public Works Department, so as to preclude contamination, pollution, nuisance, and structural and mechanical instability.

D&I Component 56 Proposals and plans for package treatment and disposal facilities, if any, will be subject to the review and approval of:

1. The State and County Environmental Health Services Departments for design and contamination aspects;
2. The Regional Water Quality Control Board for elements of pollution and nuisance; and
3. The Kern County Public Works Department for structural and mechanical integrity.

Special structures, such as pump stations, pressure lines and sags, etc. will be subject to the approval of the Kern County Public Works Department and the maintaining District.

D&I Component 57 New wastewater package plant facilities, if any, will be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and will be operated in such a way as to not contaminate the underlying unconfined aquifer.

D&I Component 58 All facilities of the water system will be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.

D&I Component 59 Water meters will be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or

subsequent future land owners will be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.

D&I Component 60 During construction, demolition debris and construction wastes will be recycled to the extent feasible.

1. An on-site recycling coordinator will be designated by the Project Applicant/Developer to facilitate recycling of all construction waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
2. The name and phone number of the coordinator will be provided to the Kern County Waste Management Department prior to issuance of building permits.

The on-site recycling coordinator will also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal.

D&I Component 61 Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.

D&I Component 62 Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E natural gas services and facilities, as needed as Project construction progresses.

D&I Component 63 The Project proponent will notify PG&E six months prior to any construction activities in the immediate vicinity of a PG&E transmission line, if any are within or in the immediate vicinity of the Project site.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project would not result in significant, or new or substantially more severe significant impacts related to the relocation or construction of new or expanded utility services, and that impacts would be less than significant with implementation of mandatory project design and implementation components 55 through 63.

Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

A water supply assessment (“WSA”) was prepared to evaluate the sufficiency of the modified Project’s water supply in accordance with the criteria of California Water Code Section 10960 *et seq.* (Senate Bill 610). The project will use groundwater pumped from onsite wells treated at an onsite water treatment facility and recycled water treated at an onsite wastewater treatment facility. At full buildout, the modified Project would use approximately 106 AFY of water, including 67 AFY of potable water and 39 AFY of nonpotable recycled water.

The site has historically been used, and is currently used, for irrigated agriculture. From 2000-2021, an average of 600 AFY of groundwater was supplied from onsite wells for agriculture. The estimated water demand for the approved project considered in the certified EIR would be approximately 411 AFY. The modified Project’s use of 67 AFY of groundwater is 89% lower than the average annual groundwater use for agriculture within the Project Area since 2000 and substantially lower than the groundwater required for the approved project in the certified EIR.

The Project Area is located within the jurisdiction of the SWSD GSA which is responsible for implementing and achieving the requirements of the state SGMA. The SWSD GSA adopted the Semitropic Groundwater Sustainability Plan to comply with SGMA. In March 2021, the SWSD GSA adopted a Landowner Water Budget Program by resolution to reduce groundwater withdrawals within the Semitropic Groundwater Sustainability Plan area. The Landowner Water Budget Program requires that Project Area groundwater use be reduced to 1.05 AFY per acre and to 270 AFY for the site by 2040. Modified Project groundwater demand of 67 AFY would be 0.26 AFY per acre, significantly lower than the SWSD GSA Landowner Water Budget Program allocation to the Project Area. The WSA concluded that the SWSD GSA Landowner Water Budget Program groundwater allocation for Project Area constitutes a reliable water supply far normal, dry, and multiple dry years through 2045, the analysis period required by Water Code Section 10960 *et seq.*

The SWSD and SWSD GSA reviewed the modified Project’s proposed water use as described in the WSA. On November 8, 2022, the SWSD and SWSD GSA confirmed in an email letter to the project applicant that the modified Project water use is consistent with the Semitropic Groundwater Sustainability Plan adopted to implement SGMA.

The Board hereby finds that the modified Project will not result in new or substantially more severe significant impacts related to water supply than the approved project in the certified EIR and that impacts would be less than significant.

Would the project result in a determination by the waste water treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

An onsite wastewater treatment facility will be constructed to manage all of the project’s wastewater using an activated sludge and membrane bioreactor clarification process, including screening for solids removal, biological nutrient removal, anoxic secondary treatment, membrane clarification, and disinfection. Treated recycled water from the facility will be used for onsite non-

potable uses, including landscape irrigation and solar panel washing. No other wastewater treatment will be required for the modified Project, and there will be no impact on a wastewater treatment provider's treatment capacity. The Board hereby finds that no new or substantially more severe significant impacts on a waste water treatment provider's treatment capacity will occur.

Mandatory Project Design and Implementation Components

The modified Project, Table 2-1, includes the following mandatory project design and implementation components:

D&I Component 55 All special equipment for the proposed Project, such as package treatment plants, their appurtenances, and their effluent disposal areas and methods, if any, will be designed, located, and constructed in coordination with the Kern County Public Works Department, so as to preclude contamination, pollution, nuisance, and structural and mechanical instability.

D&I Component 56 Proposals and plans for package treatment and disposal facilities, if any, will be subject to the review and approval of:

1. The State and County Environmental Health Services Departments for design and contamination aspects;
2. The Regional Water Quality Control Board for elements of pollution and nuisance; and
3. The Kern County Public Works Department for structural and mechanical integrity.

Special structures, such as pump stations, pressure lines and sags, etc. will be subject to the approval of the Kern County Public Works Department and the maintaining District.

D&I Component 57 New wastewater package plant facilities, if any, will be constructed according to State specifications, with coordination of Kern County Public Works and Kern County Environmental Health Services Departments and will be operated in such a way as to not contaminate the underlying unconfined aquifer.

D&I Component 58 All facilities of the water system will be designed and constructed to comply with Kern County Development Standards and approved by the Kern County Public Works Department.

D&I Component 59 Water meters will be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future land owners will be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.

D&I Component 60 During construction, demolition debris and construction wastes will be recycled to the extent feasible.

1. An on-site recycling coordinator will be designated by the Project Applicant/Developer to facilitate recycling of all construction waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
2. The name and phone number of the coordinator will be provided to the Kern County Waste Management Department prior to issuance of building permits.

The on-site recycling coordinator will also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal.

D&I Component 61 Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.

D&I Component 62 Prior to issuance of grading and building permits the Project proponent will coordinate with PG&E staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent will comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E natural gas services and facilities, as needed as Project construction progresses.

D&I Component 63 The Project proponent will notify PG&E six months prior to any construction activities in the immediate vicinity of a PG&E transmission line, if any are within or in the immediate vicinity of the Project site.

Level of Significance after Mandatory Project Design and Implementation Components

The Board hereby finds that the modified Project will not result in significant, or new or substantially more severe significant impacts on the treatment capacity of a wastewater treatment provider, and impacts will be less than significant with implementation of mandatory project design and implementation components 55 through 63.

Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The certified EIR found that the development of the site for highway and commercial uses would increase the volume of solid waste conveyed for disposal to the County landfills by about 3.3 tons per day, or 1,204 tons per year. The 1989 California Integrated Waste Management Act requires Kern County to attain specific waste diversion goals. The California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the project design. State Assembly Bill 341 requires additional solid waste recycling starting in 2020. The modified Project will comply with all federal, state, and local laws, including solid waste statutes and regulations.

The Kern County Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 indicates that, as of 2021, the Taft and Wasco-Shafter landfills located to the southwest and northeast of the Project Area had a remaining capacity of approximately 19.33 million cubic yards. The Wasco-Shafter landfill is the closest disposal facility to the Project Area and had an estimated remaining useful life of 33 years in 2021.

The Board hereby finds that the modified Project will not cause new or substantially more severe significant impacts related to solid waste standards, the capacity of local infrastructure, or the achievement of solid waste reduction goals, and all such impacts will be less than significant.

Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

The modified Project will comply with all federal, state, and local laws, including solid waste statutes and regulations. The Board hereby finds that no new or substantially more severe significant impacts would occur and impacts will be less than significant.

Cumulative impacts on utilities and service systems.

The modified Project will not result in new or substantially more severe significant impacts to utilities and service systems than considered in the certified EIR. Water supply, wastewater treatment and recycled water supply, and stormwater management facilities required for the modified Project will be constructed and operated onsite. Modified Project water demand will be lower than estimated for the approved project in the certified EIR, 89% lower than annual groundwater use in the Project Area for agriculture since 2000, and substantially lower than the landowner water budget for the Project Area adopted by the SWSD GSA to implement SGMA. The SWSD and SWSD GSA have confirmed that the project's proposed water use is consistent with the adopted SGMA plan. The Project Area has existing electrical service and access to existing telecommunications services. The project will comply with all applicable state, federal and local laws and regulations for solid waste disposal and reduction requirements. The Board hereby finds that the modified Project would not result in new or substantially more severe significant cumulative impacts to utilities and service systems and that impacts will be less than significant with implementation of mandatory project design and implementation components 55 through 63.

3.20 WILDFIRE

The Project Area is located in the valley portion of Kern County and several miles from foothill and other elevated areas to the east, west and south. The California Department of Forestry and

Fire Protection has adopted Fire Hazard Severity Zone (“FHSZ”) maps for the state, including Kern County, that were approved by the state Office of Administrative Law. The FHSZ maps show that state wildfire responsibility areas or lands classified as very high fire hazard severity zones are all located several miles from the Project Area in the coastal, Sierra Nevada and transverse mountain ranges that surround the lowland portions of the Central Valley.

Impact Analysis

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) Due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project Area is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The Board hereby finds that the modified Project would not result in new or substantially more severe significant impacts to wildfire risks, including emergency response or evacuation plans, or the exacerbation of wildfire risks or exposure than the approved project in the certified EIR and that all such impacts would be less than significant.

- (b) Cumulative impacts on wildfires.*

The modified Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The modified Project would not result in significant, or new or substantially more severe significant wildfire impacts. The Board hereby finds that no new or substantially more severe significant cumulative impacts related to wildfires would occur and that all such impacts are less than significant.

3.21 EVALUATION OF ALTERNATIVES

CEQA requires a comparative evaluation of a modified Project and alternatives to the project, including the “No Project” alternative. The certified EIR addressed a reasonable range of alternatives for the approved project. There is no new information indicating that an alternative that was previously rejected as infeasible is in fact feasible, or that a considerably different alternative than those previously studied would substantially reduce one or more significant effects on the environment.

3.22 FINDINGS FOR GROWTH INDUCEMENT

Section 15126.2(e) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Modified Project. Based on its consideration of the facts set forth in the Addendum and the record of proceedings, the Board hereby finds that the modified Project would not result in significant growth inducing impacts.

3.23 FINDINGS FOR SIGNIFICANT IRREVERSIBLE EFFECTS

Pursuant to CEQA Guidelines Section 15126.2(d), and based on its consideration of the Addendum and record of proceedings, the Board hereby finds that the modified Project would not result in significant irreversible environmental changes that would (i) commit future generations to similar uses, (ii) involve a large commit of nonrenewable resources, or (iii) require the unjustified consumption of irretrievable commitments of resources (i.e., the wasteful use of energy).

3.24 FINDINGS PURSUANT TO CEQA GUIDELINES § 15162

Pursuant to CEQA Guidelines § 15162, this Board hereby finds, on the basis of substantial evidence in light of the whole record, including but not limited to the Addendum prepared by the County and incorporated herein by reference, the following:

- (a) No substantial changes are proposed in the modified Project which will require major revisions of the EIR (SCH No. 87030921) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (b) No substantial changes have occurred with respect to the circumstances under which the modified Project is undertaken which will require major revisions of the EIR (SCH No. 87030921) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (c) No new information of substantial importance, which was no known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that shows that (i) the modified Project will have one or more significant effects not discussed in the EIR, (ii) significant effects previously examined will be substantially more severe than shown in the EIR, (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce on or more significant effects of the modified Project, but the modified Project proponents decline to adopt the mitigation or alternative, or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the modified Project proponents decline to adopt the mitigation or alternative.

Exhibit B
15093 Statement of
Overriding Considerations

EXHIBIT B
STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

For

**Cal Centre Warehouse Project
by Cal Centre LLC**

Specific Plan Amendment No.9, Map 77

Zone Change Case No. 26, Map 77

Precise Development Plan No. 11, Map 77

Conditional Use Permit No.13, Map 77

Conditional Use Permit No.14, Map 77

For

**Addendum No. 1
Certified Final Environmental Impact Report
(SCH# 87030921)
Cal Centre Specific Plan**

Lead Agency:

Kern County Planning and Natural Resources Department

The California Environmental Quality Act (“CEQA”) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the project’s unavoidable adverse environmental effects, in the discretionary policy judgment of the Lead Agency, the adverse environmental effects may be considered acceptable. The Cal Centre Warehouse Project (“Project”) will result in environmental effects, which, although reduced to the extent feasible, will remain significant and unavoidable, as discussed in *Addendum No. 1 Certified Final Environmental Impact Report Cal Center Specific Plan, State Clearinghouse #8703092* and CEQA Findings of Fact. The Cal Centre Warehouse Project, however, does not create any new significant unmitigatable impacts or increase the severity of impacts previously identified and disclosed in the Cal Centre Specific Plan EIR. The Project’s impacts, which cannot be feasibly mitigated due to specific economic, social, environmental or other considerations, are summarized below and constitute those impacts for which this Statement of Overriding Considerations is made.

1. Aesthetics:

- The Project will have a substantial adverse effect on the visual continuity of the Project site with adjacent open space agricultural uses.
- The Project would substantially degrade the existing visual character or quality of public views of the site and its surroundings.
- The Project would create a new source of substantial light or glare that would adversely affect the day or nighttime views in the area.
- The Project would cause a cumulatively considerable contribution to significant cumulative aesthetic impacts.

2. Agriculture:

- The Project would convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to nonagricultural use.
- The Project would make a cumulatively considerable contribution to significant cumulative agricultural impacts related to the conversion of farmland to nonagricultural use.
- The Project would result in substantial loss of topsoil due to its conversion of agricultural land to nonagricultural use.
- The Project would make a cumulatively considerable contribution to significant cumulative soil impacts due to its conversion of agricultural land to nonagricultural use.

3. Noise:

- The Project would result in generation of a substantial exterior noise level impacts from development and vehicle sources.

Findings

This Board of Supervisors finds and determines in approving the Cal Centre Warehouse Project, that the Certified Final Environmental Impact Report, State Clearinghouse #8703092 (“EIR”), as addended by Addendum 1, has considered and identified means of lessening or avoiding the Project’s significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or unmitigated to below a level of insignificance after imposition of all reasonable and feasible mitigation, such impacts are at an acceptable level in light of the social, legal, economic, environmental, technological and other project discussed below, and such benefits override, outweigh, and make “acceptable” any such remaining environmental impacts of the Project (CEQA Guidelines Section 15092(b)).

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set for the in the Findings, the EIR, the Addendum, and the record of proceedings for the Project. This Board

of Supervisors determines that the evidence in the record constitutes substantial evidence to support the determinations made in this Statement of Overriding Considerations, that the facts stated in this document and in the Findings are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, staff reports and all materials in the project files. The Board also determines that to the extent other evidence was presented that is contrary to the determinations made herein or in the Findings, such evidence was nevertheless considered, weighed and determined to be either lacking in credibility or of insufficient weight to detract from the determinations made herein or in the Findings such that the Board reached these determinations after due consideration of all evidence presented to it. Each of these benefits and considerations is a separate and independent basis that justifies approval of the Project, so that if a court were to set aside the determination that any particular benefit or consideration will occur and justifies project approval, this Board of Supervisors determines that it would stand by its determination that the remaining benefit(s) or consideration(s) is or are sufficient to warrant Project approval.

Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, and the Board of Supervisors determines that that adverse environmental impacts of the Project are “acceptable” if any one of these benefits will be realized. The Project will provide benefits to Kern County as follows:

1. **Provides Economic Benefits and Jobs to Kern County.** At buildout, the Project is expected to generate significant revenues that outweigh its costs to the County General Funds (as calculated in 2023 dollars), representing a net benefit to the General Fund. General Fund revenues are used for a wide variety of County services and activities, and a portion of property taxes are also paid directly to local school districts, thereby increasing funding for local schools. Additionally, the Project will create significant new construction jobs during Project construction and, during Project operations, provide employment for approximately 2,000 employees and operate three shifts a day. The Project’s four logistics facilities and warehousing facilities will be located immediately adjacent to Interstate 5, the state’s primary commercial corridor between major freight shipment facilities, and will thus promote statewide, regionwide and national economic development by providing a direct freight logistics linkage between the state’s largest population centers in the San Francisco Bay Area to the north and greater Los Angeles and southern California to the south and with interstate highways that serve markets in the western United States.
2. **Accommodates the Need for Orderly Development of the Cal Centre Specific Plan.** The proposed Project provides new development which channels land uses in a phased, orderly manner that furthers the County’s planning goals and policies as set forth in the Kern County General Plan and Cal Centre Specific Plan.
3. **Promotes Renewable Energy and Greenhouse Gas Emission Reductions.** The proposed Project promotes the production of renewable energy and the reduction of regional greenhouse gas emissions by including a commitment to produce or cause to be produced renewable electricity through the provision of 21 acres of PV solar generation in the southeast portion of the Project site and rooftop solar panels mounted on the onsite logistics buildings. The 21-acre solar array will support an onsite microgrid power substation and an electrical vehicle truck and car center with charging facilities. The 21-

acre array will also be designed to provide clean electrical power to the onsite water and wastewater treatment facilities, and rooftop solar panels will generate onsite renewable electricity equal to 90 percent of the proposed modified Project's annual electrical demand. By providing logistics facilities immediately adjacent to I-5, the Project will minimize the distance that trucks and other vehicles must transit from I-5 to access logistics warehouses, thus further reducing greenhouse gas emissions.

4. **Reduces and Avoids Significant Impacts That Would Otherwise Be Caused by the Buildout of the Current Cal Centre Specific Plan.** As originally approved, the Cal Center Specific project includes the use of septic tanks during the early phases of development and the EIR determined that high groundwater conditions could result in the early failure of these tanks and potentially degrade groundwater quality. The EIR determined that this impact was significant and unavoidable.

The modified Project, however, would not use septic tanks and would avoid related impacts to water quality that could occur if the modified Project is not approved. As part of the Project, an onsite wastewater treatment facility will be constructed and operated to capture wastewater and produce recycled water to be used for landscape irrigation and solar panel washing. The treatment process will include an activated sludge process and membrane bioreactor clarification process including screening for solids removal, biological nutrient removal, anoxic secondary treatment, membrane clarification, and disinfection. All treated wastewater and solids from the wastewater treatment process will be used and disposed in compliance with the Tulare Lake Basin Plan groundwater quality objectives, site-specific Waste Discharge Requirements issued under the California Porter-Cologne Act, and all applicable Kern County development standards. Thus, the modified Project would avoid the significant and unavoidable impacts related to septic tanks identified in the certified EIR and which could occur if the Project is not approved.