

ADDENDUM

KERN COUNTY PLANNING COMMISSION Board of Supervisors

STAFF REPORT

Date: October 7, 2014

FILE: GPA #6, Map #125
S.D.: #5 - Perez

TITLE: General Plan Amendment Case No. 6, Map No. 125

PROPOSAL: Amend the Circulation Element of the Kern County General Plan to eliminate future road reservations along midsection lines in Sections 12, 13, and 23 of T30S, R29E, MDB&M for Map 125

APPLICANT: Redwood Cluster Solar Project by 61LK 8ME, LLC by 8Minutenergy Renewables (PP14143)

PROJECT SIZE: 633 acres

LOCATION: South of State Route 58 at Tower Line Road and Tejon Highway, approximately 5.5 miles southeast of the City of Bakersfield

SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION: North - Agricultural land and oil wells/A and A-1/R-IA (Intensive Agriculture) (Metropolitan Bakersfield General Plan), 8.1 (Intensive Agriculture, 8.4 (Mineral and Petroleum), and 8.4/2.1 (Mineral and Petroleum - Seismic Hazard); East - Agricultural land and oil wells/A/8.1/8.4; South - Agricultural land, oil wells, and Vaquero Energy Solar facility/A/8.1/8.4; West - Agricultural land, oil wells, and FRV Valley Regulus Solar facility/A/R-IA (Metropolitan Bakersfield General Plan), 8.1/8.4

PROJECT ANALYSIS: This project was originally scheduled for consideration by your Board on September 23, 2014, one of the four General Plan Amendment hearing windows scheduled per year, but was continued to today's hearing to allow sufficient time for your Board's consideration of the Redwood Cluster Solar Project on September 16, 2014.

The request currently before your Board is an amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan to eliminate midsection roadway reservations internal to the Redwood Cluster Solar Project site. Elimination of these roadways were identified as a potential discretionary action within the Redwood Cluster Solar Project Environmental Impact Report, which was approved by your Board on September 16, 2014. Approval of the requested amendment would allow for greater flexibility in the siting of the approved solar facilities because of the elimination of the reserved roadways. Please be advised, implementation of the solar project is not dependent on any action related to this request.

As currently approved, the Redwood Cluster Solar Project is a photovoltaic (PV) solar power generation facility that is comprised of six individual solar facilities (Arvin, Hayworth, Muller, Redcrest, Redwood, and Woodmere) on seven privately-owned parcels that will produce up to 135 megawatts (MW) of renewable electrical energy. The project will be developed on a 633-acre project site and will include a total of 702,000 PV solar panels. The project site is located south of State Route (SR) 58 at Tower Line Road and Tejon Highway, approximately 5.5 miles southeast of the City of Bakersfield, 6.5 miles north of the City of Arvin, and five miles northeast of the community of Lamont. Site access will be provided from Tower Line Road, Comanche Drive, and Muller Road via SR 58.

The site is currently developed with active agricultural and oil wells; and is designated with map code designations of 8.1 (Intensive Agriculture); 8.4 (Mineral and Petroleum); and 8.4/2.1 (Mineral and Petroleum - Seismic Hazard) by the Kern County General Plan and R-IA (Intensive Agriculture) by the Metropolitan Bakersfield General Plan. The entire project site is zone A (Exclusive Agriculture) by the Kern County Zoning Ordinance.

The project site is within the boundaries of Agricultural Preserve No. 13 and is subject to a Williamson Act Land Use Contract on the Arvin site, which has had a Non-Renewal filed and will expire at the end of 2014. The property is mapped as FEMA-designated Flood Zone "X," which means that the site is outside the 0.2 percent annual chance floodplain (i.e., the 500-year floodplain).

The land uses surrounding the project sites consist of SR 58 and agriculture land to the north, agriculture land and SR 58 to the east, agricultural land with the Vaquero Energy solar facility to the south, and agriculture land and land approved for the FRV Valley Regulus Solar project to the west. Several oil wells are also present in and around all of the project sites. Vaquero Energy, which directly borders the southern boundary of the Hayworth site, is an eight acre, 1 MW solar facility. The 743-acre site proposed for the FRV Valley Regulus Solar project directly borders the western boundary of the Woodmere site. This project was approved in 2012 for a 75 MW solar facility located on 13 parcels. Vaquero is currently built while Regulus was recently approved in 2012 and has yet to be constructed at the time of this writing.

Approved Project Characteristics

Original approval of the Redwood Cluster Solar Project by your Board on September 16, 2014, consisted of: (a) A change in zone classification from A-1 (Limited Agriculture) to A (Exclusive Agriculture) or a more restrictive district on 194.6 acres within Map 125 (Redwood Site); (b) through (g) Conditional Use Permits to allow for the construction and operation of solar energy electrical generators when not accessory to a permitted or conditionally permitted use (Section 19.12.030.G) in an A (Exclusive Agriculture) District for Map 125 and Map 126; (h) Cancellation of a 80 acres of a Williamson Act Land Use Contract for Map 125 (Woodmere Site). Please see table 1 below.

Project Site	MW	Number of Solar Panels	Gross Acres	Assessor Parcel Numbers	Section Township/Range
Arvin (CUP 16, Map 126)	10	52,000	39	179-020-24	Section 7, T30S, R30E
Hayworth (CUP 19, Map 125)	30	156,000	160	177-230-22 177-230-31 177-230-33	Section 13, T30S, R29E
Muller (CUP 20, Map 125)	10	52,000	39	177-230-33	Section 13, T30S, R29E
Redcrest (CUP 21, Map 125)	25	130,000	120	177-230-33	Section 13, T30S, R29E
Redwood (ZCC 6, Map 125; CUP 18, Map 125)	40	208,000	195	177-220-07 177-220-08	Section 12, T30S, R29E
Woodmere (CUP 22, Map 125; WAC 13-4)	20	104,000	80	178-390-01	Section 23, T30S, R29E
Total	135	702,000	633	-	-

Current Proposal

General Plan Amendment

The project includes a proposed amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan to eliminate future road reservations along midsection lines within sections 12, 13, and 23 of T30S, R29E, MDB&M. This would allow solar panels to be placed throughout the parcels without internal setback requirements. Figure 4, *Proposed GPA for Circulation*, is attached to this staff report and illustrates the requested road reservations to be eliminated.

Final Environmental Impact Report

An Environmental Impact Report (EIR) was prepared and certified for this project in accordance with the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. This Final EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA.

To initiate the EIR process, a Notice of Preparation/Initial Study (State Clearinghouse No. 2013101097) was circulated for a 30-day public review period beginning on October 30, 2013, and ended on November 29, 2013. A scoping meeting was noticed and held November 21, 2013, at the Kern County Public Services Building, 2700 "M" Street in Bakersfield, California. No public comments were presented at the scoping meeting; however, eight comment letters regarding the proposed project were received during the Notice of Preparation/Initial Study 30-day public review period. These comments were used in the preparation of the Draft EIR and are also included in Appendix A of the EIR.

Based on the analysis contained in the Initial Study and comments received in response to the Notice of Preparation, a Draft EIR was prepared and circulated for a 45-day public review period beginning on April 25, 2014, and ending on June 9, 2014. In total, over 124 copies of the Draft EIR were distributed, in addition to 36 Notices of Availability. The Draft EIR was also available on the Kern County Planning and Community Development Department's webpage, as well as the Kern County Beale Memorial Library. Nine written comments from individuals or agencies/organizations were received on the Draft EIR during this public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses. The Response to Comments was circulated 20 days before the Planning Commission hearing on August 14, 2014.

In accordance with State CEQA Guidelines, a Final EIR has been completed comprised of three documents:

- Volume 1 - Chapters 1 through 10 of Draft EIR (April 2014)
- Volume 2 - Appendices A - L of Draft EIR (April 2014)
- Volume 3 - Chapter 7, Response to Comments (July 2014)

These documents have previously been provided to your Board for your review and consideration.

The Final EIR contains 52 mitigation measures to reduce significant impacts from the project, and a Mitigation Measure Monitoring Program (Exhibit C) has been included for your review, and is attached to this staff report.

Effects Found to Have No Impact

Based on the findings of the Initial Study/Notice of Preparation and the results of scoping process, the proposed project was determined to have no impact with regard to the following impact thresholds, and the categories were therefore not analyzed in the EIR prepared for the project:

- Population and Housing
- Recreation

Less than Significant Impacts (Including Significant Impacts That Can Be Mitigated, Avoided, or Substantially Lessened)

The EIR prepared addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the EIR, it was determined that certain impact thresholds could be reduced to a less than significant level with the incorporation of mitigation measures:

- Aesthetics (Light or Glare)
- Agriculture and Forest Resources (Conflict with Williamson Act Contract, Farmland Conversion, Cancellation of Open Space Contract)
- Air Quality
- Biological Resources (Project)
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

Significant and Unavoidable Impacts

Significant and Unavoidable Project Impacts

Section 15126.2(b) of the State CEQA Guidelines requires an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. After study and environmental review in the EIR, it was determined that certain impact thresholds would have significant and unavoidable impacts after the project complies with all regulatory, statutory, and feasible and reasonable mitigation measures. Those specific impacts that would have significant and unavoidable impacts after mitigation are identified below:

- Aesthetics (Visual Character)
- Agriculture and Forest Resources (Farmland Conversion)

Significant and Unavoidable Cumulative Impacts

According to Section 15355 of the State CEQA Guidelines, the term cumulative impacts "...refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the

impacts of a project may be relatively minor, however, when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively significant. A list of projects used in the cumulative analysis is included in Chapter 3, Project Description, and a full discussion of all cumulative impacts for each impact is contained in Chapter 4. The EIR determined that the following impacts on the projects were determined to have a significant and unavoidable cumulative impact that cannot be avoided after all regulatory, statutory, and feasible and reasonable mitigation measures:

- Aesthetics (Visual Character)
- Agriculture and Forest Resources (Farmland Conversion)
- Biological Resources

Table 3. Summary of Significant and Unavoidable Impacts of the Proposed Project

Resource	Project Impacts	Cumulative Impacts
Aesthetics	The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings. Even after implementation of MM 4.1-1 through MM 4.1-5, impacts are considered significant and unavoidable .	The proposed project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. The conversion of thousands of acres collectively in a presently rural area to solar energy production uses cannot be mitigated and is considered significant and unavoidable impact .
Agriculture and Forest Resources	The proposed project would convert Prime Farmland and Farmland of Statewide Importance to nonagricultural use. MM 4.2-1 would require the project proponent to mitigate the loss of agricultural land at a ratio of 1:1. Even with implementation of this mitigation measure, it has been determined that the loss of up to 633 acres of farmland designated as Prime or Unique Farmland is a significant and unavoidable impact because, although the mitigation requires reserving land for exclusively agricultural purposes in the future, the land to be put into a farmland easement as a result of the mitigation is likely already farmland. Therefore, the mitigation preserves farmland that may otherwise be converted to nonagricultural use in the future, but it does not provide additional farmland to replace the up to 633 acres lost as a result of the project.	The proposed project would convert up to 633 acres of productive agricultural land to nonagricultural use to accommodate development of the solar facility. Cumulative impacts from the loss of Prime, Unique, or Important Farmland resulting from the project, when combined with other proposed projects in the area would be considered significant and unavoidable .
Biological Resources		When combined with cumulative impacts from past, present, and reasonably foreseeable future projects, including comparable renewable energy projects proposed for construction in Kern County, the proposed project's incremental contribution to the loss and/or fragmentation of a substantial fraction of the existing wildlife habitat in the County would be cumulatively considerable. Together with other projects, the loss and/or fragmentation of existing wildlife habitat would amount to 1 percent of the area of the southern San Joaquin Valley and, therefore, is considered a significant and unavoidable cumulative impact .

As previously stated, your Board approved the Redwood Cluster Solar Project on September 16, 2014. At that time, a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2013101097) was certified by your Board and a copy of this Final EIR is on file with the Clerk of the Board. The Final EIR was prepared in accordance with all CEQA Guidelines and requirements to identify, review, and evaluate potential environmental impacts associated with implementation of the project. Specific impacts and mitigation measures were identified. A Mitigation Measure Monitoring Program was adopted by your Board in conjunction with the certification of the Final EIR.

Section 15162 of the California Code of Regulation Title 14, Chapter 3 (CEQA Guidelines) states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the 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 EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 also states a Lead 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 (as noted above) calling for preparation of a subsequent EIR have occurred.

Staff has reviewed the thresholds listed in Section 15162 and has determined the current proposal does not trigger the need for preparation of a subsequent or supplemental EIR per the Guidelines established above; nor is the preparation of an Addendum to the previously certified EIR required.

Findings and Mitigation Measure Monitoring Program (Exhibit A, B, and C)

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included for each significant and insignificant impact as identified in the Final EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, agriculture and forest resources, and biological resources, and are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations 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. Additionally, a Mitigation Measure Monitoring Program has been prepared and is attached for your review and consideration as Exhibit C.

The findings demonstrate there are benefits and considerations that outweigh the significant and unavoidable adverse environmental impacts of the project. All of these benefits and considerations are based on the facts set forth in the findings, the Final EIR, and the record of proceedings for the project and the benefits are as follows:

- The project would produce up to 135 MW of electricity from a renewable source, which would assist the State of California in complying with the mandates established by Executive Order S-14-08, which requires public utilities to purchase 33 percent of their energy portfolio from renewable energy sources; as well as, reducing State and regional dependence on foreign oil and, in turn, assisting in insulating Californians from potential energy price spikes in future years. The generation of electricity that emits a minimal amount of air pollutants in the San Joaquin Valley Air Basin would assist the State in complying with rules under Assembly Bill 32 for reducing greenhouse gas emissions by 2020.
- Environmental effects of the project have been minimized by using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable and locating the project facilities in an area with compatible zoning and land uses while assuring consistency with the goals and policies of Section 5.4.5, "Solar Energy Development" in the Kern County General Plan. The project would, preserve water and free up water for other farming by using far less water than typical agricultural operations on the site, as well as minimize impacts to biological resources. Mitigation options with respect to preserving an equal acreage of comparable farmland for every acre of solar 1:1, will keep agricultural mitigation dollars in Kern County.
- Construction of the project would result in the creation of approximately 600 jobs. During peak construction, it is anticipated there will be approximately 200 construction workers on-site jobs. It is expected that after the construction up to 30 (five per project site) permanent workers would primarily come from the project area, thereby benefiting the local economy. In addition, financial assurance related to the decommissioning of the project site, should the solar facility become inoperable, and the contribution of money to capital costs associated with growth to support public safety and protection services, will provide financial benefits to Kern County.
- It is estimated that \$260 million in economic output (\$150 million from construction and \$110 million from operations) and \$6 million (\$4 million in property taxes and \$2 million in sales tax) in tax revenue will be provided to Kern County from the construction and operation of the proposed project.

Senate Bill 18 Consultation

In accordance with Senate Bill 18 and the California Tribal Consultation guidelines, the appropriate native groups were consulted with respect to the project's potential impacts on Native American places, features, and objects. One letter from the Tejon Indian Tribe was received stating it has no

conflict with this project nor does it know of any cultural resources that might be affected at the project site. However, due to the cultural sensitivity of the area and the likelihood of disturbing Human Remains, the Tejon Indian Tribe recommended that Native American Monitors be added to the mitigation measures for the project.

Public Correspondence

Staff has notified all affected agencies, County Departments, and property owners within 1,000 feet of the project area. As of the time of this writing, no comments were received related to the requested circulation amendment.

CEQA Environmental Analysis. Staff has reviewed the project with regard to environmental concerns and it is Staff's opinion the Final EIR prepared for this project is a comprehensive document with the best available information at this time which details the environmental effects of the project on surrounding land uses. Staff also believes the project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities to increase the sale of electricity produced by renewable energy sources to 33 percent. The Final EIR includes 52 mitigation measures that provide for the protection of the environment and provide funding for impacts to public services. CEQA requires all feasible and reasonable mitigation be imposed on projects to reduce the impacts of projects on the environment. Staff also concludes the Final EIR fully complies with CEQA, and clarifications and modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided or feasible project mitigation rejected or environmental impact increased in severity that would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in Section 15091 Findings of Facts, Section 15093 Statement of Overriding Considerations, and the Mitigation Measure Monitoring Program for this project.

General Plan Amendment Request. With regard to the requested amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan, the purpose of the request is to eliminate future road reservations along the midsection line of Sections 12, 13, and 23 of T30S, R29E, MDB&M for Map 125. The Kern County General Plan and Metropolitan Bakersfield General Plan currently calls for a reservation for future roadways along these lines throughout certain regions within the County for future improvement to a collector or arterial-type road. These reservations are a planning tool that is used to facilitate the future construction of collector and arterial sized roads to accommodate future population growth. Collector and arterial roadways have a larger right-of-way, 90 to 110 feet, as compared to local roadways which typically have a right-of-way of just 30 to 60 feet. Therefore, the applicant is requesting elimination of these future reservations in order to allow for more flexibility in the placement of solar panels near the midsection line.

With regards to the Redwood Cluster Solar Project, the project will not generate a permanent increase in the level of traffic which would be sufficient to warrant construction of collector and arterial sized roads in the specified area; and it is not likely this area will be densely developed with other types of uses in the foreseeable future. Therefore, the reservations are no longer needed.

The Kern County Roads Department is in support of the proposed elimination of existing midsection lines and recommends all affected Circulation Element maps be updated to reflect the changes when approved. Therefore, Staff concludes the requested portions of midsection lines do not need to be retained for future construction to collector and arterial standards and recommends approval of the requested General Plan Amendment.

The project was considered by the Planning Commission at their August 14, 2014, hearing. This hearing included consideration of not only the requested General Plan Amendment, but the actions necessary for implementation of the solar facility, as well.

By a vote of five to zero, the Planning Commission recommended approval of the project, including the General Plan Amendment, as requested.

PUBLIC INQUIRY OR CORRESPONDENCE: None at the time of writing

CEQA ACTION: Environmental Review: Previously Certified Environmental Impact Report

DEPARTMENT RECOMMENDATION: Adopt Section 15091 Findings and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program; adopt resolution approving General Plan Amendment as requested

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL 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 previously certified Environmental Impact Report, and this Board makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

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

Said 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. Mitigation measures have been incorporated from the previously certified Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The fee required by California Department of Fish and Wildlife Code Section 711.4 has been previously paid for the previously certified Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tired or phased as set forth in Sections 15385 and 15165, respectively, of the State CEQA Guidelines, and separate environmental documents or review by the Department of Fish and Wildlife is not required, and further, based on the public interpretation of these statutes by the Department of Fish and Wildlife staff, find this approval and related Notice of Determination exempt from the payment of the otherwise applicable fee.

- (5) Now, in compliance with California Code of Regulation Title 14, Chapter 3 (CEQA Guidelines) Section 15162 and 15164, and with regards to the project, the Board determines, on the basis of substantial evidence in the light of the whole record, the following:
- (a) No substantial changes are proposed in the project which will require major revisions of the previously certified Environmental Impact Report (EIR) 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 occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - (c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previously certified EIR was certified as complete, shows any of the following:
 - 1. The project will have new significant effects not discussed in the previously certified EIR;
 - 2. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant
- (6) This project is consistent with the goals and policies of the Kern County General Plan and Metropolitan Bakersfield General Plan.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.
- (9) Approval of the Amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan is consistent with the objectives and policies of the General Plans to protect needed road rights-of-way for future growth, while facilitating a comprehensive transportation network.

- (10) Approval of the General Plan Amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan is consistent with the objectives of the Circulation Element of the Plans because it will allow for the construction of a renewable energy project while encouraging the use of existing road networks internal to the project site.
- (11) Approval of the General Plan Amendment to the Circulation Element of the Kern County General Plan and Metropolitan Bakersfield General Plan is consistent with the objectives of the Circulation Element of the Plans because it will maintain adequate traffic safety.

CMM:RGF:sc

Attachments