



**RESOURCE MANAGEMENT AGENCY
COUNTY OF TULARE
PLANNING COMMISSION
SUMMARY**

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PLANNING COMMISSION

CHAIRMAN: Gil Aguilar (Tulare - District 2)
VICE-CHAIR: Ed Dias (Visalia – At Large)

COMMISSIONERS:
Carlos Aleman (Three Rivers - District 1)
Bill Whitlatch (Visalia - District 3)
Maria McElroy (Dinuba-District 4)
Terren Brown (Porterville - District 5)
Wayne O. Millies (At Large)
Dennis Lehman (Visalia – At Large Alternate)

AIRPORT LAND USE COMMISSIONERS (ALUC)
Bill Whitlatch
Vacant
Vacant

Project Number: Special Use Permit No. PSP 22-006	Agenda Date:	September 28, 2022
Applicant: 22SV 8me LLC, 5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036	Agenda Item Number:	6B
Agent: N/A	AGENDA ITEM TYPE	
<p>Subject: Certification and Adoption of the Final Supplemental Environmental Impact Report (Final SEIR), California Environmental Quality Act (CEQA) Findings of Fact, and Mitigation Monitoring and Reporting Plan (MMRP) for PSP 22-006 consistent with CEQA and the State CEQA Guidelines.</p> <p>Special Use Permit No. PSP 22-006 requests to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor’s Parcel Numbers (“APNs”) encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.</p> <p>The majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards, orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures.</p> <p>The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site is located in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone on APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011.</p> <p>Exceptions: N/A Waiver: N/A Environmental Review: Supplemental Environmental Impact Report.</p>	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	✓
	Continued Public Hearing	
	Discussion	
	ACTION REQUESTED	
	Resolution – Board of Supervisors	
Motion(s): One Motion/Two Motions	Resolution – Planning Commission	✓
Contact Person: Sandy Roper	Decision - Director	

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RECOMMENDATIONS:

That the Planning Commission:

- (1) Hold a public hearing.
- (2) Certify and Adopt the Supplemental Environmental Impact Report, CEQA Findings of Fact, and Mitigation Monitoring Reporting Program for Special Use Permit No. PSP 22-006 as being in compliance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines for the Implementation of the California Environmental Quality Act of 1970.
- (3) Approve Special Use Permit No. PSP 22-006 and adopt the Resolution establishing findings and conditions of approval for the project.

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to approve, subject to modifications as discussed by the Planning Commission.

Alternative No. 2: Move to deny and direct staff to prepare findings for denial to be brought back at a subsequent hearing.

Alternative No. 3: Refer back to staff for further study and report.

PROJECT OVERVIEW:

The project consists of an Supplemental Environmental Impact Report, Mitigation Monitoring and Reporting Program, and conditional approval of Special Use Permit No. PSP 22-006 for the Rexford 2 Solar Farm as requested by 20SV 8me LLC, 5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036, to allow a 500 MW-AC utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) APNs encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Project site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.

The majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards, orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures.

The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site is located in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone on APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011.

Property Owners:

Giumarra Brothers Fruit, LLC
(APNs: 319-160-007 & 321-010-002)

Giumarra Vineyards Corporation
(APNs: 320-360-005 & 321-010-003)

Muller Investments, LLC
(APN: 321-140-009)

Lorna D. Briggs
(APN: 321-140-011)

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ENVIRONMENTAL SUMMARY:

A Supplemental Environmental Impact Report (“SEIR”) identified potentially significant effects on the environment and a Mitigation Monitoring Reporting Program (“MMRP”) was prepared, indicating that, although the project may have a significant effect on the environment, mitigation measures were incorporated into the project that would reduce any impact to a point where clearly no significant effect on the environment could occur and there is no substantial evidence that the project would have a significant effect on the environment. The SEIR was received by the State Clearinghouse (SCH# 2020020326) on Friday, July 15, 2022, to initiate a 45-day public review period beginning on Friday, July 15, 2022, and ending on Tuesday, August 30, 2022.

The SEIR was posted on the Tulare County Resource Management Agency website on July 15, 2022, at the following link: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>. The SEIR is hereby incorporated by reference.

Information about the environmental determination for the Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) was provided in a Notice of Availability (“NOA”) of Draft Supplemental Environmental Impact Report (“SEIR”) that was published in the Sun Gazette on July 13, 2022, for a 45-day public review period beginning on Friday, July 15, 2022, and ending on Tuesday, August 30, 2022. In addition, a Notice of Public Hearing was published in the Sun Gazette and mailed to surrounding property owners on September 14, 2022, for a ten-day review period.

ENTITLEMENT(S):

Section 16 of Ordinance No. 352, as amended, the zoning ordinance allows the construction and operation of public utility structures in the AE-20 and AE-40 Zones, subject to approval of a special use permit.

GENERAL PLAN AND ZONINGCONSISTENCY:

General Plan: The Project site is located within the Rural Valley Lands Area Plan (“RLVP”) and the Land Use Designation is “Valley Agriculture.” Section 3.11.4 on Page 3.11-3 of the Draft SEIR states that this designation establishes areas for intensive agricultural activities on prime valley agricultural soils and other productive or potentially productive valley lands where commercial agricultural uses can exist without conflicting with other uses, or where conflicts can be mitigated. Uses typically allowed include irrigated crop production, orchards and vineyards; livestock; resource extraction activities and facilities that directly support agricultural operations, such as processing; and other necessary public utility and safety facilities.

The Project is consistent with the following relevant General Plan 2030 Policies: (1) AG-2.11 Energy Production; (2) LU-7.15 Energy Conservation; (3) ERM-4; (4) ERM-4.1; (5) ERM-4.3; (6) ERM-4.5; (7) ERM-4.6; (8) AQ-1; (9) AQ-1.7; (10) AQ-3.5; (11) HS-8.18; and (12) HS-8.19. Please refer to the staff report in Attachment No. 3 for the consistency analysis.

Zoning: Section 3.11.4 on Page 3.11-3 of the Draft SEIR states that the Project site is zoned as AE-20 (Exclusive Agriculture – 20 acre minimum) and AE-40 (Exclusive Agriculture – 40 acre minimum). These zoning districts are exclusive zones for intensive agricultural uses and for uses which are a necessary and integral part of an agricultural operation. The purpose of these zones is to protect the general welfare of the agricultural community and prevent the encroachment of non-agricultural uses.

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Tulare County Zoning Ordinance No. 352, by Board of Supervisors Resolution No. 2010-0458 (as amended by Resolution No. 2010-0590) adopted zoning interpretation that Solar and Wind Electrical Generation Facilities are included within the meaning of Private and Public Utility Structures. And, where the electrical generation is designed for off-site sale, is subject to a Special Use Permit. The proposal, if approved, would be consistent with the Zoning Ordinance.

Agricultural Preserve: 4 of the 6 APNs that make up the Project site are restricted by California Land Conservation Act (Williamson Act) Contracts. The four APNs that are under contract are 319-160-007, 320-360-005, and 321-010-002 & -003. The two APNs that are not under contract are 321-140-009 and 321-140-011.

The substantiation for subparagraph b) in Section 3.2.6 on Page 3.2-11 of the Draft SEIR states that the Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act contract. Public and private utility structures were determined to be a compatible use on lands under a Williamson Act contract with Resolution No. 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agricultural Zone Districts subject to conditions of approval set forth in Special Use Permits.

The substantiation for subparagraph b) in Section 3.2.6 on Page 3.2-11 of the Draft SEIR also states that Resolutions No. 2010-0717 and No. 2013-0104 subsequently created a two-level process through which solar facility projects can be found as a compatible use on Williamson Act contracted lands. This allows impaired agricultural lands to be put to the highest and best use without cancelling the Williamson Act contract, therefore preserving the option to return to farming the land in the future. Pending the approval of the Special Use Permit for the proposed Project and the approval of findings of compatibility under the Williamson Act, the Project will present a temporary change in land use that has been found to be compatible with the terms of the existing Williamson Act contract on the Project site. The project conforms to the principles of compatibility as set forth in Government Code Section 51238.1 (Williamson Act Conformity Analysis, Attachment No. 4).

PROJECT SUMMARY:

Project Description: Section 2 on Pages 2-1 and 2-2 of the SEIR discusses the Project Description. As described in Chapter 1, Introduction, of the Draft SEIR, the Tulare County Planning Commission certified the Final Environmental Impact Report (State Clearinghouse No. 2020020326) and approved Special Use Permit No. PSP 19-073 for the Rexford Solar Farm Project (herein referred as “previously approved Project” or “Rexford 1”) on August 26, 2020. Rexford 1 involved the construction and operation of an up to 700 megawatt (MW) solar photovoltaic (PV) facility, including an energy storage system (ESS) with up to 700 MW storage capacity, on-site substation, transmission and/or collector lines, and ancillary components on approximately 3,614 acres of land historically used as agricultural farmland in unincorporated Tulare County, California (Figure 2-1). Power generation by Rexford 1 would connect to the Southern California Edison (SCE) Vestal Substation. Construction of Rexford 1 is scheduled to commence in spring of 2022.

The Project applicant is now requesting the expansion of the previously approved Rexford 1 Solar Farm Project. The proposed Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) is the subsequent development phase of the Rexford 1 Project. As shown on Figure 2-1, the Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended

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to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project (PSP 19-073). These facilities would include transmission and collector lines and operation and maintenance facilities. Rexford 2 would involve the construction and operation of an up to 500 megawatts-alternating current (MW-AC) solar PV facility, including an ESS with up to 500 MW-AC storage capacity on approximately 1,200 acres near the unincorporated community of Ducor. Similar to Rexford 1, power generated by the Project will be collected using up to 230 kilovolt collector lines which run overhead and/or underground to a dedicated Project substation and will then connect to the SCE Vestal Substation via an overhead and/or underground generation tie-line.

Project Location: Section 2.1 on Page 2-2 of the SEIR discusses the Project Location. The Project site encompasses approximately 1,200 acres of land located near the unincorporated community of Ducor, a census-designated place, in south-central Tulare County (see Figure 2-2 of the Draft SEIR). Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project (PSP 19-073). These facilities would include transmission and collector lines and operation and maintenance facilities. As shown on Figure 2-3 of the Draft SEIR, the Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224.

Table 2-1. Project Assessor Parcel Numbers

APN	Acreage	Zoning
319-160-007	325	AE-20
320-360-002	325	AE-20
321-010-002	325	AE-20
321-010-003	200	AE-20
321-140-009	6	AE-40
321-140-011	8	AE-40
Total	1,189	--

Project Characteristics: Section 2.3 on Pages 2-6 of the SEIR discusses the Project Characteristics. The proposed Project involves the construction of a utility-scale PV solar facility on approximately 1,200 acres of privately-owned land. The proposed Project will generate up to 500 MW-AC on a daily basis. Power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line.

The proposed Project will include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system (ESS), access roads and fencing, and on-site substation. An operations and maintenance (O&M) building may be constructed on the site.

The proposed Project may share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. Any lands not used for O&M, substation, ESS, and/or transmission facility areas on the Project site could instead be used by solar panels under such scenarios. The proposed site plan can be found in Appendix “B” of the SEIR.

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Photovoltaic Panels/Solar Arrays: Section 2.3.1 on Page 2-7 of the SEIR discusses Photovoltaic Panels/Solar Arrays. The proposed Project will use PV panels or modules (including but not limited to bi-facial or concentrated PV technology) on mounting frameworks to convert sunlight directly into electricity. Individual panels will be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). If the panels are configured for fixed tilt, they will be oriented toward the south. For tracking configurations, the panels will rotate to follow the sun over the course of the day. Depending on the mounting system used and on County building codes, panels are anticipated to be between 6 and 8 feet in height. Figure 2-4 of the SEIR depicts representative examples of photovoltaic panel/mounting configurations.

The solar panel array will be arranged in groups called “blocks”, with inverter stations generally located centrally within the blocks. Blocks will produce direct electrical current (DC), which is converted to AC at the inverter stations.

Each PV module will be placed on a fixed-tilt or tracker mounting structure. The foundations for the mounting structures can extend to no more than 10 feet below ground, depending on the structure, soil conditions, and wind loads, and may be encased in concrete or use small concrete footings. A light-colored ground cover or palliative may be used to increase electricity production. Final solar panel layout and spacing will be optimized for Project area characteristics and the desired energy production profile.

Inverter Stations: Section 2.3.2 on Pages 2-7 to 2-9 of the SEIR discusses the Inverter Stations. DC energy is delivered from the panels via cable to inverter stations, generally located near the center of each block. Inverter stations convert the DC energy to AC energy which can be dispatched to the transmission system. Inverter stations are typically comprised of one or more inverter modules with a rated power of up to 5 MW each, a unit transformer, and voltage switch gear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) are housed in cabinets. Depending on the vendor selected, the inverter station may lie within an enclosed or canopied metal structure, typically on a skid or concrete mounted pad. Figure 2-5 of the SEIR depicts representative examples of typical inverter stations.

Energy Storage System (ESS): Section 2.3.3 on Pages 2-10 to 2-12 of the SEIR discusses the ESS. The proposed Project may include one or more ESS, located at or near a substation/switchyard (onsite or shared) and/or at the inverter stations, or elsewhere onsite. Such large-scale ESSs will be up to 500 MW-AC in capacity and occupy no more than 25 acres in total area.

ESSs consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which could include commercially available lithium or flow batteries, typically consist of ISO standard containers (approximately 40’L x 8’W x 8’H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building(s) in compliance with applicable regulations. The maximum height of a dedicated structure is not anticipated to exceed 25 feet. The actual dimensions and number of energy storage modules and structures vary depending on the application, supplier, and configuration chosen, as well as on offtaker/power purchase agreement requirements and on County building standards. The proposed Project may share an ESS with one or more nearby or future solar projects or may operate one or more standalone ESS facilities within the Project site. Figure 2-6 of the SEIR depicts representative examples of typical energy storage systems.

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Protection would be provided as part of the Project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (e.g., FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems will be designed in accordance with California Fire Code and will take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The general approach to fire mitigation at the Project site will be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods will be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment will comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system will be used that will contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms will be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection will be implemented. These will include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection will be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms will be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting.

Substation: Section 2.3.4 on Pages 2-12 and 2-13 of the SEIR discusses the Substation. Output from the inverter stations will be transferred via electrical conduits and electrical conductor wires to one or more Project substations or switchyards (collectively referred to as “substations” herein), and then onward via an up to 230kV dedicated gen-tie line to the SCE Vestal Substation. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project’s substation, which would then interconnect to the SCE Vestal Substation.

The proposed Project and any associated ESS will have their own dedicated substation equipment located within the Project site. Dedicated equipment may incorporate several components, including auxiliary power transformers, distribution cabinets, revenue metering systems, a microwave transmission tower, and voltage switch gear.

Each substation will occupy an area of up to approximately five acres, secured separately by a chain-link fence. The final location(s) of each component will be determined before the issuance of building permits.

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Substations typically include a small control building (roughly 500 square feet) standing approximately 10 feet in height. The building is either prefabricated concrete or steel housing with rooms for the voltage switch gear and the metering equipment, a room for the station supply transformer, and a separate control technology room in which the main computer, the intrusion detection system, and the main distribution equipment are housed. Components of this building (e.g., control technology room and intrusion detection system) may instead be located at an O&M building. Figure 2-7 depicts a representative example of a typical substation design.

Transmission and Collector Lines: Section 2.3.5 on Pages 2-13 and 2-14 of the SEIR discusses Transmission and Collector Lines. The proposed Project will involve the construction of both transmission and collector lines. Power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project's substation, which would then interconnect to the SCE Vestal Substation. A franchise and/or encroachment agreement along public roads may ultimately be required for portions of the transmission and/or collector line. The proposed transmission and/or collector line configuration is depicted on Figure 2-8 of the SEIR.

As depicted on Figure 2-8 of the SEIR, the transmission and/or collector line component of the Project will extend along existing roadway right of ways from various portions of the Project site (where substations are located) ultimately connecting to the SCE Vestal Substation. The transmission and/or collector lines will be located along portions of Road 192, Road 200, Road 208, Road 232, Avenue 24, Avenue 42, Avenue 46, Avenue 56, Avenue 64, Avenue 68, and Avenue 72, or could, however unlikely, possibly utilize additional nearby routings. The total length of the transmission and/or collector lines will be approximately 31 miles in length.

Operations and Maintenance Building: Section 2.3.6 on Page 2-15 of the SEIR discusses the Operations and Maintenance Building. The proposed Project may include an O&M building of approximately 40' -6x 80' in size, with associated on-site parking (see Figure 2-9 of the SEIR). The O&M building will not exceed 25 feet in height. The O&M building will be steel framed, with metal siding and roof panels. The O&M building may include the following:

- Office
- Repair building/parts storage
- Control room
- Restroom
- Septic tank and leach field

Roads, driveways and parking lot entrances will be constructed in accordance with Tulare County improvement standards. Parking spaces and walkways will be constructed in conformance with all California Accessibility Regulations.

The proposed Project may share O&M facilities and/or staff with one or more nearby or future solar projects, and/or may be remotely operated. Any unused O&M areas on-site may be covered by solar panels.

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Water Storage Tank: Section 2.3.7 on Page 2-15 of the SEIR discusses the Water Storage Tank. One or more above-ground water storage tanks with a total capacity of up to 50,000 gallons may be placed on-site near the O&M building (if an O&M building is constructed on-site). The storage tank(s) near the O&M building will have the appropriate fire department connections to be used for fire suppression purposes.

Auxiliary Facilities: Section 2.3.8 on Pages 2-15 and 2-16 of the SEIR discusses Auxiliary Facilities. The entire Project site will be enclosed within a chain link fence with barbed wire measuring up to eight feet in height from finished grade. An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M building, or similar technology, may be installed. Additionally, the Project may include additional security measures consistent with County of Tulare regulations including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Project.

As shown in Appendix “B” of the SEIR, a controlled access gate will be located at the intersection of Avenue 64 and Road 216. The access gate will be maintained at the main entrance to the Project site. Access to the Project site will be provided to offsite emergency response teams that respond in the event of an after-hours emergency. Enclosure gates will be manually operated with a key provided in an identified key box location.

Construction: Section 2.4 on Page 2-17 of the SEIR discusses Project Construction. The construction period for the proposed Project, from site preparation through construction, testing, and commercial operation, is anticipated to commence as early as the third Quarter (Q3) of 2023 and could encompass approximately 12 to 24 months. Construction of the facility will include the following activities:

- Site preparation
- Grading and earthwork
- Concrete foundations
- Structural steel work
- Electrical/instrumentation work
- Collector line installation
- Architecture and landscaping

Impacts to roadways will be limited to construction-related activities of the Project. Construction-related vehicles would travel on SR 65 primarily via Avenue 24 and Avenue 56 to access the Project site. State Route 65 will not be used to directly access or egress the site. It is estimated that up to 800 workers per day (during peak construction periods) will be required during the construction of the Project.

Heavy construction (i.e., grading and earthwork, concrete foundations) is expected to occur during day-to-dusk hours, Monday through Friday. Additional hours, as approved by Tulare County RMA, may be necessary to make up schedule deficiencies or to complete critical construction activities. Although unlikely, some activities may continue 24 hours per day, seven days per week, with approval by Tulare County RMA. Low level noise activities (i.e., those below 60 dBA) may potentially occur between the hours of 10:00 p.m. and 7:00 a.m., with approval by Tulare County RMA. Low level noise activities during nighttime could potentially include refueling equipment, staging material for the following day’s construction activities, quality assurance/control, and commissioning.

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Materials and supplies will be delivered to the Project area by truck. Truck deliveries will typically occur during daylight hours. However, there may be offloading and/or transporting to the Project area on weekends and during evening hours as approved by Tulare County RMA.

Earthmoving activities are anticipated to be limited to the construction of the access roads, O&M building, substation, ESS(s), and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low lying grass or applying earth-binding materials to disturbed areas to control dust and increase albedo of the ground.

During the construction period of up to 24 months, the proposed Project will use up to approximately 400 acre-feet of water for construction-related activities (mainly to minimize dust generating impacts).

Operations and Maintenance: Section 2.5 on Page 2-18 of the SEIR discusses Operations and Maintenance. Once the Project is constructed, maintenance will generally be limited to the following: cleaning of PV panels (twice a year), monitoring electricity generation, providing site security, and facility maintenance (replacing or repairing inverters, wiring, and PV modules).

It is expected that the proposed Project will require an operational staff of up to 20 full-time employees. As previously discussed, it is possible that the proposed Project could share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. In such a scenario, the projects will share personnel, thereby potentially reducing the Project's on-site staff.

The facility will operate seven days a week, 24 hours a day. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available.

Operational water demands, which include water used for fire suppression, solar PV panel washing, and operation of the proposed O&M building, will total approximately 50-acre feet/year (AFY).

Project Features and Best Management Practices: Section 2.6 on Pages 2-18 and 2-19 of the SEIR discusses Project Features and Best Management Practices. The following describes standard Project features and best management practices (BMP) that will be applied during construction and long-term operation of the Project.

Section 2.6.1 on Page 2-18 of the SEIR discusses Waste and Hazardous Materials Management. The proposed Project will have minimal levels of materials on-site that have been defined as hazardous under 40 CFR, Part 261. The following materials are expected to be used during the construction, operation, and long-term maintenance of the Project:

- Insulating oil - used for electrical equipment
- Lubricating oil - used for maintenance vehicles
- Various solvents/detergents - equipment cleaning
- Gasoline - used for maintenance vehicles

Hazardous materials and wastes will be managed, used, handled, stored, and transported in accordance with applicable local and State regulations. All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP): one 55-gallon drum. Though not expected,

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should any on-site storage of hazardous materials exceed one 55-gallon drum, an HMMP will be prepared and implemented.

Section 2.6.2 on Page 2-18 of the SEIR discusses Spill Prevention and Containment. Hazardous materials stored on-site will be in quantities of less than 55 gallons. Spill prevention and containment for construction and operation of the Project will adhere to the Environmental Protection Agency's guidance on Spill Prevention Control and Countermeasures and Tulare County Health and Human Services Agency regulations.

Section 2.6.3 on Page 2-19 of the SEIR discusses the Wastewater/Septic System. A standard on-site septic tank and leach field may be used at the O&M building (if constructed on-site) to dispose sanitary wastewater, designed to meet operation and maintenance guidelines required by Tulare County laws, ordinances, regulations, and standards.

Section 2.6.4 on Page 2-19 of the SEIR discusses Inert Solids. Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils. Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction-related activities waste. A Construction Waste Management Plan will be prepared for review and approval by the County. Consistent with local regulations and the California Green Building Code, the Plan will provide for diversion of a minimum of 50 percent of construction waste from landfill.

Chemical storage tanks (if any) will be designed and installed to meet applicable local and state regulations. Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected; however, in the unlikely event such wastes were to occur, they will be handled pursuant to federal, state, and/or local regulations.

Section 2.6.5 on Page 2-19 of the SEIR discusses Health and Safety. Safety precautions and emergency systems will be implemented as part of the design and construction of the Project to ensure safe and reliable operation. Administrative controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

The Project will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. All employees will be provided with communication devices, cell phones, or walkie-talkies, to provide assistance in the event of an emergency.

Facility Decommissioning: Section 2.7 on Pages 2-19 and 2-20 of the SEIR discusses Facility Decommissioning. The Project proponent expects to sell the renewable energy produced by the product under the terms of a long-term Power Purchase Agreement (PPA) or directly into the wholesale market. The life of the solar facility is anticipated to be up to 35 years; however, the Project proponent may, at its discretion (and with approval by Tulare County), choose to extend the life of the facility, update technology and re-commission, or decommission and remove the system and its components. If, and when, a decommissioning event occurs, the solar site will be reclaimed as required by a County approved Decommissioning and Reclamation Plan (and attendant bond). This Reclamation Plan will provide financial assurances along with a detailed plan to

SUBJECT: Special Use Permit No. PSP 22-006 (22SV 8me, LLC)

remediate soils and return the land to its original pre-construction condition upon termination of the Project. At the time of re-use, the zoning/land use designations will be used to determine the Project site's use.

If, and when, Project decommissioning occurs, Project structures will be removed from the Project site. Above-ground equipment that will be removed will include module posts and support structures, onsite transmission poles that are not shared with third parties and the overhead collection system within the Project site, inverters, transformers, energy storage equipment, electrical wiring, equipment on the inverter pads, and related equipment and concrete pads. The substation will be removed if it is owned as part of the Project; however, if a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications. Project roads will be restored as close as feasible to pre-construction conditions unless the landowner elects to retain the improved roads within the property. The area will be thoroughly cleaned, and all debris removed. Materials will be recycled to the extent feasible, while the balance of unrecyclable material will be disposed (likely in landfills) in compliance with all applicable laws. A collection and recycling program will be implemented in the event system components are manufactured containing hazardous materials.

All decommissioning- and restoration-related activities, as contained in the County approved Decommissioning and Reclamation Plan, will adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, state, and county regulations.

When the Project ceases operation, the facilities will be decommissioned and dismantled, and the Project site restored to a condition suitable for agricultural use (or other use as allowed by zoning/land use designations at the time of decommissioning). Decommissioning-related activities of the Project site will take approximately 4-6 months and will comprise removal of above-ground and below-ground (subsurface) structures; and site reclamation (including restoration of topsoil, revegetation, and seeding).

Temporary erosion and sedimentation control BMPs will be implemented during the decommissioning-related phase of the Project. Decommissioning-related activities will consist of:

- Dismantling and removal of all above-ground equipment (solar panels, tracker units, transformers, substation, ESS, enclosures, etc.);
- Excavation and removal of all below-ground cabling;
- Removal of posts;
- Removal of roads;
- Break-up and removal of concrete pads and foundations; and
- Scarification of compacted areas and re-grading of the Project site to pre-Project conditions.

Decommissioning-related activities of the Project will likely require similar water use as construction-related activities, due to water needs for dust control. Following decommissioning, if returned to an agricultural-ready use, the Project site will likely require similar water use as existing conditions. It would be speculative to estimate post-Project water usage if the site is returned to a use other than agriculture use as allowed by zoning/land use designations at the time of decommissioning. Post-Project, it is anticipated that the Project site will continue in active agricultural use, which is the same as its pre-Project use, and the same as current use of adjacent parcels. To minimize post-construction dust, a revegetation plan will be developed and implemented to stabilize temporary disturbance from installation-related activities, and to be compatible with long-term site

SUBJECT: Special Use Permit No. PSP 22-006 (22SV 8me, LLC)

vegetation management. Revegetation is also a dust control technique permissible in complying with the San Joaquin Valley Unified Air Pollution Control District’s Regulation VIII.

DEVELOPER AGREEMENT:

Tulare County Zoning Ordinance No. 352, by Board of Supervisors Resolution No. 2010-0458 (as amended by Resolution No. 2010-0590) requires a Developer Agreement that includes a Reclamation Plan and Sales Tax Agreement.

Reclamation Plan:

A Reclamation Plan is required to return the land to its current, or better, agricultural condition. To ensure reclamation is performed, financial assurances are required by the developer based upon an engineer’s estimated probable cost of the reclamation. The Reclamation Plan will incorporate a Storm Water Pollution Prevention Plan (“SWPPP”) and Dust Control Measures; the dismantling and removal of all equipment from the site, to include recycling and disposal of E-waste; site demolition, to include the removal of fencing and gravel; and site reclamation, to include finish grading and the application of compost and seed mixture.

Sales Tax Agreement:

A Sales Tax Agreement will require the project location to be considered as the point-of-sales to maximize the capture of sales and use tax revenue for Tulare County.

PUBLIC HEARING NOTICE:

Gov. Code Section 65009(b) requires the County to include in any public notice issued pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: “If you challenge the acceptance of the Categorical Exception and approval of the project, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing.”



Sandy R. Roper, Planner IV
Project Processing Division
Economic Development & Planning Branch



Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director
Economic Development & Planning Branch



Hector Guerra, Chief Planner
Environmental Planning Division
Economic Development & Planning Branch



Michael Washam, ACE
Associate Director
Resource Management Agency

SUBJECT: Special Use Permit No. PSP 22-006 (22SV 8me, LLC)

ATTACHMENTS:

- Attachment No. 1: Draft Resolution for PSP 22-006 Certifying and Adopting the Final SEIR, CEQA Findings of Fact, and MMRP
Exhibit “A” Draft Supplemental Environmental Impact Report, including the Mitigation Monitoring and Reporting Program (in Table 8-1 on Pages 8-3 to 8-14 of the SEIR for the Rexford 2 Solar Farm Project, PSP 22-006) incorporated by reference and available on the Tulare County RMA website at:
<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>
Exhibit “B” Final SEIR, including Comments on the SEIR, Responses to Comments, and Errata (incorporated by reference and available on the Tulare County RMA website at:
<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>
Exhibit “C” CEQA Findings of Fact
- Attachment No. 2: Draft Resolution Approving PSP 22-006
Exhibit “A” – Site Plan
Exhibit “B” – Right to Farm Notice
Exhibit “C” – Compliance Monitoring and Reporting Schedule
Exhibit “D” – Developer Agreement and Reclamation Plan
Exhibit “E” – Sales Tax Agreement
Exhibit “F” – Owner Assignment and Assumption Agreement
- Attachment No. 3: Staff Report
- Attachment No. 4: Williamson Act Compatibility
Exhibit “A” – Williamson Act Conformity Analysis
- Attachment No. 5: Consulting Agency List and Other Agency Comments and Recommendations
- Attachment No. 6: Maps and Graphics
- Attachment No. 7: Location and Property Ownership Map for Hearing Notification
- Attachment No. 8: Notice of Availability
- Attachment No. 9: Public Hearing Notice
- Attachment No. 10: Notice of Determination
- Attachment No. 11: Ordinance No. 3589 for Rexford 1 Franchise Agreement

Attachment No. 1

Resolution for Certification and Adoption of the
Final SEIR, CEQA Findings of Fact, and MMRP
for Special Use Permit No. 22-006 (PSP 22-006)

Attachment No. 1

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF CERTIFICATION AND) ADOPTION OF FINAL SUPPLEMENTAL) ENVIRONMENTAL IMPACT REPORT,) CALIFORNIA ENVIRONMENTAL QUALITY) ACT FINDINGS OF FACT, AND MITIGATION) MONITORING AND REPORTING PLAN FOR) SPECIAL USE PERMIT NO. PSP 22-006 TO) ALLOW A 500 MEGAWATT-ALTERNATING) CURRENT (MW-AC) SOLAR FARM WITH UP) TO 500 MW-AC ENERGY STORAGE) CAPACITY FOR THE REXFORD 2 SOLAR) FARM PROJECT (22SV 8ME LLC))

RESOLUTION NO. _____

Resolution of the Tulare County Planning Commission (“Commission”) certifying and adopting the Final Supplemental Environmental Impact Report (“Final SEIR”), the California Environmental Quality Act (“CEQA”) Findings of Fact, and Mitigation Monitoring and Reporting Program (“MMRP”) for Special Use Permit No. 22-006 (“PSP 22-006”), as requested by 22SV 8me LLC (“Applicant”), 5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036, to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor’s Parcel Numbers (“APNs”) encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.

WHEREAS, on February 2, 2022, the applicant, 22SV 8me LLC (5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036) filed with Tulare County Resource Management Agency (“RMA”) an application for Special Use Permit PSP 22-006 to allow the construction and operation of an a 500 MW-AC utility-scale solar farm with up to 500 MW-AC of energy storage capacity pursuant to Section 65905 of Government Code and regulations contained in Section 16 of Tulare County Ordinance No. 352, the Zoning Ordinance; and

WHEREAS, the majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards, orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures; and

WHEREAS, the proposed site for PSP 22-006 for the Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) encompasses approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated

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communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project; and

WHEREAS, the Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site is located in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone on APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011; and

WHEREAS, the RMA determined that the preparation of a Supplemental EIR was appropriate due to potentially significant environmental impacts that could be caused by implementing the Project; and

WHEREAS, the Commission is the decision-making body of the lead agency for the consideration of the EIR and the MMRP, prepared for the proposed PSP 22-006 for the Rexford Solar Farm Project; and

WHEREAS, the Notice of Preparation (“NOP”) of a Draft Environmental Impact Report for the Rexford Solar Project (“Draft EIR”) was distributed by the Tulare County Resource Management Agency (“RMA”) and circulated for a 30-day public review period beginning on March 16, 2022, and ending on April 15, 2022; and

WHEREAS, a scoping meeting was duly noticed in a newspaper of general circulation and held on Thursday, March 31, 2022, at 1:30 P.M. in the Main Conference Room F of the RMA at 5961 S. Mooney Blvd., Visalia, CA 93277; and

WHEREAS, no comments were received during said scoping meeting; and

WHEREAS, the existing conditions described in the Draft EIR reflect the physical environmental conditions in existence at the time the NOP was distributed; and

WHEREAS, the RMA received four (4) comment letters on the NOP for the Draft SEIR: State of California Department of Conservation, San Joaquin Valley Air Pollution Control District, Native American Heritage Commission, and Defenders of Wildlife that are found in Appendix “N.3” of the Draft SEIR; and

WHEREAS, a Draft SEIR for the Project (State Clearinghouse #2020020326) has been prepared pursuant to CEQA and the State CEQA Guidelines, and is incorporated into the Final SEIR with changes and revisions thereto, written Responses to Comments made during the CEQA review period, and the MMRP;

WHEREAS, the Draft EIR for PSP 22-006 for the Rexford Solar Project was prepared by consultant HDR, reviewed by RMA Staff, and reviewed and approved for public review by the County’s Environmental Assessment Officer, and was submitted for a 45-day public review and comment period starting on Friday, July 15, 2022, and ending on Tuesday, August 30, 2022; and

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WHEREAS, on July 13, 2022, pursuant to State Guidelines for the Implementation of the California Environmental Quality Act of 1970 (“CEQA”), Tulare County distributed the Notice of Completion and Environmental Document Transmittal to the State Clearinghouse with the requisite number of copies of the Draft SEIR to be mailed to affected public agencies and interested parties, indicating a 45-day review period commencing on Friday, July 15, 2022, and ending on Tuesday, August 30, 2022, pursuant to the CEQA, Public Resources Code Section 21000, and State and Agency Guidelines adopted pursuant thereto;

Whereas, the Notice of Availability of Draft Supplemental Environmental Impact Report was duly published in the Sun-Gazette (a newspaper of general circulation in Tulare County), posted on the Tulare County RMA website, made available for public review at the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA, and mailed to affected public agencies and interested parties, for public review, with a review period commencing on Friday, July 15, 2022, and ending on Tuesday, August 30, 2022; and

WHEREAS, the SEIR included an evaluation of existing resources and potential Project impacts, and the proposed mitigation measures to reduce any impacts to a less than significant level; and

WHEREAS, a total of three (3) written comments regarding the Draft SEIR were received from the State of California Department of Conservation/Geology Energy Management Division (CalGEM), State of California Department of Transportation (Caltrans), and Defenders of Wildlife. Comments received in these comments/correspondence have been addressed in the Response to Comments section of the Final Supplemental Environmental Impact Report; and

WHEREAS, written and verbal communications and comments were submitted during the public comment period by various public agencies and members of the public, and after due consideration thereof, written responses were prepared for said comments by Staff; and

WHEREAS, on or about September 16, 2022, written responses to the timely public comments were duly sent to the comment public agencies and interested parties in a manner that public agencies and interested parties received it at least 10 days before action taken; and

WHEREAS, through a good faith and substantial analysis of environmental impacts from the proposed PSP 22-006 for the Rexford 2 Project in the SEIR, RMA staff found, and the Commission agrees, that the proposed Project, without mitigation, could have a significant effect on four (4) environmental resources: Biological Resources, Cultural Resources, Tribal Cultural Resources; and Public Services. The twenty (20) Mitigation Measures identified in the SEIR, and included in the MMRP, reduces these potential impacts to these resources to less than significant; and therefore, the SEIR and MMRP were the appropriate level of environmental review under CEQA for the Project; and

WHEREAS, the Commission finds that the RMA has conducted the necessary investigations (including environmental review of this matter); prepared a written staff report; and based on substantial evidence, submitted the SEIR for the consideration of, and action by, the Commission; and

WHEREAS, the Final Supplemental Environmental Impact Report for PSP 22-006 for the Rexford Solar Project (“Final SEIR”) consists of the following information: the Draft SEIR (including the technical

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appendices); comments and recommendations received on the Draft SEIR; a list of persons, organizations, and public agencies commenting on the Draft SEIR; the responses of the RMA to comments and recommendations received on the Draft SEIR (including responses to significant environmental points raised in the review and consultation process); and any information added by the Planning Commission; and

WHEREAS, on September 16, 2022, a public notice of Final SEIR availability and of the Tulare County Planning Commission’s (“Planning Commission”) scheduled September 28, 2022, public hearing on the Final SEIR, was published in the Visalia Times Delta (a newspaper of general circulation in Tulare County) and mailed to all Responsible Agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft SEIR; and

WHEREAS, on September 28, 2022, the Planning Commission held a duly noticed public hearing on PSP 22-006 in the Human Resources and Development Department, Innovation Conference Room (located at 2500 W. Burrel Avenue, Visalia, CA 93291) where there was opportunity for public testimony to be received on the proposed Rexford Solar 2 Project (PSP 22-006); and

WHEREAS, at the September 28, 2022, public hearing the Commission received a report presented by RMA staff that included recommendations and a report from the EIR Consultant; and

WHEREAS, at the meeting of the Commission public testimony was received and recorded from _____ in support of the proposal, and _____ spoke in opposition to the proposal; and

WHEREAS, on September 28, 2022, after the conclusion of public testimony the Commission closed the public hearing; deliberated; and adopted Resolution No. _____ certifying and adopting the Final SEIR (see Exhibit “C”), CEQA Findings of Fact (see Exhibit “D”), and MMRP (see Exhibit “A”) for PSP 22-006; and

WHEREAS, in order to approve PSP 22-006 this Commission is required to make the following findings and certifications with regards to the California Environmental Quality Act: (1) The Final Supplemental Environmental Impact Report prepared for this project is adequate; (2) feasible and reasonable alternatives were evaluated and found not to be superior to the approved project; (3) the Final SEIR has been completed in compliance with CEQA; (4) the Final SEIR reflects the Commission’s independent judgment; and (5) the Commission reviewed and considered the information in the Final SEIR before approving the project; and

WHEREAS, this Commission has reviewed the Final SEIR in its entirety, and has determined that the document reflects the independent judgment of the County; and

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

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

WHEREAS, all of the Project’s significant environmental effects can be either substantially lessened or avoided through the adoption of feasible mitigation measures; and

WHEREAS, this Commission has determined, for reasons set forth in Section 5 of the SEIR, that the No Project Alternative; Reduced Project Site; Alternative Site, as described in the Final SEIR, are either not environmentally preferable, are infeasible (e.g., they fail to fully meet the Project objectives), or are neither environmentally preferable nor feasible; and

WHEREAS, this Commission is required by Public Resources Code Section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the County are actually carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared, which is contained in Section II of the Final SEIR and is also attached as Exhibit “B” of this resolution; and

WHEREAS, because the adopted mitigation measures have fully mitigated or avoided all identified significant environmental effects associated with the Project, CEQA does not require this Commission to adopt a Statement of Overriding Considerations; and

WHEREAS, this Commission determines it appropriate to certify and adopt the Final SEIR (State Clearinghouse No. 2020020326), the CEQA Findings of Fact, and the Mitigation Monitoring and Reporting Program; and

WHEREAS, this Commission certifies that based on the substantial evidence in the record as presented by staff and documented in the SEIR that PSP 22-006 for the Rexford Solar 2 Project, as mitigated, will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Commission finds that the public review period for the SEIR for the proposed Rexford Solar 2 Project (PSP 22-006) closed on August 30, 2022, and that a properly noticed public hearing to consider the proposed Project, SEIR, and MMRP was scheduled for a regular meeting of the Commission held on September 28, 2022.

B. The Commission further finds and declares that on September 28, 2022, the Commission duly opened and conducted a public hearing. During said hearing, all individuals, groups, and agencies desiring to comment on the proposed Project, SEIR, and MMRP were given the opportunity to address the Tulare County Planning Commission and all comments were considered by the Commission.

C. The Commission further finds that the SEIR, CEQA Findings of Fact, and MMRP reflect the independent judgment and analysis of the County of Tulare and prior to taking action on PSP 22-006 for the Rexford Solar 2 Project, the Commission has independently reviewed and considered the information contained in the SEIR and MMRP, and other relevant evidence presented.

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D. The Commission further finds that after considering all of the evidence presented, the establishment, maintenance, and operation of the proposed Rexford Solar 2 Project, as mitigated, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOLVED as follows:

E. The Commission, after considering all of the evidence presented and based on substantial evidence, hereby certifies and adopts the SEIR, CEQA Findings of Fact, and MMRP for PSP 22-006 for the Rexford Solar 2 Project in compliance with CEQA, the State CEQA Guidelines, and Tulare County’s procedures for implementing CEQA; and directs the Environmental Assessment Officer, or designee, to file the Notice of Determination for the Project within five (5) days.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting of the Planning Commission on September 28, 2022, by the following roll call vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

- Exhibits:
- Exhibit “A” Draft Supplemental Environmental Impact Report, including the Mitigation Monitoring and Reporting Program (in Table 8-1 on Pages 8-3 to 8-14 of the SEIR for the Rexford 2 Solar Farm Project, PSP 22-006), is incorporated by reference and available on the Tulare County RMA website at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>
 - Exhibit “B” Errata
 - Exhibit “C” Final SEIR, including Comments on the SEIR and Responses to Comments (incorporated by reference and available on the Tulare County RMA website at: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>)
 - Exhibit “D” CEQA Findings of Fact

Exhibit “A”

Draft Supplemental Environmental Impact Report, including the Mitigation Monitoring and Reporting Program (in Table 8-1 on Pages 8-3 to 8-14 of the SEIR for the Rexford 2 Solar Farm Project, PSP 22-006) is incorporated by reference and available on the Tulare County RMA website at:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>

Exhibit “B”

Final SEIR, including Comments on the SEIR, Responses to Comments, and Errata, is incorporated by reference and available on the Tulare County RMA website at:

<https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-22-006/>

Exhibit "C"

*FINDINGS OF FACT
Rexford 2 Solar Farm Project
Tulare County, California
State Clearinghouse Number 2020020326*

**FINDINGS OF FACT
Rexford 2 Solar Farm Project
Tulare County, California
State Clearinghouse Number 2020020326**

SEPTEMBER 2022

CEQA FINDINGS

CERTIFICATION OF FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE REXFORD 2 SOLAR FARM PROJECT AS BEING IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING PROJECT FINDINGS; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT

I

INTRODUCTION

The Planning Commission (Commission) of the County of Tulare (County) intends to approve this Project identified as the Rexford 2 Solar Farm Project (Project). The proposed Project is the subsequent development phase of the previously approved Rexford 1 Project. The proposed Project involves the expansion of the previously approved Rexford 1 Project with the construction and operation of an up to 500-megawatt alternative current (MW AC) solar photovoltaic (PV) facility and an up to 500 MW AC energy storage system (ESS) on approximately 1,200 gross acres of land (on 6 discontinuous parcels) in unincorporated south-central Tulare County, CA. The proposed Project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, ESS, access roads and fencing, and on-site substation. An operations and maintenance building may be constructed on the site. The proposed Project would involve the construction of both transmission and collector lines. Power generated by the proposed Project would be transmitted to the Southern California Edison (SCE) Vestal Substation via an up to 230 kilovolt (kV) overhead and/or underground gen-tie line. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project's substation, which would then interconnect to the SCE Vestal Substation. The proposed transmission and/or collector lines would extend along existing roadway rights-of-way from various portions of the Project site (where substations are located) ultimately connecting to the SCE Vestal Substation. The transmission and/or collector lines would be located along portions of Road 192, Road 200, Road 208, Road 232, 24th Avenue, Avenue 46, Avenue 56, Avenue 64, Avenue 68, and Avenue 72, or could possibly utilize additional nearby routings. The total length of the transmission and/or collector lines would be approximately 31 miles.

The Project site encompasses approximately 1,200 gross acres of land located near the unincorporated community of Ducor. The Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project. The Project site is located west of State Route (SR)

Exhibit "C"

*FINDINGS OF FACT
Rexford 2 Solar Farm Project
Tulare County, California
State Clearinghouse Number 2020020326*

65 and generally north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224.

To approve this Project, the Commission must consider and take action on the Final Supplemental Environmental Impact Report (Final SEIR), Mitigation Monitoring and Reporting Program (MMRP), and Findings of Fact (FOF) applicable to the Project. Unless the Project is appealed to the Tulare County Board of Supervisors, the Commission is the final decision-making body with respect to the Final SEIR, MMRP and FOF. In the context of the California Environmental Quality Act ("CEQA"), the County is the "lead agency."

II

CERTIFICATION OF FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE REXFORD 2 SOLAR FARM PROJECT

The Commission hereby certifies and finds that it has considered the information presented in the Final SEIR and other relevant evidence to determine compliance with CEQA, and the State CEQA Guidelines. The Commission further certifies and finds that prior to taking action on the Project; the Commission independently reviewed and considered the information contained in the Final SEIR and other relevant evidence presented thereto. Accordingly, based on the Commission's exercise of its independent judgment when reviewing and considering the Final SEIR, and other relevant evidence presented thereto, the Commission further certifies and finds that the Final SEIR required for the Project is adequate, and has been prepared and completed in compliance with CEQA and the State CEQA Guidelines.

III

FINDINGS REQUIRED CONCERNING ENVIRONMENTAL IMPACTS UNDER CEQA

The recitals contained in the accompanying Resolution have been independently reviewed and considered by the Commission, are found to be true, and are hereby adopted in support of approval of the Project.

CEQA requires that certain findings be made with respect to significant environmental impacts, Mitigation Measures, and alternatives. To satisfy this requirement, the Commission hereby adopts and incorporates by reference the Rexford 2 Solar Farm Project SEIR, which includes the Final SEIR, the Draft SEIR, and the Technical Appendices thereto, the Comments to the Draft SEIR, and the Responses to Comments and related appendices thereto.

In approving these findings, the Commission has independently reviewed, considered, and relied on (1) the information contained in the SEIR and appendices thereto; (2) the various reports (both oral and written) provided by County Staff to the Commission; (3) the information submitted during the public comment period; and (4) other evidence contained in the public record. In doing so, the Commission finds and declares that the factual discussion and analysis contained in the SEIR, the staff reports, and other evidence in the Public Record of Proceedings provide a sufficient basis for approval of the Project pursuant to CEQA.

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A. Environmental Impacts and Mitigation Measures

As to the potentially significant environmental impacts identified in the EIR, the Commission finds that: Project changes or alterations and mitigation measures have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the SEIR to a less than significant level;

1. Project Impacts.

Consistent with Public Resource Code Section 21081 and Guidelines Sections 15091 through 15093 (including Public Resources Code Section 21061.1 and Guidelines Section 15364 relating to the definition of “feasibility”), the Commission hereby makes various findings relating to the significant effects identified in the Final SEIR for the Project.

a. Impact 3.1 Aesthetics – a) through d) Scenic Resources, Visual Character, and Light and Glare

Pursuant to the discussion in Sections 3.1 a) – d) of the Final SEIR, there will be no impact, or a less than significant impact to a scenic vista, scenic resources within a state scenic highway, degrade the visual character of the Project site and its surroundings, or create substantial light or glare. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Comments, Response to Comments, and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving scenic resources and lighting because i) there are no scenic vistas on the proposed Project site or in the vicinity, ii) the Project site is not visible from an Eligible State Scenic Highways or Scenic County Roads, iii) visual changes attributable to the Project will be minimal as the Project’s components are relatively low in height, the Project incorporates non-reflective materials, and does not distract from the existing vegetation and developments in the surrounding area, iv) the proposed Project will not create a new source of substantial light or glare which will adversely affect day or nighttime views in the area. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final SEIR and in the Public Record of Proceedings that the Project would not result in a significant impact to a scenic vista, scenic resources within a state scenic highway, degrade the visual character of the Project site and its surroundings, or create substantial light or glare. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

b. Impact 3.2 a) through e) Agricultural Land and Forestry Resources

Pursuant to the discussion in Section 3.2 a) – e) of the Final SEIR, there will be no impact, or less than significant impacts involving the loss of important farmland, agricultural zoning, Williamson Act contracts, loss of forest land, or involve other changes that could result in conversion of Farmland to non-agricultural use or conversion of farmland to non-forest use. The Commission concurs in this analysis.

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Accordingly, based on substantial evidence in the Final SEIR, Comments, Response to Comments, and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving the loss of farmland because: (i) the potential conversion of Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance to non-agricultural use will be limited for two reasons: 1) the proposed Project will not introduce a non-agricultural use that is sensitive to or incompatible with agricultural operations that will occur nearby; and 2) at the end of its operating life, infrastructure associated with the solar facility will be removed, which will allow the proposed solar facility site to return to agricultural use, via a Decommissioning and Reclamation Plan which will be a condition of approval, (ii) the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agricultural Zone Districts subject to conditions of approval set forth in Special Use Permits. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act contract. Pending the approval of the Special Use Permit for the proposed Project and the approval of findings of compatibility under the Williamson Act, the Project will present a temporary change in land use that has been found to be compatible with the terms of the existing Williamson Act contract on the Project site, (iii) the Project site contains no lands zoned or identified as forest land or timberland, and (iv) the Project site is not located within a forest land zone. The issuance of the Special Use Permit would not result in the rezoning of designated forestland, and will not cause the adjacent agricultural uses to be converted into a non-agricultural use, or cause any other land that would convert farmland or the conversion of forestlands. As such, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR, the Tulare County General Plan, and the Public Record of Proceedings that the proposed Project will have a less than significant impact involving Agricultural Land and Forestry Resources. No mitigation measures are necessary or required.

Thus, the Project will have a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

c. Impact 3.3 Air Quality – a) through d) Air Quality Plan, Violate Quality Standards, Cumulative Net Increase of Criteria Pollutants, Exposure Risks

Pursuant to the discussion in Section 3.3 a) – d) of the Final SEIR, there will be a less than significant impact to air quality plans, air quality standards, criteria pollutant levels, and health risks. The Commission concurs with this analysis.

Accordingly, based on the Final SEIR, Technical Appendices (Appendix “D” of the Draft SEIR), Comments, Response to Comments, and other substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving air quality because (i) verification of compliance is performed by the San Joaquin Valley Unified Air Pollution Control District (“SJVAPCD” or “Air District”) through inspections; (ii) annual emission rates of PM₁₀, PM_{2.5}, VOC (ROG), CO, NO_x, and SO₂ for proposed Project construction and operations are below the thresholds of significance as established by the SJVAPCD, (iii)

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the Project will be required to comply with SJVAPCD's Rule 9510 (Indirect Source Review), which requires development projects of specific land use sizes to reduce exhaust emissions from construction-related equipment by 20 percent for NO_x and 45 percent for PM₁₀ compared to the statewide average, (iv) the Project will be required to comply with dust mitigation per SJVAPCD's Regulation VIII (Fugitive PM₁₀ Prohibitions) (e.g., Rule 8021 Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities) which would further reduce dust emissions, v) the Project will be required to receive applicable permits from the Air District and comply with applicable standards and rules/regulations; (vi) the Project will not cumulatively increase the impact to other sensitive receptors; and (vii) construction-related odors will be temporary and short-term and are not anticipated to affect a substantial number of people, and operation of the Project (solar energy facility) will not emit any odorous compounds. As such, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR and in the Public Record of Proceedings that the Project is subject to typical compliance with applicable Air District rules and regulations that are sufficient to reduce impacts to a level considered less than significant. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

d. Impact 3.4 Biological Resources – a) Habitat Modification on Candidate, Sensitive or Special-Status Species

Pursuant to the discussion in Section 3.4 a) of the Final SEIR, the proposed Project will have a less than significant impact with mitigation to candidate, sensitive, or special-status species resulting from the Project. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "E.1" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures would, in the event of occurrence, mitigate Project related species impact to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measures: 3.4-2 through 3.4-5 to avoid or minimize impacts to San Joaquin kit fox, burrowing owl, Swainson's hawk, and other raptors; and are hereby adopted for this Project. These Mitigation Measures shall be incorporated into the Special Use Permit as conditions of approval for this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact.

In support of this finding, evidence in the Final EIR, Technical Appendices (Appendix "E.1" of the Draft SEIR), and the Public Record of Proceedings that Mitigation Measures 3.4-2 through 3.4-5 would reduce potential impacts to less than significant.

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Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

e. Impact 3.4 Biological Resources – b) Adverse Effect on Riparian Habitat

Pursuant to the discussion in Section 3.4 b) of the Final SEIR, the proposed Project will have no impact to riparian habitats or sensitive natural communities. The Commission concurs with this analysis.

Accordingly, based on the Final SEIR, Technical Appendices (Appendix “E.1” of the Draft SEIR), and other substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to riparian habitats or sensitive natural communities because there are no sensitive communities that exist within the Project site or within the Project’s vicinity. As such, mitigation measures are not necessary or required to avoid, mitigate, or substantially lessen any impact(s) that might result from the adoption of this Project.

In support of this finding, evidence in the Final EIR, Technical Appendices (Appendix “E.1” and “E.2” of the Draft SEIR), and the Public Record of Proceedings that no impacts would occur and thus, no mitigation measures are necessary or required.

There is no evidence to the contrary in the Public Record of Proceedings.

f. Impact 3.4 Biological Resources – c) Adverse Effect on Federally Protected Wetlands

Pursuant to the discussion in Section 3.4 c) of the Final SEIR, the proposed Project will have a less than significant impact with mitigation to federally protected wetlands. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “E.1” and “E.2” of the Draft SEIR), Response to Comments, and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measure 3.4-8 would, in the event of occurrence, mitigate the impact to federally protected wetlands to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measure 3.4-8 to avoid or minimize impacts to jurisdictional waters (White River, roadside swales, and agricultural basin); and is hereby adopted for this Project. This Mitigation Measure shall be incorporated into the Special Use Permit as conditions of approval for this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with this Mitigation Measure and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact.

In support of this finding, evidence in the Final SEIR, Technical Appendices (Appendix “E.1” and “E.2” of the Draft SEIR), Comments received, Response to Comments, and the Public Record of Proceedings that Mitigation Measure 3.4-8 would reduce potential impacts to less than significant.

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Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

g. Impact 3.4 Biological Resources – d) through f) Interference with Native Resident or Migratory Fish, Policy Conflict, Conflict with Local Ordinances, or Habitat Conservation Plan

Pursuant to the discussion in Sections 3.4 d) through f) of the Final SEIR, there will be no impact, or a less than significant impact to native resident or migratory fish, policy conflicts or conflict with habitat conservation plans. The Commission concurs with this analysis.

Accordingly, based on the Final SEIR, Technical Appendices (Appendix “E.1” of the Draft SEIR), and other substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving biological resources because (i) there are no Natural Landscape Blocks or Essential Connectivity Areas mapped within the Project site. Wildlife movement within the Project site and surrounding land has long been disrupted by intensive agriculture, and wildlife would not be prevented from moving around the area of Project disturbance. (ii) there will be no impacts to policies or ordinances relating to biological resources, and iii) the Project site is not included in any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plans. As such, mitigation measures are not necessary or required to avoid, mitigate, or substantially lessen any impact(s) to these biological resources that might result from the adoption of this Project.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that impact(s) are non-existent or less than significant. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

h. Impact 3.5 Cultural Resources – a) through b) Adverse change of a Historical Resource; or Archaeological Resource

Pursuant to the discussion in Section 3.5 a) - b) of the Final SEIR, the proposed Project will have a less than significant impact with mitigation to the environment from disturbance of historical or archaeological resources. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “F” of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measure 3.5-1 would, in the event of occurrence, mitigate the impact to the environment from disturbance of historical or archaeological resources to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measure 3.5-1 to avoid or minimize impacts to the environment from disturbance of historical or archaeological resources; and is hereby adopted for this Project. This Mitigation Measure shall be

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incorporated into the Special Use Permit as conditions of approval for this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measure. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with this Mitigation Measure and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact.

In support of this finding, evidence in the Final SEIR, Technical Appendices (Appendix "F" of the Draft SEIR), and the Public Record of Proceedings that Mitigation Measure 3.5-1 would reduce potential impacts to less than significant.

Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

i. Impact 3.5 Cultural Resources – c) Disturb Human Remains

Pursuant to the discussion in Sections 3.5 c) of the Final SEIR, the proposed Project will have a less than significant impact with mitigation to the environment from disturbance of skeletal remains. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "F" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measure 3.5-2 would, in the event of occurrence, mitigate the impact to the environment from disturbance of potential skeletal remains to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measure 3.5-2 to avoid or minimize impacts to the environment from disturbance of potential skeletal remains; and is hereby adopted for this Project. This Mitigation Measure shall be incorporated into the Special Use Permit as conditions of approval for this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measure. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with this Mitigation Measure and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact.

In support of this finding, evidence in the Final SEIR, Technical Appendices (Appendix "F" of the Draft SEIR), and the Public Record of Proceedings that Mitigation Measure 3.5-2 would reduce potential impacts to less than significant.

Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

j. Impact 3.6 a) and b) Energy

Pursuant to the discussion in Sections 3.6 a) – b) of the Final SEIR, the proposed Project will have a less than significant impact to the environment involving energy. The Commission concurs with this analysis.

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Accordingly, based on substantial evidence in the Final SEIR, applicable Technical Appendices (Appendix "D" of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that the proposed Project will not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation; nor will it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the Project will have a less than significant impact.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, and the Public Record of Proceedings that the Project would (i) generate approximately 1,119 GWh of solar-generated electricity each year that will be added to the power grid and be used in place of electricity generated by fossil-fuel sources, ii) implementation of the proposed Project will replace past, present, or future agricultural water uses on the Project site. Therefore, natural gas associated with use of the natural gas-powered well by the Project will be substantially less than the quantity used to irrigate the property, iii) the gasoline consumed during construction will represent approximately 0.0013 percent of all gasoline sold within Tulare County in 2020. The diesel consumed during Project construction will represent approximately 0.005 percent of all diesel sold in Tulare County in 2020, iv) the Project will directly support Senate Bill 100, which mandates that 100 percent of electricity in California be obtained by zero-carbon energy sources by 2045. Therefore, the Project will have a less than significant impact.

Thus, there is a less than significant impact. There is no relevant evidence to the contrary in the Public Record of Proceedings.

k. Impact 3.7 Geology and Soils – a) i) through iv) Seismic Activity

Pursuant to the discussion in Section 3.7 a) of the Final SEIR, the proposed Project will result in no impact or less than significant impacts to the environment involving seismic effects. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "G" of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation of the site found that the proposed Project will not cause a significant impact related to exposure of people or structures to earthquake faults, seismic shaking, and ground failure including liquefaction. No impacts related to landslides would occur. Thus, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, and the Public Record of Proceedings that the proposed Project will not cause a significant impact involving seismic effects because i) no active faults are known to underlie or Project toward the Project site, ii) the risk of groundshaking at the Project site is not high; iii) the Project site is not located within a current, mapped California Liquefaction Hazard Zone, and iv) the Project site is relatively flat and not prone to landslides. Therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

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Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

l. Impact 3.7 Geology and Soils – b) Soil Erosion or Loss of Topsoil

Pursuant to the discussion in Section 3.7 b) of the Final SEIR, there will be a less than significant impact to the environment involving erosion or loss of topsoil. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "G" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that the proposed Project would not result in substantial soil erosion or the loss of topsoil. Thus, mitigation measures for soil erosion or loss of topsoil are not necessary or required.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, and the Public Record of Proceedings that the proposed Project will not cause a significant impact to soil erosion or topsoil loss. While impacts are anticipated to be less than significant, the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB) require a Stormwater Pollution Prevention Plan (SWPPP) to be developed by a qualified engineer or erosion control specialist and implemented before construction begins. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and operations are not anticipated. Therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

m. Impact 3.7 Geology and Soils – c) Unstable Soil

Pursuant to the discussion in Section 3.7 c) of the Final SEIR, there will be a less than significant impact to the environment involving unstable soils. The Commission concurs with this analysis.

Accordingly, based on substantial evidence is contained in the Final SEIR, Technical Appendices (Appendix "G" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving unstable soils because (i) the Project site is not located in an area with significant risk of rupture of an earthquake fault, seismic groundshaking, liquefaction, landslides, or other soil stability hazards and ii) Project construction-related activities will be required to adhere to the California Building Code (CBC), which includes requirements for site preparations such as compaction requirements for foundations. Therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, Response to Comments, and the Public Record of Proceedings that the proposed Project will not cause a significant impact involving unstable soils. Compliance with the CBC would minimize impacts associated with potential ground instability. Therefore, the

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Project would result in a less than significant impact. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

n. Impact 3.7 Geology and Soils – d) Expansive Soil

Pursuant to the discussion in Section 3.7 d) of the Final SEIR, there will be a less than significant impact to the environment involving expansive soils. The Commission concurs with this analysis.

Accordingly, based on substantial evidence contained in the Final SEIR, Technical Appendices (Appendix "G" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site indicated that the expansion potential of near surface soils is considered low. As such, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, and the Public Record of Proceedings that the proposed Project will not cause a significant impact involving expansive soils. Compliance with the CBC would minimize impacts associated with expansive soils. Therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

o. Impact 3.7 Geology and Soils – e) Inadequate Soils for Septic Tanks or Wastewater Disposal

Pursuant to the discussion in Section 3.7 e) of the Final SEIR, there will be a less than significant impact involving unsuitable soils for domestic waste disposal. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "G" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving unsuitable soils for septic tanks because i) the design for the proposed on-site septic tank and leach field will be submitted to the Tulare County Environmental Health Department for approval prior to issuance of building permits, ii) the septic system design will be subject to a percolation test prior to construction and iii) installation of the septic system will be required to comply with Tulare County laws, ordinances, regulation and standards. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices, and the Public Record of Proceedings that the proposed Project will not cause a significant impact involving septic or wastewater systems. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

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p. Impact 3.7 Geology and Soils – f) Paleontological Resources

Pursuant to the discussion in Section 3.7 f) of the Final SEIR, according to Technical Appendix “H” of the Draft SEIR, the Project site is located in an area consisting of Quaternary (Pleistocene) nonmarine deposits and Pliocene-Pleistocene nonmarine deposits (Kern River Formation) which have high paleontological sensitivity since these deposits have yielded scientifically significant paleontological resources. Therefore, there is a possibility that subsurface resources could be uncovered during construction-related activities in the proposed Project area. In the event that paleontological resources are encountered, implementation of Mitigation Measure 3.5-1 would reduce the Project’s impact to less than significant. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, applicable Technical Appendices, and the Public Record of Proceedings, the Commission finds and declares that there is a possibility that subsurface resources could be uncovered during construction-related activities in the proposed Project area. Mitigation is set forth in Mitigation Measure 3.5-1, which requires the grading and construction work be immediately suspended on the portion of the Project site where paleontological resource(s) are discovered. Such mitigation is hereby adopted for this Project. Therefore, there will be a less than significant impact to the environment involving paleontological resources.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the proposed Project will have a less than significant impact on paleontological resources.

Thus, the Project will have a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

q. Impact 3.8 Greenhouse Gas Emissions – a) and b) Generation of Greenhouse Gas Emissions; Conflict with Applicable Plan, Policy, or Regulation

Pursuant to the discussion in Section 3.8 a) – b) of the Final SEIR, the proposed Project will result in no impact or less than significant direct and indirect impacts to climate change resulting from Greenhouse Gas (GHG) Emissions. Mitigation measures are not required to reduce these impacts to less than significant. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR, and the Public Record of Proceedings, the Commission finds and declares that the Project will not have any significant impact involving GHG emissions either directly or indirectly with the use of electrical stationary equipment. Therefore, the impact is less than significant without mitigation measures.

Accordingly, based on substantial evidence in the Final SEIR, applicable Technical Appendix (Appendix “D” of the Draft SEIR), Response to Comments, and the Public Record of Proceedings, the Commission finds and declares that the Project will not have any significant impact involving GHG emissions either directly or indirectly because the Project will generate approximately 1,119 GWh of solar-generated electricity each year

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that will be added to the power grid and be used in place of electricity generated by fossil-fuel sources. This additional solar-generated energy will be added to the power grid and used in place of electricity generated by fossil-fuel sources and, thus will directly support energy goals under SB 32, SB 100, and AB 32. Additionally, the Project will be consistent with the applicable strategies of the State's 2017 Scoping Plan Update, the San Joaquin Valley Unified Air Pollution Control District Policy (*"Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as Lead Agency"*), and the Tulare County Climate Action Plan's (CAP) goal to encourage renewable energy, including solar facilities. The Project will be consistent with state and regional plans to reduce GHG emissions and no impact will occur.

In support of this finding, as noted earlier, the proposed Project is consistent with State, Air District, and Tulare County goals and strategies for reducing GHG emissions; therefore, the Project would result in a less than significant impact. No mitigation measures are necessary or required.

Thus, there would be a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

r. Impact 3.9 Hazards and Hazardous Materials – a) Create a Hazard through Transport, Use, or Disposal of Hazardous Materials

Pursuant to the discussion in Section 3.9 a) of the Final SEIR, the Project will cause a less than significant impact to the environment or the public through the routine transport, use, or disposal of hazardous materials. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, and other evidence in the Public Record of Proceedings, the Commission finds and declares that the proposed Project will not create a significant hazard to the public or the environment from routine operational activities.

In support of the evidence contained in the Final SEIR and the Public Records of Proceedings, construction of the Project's components would require the transport and use of small quantities of hazardous materials in the form of gasoline, diesel and oil associated with construction equipment. There is the potential for small leaks due to refueling of the construction equipment; however, standard construction Best Management Practices (BMPs) included in the SWPPP would reduce the potential for and clean-up in the unlikely event of spills or leaks of construction-related fuels and other hazardous materials. The storage, transport, and use of these materials would comply with Local, State, and Federal regulatory requirements. The solar facility may be constructed using photovoltaic PV panels that contain a thin semiconductor layer containing cadmium telluride (CdTe). While CdTe itself is a hazardous substance in an isolated form, the CdTe in the PV panels is bound and sealed within the glass sheets and a laminate material. Studies indicate that unless the PV module is purposefully ground to a fine dust, use of CdTe in PV modules do not generate any emissions of CdTe. CdTe PV modules; therefore, do not present an environmental risk during operations. CdTe releases are also unlikely to occur during accidental breakage or fire due to the high chemical and thermal stability of CdTe. In conjunction with the construction of the solar

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facility, an energy storage system (ESS) will be constructed to store the energy generated by the solar panels. Transportation of hazardous materials relating to the battery system includes electrolyte and graphite and would occur during construction, operation (if replacement of batteries is needed) and decommissioning (removal of the batteries). All of these various materials would be transported and handled in compliance with Department of Toxic Substances and Control regulations. Therefore, likelihood of an accidental release during transport or residual contamination following accidental release is not anticipated. The proposed Project will have a less than significant impact without mitigation measures.

Thus, there is a less than significant impact. There is no relevant evidence to the contrary in the Public Record of Proceedings.

s. Impact 3.9 Hazards and Hazardous Materials – b) through d) Create a Hazard to the Public or the Environment

Pursuant to the discussion in Sections 3.9 b) - d) of the Final SEIR, the Project would result in a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Construction and operation of the Project would require equipment that utilizes insignificant amounts hazardous materials. Also, the nearest school is greater than ¼ mile west of the site and the site is not listed on a list of hazardous materials site compiled pursuant to Government Code Section 65962.5 (Cortese List site). The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "T" of the Draft SEIR), Response to Comments, and other evidence in the Public Record of Proceedings, the Commission finds and declares that the proposed Project will not result in 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.

In support of this finding, the evidence indicates that the storage, transport, and use of these materials would comply with Local, State, and Federal regulatory requirements and implementation of Tulare County General Plan policies would ensure that impacts from the handling, storage, transport, or accidental release of hazardous materials are less than significant.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

t. Impact 3.9. Hazards and Hazardous Materials – e) Result in a Safety Hazard or Excessive Noise

Pursuant to the discussion in Section 3.9 e) of the Final SEIR, there will not be any impact involving airport land use plans and it would not result in excessive noise or a safety hazard. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not have any impact

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involving an airport land use plan and it would not result in excessive noise or a safety hazard. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final SEIR that the Project site is not located within an area covered by an airport land use plan or within two miles of a public airport or public use airport. Porterville Municipal Airport is located approximately 7 miles north of the Project site. The San Joaquin Sprayers Incorporated Heliport is located approximately 8.75 miles southwest of the Project site. Accordingly, no impact will occur. No mitigation measures are necessary or required.

Thus, there would be no impact. There is no evidence to the contrary in the Public Record of Proceedings.

u. Impact 3.9. Hazards and Hazardous Materials – f) and g) Emergency Response or Evacuation; Wildland Fires.

Pursuant to the discussion in Section 3.9 f) and g) of the Final SEIR, there will be a less than significant impact involving an emergency response or evacuation plan and wildland fires. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will have a less than significant impact involving emergency response or evacuation and wildland fires. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the Project's construction and operation of the Project would not impair implementation of or physically interfere with the County's Public Emergency Evacuation Plan. According to the Fire Hazard Severity Zones map published by the California Department of Forestry and Fire Protection (Cal Fire), the area located immediately east of the Project site, east of State Route 65 is within a State Responsibility Area classified as having moderate potential for wildfires. Perimeter roads will be constructed around the facility at least 20 feet wide. These perimeter roads will provide a fire buffer in accordance with the requirements of the Tulare County Fire Department and accommodate proposed Project operation and maintenance activities. As part of the Project, the applicant will coordinate with the Tulare County Fire Department to arrange site-specific training for first responders, construction workers, and operations and maintenance staff. Combustible materials within the proposed Project and around the proposed Project boundary, including vegetation, will be actively managed by operations and maintenance personnel to minimize fire risks. Management of vegetation, in combination with the onsite, 20-foot-wide access roads will effectively serve to limit paths of any potential onsite fires. Implementation of these Project components will minimize the risk of any onsite fire. Therefore, a less than significant impact will occur.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

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v. Impact 3.10 Hydrology and Water Quality – a) Water Quality Standards or Waste Discharge Requirements

Pursuant to the discussion in Section 3.10 a) of the Final SEIR, there will be a less than significant impact to groundwater quality standards or waste discharge requirements. The Commission concurs in this analysis.

Accordingly, based on substantial evidence contained in the Final SEIR, Technical Appendices (see Appendix “J” of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site did not find that the Project would violate any water quality standards or waste discharge requirements. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the proposed Project would require implementation of the aforementioned design features utilizing mitigation measures requiring a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will be prepared by a qualified erosion control engineer for the Project consistent with the NPDES Construction General Permit requirements. Potential project-specific impacts related to this Checklist Item will be less than significant. Further, the Applicant will be required to comply with all requirements of the Regional Water Quality Control Board. In addition, as applicable, the Project proponent will be required to provide a Hazardous Materials Business Plan that 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-related activities; and establish public and agency notification procedures for spills and other emergencies, including fires. Therefore, the Project will have a less than significant impact.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

w. Impact 3.10 Hydrology and Water Quality – b) Substantially Deplete Groundwater Supplies Or Interfere Substantially With Groundwater

Pursuant to the discussion in Section 3.10 b) of the Final SEIR, there will be a less than significant impact to water groundwater supplies. The Commission concurs in this analysis.

Accordingly, based on substantial evidence contained in the Final SEIR, Technical Appendices (see Appendix “M” of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site found that the Project will have a less than significant impact involving depletion of groundwater supplies. Therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the proposed Project does not require implementation of any mitigation as the site was thoroughly investigated in a technical report (see Appendix

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“M” of the Draft SEIR). Sufficient groundwater supply is available to meet the construction- and operational-related requirements of the proposed Project. The proposed Project is not expected to interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the San Joaquin Basin or the Tule Subbasin. Potential project-specific impacts related to this resource will be less than significant.

Thus, there will a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

x. Impact 3.10 Hydrology and Water Quality – c) i) through iv) Alter the Existing Drainage Pattern

Pursuant to the discussion in Section 3.10 c) i) - iv) of the Final SEIR, there will be a less than significant impact involving alteration of existing drainage patterns. The Commission concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft SEIR, Technical Appendices (see Appendix “J” of the Draft SEIR), Final SEIR, the Commission finds and declares that the Project will not substantially alter the existing drainage pattern because i) the proposed Project does not require significant grading and natural drainage patterns will not be substantially changed or altered, ii) the nature of the existing, relatively flat terrain (and arid climate) of the site is not conducive to substantial erosion from storm-related water, and iii) a SWPPP will be prepared for the Project and erosion prevention measures and other BMPs will be implemented during earthmoving-related activities (e.g., site grading). Therefore, the Project would not substantially alter existing drainage pattern of the site or area.

In support of this finding, evidence is contained in the Final SEIR, and the Public Record of Proceedings that the proposed Project will have a less than significant impact involving existing drainage patterns. Therefore, no mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

y. Impact 3.10 Hydrology and Water Quality – d) Flood Hazard, Tsunami, or Seiche Zone Risks

Pursuant to the discussion in Section 3.10 d) of the Final SEIR, there will be a less than significant impact involving the release of pollutants due to Project inundation related mudflow. The Commission concurs in this analysis.

Accordingly, based on substantial evidence contained in the Draft SEIR, Technical Appendices (See Appendix “J” of the Draft SEIR), Final SEIR, and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site found that the Project will have a less than significant impact related to this resource; therefore, no Mitigation Measures are necessary or required.

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In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the proposed Project is not located in an area subject to inundation by seiche, tsunami, or related mudflow. There are no dams or other large levees in the vicinity of the proposed Project which could fail and ultimately lead to Project inundation. The transmission/collector line near the White River and unnamed tributary are mapped as Zone A. However, the proposed Project will be designed to avoid the siting of structures in the 100-year flood zone. Therefore, there will be a less than significant impact and no mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

z. Impact 3.10 Hydrology and Water Quality – e) Conflict or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

Pursuant to the discussion in Section 3.10 e) of the Final SEIR, there will be a less than significant impact resulting from the Project. Also, it is noted that there is no existing sustainable groundwater management plan relevant to the groundwater basin underlying the Project. Further, sufficient groundwater supply is available to meet the construction- and operational-related requirements of the proposed Project. The proposed Project is not expected to interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the Tule Subbasin. Therefore, the Project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Commission concurs in this analysis.

Accordingly, based on substantial evidence contained in the Final SEIR, Technical Appendices (See Appendix "M" of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site found that the Project will have a less than significant impact related to groundwater resources; therefore, no mitigation measures are necessary or required.

In support of this finding, evidence is contained in the Final SEIR and the Public Record of Proceedings that the proposed Project will have a less than significant impact involving groundwater resources. Further, the Applicant will be required to comply with all requirements of the Regional Water Quality Control Board. Therefore, the Project will have a less than significant impact. Therefore, no mitigation measures are necessary or required.

Thus, there will be a less than significant impact as a result of this Project. There is no evidence to the contrary in the Public Record of Proceedings.

aa. Impact 3.11 Land Use and Planning – a) and b) Physically Divide an Established Community; Conflict with a Conservation Plan

Pursuant to the discussion in Sections 3.11 a) and b) of the Final SEIR, there will be no impact caused by the division of an established community and a less than significant impact from conflict with a land use plan. The Commission concurs with this analysis.

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Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will have no impact or a less than significant impact, and thus, no mitigation is necessary or required.

In support of these findings, the evidence indicates that the Project site is located near the unincorporated community of Ducor. The Project area is undeveloped near predominantly agricultural land with no substantial residential developments. The Project will not require closures of public roads, which could inhibit vehicular access. The proposed Project does not include the construction of a major highway, railroad track, or other linear physical feature that will divide an existing community. The proposed Project will be consistent with applicable goals and policies of the Tulare County General Plan. Specifically, the proposed Project will be consistent with Policies AG-2.11 (Energy Production) and ERM-4.6 (Renewable Energy) because implementation of the proposed Project will allow the construction and operation of a solar energy facility capable of producing up to 500 MW of renewable energy. Through the approval of a Special Use Permit, the proposed Project will be consistent with agricultural zoning designations. The Project will not conflict with existing land use designations/zoning and will comply with the guidelines and policies set forth in the Tulare County General Plan, Tulare County Code, and Board of Supervisors Resolutions that govern the approval of solar facilities. Therefore, there will be a less than significant impact and no mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

bb. Impact 3.12 Mineral Resources – a) and b) Loss of availability of Statewide or Local Mineral Resource; Loss of availability of Resource Recovery Site

Pursuant to the discussion in Section 3.12 a) and b) of the Final SEIR, the proposed Project would result in no impact to mineral resources of local, regional, or statewide value or importance. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will cause no impact involving the loss or availability of known mineral resources. Therefore, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the proposed Project does not include a mining operation. The White River is mapped as Mineral Resource Zone (MRZ)-3a, which are areas considered to have a moderate potential for the discovery of economic mineral deposits. A portion of the proposed transmission/collector line encroaches into the MRZ-3a zone. However, this area is not currently actively mined and therefore the proposed Project will not result in an impact to existing or planned aggregate mining operations, and will in turn, not result in the loss of availability of aggregate resources. Further, the proposed Project involves the construction and operation of a solar energy facility and associated infrastructure and will not involve the extraction of mineral resources. Accordingly, there would be no impact. No mitigation measures are necessary or required.

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Thus, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

cc. Impact 3.13 Noise – a) and b) Excess of Noise or Vibration Standards

Pursuant to the discussion in Sections 3.13 a) and b) of the Final SEIR, there will be a less than significant impact involving noise. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “K” of the Draft SEIR), and the Public Record of Proceedings, the Commission finds and declares that the Project will not (i) expose persons to noise levels in excess of standards, (ii) expose people to excessive groundborne vibration or noise levels, or (iii) increase the ambient noise levels in the project vicinity. The Project will be required to comply with Policy HS-8.18 of the Tulare County General Plan, which limits construction and demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. In accordance with the requirements of Policy HS-8.18, the Project will obtain a permit to conduct construction-related work outside of the allowed hours (7:00 AM to 7:00 PM, Monday through Saturday). Furthermore, implementation of the proposed Project will not result in a substantial increase in ambient noise levels as a result of, construction-related traffic, on-site stationary sources, and operational traffic. Therefore, the Project will have a less than significant impact.

In support of this finding, the evidence in the Final SEIR and the Public Record of Proceedings indicates that noise and vibration volumes would not significantly impact nearby receptors as the Project will not exceed County noise standards. Compliance with the construction hours and permit requirements specified in Policy HS-8.18 will result in less than significant noise impacts during construction-related activities. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

dd. Impact 3.13 Noise – c) Public Airport or Private Airstrip Noise

Pursuant to the discussion in Section 3.13 c) of the Final SEIR, the proposed Project would result in no impact from exposure to excessive airport noises. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Draft SEIR, and other evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will not expose persons to excessive airport noise and will result in no impact involving an airport land use plan within two miles of a public airport, or locate persons within the vicinity of an operating airstrip. As such, no mitigation measures are necessary or required.

In support of this finding, the evidence indicates that the Project site is not located within an area covered by an airport land use plan or within two miles of a public airport or public use airport. Therefore, the proposed Project will not expose people working in the Project area to excessive noise levels. Accordingly, there is no impact and mitigation measures are not necessary or required.

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Thus, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

ee. Impact 3.14 Population and Housing – a) and b) Induce Substantial Unplanned Population Growth or Displace Existing People or Housing

Pursuant to the discussion in Section 3.14 a) and b) of the Final SEIR, there will be no impact to the environment involving population and housing. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will have no impact to population and housing, and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project will not induce substantial unplanned growth because it does not include new homes or businesses, as defined as a new “growing concern” in the County of Tulare, nor does it propose road extensions or any additional infrastructure that will generate an adverse effect to population growth. The proposed Project will be developed around existing site improvements with no anticipated plans to replace or remove any existing structures. There are no housing units located on the remaining portions of the proposed Project area and no housing units or people will be displaced as a result of the proposed Project. Accordingly, there will be no impact on population or housing conditions in the Project area vicinity. No mitigation measures are necessary or required.

Thus, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

ff. Impact 3.15 Public Services – a) – Fire Protection

Pursuant to the discussion in Section 3.15 a) of the Final SEIR, there will be a less than significant impacts to the environment involving fire protection. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures 3.15-1 through 3.15-13 would mitigate the impacts to fire protection to a less than significant level.

Mitigation to reduce the impact(s) are set forth in Mitigation Measures 3.15-1 through 3.15-13 to minimize impacts to fire protection; and are hereby adopted for this Project. These Mitigation Measures shall be incorporated into the Special Use Permit as conditions of approval for this Project, and it shall be the responsibility of the Applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a less than significant impact.

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In support of this finding, evidence in the Final SEIR and the Public Record of Proceedings that Mitigation Measures 3.15-1 through 3.15-13 would reduce potential impacts to less than significant.

Thus, there is a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

gg. Impact 3.15 Public Services – b) – Police Protection, Schools, Parks, or Other Facilities

Pursuant to the discussion in Section 3.15 b) of the Final SEIR, there will be no impacts to the environment involving police protection, schools, parks, or other facilities. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the proposed Project will not cause a significant impact to police protection, schools, parks, or other facilities, and thus, mitigation is not necessary or required.

In support of this finding, the evidence indicates that construction or operation of the Project will not impact the County Sheriff's Office support needs, the use of the surrounding parks, or increase the need for additional library or school facilities. Accordingly, no impact would occur on police services, parks, schools, or other facilities in the Project area vicinity. Accordingly, there will be no impact and no mitigation measures are necessary or required.

Thus, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

hh. Impact 3.16 Recreation a) and b) Recreational Facilities

Pursuant to the discussion in Sections 3.16 a) and b) of the Final SEIR, there will be no impact, or a less than significant impact to recreational facilities within the Project's vicinity. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to recreational facilities within the Project's vicinity and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that no new housing is included as part of the proposed Project, and it does not include new recreational facilities or the expansion of recreational facilities. The nearest neighborhood parks (Kalibo Park, Frederick Field) are located in Kern County (in the City of Delano), approximately 11 miles southwest of the Project site.

Thus, there will be no impact on existing recreation facilities. There is no evidence to the contrary in the Public Record of Proceedings.

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ii. Impact 3.17 Transportation – a) Conflict with a Program Plan, Ordinance or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle and Pedestrian Facilities

Pursuant to the discussion in Section 3.17 a) of the Final SEIR, the Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and the Project would result in a less than significant impact. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “L” of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the Project-related impacts will be less than significant.

In support of this finding, evidence is contained in the Final SEIR, Traffic Impact Analysis (included in Appendix “L” of the Draft SEIR), and other evidence in the Public Record of Proceeding. All study area roadway segments will operate at acceptable Level of Service (LOS) D or better during construction- and operations-/maintenance-related activities of the proposed Project. Implementation of the Project will not introduce a barrier to non-motorized travel or decrease the performance or safety of existing or proposed bicycle facilities. Furthermore, the Project will not require closures of public roads, which could inhibit access of buses to existing bus stops. Therefore, the Project will result in a less than significant impact and no mitigation is necessary or required.

Thus, the Project will result in a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

jj. Impact 3.17 Transportation/Traffic – b) Consistent with CEQA Guidelines Section 15064.3

Pursuant to the discussion in Section 3.17 b) of the Final SEIR, there will be a less than significant impact in regard to consistency with CEQA Guidelines Section 15064.3. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “L” of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that the proposed Project will not conflict or be inconsistent with CEQA Guidelines Section 15064.3 and no mitigation is necessary or required.

In support of this finding, the evidence is contained in the Final SEIR, Traffic Impact Analysis (included in Appendix “L” of the Draft SEIR), and other evidence in the Public Record of Proceeding. The County of Tulare’s SB 743 guidelines recommend that absent substantial evidence indicating that a Project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, Projects that generate or attract fewer than 500 trips per day generally may be assumed to cause a less-than-significant transportation impact. A conservative estimate of the Project’s daily trip generation is approximately 50 trips per day for the full facility when operational. Therefore, the Project will generate substantially fewer

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than the 500-trip-perday threshold and can be assumed to result in a less than significant impact and no mitigation is necessary or required.

Thus, the Project will result in a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

kk. Impact 3.17 Transportation and Traffic – c) and d) Sharp Curves or Dangerous Intersections, and Emergency Access

Pursuant to the discussion in Section 3.17 c) and d) of the Final SEIR, there will be a less than significant impact with regard to dangerous intersections and emergency access by the Project. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “L” of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the Project will have a less than significant impact to the aforementioned checklist items.

In support of this finding, the evidence indicates that the use of oversize vehicles during construction-related activities can create a hazard to the public by limiting motorist views on roadways and by the obstruction of space, as these vehicles will be slow to accelerate and will require larger distances to decelerate or stop than the passenger cars. However, the construction-related heavy-duty vehicles are not substantially different than the existing heavy-duty vehicles that are routinely found on SR 65 related to agricultural uses in the area. Therefore, the addition of additional construction-related heavy vehicles does not represent a substantial change from the existing condition. Construction-related oversize vehicle loads must comply with permit-related and other requirements of the California Vehicle Code and California Streets and Highway Code. Access improvements to the Project site will be implemented in accordance with the Tulare County Fire Department’s “Requirements for Large Ground Mounted Non-Residential Solar Projects.” As described earlier, increased Project-related operational traffic will not cause a significant increase in congestion and will not significantly affect the existing LOS on area roads. Furthermore, the Project will not require closures of public roads, which could inhibit access by emergency vehicles. Thus, there would be a less than significant impact. No mitigation measures are necessary or required.

Thus, there is a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

ll. Impact 3.18 Tribal Cultural Resources – a) and b) Listed California Register of Historical Resources; Resources Significant to a California Native American Tribe

Pursuant to the discussion in Section 3.18 a) and b) of the Final SEIR, there will be a less than significant impact with mitigation, as appropriate, to Listed Historical Resources and Significant Tribal Cultural Resources by the proposed Project. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix “F” of the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the

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Project will not cause a significant impact to Listed Historical Resources and Significant Tribal Cultural Resources with the implementation of mitigation as appropriate.

Mitigation is set forth in Mitigation Measures 3.5-1 and 3.5-2. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the County of Tulare, construction contractor, or the County Environmental Assessment Officer, as appropriate. Monitoring shall be the responsibility of the RMA.

In support of this finding, evidence is contained in the Final SEIR, Technical Appendices (included in Appendix "F" of the Draft SEIR), and other evidence in the Public Record of Proceeding. The Project impact analysis identifies that although no tribal cultural resources have been identified, it is possible that subsurface discoveries could occur. As an abundance of caution, and if necessary, the implementation of Mitigation Measures 3.5-1 and 3.5-2 would reduce impacts to a less than significant level.

As such, there would be a less than significant impact with mitigation. There is no evidence to the contrary in the Public Record of Proceedings.

mm. Impact 3.19 Utilities and Service Systems – a) Relocation or Construction of New or Expanded Water, Wastewater Treatment or Storm Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

Pursuant to the discussions found in Section 3.19 a) of the Final SEIR, there will be no impact involving water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the Project will result in no impact involving water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities. No mitigation measures are necessary or required.

In support of this finding, the evidence indicates the following i) the proposed Project will generate a minimal volume of wastewater during construction-related activities, ii) the proposed Project will not require or include any new sewer connections or require the construction or relocation of new wastewater facilities, iii) the proposed Project does not require expanded or new storm drainage facilities because the proposed solar facility will not generate a significant increase in the amount of impervious surfaces that will increase runoff during storm events, iv) water necessary for construction-, decommissioning-, and operational-related activities will be supplied from an existing on-site or off-site well. Therefore, the proposed Project will not require or result in the relocation or construction of new or expanded water facilities and, v) the proposed Project will not otherwise generate the demand for, or require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities. Therefore, the Project has no impact. No mitigation measures are necessary or required.

Thus, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

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nn. Impact 3.19 Utilities and Service Systems – b) Sufficient Water Supplies

Pursuant to the discussions found in Section 3.19 b) of the Final SEIR, the Project will have sufficient water supplies available to serve the Project. As such, there will be a less than significant impact. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendix "M" in the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the Project will have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

In support of this finding, the evidence indicates that previous irrigation water was provided via groundwater pumped on site (from the Tule Subbasin). Implementation of the proposed Project will replace past, present, or future (that is, during the life of the Project) agricultural water uses on the Project area, and therefore, based on the nature of the Project, will result in a decreased operational water demand on the Project area. The Water Supply Assessment (included in Appendix "M" of the Draft SEIR) concludes that sufficient water supply is available to meet the water demands of the proposed Project. Therefore, there is sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. As such, a less than significant impact will occur.

As such, there would be a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

oo. Impact 3.19 Utilities and Service Systems – c) Adequate Wastewater Capacity

Pursuant to the discussions found in Section 3.19 c) of the Final SEIR, the Project will use an on-site septic tank and leach field for disposal of wastewater. No connections to a wastewater treatment provider are proposed or required. As such, there will be no impact. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and other evidence in the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the Project will rely on an on-site septic tank and leach field for disposal of wastewater generated by employees with sufficient capacity to meet wastewater needs of the proposed use. Therefore, the Project will not result in wastewater and it will not require new or expanded wastewater treatment.

In support of this finding, the evidence indicates that a standard on-site septic tank and leach field will be used at the O&M building (if constructed on-site) to dispose sanitary wastewater, which will be designed to meet operation and maintenance guidelines required by Tulare County laws, ordinances, regulations, and standards. Therefore, no connections to a wastewater treatment provider are proposed or required. As such, no impact related to need for expanding or requiring new wastewater treatment will occur. Thus, there would be no impact.

As such, there would be no impact. There is no evidence to the contrary in the Public Record of Proceedings.

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pp. Impact 3.19 Utilities and Service System – d) and e) Solid Waste

Pursuant to the discussions found in Section 3.19 d) and e) of the Final SEIR, there will be less than significant impacts created by the generation of solid waste during construction and operation of the Project; waste generation would be disposed of in accordance with applicable law and policy and compliance with applicable federal, state, and local management and reduction statutes and regulations related to solid waste. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and other evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will result in a less than significant impact to landfill facilities, the capacity of these facilities, and that disposal of materials generated during the construction phase, or thereafter during operation, will comply with applicable law and policy, and applicable federal, state, and local management and reduction statutes and regulations related to solid waste.

In support of this finding, the evidence indicates that the proposed Project is not anticipated to generate large volumes of solid waste during construction, operation-, or decommissioning-related activities. The Project Applicant will be required to comply with the Tulare County Construction & Demolition Ordinance and state regulations (e.g., mandates), as applicable. Furthermore, a collection and recycling program will be implemented to promote the recycling of Project components and minimize disposal of Project components in landfills. The proposed Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Thus, there will be a less than significant impact and no mitigation measures are necessary or required.

As such, there will be a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

qq. Impact 3.20 Wildfire - a) Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan

Pursuant to the discussion in Section 3.20 a) of the Final SEIR, there will be no impact related to impairment of an adopted emergency response plan or emergency evacuation plan. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and other evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will have no impact related to impairment of an adopted emergency response plan or emergency evacuation plan.

In support of this finding, the evidence indicates that the Project site is not classified as being within a high hazard severity zone. Construction and operation of the Project will not require closures of existing public roads and will not significantly affect current levels of service on area roads. The Project is not located in an area where it could restrict access to evacuation routes or shelter sites for nearby populations. Also, in compliance with applicable Fire Code and Building Code requirements, construction and maintenance/operations managers and personnel will be trained in fire prevention and

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emergency response. Therefore, the Project will not conflict with the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan. No mitigation measures are necessary or required.

As such, there will be no impact. There is no evidence to the contrary in the Public Record of Proceedings.

rr. Impact 3.20 Wildfire - b) – d) Exacerbate Wildfire Risks

Pursuant to the discussion in Section 3.20 b) – d) of the Final SEIR, there will be a less than significant impact related to the exacerbation of wildfire risks. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR and other evidence in the Public Record of Proceedings, the Commission finds and declares that the Project will have a less than significant impact related to the exacerbation of wildfire risks and no mitigation measures are necessary or required.

In support of this finding, the evidence indicates that the Project will not exacerbate wildfire risks because i) the Project will be required to comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials, ii) the installation and maintenance of Project infrastructure will not significantly exacerbate fire risk or result in temporary or ongoing impacts to the environment and iii) based on the generally flat topography and surface hydrology, there is a low potential for the Project site to be at risk of post-fire slope instability or drainage change. Therefore, impacts will be less than significant, and no mitigation measures are necessary or required.

As such, there will be a less than significant impact. There is no evidence to the contrary in the Public Record of Proceedings.

ss. Impact 3.21 a) Mandatory Findings of Significance: Wildlife Species or Historical Impacts

Pursuant to the discussion in Section 3.21 a) of the Final SEIR, there will be less than significant impacts to biological resources or historical resources by this Project with implementation of Mitigation Measures 3.4-2 through 3.4-5 in regard to wildlife species, Mitigation Measure 3.4-8 in regard to potentially jurisdictional waters, and Mitigation Measures 3.5-1 and 3.5-2 in regard to historical resources. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices (Appendices "E.1", "E.2", and "F" in the Draft SEIR), and other evidence in the Public Record of Proceedings, the Commission finds and declares that with Mitigation Measures 3.4-2 through 3.4-5 and 3.4-8, and Mitigation Measures 3.5-1 and 3.5-2, the Project will not cause a significant impact involving wildlife species or historical resources.

In support of this finding, the evidence indicates that Mitigation Measures 3.4-2 through 3.4-5 and 3.4-8 would reduce impacts on biological resources to a level less than significant. In order to address the potential of cultural resources being unearthed as a

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result of Project-related ground excavation, Mitigation Measures 3.5-1 and 3.5-2 were added in the unlikely event that archaeological or paleontological resources, or human remains are unearthed during Project-related ground excavation.

tt. Impact 3.21 b) Cumulative Impacts

See Section IV Cumulative Impacts below.

uu. Impact 3.21 c) (Substantial Adverse Effects on Humans)

Pursuant to the discussion in Section 3.21 c) of the Final SEIR, the proposed Project would not result in any significant impacts to human beings beyond what has already been analyzed in Chapters 3.1 through 3.20. Mitigation to reduce the potential fire related impacts are set forth in Mitigation Measures 3.15-1 through 3.15-13. As such, potential there are no significant environmental adverse effects from this Project to human beings. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final SEIR, Technical Appendices, and other evidence in the Public Record of Proceedings, the Commission finds and declares that with implementation of Mitigation Measures 3.15-1 through 3.15-13 there are no significant environmental adverse effects from this Project to human beings.

In support of this finding, the evidence indicates that the Project would not result in any impacts to human beings beyond what has already been analyzed in Chapters 3.1 to 3.20, and thus, any potentially significant impact would be reduced to less than significant. There is no evidence to the contrary in the Public Record of Proceedings.

IV

CUMULATIVE IMPACTS

CEQA Guidelines Section 15130(a) requires that an EIR discuss the cumulative impacts of a Project when the Project's incremental effect is "cumulatively considerable," meaning that the Project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issue and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other Projects contribute rather than the attributes of other Projects which do not contribute to the cumulative impacts.

A. Biological Impacts

Pursuant to the discussion in Section 3.4 a) through f) of the Final SEIR, the Project will cause a less than cumulatively significant impact to biological resources. The Commission concurs with

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this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the mitigations required in Mitigation Measures 3.4-2 through 3.4-5 and 3.4-8 will lessen any significant impacts to cumulative biological resources. The cumulative impact relating to biological resources will be reduced to a level of insignificance. The Commission further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that the direct impacts are not significant with the implementation of Mitigation Measures 3.4-1 through 3.4-5 and 3.4-8, as contained in Section 3.4 of the Draft SEIR and evidenced in the “*Rexford Solar Farm Project Biological Resources Assessment*” (included in Appendix “E.1” of the Draft SEIR). As such, the adopted Mitigation Measures will assure that any cumulative biological impacts are mitigated to a level of less than significant.

B. Cultural and/or Tribal Cultural Resources

Pursuant to the discussion in Section 3.5 a) through c) of the Final SEIR, the construction-related component of the Project may cause a potentially cumulatively significant impact to cultural resources. The Commission concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the mitigation required in Mitigation Measures 3.5-1 and 3.5-2 will lessen any significant impacts to cumulative cultural resources. The cumulative impact relating to cultural resources will be reduced to a level of insignificance. The Commission further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that the adopted Mitigation Measures will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.5-1 and 3.5-2, and evidenced in the “*Rexford Solar Farm Project Cultural Resources Assessment Report*” (included in Appendix “F” of the Draft SEIR), potential cumulative impacts related to tribal cultural resources will be reduced to a level considered less than significant.

C. Geology and Soils (Paleontological Resources)

Pursuant to the discussion in Section 3.7 f) of the Final SEIR, the Project site is located on soil that could potentially contain paleontological resources. Although it cannot conclusively be demonstrated that no subsurface paleontological resources are present, the impacts would be reduced to less than significant cumulative impacts with mitigation. Encountering paleontological resources could occur during construction-related activities (such as excavation) but not likely during operational activities. To reduce Project-related impacts to less than cumulatively significant, Mitigation Measure 3.5-1 would be implemented in the unlikely event paleontological resources are encountered. The Commission concurs with this analysis. Therefore, there will be less than significant cumulative impacts to the environment involving paleontological resources. The Commission further finds that there are specific economic,

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legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, the evidence indicates that there is no recorded evidence of paleontological resources at the Project site. The adopted Mitigation Measure will assure that any paleontological find will be properly protected and curated. With implementation of Mitigation Measure 3.5-1, potential cumulative impacts related to paleontological resources will be reduced to less than cumulatively significant.

D. Public Services (Fire Protection)

Pursuant to the discussion in Section 3.15 a) of the Final SEIR, the proposed Project will increase the service area for the Terra Bella Fire Station. To reduce Project-related impacts to less than cumulatively significant, Mitigation Measures 3.15-1 through 3.15-13 would be implemented. The Commission concurs with this analysis. Therefore, there will be less than significant cumulative impacts to the environment involving fire protection. The Commission further finds that there are specific economic, legal/public policies, social, or other considerations which make infeasible any further Mitigation Measures or Project alternatives.

In support of this finding, evidence in the Final SEIR and the Public Record of Proceedings that Mitigation Measures 3.15-1 through 3.15-13 would reduce cumulative impacts to less than significant.

E. Conclusion

In further support of the foregoing discussion, the County of Tulare will assure that the Applicant complies with Mitigation Measures (including project design features as conditions of approval) contained in the Mitigation Monitoring and Reporting Program.

V

GROWTH INDUCING IMPACTS

Pursuant to the discussion in Chapter 6 of the SEIR and consistent with Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(b), the Commission finds and declares that there are no direct growth-inducing impacts resulting from this Project.

Based on substantial evidence in the SEIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the development of the Project is unlikely to result in or contribute to population growth inducement because the Project will not result in a significant increase in employment, population, or demand for housing in the area. For these reasons, the Project is not anticipated to result in growth inducement. Therefore, the operation of the proposed Project would not result in new growth in the area relating to the potential population increase.

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The proposed Project is located within the unincorporated area of Tulare County and it does not involve the development of permanent residences that will directly result in population growth in the area. The unemployment rate in Tulare County was 6.5 percent in May 2022. The applicant expects to utilize construction workers from the local and regional area, a workforce similar to that involved in the development of other utility-scale solar facilities. Based on the unemployment rate, and the availability of the local workforce, construction of the proposed Project will not have a growth-inducing effect related to workers moving into the area and increasing the demand for housing and services.

Once construction is completed, it is expected that the proposed Project will require an operational staff of up to 20 full-time employees. The proposed Project will not result in substantial population growth, as the number of employees required to operate and maintain the facility is minimal.

While the proposed Project will contribute to energy supply, which indirectly supports population growth, the proposed Project is a response to the state's need for renewable energy to meet its RPS, and while it will increase the availability of renewable energy, it will also replace existing sources of non-renewable energy. Unlike a gas-fired power plant, the proposed Project is not being developed as a source of base-load power in response to growth in demand for electricity. The power generated will be added to the state's electricity grid with the intent that it will displace fossil fueled power plants and their associated environmental impacts, consistent with the findings and declarations in SB 2 that a benefit of the RPS is displacing fossil fuel consumption within the state. The Project is being proposed in response to state policy and legislation promoting development of renewable energy.

The proposed Project will supply energy to accommodate and support existing demand and projected growth, but the energy provided by the Project will not foster any new growth because (1) the additional energy will be used to ease the burdens of meeting existing statewide energy demands within and beyond the area of the Project site; and (2) the energy will be used to support already-projected growth; or, (3) the factors affecting growth are so diverse that any potential connection between additional energy production and growth will necessarily be too speculative and uncertain to merit further analysis.

Thus, the proposed Project does not have the potential to induce significant growth in Tulare County.

VI

SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Pursuant to the discussion in Chapter 7 of the Draft SEIR and Chapter 10 of the Final SEIR, and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Commission finds and declares that there are no significant environmental impacts that cannot be avoided.

In support of this finding, the evidence indicates that there are no significant environmental impacts. There are no feasible Mitigation Measures that are necessary or required, other than those required and adopted for this Project that could further reduce these impacts to a level of less than significant.

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As there are no significant and unavoidable environmental impacts, the Project is proposed and approved to enable the Applicant to achieve the basic Project objectives; including:

- Construct and operate a solar energy facility capable of producing up to 500 MW AC of electricity and/or 500 MW AC of energy storage to assist the State of California in achieving its 100 percent renewable portfolio standard by 2045;
- Maximize the use of shared facilities with the previously-approved Rexford 1 Project;
- To provide energy to the electric grid to meet increasing demand for in-state generation;
- To facilitate enhanced grid operation by constructing and operating a solar energy generation facility coupled with energy storage system;
- Integrate operating facilities with the existing Vestal substation to connect power generated by the Project into the electricity grid;
- Interconnect directly to the Southern California Edison (SCE) electrical transmission system;
- Operate a renewable energy facility that does not produce significant noise nor emit any greenhouse gas (GHG) emissions;
- Help reduce reliance on foreign sources of fuel;
- Supply on-peak power to the electrical grid in California;
- Help California meet its statutory and regulatory goal of increasing renewable power generation, including GHG reduction goals of SB 32;
- Provide an investment in California and Tulare County that would create jobs and other economic benefits;
- Support and implement the efforts made by the County of Tulare to address climate change through its General Plan and Climate Action Plan;
- Minimize environmental impacts by locating in a suitable rural setting near existing power grid connections lines; and.
- Minimize environmental impacts by locating the facility in a remote location.

In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of less than significant. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures, there will be no cumulative environmental impacts that remain significant and unavoidable.

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VII

ANALYSIS OF ALTERNATIVES

In connection with alternatives, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code Sections 21002, 21002.1; Guidelines Section 15126.6).

A. Alternatives:

The Project involves the construction and operation of a solar energy facility capable of producing up to 500 MW AC of electricity and/or 500 MW AC of energy storage to assist the State of California in achieving its 100 percent renewable portfolio standard by 2045. The basic objectives of the Project, as described in the SEIR, are to efficiently operate a solar energy generation facility (as operational efficiency is a major concern in the long-term viability of the facility that affects both operational costs and operational effectiveness through the maximization of equipment use), compliance with applicable laws and regulations, optimally utilizing the available land resource, and mitigating environmental impacts to the extent feasible.

CEQA requires that an EIR analyze a reasonable range of alternatives. (Public Resources Code Sections 21102, 21002.1 and Guidelines Section 15126.6.) The alternatives to the Project that were considered in the EIR are described as:

Alternative 1: No Project Alternative

Alternative 2: Reduced Project Site

The comparison of various factors was considered in Chapter 5 of the SEIR. Table 1 (below) of the SEIR (made a part hereof) provides a matrix that compares the environmental impacts of differing Project Alternatives against the Project.

The Proposed Project is the Preferred Alternative. The proposed Alternatives were analyzed based on five evaluation criteria, which include each of the Project objectives and the assessment of the potential environmental impacts. The relative environmental impacts associated with each of the Alternatives, as compared to the proposed Project, are summarized in Table 1.

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Table 1. Alternatives Impact Assessment

Impact Topic	Proposed Project	Alternative 1 - No Project	Alternative 2 – Reduced Project Site
Aesthetics	Less Than Significant	Less	Similar
Agriculture and Forestry Resources	Less Than Significant	Less	Similar
Air Quality	Less Than Significant	Less	Similar
Biological Resources	Less Than Significant with Mitigation	Less	Less
Cultural Resources	Less Than Significant with Mitigation	Less	Similar
Energy	Less Than Significant	Less	Similar
Geology and Soils	Less Than Significant	Less	Similar
Greenhouse Gas Emissions	Less Than Significant	Less	Similar
Hazards and Hazardous Materials	Less Than Significant	Less	Similar
Hydrology and Water Quality	Less Than Significant	Less	Similar
Land Use and Planning	Less Than Significant	Less	Similar
Mineral Resources	No Impact	Less	Similar
Noise	Less Than Significant	Less	Similar
Population and Housing	No Impact	Less	Similar
Public Services	Less Than Significant	Less	Similar
Recreation	Less Than Significant	Less	Similar
Transportation	Less Than Significant	Less	Similar
Tribal Cultural Resources	Less Than Significant with Mitigation	Less	Similar
Utilities and Service Systems	Less Than Significant	Less	Similar
Wildfire	Less Than Significant	Less	Similar
Mandatory Findings of Significance	Less Than Significant with Mitigation	Less	Similar

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B. Environmentally Superior Alternative:

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown earlier in Table 1.

Alternative 1: No Project Alternative. The No Project Alternative would avoid all potential construction- and operations-related impacts related to air quality, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, noise, and traffic resulting from the proposed Project. However, the No Project Alternative would not meet any of the Project objectives or project-specific elements. Therefore, the consideration of the No Project Alternative being the environmentally superior alternative would require the judgment of whether in balance, eliminating or avoiding certain impacts is of greater benefit environmentally than avoiding certain other impacts. Therefore, this Alternative would not meet the criteria as the Environmentally Superior Alternative.

Alternative 2: Reduced Project Site. Alternative 2 would involve the reduction in the size of the Project site to minimize, reduce, or avoid potentially significant impacts on biological resources. The Project site would be reduced by 325 acres from 1,189 acres to 864 acres. Alternative 2 would meet the Project objectives of assisting the implementation of SB 32 and the County's Climate Action Plan, but potentially at a lesser contribution than the proposed Project due to a reduced MW output. As shown in Table 1, Alternative 2 would have less impacts on biological resources. The majority of the environmental impacts under Alternative 2 would be similar to the proposed Project. Therefore, the environmentally superior alternative would be Alternative 2.

The Commission finds that the Applicant/Project proponent is required to undertake Mitigation Measures (including some in the form of Project design features as conditions of approval). These Measures are restrictive and are applied to the Project as described in the Draft and Final SEIR. Thus, it is in the public interest for the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. In light of the foregoing discussion, and when balancing these interests, the Commission finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The Commission finds and concludes that there are No Environmental Impacts That Cannot Be Avoided and there are no irreversible impacts; therefore, a Statement of Overriding Considerations is not necessary. The Project's merits and objectives are discussed in the Project Description and are found to be consistent with the intent of Tulare County 2030 General Plan.

The SEIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division.

Resolution Approving
Special Use Permit No. 22-006 (PSP 22-006)

BEFORE THE PLANNING COMMISSION
COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT NO.) RESOLUTION NO. _____
PSP 22-006 TO ALLOW A 500 MEGAWATT-)
ALTERNATING CURRENT (MW-AC) SOLAR)
FARM WITH UP TO 500 MW-AC ENERGY)
STORAGE CAPACITY FOR THE REXFORD 2)
SOLAR FARM PROJECT (22SV 8ME LLC))

Resolution of the Planning Commission of the County of Tulare conditionally approving Special Use Permit No. 22-006 (“PSP 22-006”), as requested by 22SV 8me LLC (“Applicant”), 5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036, to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor’s Parcel Numbers (“APNs”) encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.

WHEREAS, on February 2, 2022, the applicant, 22SV 8me LLC (5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036) filed with Tulare County Resource Management Agency (“RMA”) an application for Special Use Permit PSP 22-006 to allow the construction and operation of an a 500 MW-AC utility-scale solar farm with up to 500 MW-AC of energy storage capacity pursuant to Section 65905 of Government Code and regulations contained in Section 16 of Tulare County Ordinance No. 352, the Zoning Ordinance; and

WHEREAS, the majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards, orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures; and

WHEREAS, the Planning Commission has given notice of its intention to consider the granting of a Special Use Permit as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California; and

WHEREAS, The County Board of Supervisors approved Resolution No. 2010-0458 that provides the interpretation that Solar and Wind Electrical Generation Facilities are included within the meaning of Public and Private Utility Structures in the Tulare County Zoning Ordinance; and

WHEREAS, Staff has performed necessary investigations, prepared a written report and recommended approval of this application subject to certain conditions of approval; and

WHEREAS, all attached exhibits are incorporated by reference herein; and

WHEREAS, on September 16, 2022, public hearing notices for the September 28, 2022, Tulare County Planning Commission meeting were duly published in the Visalia Times Delta, a newspaper of general circulation in Tulare County to consider the proposed Project; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on September 28, 2022; and

WHEREAS, at the meeting of the Commission public testimony was received and recorded from _____ in support of the proposal, and _____ spoke in opposition to the proposal; and

WHEREAS, on September 28, 2022, after the conclusion of public testimony the Commission closed the public hearing; deliberated; and adopted Resolution No. _____ conditionally approving PSP 22-006; and

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the staff report for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the Guidelines for the Implementation of the California Quality Act (CEQA Guidelines) prior to taking action on the project.

B. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this application:

1. The applicant has requested a Special Use Permit to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor’s Parcel Numbers (“APNs”) encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.
2. The majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards,

orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures.

3. Financing and construction of the Project may occur in multiple phases, e.g., 10 MW, 20 MW, or other, each of which may be undertaken by a separate owner for financing purposes that assumes applicant's obligations under the Special Use Permit (each of which is referred to as a "Phase" of the Project). If separate Phases are owned, financed or constructed, each owner of a separate Phase shall be considered an "Owner" subject to all requirements applicable to the permit applicant as further set forth in this Resolution.
4. Section 16 of Ordinance No. 352, as amended, the zoning ordinance allows the construction and operation of public utility structures in the AE-20 and AE-40 Zones, subject to approval of a special use permit. Tulare County Zoning Ordinance No. 352, Resolution No. 2010-0458 and 2010-0590 included both Solar and Wind Electrical Generation Facilities under the definition of Private and Public Utility Structures and Resolution No. 2010-0590 included Agricultural Zone Districts as a Special Use Permit requirement. Resolution No. 2010-0717 established criteria for Public and Private Utility Structures Proposed on Agricultural Zoned Lands and Lands Under Williamson Act Contracts.
5. The Project site is located within the Rural Valley Lands Area Plan ("RLVP") and the Land Use Designation is "Valley Agriculture." Section 3.11.4 on Page 3.11-3 of the Draft SEIR states that this designation establishes areas for intensive agricultural activities on prime valley agricultural soils and other productive or potentially productive valley lands where commercial agricultural uses can exist without conflicting with other uses, or where conflicts can be mitigated. Uses typically allowed include irrigated crop production, orchards and vineyards; livestock; resource extraction activities and facilities that directly support agricultural operations, such as processing; and other necessary public utility and safety facilities.
6. The Project is consistent with the following relevant General Plan 2030 Policies: (1) AG-2.11 Energy Production; (2) LU-7.15 Energy Conservation; (3) ERM-4; (4) ERM-4.1; (5) ERM-4.3; (6) ERM-4.5; (7) ERM-4.6; (8) AQ-1; (9) AQ-1.7; (10) AQ-3.5; (11) HS-8.18; and (12) HS-8.19.
7. Section 3.11.4 on Page 3.11-3 of the Draft SEIR states that the Project site is zoned as AE-20 (Exclusive Agriculture – 20 acre minimum) and AE-40 (Exclusive Agriculture – 40 acre minimum). These zoning districts are exclusive zones for intensive agricultural uses and for uses which are a necessary and integral part of an agricultural operation. The purpose of these zones is to protect the general welfare of the agricultural community and prevent the encroachment of non-agricultural uses.

8. Tulare County Zoning Ordinance No. 352, by Board of Supervisors Resolution No. 2010-0458 (as amended by Resolution No. 2010-0590) adopted zoning interpretation that Solar and Wind Electrical Generation Facilities are included within the meaning of Private and Public Utility Structures. And, where the electrical generation is designed for off-site sale, is subject to a Special Use Permit. The proposal, if approved, would be consistent with the Zoning Ordinance.
9. Four of the six APNs that make up the Project site are restricted by California Land Conservation Act (Williamson Act) Contracts. The four APNs that are under contract are 319-160-007, 320-360-005, and 321-010-002 & -003. The two APNs that are not under contract are 321-140-009 and 321-140-011.
10. The substantiation for subparagraph b) in Section 3.2.6 on Page 3.2-11 of the Draft SEIR states that the Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act contract. Public and private utility structures were determined to be a compatible use on lands under a Williamson Act contract with Resolution No. 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agricultural Zone Districts subject to conditions of approval set forth in Special Use Permits.
11. The substantiation for subparagraph b) in Section 3.2.6 on Page 3.2-11 of the Draft SEIR also states that Resolutions No. 2010-0717 and No. 2013-0104 subsequently created a two-level process through which solar facility projects can be found as a compatible use on Williamson Act contracted lands. This allows impaired agricultural lands to be put to the highest and best use without cancelling the Williamson Act contract, therefore preserving the option to return to farming the land in the future. Pending the approval of the Special Use Permit for the proposed Project and the approval of findings of compatibility under the Williamson Act, the Project will present a temporary change in land use that has been found to be compatible with the terms of the existing Williamson Act contract on the Project site. The project conforms to the principles of compatibility as set forth in Government Code Section 51238.1.
12. Section 2 on Pages 2-1 and 2-2 of the SEIR discusses the Project Description. As described in Chapter 1, Introduction, of the Draft SEIR, the Tulare County Planning Commission certified the Final Environmental Impact Report (State Clearinghouse No. 2020020326) and approved Special Use Permit No. PSP 19-073 for the Rexford Solar Farm Project (herein referred as “previously approved Project” or “Rexford 1”) on August 26, 2020. Rexford 1 involved the construction and operation of an up to 700 megawatt (MW) solar photovoltaic (PV) facility, including an energy storage system (ESS) with up to 700 MW storage capacity, on-

site substation, transmission and/or collector lines, and ancillary components on approximately 3,614 acres of land historically used as agricultural farmland in unincorporated Tulare County, California (Figure 2-1). Power generation by Rexford 1 would connect to the Southern California Edison (SCE) Vestal Substation. Construction of Rexford 1 is scheduled to commence in spring of 2022.

13. The Project applicant is now requesting the expansion of the previously approved Rexford 1 Solar Farm Project. The proposed Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) is the subsequent development phase of the Rexford 1 Project. As shown on Figure 2-1, the Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project (PSP 19-073). These facilities would include transmission and collector lines and operation and maintenance facilities. Rexford 2 would involve the construction and operation of an up to 500 megawatts-alternating current (MW-AC) solar PV facility, including an ESS with up to 500 MW-AC storage capacity on approximately 1,200 acres near the unincorporated community of Ducor. Similar to Rexford 1, power generated by the Project will be collected using up to 230 kilovolt collector lines which run overhead and/or underground to a dedicated Project substation and will then connect to the SCE Vestal Substation via an overhead and/or underground generation tie-line.
14. Section 2.3 on Pages 2-6 of the SEIR discusses the Project Characteristics. The proposed Project involves the construction of a utility-scale PV solar facility on approximately 1,200 acres of privately-owned land. The proposed Project will generate up to 500 MW-AC on a daily basis. Power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line.
15. The proposed Project will include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system (ESS), access roads and fencing, and on-site substation. An operations and maintenance (O&M) building may be constructed on the site.
16. The proposed Project may share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. Any lands not used for O&M, substation, ESS, and/or transmission facility areas on the Project site could instead be used by solar panels under such scenarios. The proposed site plan can be found in Appendix “B” of the SEIR.
17. Section 2.3.1 on Page 2-7 of the SEIR discusses Photovoltaic Panels/Solar Arrays. The proposed Project will use PV panels or modules (including but not limited to bi-facial or concentrated PV technology) on mounting frameworks to convert sunlight directly into electricity. Individual panels will be installed on either fixed-

tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). If the panels are configured for fixed tilt, they will be oriented toward the south. For tracking configurations, the panels will rotate to follow the sun over the course of the day. Depending on the mounting system used and on County building codes, panels are anticipated to be between 6 and 8 feet in height. Figure 2-4 of the SEIR depicts representative examples of photovoltaic panel/mounting configurations.

18. The solar panel array will be arranged in groups called “blocks”, with inverter stations generally located centrally within the blocks. Blocks will produce direct electrical current (DC), which is converted to AC at the inverter stations.
19. Each PV module will be placed on a fixed-tilt or tracker mounting structure. The foundations for the mounting structures can extend to no more than 10 feet below ground, depending on the structure, soil conditions, and wind loads, and may be encased in concrete or use small concrete footings. A light-colored ground cover or palliative may be used to increase electricity production. Final solar panel layout and spacing will be optimized for Project area characteristics and the desired energy production profile.
20. Section 2.3.2 on Pages 2-7 to 2-9 of the SEIR discusses the Inverter Stations. DC energy is delivered from the panels via cable to inverter stations, generally located near the center of each block. Inverter stations convert the DC energy to AC energy which can be dispatched to the transmission system. Inverter stations are typically comprised of one or more inverter modules with a rated power of up to 5 MW each, a unit transformer, and voltage switch gear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) are housed in cabinets. Depending on the vendor selected, the inverter station may lie within an enclosed or canopied metal structure, typically on a skid or concrete mounted pad. Figure 2-5 of the SEIR depicts representative examples of typical inverter stations.
21. Section 2.3.3 on Pages 2-10 to 2-12 of the SEIR discusses the ESS. The proposed Project may include one or more ESS, located at or near a substation/switchyard (onsite or shared) and/or at the inverter stations, or elsewhere onsite. Such large-scale ESSs will be up to 500 MW-AC in capacity and occupy no more than 25 acres in total area.
22. ESSs consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which could include commercially available lithium or flow batteries, typically consist of ISO standard containers (approximately 40’L x 8’W x 8’H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building(s) in compliance with applicable regulations. The maximum height of a dedicated structure is not anticipated to exceed 25 feet. The actual dimensions and number of energy storage modules and structures vary depending on the application, supplier,

and configuration chosen, as well as on offtaker/power purchase agreement requirements and on County building standards. The proposed Project may share an ESS with one or more nearby or future solar projects or may operate one or more standalone ESS facilities within the Project site. Figure 2-6 of the SEIR depicts representative examples of typical energy storage systems.

23. Protection would be provided as part of the Project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (eg FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems will be designed in accordance with California Fire Code and will take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.
24. The general approach to fire mitigation at the Project site will be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods will be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment will comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system will be used that will contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms will be used for lithium-ion batteries.
25. To mitigate potential hazards, redundant separate methods of failure detection will be implemented. These will include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection will be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms will be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting.

26. Section 2.3.4 on Pages 2-12 and 2-13 of the SEIR discusses the Substation. Output from the inverter stations will be transferred via electrical conduits and electrical conductor wires to one or more Project substations or switchyards (collectively referred to as “substations” herein), and then onward via an up to 230kV dedicated gen-tie line to the SCE Vestal Substation. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project’s substation, which would then interconnect to the SCE Vestal Substation.
27. The proposed Project and any associated ESS will have their own dedicated substation equipment located within the Project site. Dedicated equipment may incorporate several components, including auxiliary power transformers, distribution cabinets, revenue metering systems, a microwave transmission tower, and voltage switch gear.
28. Each substation will occupy an area of up to approximately five acres, secured separately by a chain-link fence. The final location(s) of each component will be determined before the issuance of building permits.
29. Substations typically include a small control building (roughly 500 square feet) standing approximately 10 feet in height. The building is either prefabricated concrete or steel housing with rooms for the voltage switch gear and the metering equipment, a room for the station supply transformer, and a separate control technology room in which the main computer, the intrusion detection system, and the main distribution equipment are housed. Components of this building (e.g., control technology room and intrusion detection system) may instead be located at an O&M building. Figure 2-7 depicts a representative example of a typical substation design.
30. Section 2.3.5 on Pages 2-13 and 2-14 of the SEIR discusses Transmission and Collector Lines. The proposed Project will involve the construction of both transmission and collector lines. Power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project’s substation, which would then interconnect to the SCE Vestal Substation. There is an existing Franchise Agreement for the Rexford 1 Solar Farm Project (PSP 19-073), Ordinance No. 3589 was approved by the Tulare County Board of Supervisors on January 12, 2021. A franchise and/or encroachment agreement along public roads may ultimately be required for portions of the transmission and/or collector line for the Rexford 2 Solar Farm Project (PSP 22-006). The proposed transmission and/or collector line configuration is depicted on Figure 2-8 of the SEIR.

31. As depicted on Figure 2-8 of the SEIR, the transmission and/or collector line component of the Project will extend along existing roadway right of ways from various portions of the Project site (where substations are located) ultimately connecting to the SCE Vestal Substation. The transmission and/or collector lines will be located along portions of Road 192, Road 200, Road 208, Road 232, Avenue 24, Avenue 42, Avenue 46, Avenue 56, Avenue 64, Avenue 68, and Avenue 72, or could, however unlikely, possibly utilize additional nearby routings. The total length of the transmission and/or collector lines will be approximately 31 miles in length.
32. Section 2.3.6 on Page 2-15 of the SEIR discusses the Operations and Maintenance Building. The proposed Project may include an O&M building of approximately 40' -6x 80' in size, with associated on-site parking (see Figure 2-9 of the SEIR). The O&M building will not exceed 25 feet in height. The O&M building will be steel framed, with metal siding and roof panels. The O&M building may include the following:
 - Office
 - Repair building/parts storage
 - Control room
 - Restroom
 - Septic tank and leach field
33. Roads, driveways and parking lot entrances will be constructed in accordance with Tulare County improvement standards. Parking spaces and walkways will be constructed in conformance with all California Accessibility Regulations.
34. The proposed Project may share O&M facilities and/or staff with one or more nearby or future solar projects, and/or may be remotely operated. Any unused O&M areas on-site may be covered by solar panels.
35. Section 2.3.7 on Page 2-15 of the SEIR discusses the Water Storage Tank. One or more above-ground water storage tanks with a total capacity of up to 50,000 gallons may be placed on-site near the O&M building (if an O&M building is constructed on-site). The storage tank(s) near the O&M building will have the appropriate fire department connections to be used for fire suppression purposes.
36. Section 2.3.8 on Pages 2-15 and 2-16 of the SEIR discusses Auxiliary Facilities. The entire Project site will be enclosed within a chain link fence with barbed wire measuring up to eight feet in height from finished grade. An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M building, or similar technology, may be installed. Additionally, the Project may include additional security measures consistent with County of Tulare regulations

including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Project.

37. As shown in Appendix “B” of the SEIR, a controlled access gate will be located at the intersection of Avenue 64 and Road 216. The access gate will be maintained at the main entrance to the Project site. Access to the Project site will be provided to offsite emergency response teams that respond in the event of an after-hours emergency. Enclosure gates will be manually operated with a key provided in an identified key box location.
38. Section 2.4 on Page 2-17 of the SEIR discusses Project Construction. The construction period for the proposed Project, from site preparation through construction, testing, and commercial operation, is anticipated to commence as early as the third Quarter (Q3) of 2023 and could encompass approximately 12 to 24 months. Construction of the facility will include the following activities:
 - Site preparation
 - Grading and earthwork
 - Concrete foundations
 - Structural steel work
 - Electrical/instrumentation work
 - Collector line installation
 - Architecture and landscaping
39. Impacts to roadways will be limited to construction-related activities of the Project. Construction-related vehicles would travel on SR 65 primarily via Avenue 24 and Avenue 56 to access the Project site. State Route 65 will not be used to directly access or egress the site. It is estimated that up to 800 workers per day (during peak construction periods) will be required during the construction of the Project.
40. Heavy construction (i.e., grading and earthwork, concrete foundations) is expected to occur during day-to-dusk hours, Monday through Friday. Additional hours, as approved by Tulare County RMA, may be necessary to make up schedule deficiencies or to complete critical construction activities. Although unlikely, some activities may continue 24 hours per day, seven days per week, with approval by Tulare County RMA. Low level noise activities (i.e., those below 60 dBA) may potentially occur between the hours of 10:00 p.m. and 7:00 a.m., with approval by Tulare County RMA. Low level noise activities during nighttime could potentially include refueling equipment, staging material for the following day’s construction activities, quality assurance/control, and commissioning.
41. Materials and supplies will be delivered to the Project area by truck. Truck deliveries will typically occur during daylight hours. However, there may be

offloading and/or transporting to the Project area on weekends and during evening hours as approved by Tulare County RMA.

42. Earthmoving activities are anticipated to be limited to the construction of the access roads, O&M building, substation, ESS(s), and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low lying grass or applying earth-binding materials to disturbed areas to control dust and increase albedo of the ground.
43. During the construction period of up to 24 months, the proposed Project will use up to approximately 400 acre-feet of water for construction-related activities (mainly to minimize dust generating impacts).
44. Section 2.5 on Page 2-18 of the SEIR discusses Operations and Maintenance. Once the Project is constructed, maintenance will generally be limited to the following: cleaning of PV panels (twice a year), monitoring electricity generation, providing site security, and facility maintenance (replacing or repairing inverters, wiring, and PV modules).
45. It is expected that the proposed Project will require an operational staff of up to 20 full-time employees. As previously discussed, it is possible that the proposed Project could share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. In such a scenario, the projects will share personnel, thereby potentially reducing the Project's on-site staff.
46. The facility will operate seven days a week, 24 hours a day. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available.
47. Operational water demands, which include water used for fire suppression, solar PV panel washing, and operation of the proposed O&M building, will total approximately 50-acre feet/year (AFY).
48. Section 2.6 on Pages 2-18 and 2-19 of the SEIR discusses Project Features and Best Management Practices. The following describes standard Project features and best management practices (BMP) that will be applied during construction and long-term operation of the Project.
49. Section 2.6.1 on Page 2-18 of the SEIR discusses Waste and Hazardous Materials Management. The proposed Project will have minimal levels of materials on-site that have been defined as hazardous under 40 CFR, Part 261. The following materials are expected to be used during the construction, operation, and long-term maintenance of the Project:
 - Insulating oil - used for electrical equipment

- Lubricating oil - used for maintenance vehicles
 - Various solvents/detergents - equipment cleaning
 - Gasoline - used for maintenance vehicles
50. Hazardous materials and wastes will be managed, used, handled, stored, and transported in accordance with applicable local and State regulations. All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP): one 55-gallon drum. Though not expected, should any on-site storage of hazardous materials exceed one 55-gallon drum, an HMMP will be prepared and implemented.
 51. Section 2.6.2 on Page 2-18 of the SEIR discusses Spill Prevention and Containment. Hazardous materials stored on-site will be in quantities of less than 55 gallons. Spill prevention and containment for construction and operation of the Project will adhere to the Environmental Protection Agency's guidance on Spill Prevention Control and Countermeasures and Tulare County Health and Human Services Agency regulations.
 52. Section 2.6.3 on Page 2-19 of the SEIR discusses the Wastewater/Septic System. A standard on-site septic tank and leach field may be used at the O&M building (if constructed on-site) to dispose sanitary wastewater, designed to meet operation and maintenance guidelines required by Tulare County laws, ordinances, regulations, and standards.
 53. Section 2.6.4 on Page 2-19 of the SEIR discusses Inert Solids. Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils. Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction-related activities waste. A Construction Waste Management Plan will be prepared for review and approval by the County. Consistent with local regulations and the California Green Building Code, the Plan will provide for diversion of a minimum of 50 percent of construction waste from landfill.
 54. Chemical storage tanks (if any) will be designed and installed to meet applicable local and state regulations. Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected; however, in the unlikely event such wastes were to occur, they will be handled pursuant to federal, state, and/or local regulations.
 55. Section 2.6.5 on Page 2-19 of the SEIR discusses Health and Safety. Safety precautions and emergency systems will be implemented as part of the design and construction of the Project to ensure safe and reliable operation. Administrative

controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

56. The Project will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. All employees will be provided with communication devices, cell phones, or walkie-talkies, to provide assistance in the event of an emergency.
57. Section 2.7 on Pages 2-19 and 2-20 of the SEIR discusses Facility Decommissioning. The Project proponent expects to sell the renewable energy produced by the product under the terms of a long-term Power Purchase Agreement (PPA) or directly into the wholesale market. The life of the solar facility is anticipated to be up to 35 years; however, the Project proponent may, at its discretion (and with approval by Tulare County), choose to extend the life of the facility, update technology and re-commission, or decommission and remove the system and its components. If, and when, a decommissioning event occurs, the solar site will be reclaimed as required by a County approved Decommissioning and Reclamation Plan (and attendant bond). This Reclamation Plan will provide financial assurances along with a detailed plan to remediate soils and return the land to its original pre-construction condition upon termination of the Project. At the time of re-use, the zoning/land use designations will be used to determine the Project site's use.
58. If, and when, Project decommissioning occurs, Project structures will be removed from the Project site. Above-ground equipment that will be removed will include module posts and support structures, onsite transmission poles that are not shared with third parties and the overhead collection system within the Project site, inverters, transformers, energy storage equipment, electrical wiring, equipment on the inverter pads, and related equipment and concrete pads. The substation will be removed if it is owned as part of the Project; however, if a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications. Project roads will be restored as close as feasible to pre-construction conditions unless the landowner elects to retain the improved roads within the property. The area will be thoroughly cleaned and all debris removed. Materials will be recycled to the extent feasible, while the balance of unrecyclable material will be disposed (likely in landfills) in compliance with all applicable laws. A collection and recycling program will be implemented in the event system components are manufactured containing hazardous materials.
59. All decommissioning- and restoration-related activities, as contained in the County approved Decommissioning and Reclamation Plan, will adhere to the requirements

of the appropriate governing authorities and in accordance with all applicable federal, state, and county regulations.

60. When the Project ceases operation, the facilities will be decommissioned and dismantled, and the Project site restored to a condition suitable for agricultural use (or other use as allowed by zoning/land use designations at the time of decommissioning). Decommissioning-related activities of the Project site will take approximately 4-6 months and will comprise removal of above-ground and below-ground (subsurface) structures; and site reclamation (including restoration of topsoil, revegetation, and seeding).
61. Temporary erosion and sedimentation control BMPs will be implemented during the decommissioning-related phase of the Project. Decommissioning-related activities will consist of:
 - Dismantling and removal of all above-ground equipment (solar panels, tracker units, transformers, substation, ESS, enclosures, etc.);
 - Excavation and removal of all below-ground cabling;
 - Removal of posts;
 - Removal of roads;
 - Break-up and removal of concrete pads and foundations; and
 - Scarification of compacted areas and re-grading of the Project site to pre-Project conditions.
62. Decommissioning-related activities of the Project will likely require similar water use as construction-related activities, due to water needs for dust control. Following decommissioning, if returned to an agricultural-ready use, the Project site will likely require similar water use as existing conditions. It would be speculative to estimate post-Project water usage if the site is returned to a use other than agriculture use as allowed by zoning/land use designations at the time of decommissioning. Post-Project, it is anticipated that the Project site will continue in active agricultural use, which is the same as its pre-Project use, and the same as current use of adjacent parcels. To minimize post-construction dust, a revegetation plan will be developed and implemented to stabilize temporary disturbance from installation-related activities, and to be compatible with long-term site vegetation management. Revegetation is also a dust control technique permissible in complying with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII.
63. The Final Supplemental Environmental Impact Report (Final SEIR), CEQA Findings of Fact, and Mitigation Monitoring and Reporting Program (MMRP) for PSP 22-006 were certified and adopted by the Planning Commission on September 28, 2022, by Resolution No. _____ as being adequate and in compliance with the CEQA and the CEQA Guidelines.

64. A Statement of Overriding Considerations is not required for PSP 22-006 because all of the impacts associated with the Project will be mitigated to a level that is less than significant.
65. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Development Impact Fees. New Development may be subject to County Development Impact fees.
66. The Board of Supervisors, at their regular meeting of August 31, 2010, adopted by Resolution 2010-0717 developer agreements that include cost recovery, loss of crop production and/or subvention funds, removal of facility and reclamation requirements, and other Tulare County financial incentives for Private Utility Structures located on Agricultural Zoned Lands.
67. The Board of Supervisors, at their regular meeting of February 28, 2012, adopted by Resolution 2012-0187, directed the Resource Management Agency to capture sales tax as part of project approval, environmental clearance, or other discretionary action for large-scale solar facility projects.

C. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the proposed Project will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

AND, BE IT FURTHER RESOVED as follows:

D. This Planning Commission hereby finds said Special Use Permit will not have a significant effect on the environment, because mitigation measures will reduce all impacts to a level that is less than significant, and determines that the Draft SEIR and Final SEIR for said Special Use Permit reflects the independent judgment of the county and has been completed in compliance with CEQA and the CEQA Guidelines.

E. This Planning Commission hereby approves Special Use Permit Application No. PSP 22-006, subject to the following conditions:

Standard Conditions of Approval:

1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970. (Exhibit “A”)
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor Modifications-Director’s Approval) of the Zoning Ordinance, the Planning Director

is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors as long as said modifications do not materially affect the determination of the Planning Commission. Such modifications shall be noted on the approved plans and shall be initialed by the Planning Director.

3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
4. The proposed facility shall be maintained and operated in accordance with all State and County health regulations.
5. All new construction shall comply with Building Code, Fire Code, Mechanical Code, Electric Code and Plumbing Code requirements as applicable.
6. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
7. The conditions set down herein which require construction of improvements shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning and Development Director may grant exceptions to this condition upon request by the applicant.
8. This Special Use Permit shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
9. This Special Use Permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission.
10. The applicant shall sign and return a duly authorized acceptance of all conditions, in the form approved by Tulare County Counsel. Subsequent Owners of all or any Phase of the Project shall execute an Owner Assignment and Assumption Agreement in the form attached as Exhibit "F" to the Resolution.
11. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Normally, an initial review of compliance shall be conducted by the Tulare County Planning Commission twelve (12) months after the granting of said permit; however, the Planning Commission may schedule the review sooner under certain

circumstances. Additional reviews may be undertaken at the discretion of the Planning Commission.

12. The applicant(s), at their sole cost and expense, shall defend, indemnify, and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Special Use Permit No. PSP 22-006; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of legislative their obligations under this condition.

Planning Conditions:

13. The property owner shall sign and return the Right to Farm Notice to the RMA in order for it to be recorded with the Resolution. (Exhibit "B")
14. A Compliance Reporting and Monitoring Schedule has been established for this Project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees in the amount of \$130.00, required to defray the expenses incidental to the compliance reporting and monitoring, must be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution. (Exhibit "C")
15. All mitigation measures in the Final SEIR and the MMRP for PSP 22-006 are adopted as conditions of approval as follows:

BIOLOGICAL RESOURCES

- 3.4-2. San Joaquin Kit Fox. A pre-construction clearance survey for San Joaquin kit fox shall be conducted not less than 14 days and not more than 30 days prior to the initiation of ground-disturbing activities. The survey areas shall include the entire Project site and all undeveloped habitat within 200 feet. If no potential dens are located, construction-related activity may proceed. If a potential den is located, an infrared camera trap shall be placed at the den entrance for three days to confirm species occupancy. If San Joaquin kit fox use is observed, the den shall be avoided and the USFWS shall be contacted. Construction-related activities shall adhere to the avoidance and minimization measures outlined in the Standardized Recommendations for Protection of the

Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011), outlined below:

- 3.4-2. a. Project-related vehicles shall observe a 10- mph speed limit in all Project areas, except on County roads and State and Federal highways; this is particularly important at night when kit fox are most active. To the extent possible, night-time construction-related activity shall be minimized. Off-road traffic outside of designated Project areas shall be prohibited.
 - 3.4-2.b. To prevent inadvertent entrapment of kit fox or other animals during the construction-related activity phase of the Project, all excavated, steep-walled holes or trenches more than two (2) feet deep shall be covered at the close of each working day by plywood or similar materials or provided with one (1) or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS shall be notified within three days of the discovery.
 - 3.4-2.c. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction-related activity or Project site.
 - 3.4-2.d. No firearms or pets shall be allowed on the Project site.
 - 3.4-2.e. Use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit fox and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, California Department of Pesticide Regulation, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the USFW Service. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.
- 3.4-3. Worker Environmental Awareness Program. Prior to the issuance of grading or building permits, and for the duration of construction-related activities, all new construction workers at the Project site shall attend a Worker Environmental Awareness Program (WEAP), developed and

presented by the Project Lead Biologist. The WEAP shall be presented by the Lead Biologist and shall include information on the life history of each federal and state-listed species, as well as other special-status wildlife, natural communities, and plant species that may be encountered during construction-related activities, their legal protections, the definition of “take” under the federal and state endangered species acts, measures the Project operator is implementing to protect special-status species, reporting requirements, specific measures that each worker shall employ to avoid take of special-status wildlife species, and penalties for violation of the Federal Endangered Species Act and California Endangered Species Act. A fact sheet conveying this information shall be prepared for distribution to contractors, employees, and anyone else who may enter the Project site.

WEAP training shall be documented as follows:

- 3.4-3a. An acknowledgement form signed by each worker indicating that environmental training has been completed.
- 3.4-3b. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker.
- 3.4-3c. A copy of the training transcript/training video and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgements forms shall be submitted to the Tulare County Resource Management Agency.
- 3.4-4. Burrowing Owl. A preconstruction clearance survey for burrowing owls (BUOW) shall be conducted by a qualified biologist no less than 14 days prior to the start of construction-related activities in accordance with the protocols adopted by the CDFW Staff Report on Burrowing Owl Mitigation (2012). If burrowing owls are observed on-site or within 500 feet of the site, the following avoidance and minimization measures shall be implemented:
 - 3.4-4.a. A no-disturbance buffer shall be established around occupied burrows. The buffer size may range from 150 feet to 650 feet depending on the time of year and the level of construction-related activity (refer to CDFW 2012).

- 3.4-4.b. A qualified biologist shall monitor the nest to ensure construction-related activities will not adversely impact the nesting birds and determine when the burrow is no longer occupied.
- 3.4-4.c. If construction-related activities cannot avoid the active BUOW nest, CDFW shall be consulted regarding passive eviction and mitigation. If necessary, BUOW may be passively relocated from burrows after an exclusion plan is prepared and approved by the CDFW.
- 3.4-5. Raptors and Nesting Birds. To avoid impacts to nesting birds, including Swainson's hawk and raptorial species protected by Sections 3503, 3503.5, and 3513 of the CFGC, activities related to the Project (including, but not limited to, vegetation removal, ground disturbance, and construction- and demolition-related activity) shall occur outside of the bird breeding season (February 1 through August 30 for nesting birds; March 1 through September 31 for Swainson's hawk; but variable based on seasonal and annual climatic conditions). Construction-related activity commencing outside of the nesting season does not require any mitigation. If construction-related activities are scheduled to commence during the breeding season, the following mitigation and avoidance measures will be implemented:
- 3.4-5.a. A pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal. The survey shall be conducted within the Project site and include a 150-foot buffer for passerines, 500-foot buffer for other raptors, and 0.5-mile buffer for active Swainson's hawk nests. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the region.
- 3.4-5.b. If nests are found, an appropriate avoidance buffer will be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. For Swainson's hawk nests, an avoidance buffer of up to ½ mile shall be established by a qualified biologist based on the nest location in relation to the Project activity, the line-of-sight from the nest to the Project activity, and observed hawk behavior at the nest.

- 3.4-5.c. If this buffer is not feasible, or if the Project intends to reduce the buffers based on the previously listed criteria, consultation with CDFW is warranted to discuss how these criteria will be implemented and determine if the Project will avoid take.
- 3.4-5.d. All construction-related personnel shall be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No ground disturbing activities shall occur within the buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.
- 3.4-5.e. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b) is necessary to comply with the California Endangered Species Act.
- 3.4-8. Jurisdictional Waters. Potentially jurisdictional features should be demarcated with fencing and avoided. If these features cannot be avoided, a jurisdictional wetland delineation shall be conducted to identify and delineate the jurisdictional extent. Permitting by the RWQCB, and/or CDFW may be required, depending on the jurisdictional scope of each feature. Mitigation for fill would be at 1:1 (one (1) acre of mitigation for each acre of impact) at a minimum. Additional mitigation may be required under agency permits.

CULTURAL RESOURCES

- 3.5-1. In the event that historical, archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the portion of the Project site where the resource is discovered, be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the specialists shall provide recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recovery, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.

3.5-2. Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental [that is, unanticipated] discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and
 - b. If the coroner determines the remains to be Native American:
 - i. The coroner shall contact the Native American Heritage Commission within 24 hours.
 - ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - iii. The most likely descendent may make recommendations to the landowner of the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or
2. Where the following conclusions occur the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - b. The descendant fails to make a recommendation; or

- c. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

PUBLIC SERVICES

- 3.15-1. Applicant shall provide an access road to the site and any facilities affected by the Special Use Permit.
- 3.15-2. Applicant shall submit plans for all new construction, and shall comply with the provisions of the 2019 Cal Green Building Code, Fire Code, Mechanical Code, Electric Code and Plumbing Code, as applicable.
- 3.15-3. The Tulare County Fire Department shall be notified of the proposed start date of any processing, storage, or special use granted and mitigated prior to initiation of any building operations.
- 3.15-4. Violations of any of these conditions shall result in Tulare County Fire Department's rescission of approval of the Special Use Permit.
- 3.15-5. Fire Department requires a Knox box to be installed at an approved location to permit entry to the site.
- 3.15-6. Access gate shall be set back 30 feet from the roadway for fire apparatus access.
- 3.15-7. All combustible vegetation shall be removed from the site and Tulare County Fire Department approved measures taken to prevent the accumulation of the combustible vegetation that would create a fire hazard.
- 3.15-8. Access roads shall be provided so that no portions of the photovoltaic panels are more than 500 feet from a fire apparatus access road or spaced in coordination with the Fire Department.
- 3.15-9. Access roads shall be a minimum of 20 feet in width (non-obstructed), with a maintained 13 feet 5 inches vertical clearance
- 3.15-10. 20-foot fire access roads shall be constructed so that no portions of the photovoltaic panels are more than 500 feet from a fire apparatus access road or spaced in coordination with the Fire Department.

- 3.15-11. Applicant shall be responsible for training fire personnel of facility operations, hazards and emergency procedures for shutting down the operation.
- 3.15-12. Posted address shall be visible from roadway, minimum 4-inch numbers.
- 3.15-13. If buildings are proposed, National Fire Protection Agency (NFPA) 1142 standards for rural water supplies shall be required.

TRIBAL CULTURAL RESOURCES

Refer to Cultural Resource Mitigation Measures 3.5-1 and 3.5-2 above

- 16. All above and below ground facilities shall be constructed at least 50 feet from the established centerline of the right-of-way of all County Roads. The yard areas for the AE-20 and AE-40 Zones are as follows: Front = 25 feet; Side = 10 feet; Rear = 25 feet.
- 17. Internal parking and circulation shall be designed so that vehicles enter and exit the site by moving forward. There shall be no maneuvering or backing onto a public right-of-way.
- 18. All drive approaches and durable dustless surfaces shall be installed at the time of initial occupation of the site.
- 19. All open and non-landscaped portions of the lot shall be maintained in good condition, free from weeds, dust, trash, and debris.
- 20. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from the construction/project site.
- 21. The Board of Supervisors, at their regular meeting of August 31, 2010, adopted by Resolution 2010-0717, developer agreements that include cost recovery, loss of crop production and/or subvention funds, removal of facility and reclamation requirements, and other Tulare County financial incentives for Private Utility Structures located on Agricultural Zoned Lands.
- 22. The applicant shall post a performance bond or similar instrument to ensure the completion of site reclamation activities in accordance with the Developer Agreement and Reclamation Plan.

23. This Special Use Permit is conditioned upon and will not become effective until the County and Applicant/Owner execute the Developer Agreement and Reclamation Plan which is attached hereto and incorporated herein by reference (Exhibit “D”), as may be amended by the County Board of Supervisors. Developer Agreement includes cost recovery, loss of subvention funds and reclamation plan that includes bonding that is adjusted to match the CPI index for California. In addition, should the Project be developed in Phases by separate Owners, the applicant shall remain responsible for satisfying all conditions and requirements of this Resolution, unless and until an Owner submits a duly signed and notarized Owner Assignment and Assumption Agreement in the form attached hereto as Exhibit “F” and shall have complied with any requirements applicable to such Owner that have not previously been satisfied by applicant and that have been assumed by the Owner, including but not limited to posting financial assurance for decommissioning. The Planning Director shall be authorized to execute such Owner Assignment and Assumption Agreement on behalf of the County (as a minor modification under Section 18 of the County Zoning Ordinance (Ordinance No. 352).

24. This Special Use Permit is conditioned upon and will not be effective until the developer and the County enter into an agreement, which is attached hereto and incorporated herein by reference (Exhibit “E”), governing payment of the following:
 - a. Sales and use taxes: The developer shall undertake specified actions in contracting for construction of the Project so as to allocate sales and use taxes paid in connection with Project construction to the County to the extent provided by law. The developer shall include language in its construction contracts identifying the jobsite as within unincorporated Tulare County and requiring its construction contractor and sub-contractors to allocate sales and use taxes to the County, to the extent provided by law, in its Board of Equalization filings and permits.

 - b. Property taxes: To ensure that property taxes continue to accrue to the County, the developer shall agree not to transfer the Project to a nontaxable public entity (other than the County), or other entity that is exempt from payment of property taxes, unless that entity agrees to pay a fee to the County on an on-going basis equivalent to the amount of real property taxes it would be required to pay if it were not a nontaxable or tax exempt entity.

25. Prior to the issuance of a building permit, the applicant shall submit a Soil Reclamation Plan for review and approval by planning staff. The plan shall contain an analysis of pre-project baseline soil conditions, and shall contain specific measures to restore the soil to its pre-project condition, including removal of all fixtures, equipment, non-agricultural roads, and restoration of compacted soil. Reclamation shall be completed within six months of the expiration of the use permit.
26. This Special Use Permit No. PSP 22-006 will automatically expire and become null and void thirty-five (35) years from the date of approval. The Special Use Permit may be extended for additional periods of time if an application for extension of time (by letter) is filed with the Planning Director of the Resource Management Agency prior to the permit's expiration date.
27. At the time of reclamation and/or decommissioning of the solar electrical generation facility, the applicant or owner will be required to recycle the solar photovoltaic panels with a certified solar panel recycler.
28. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., shall be re-contoured, if necessary, and re-vegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the Project, but that after Project completion will not be subject to further disturbance and has the potential to be re-vegetated. Appropriate methods and plant species used to re-vegetate such areas shall be determined on a site-specific basis in consultation with the United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and re-vegetation experts.
29. There is an existing Franchise Agreement for the Rexford 1 Solar Farm Project (PSP 19-073) that was approved by the Tulare County Board of Supervisors on January 12, 2021, when Ordinance No. 3589 was adopted. A franchise and/or encroachment agreement along public roads is required for portions of the transmission and/or collector line for the Rexford 2 Solar Farm Project (PSP 22-006) if power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line instead of interconnecting to the Rexford 1 Solar Farm Project's substation, which would then interconnect to the SCE Vestal Substation. The proposed transmission and/or collector line configuration is depicted on Figure 2-8 of the SEIR.
30. If the applicant fails to provide energy to the grid for a period greater than two years of failing to provide power, the applicant shall return to the Planning Commission for a new special use permit or begin reclamation.

Environmental Health Services Conditions:

31. If the site will ever handle or store quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or any amount of a hazardous waste, then the site(s) will be required to submit a Hazardous Materials Business Plan to the Tulare County Environmental Health Services Division (TCEHSD). The facility operator(s) shall immediately contact TCEHSD at (559) 624-7400 if the site ever meets these threshold quantities.
32. If the 'Operation & Maintenance Building' will be part of the development plans, then an on-site septic system shall serve this structure. Installation of new on-site septic systems will require a site evaluation and soils testing. This evaluation must be done by a Qualified Professional. Qualified Professionals must possess the appropriate licensure (PE, PG, CHG, REHS or CPSS). The report of this evaluation must be submitted to the TCEHSD for review, before approval can be granted for any building permits.

Fire Department Conditions:

33. A preliminary planning meeting prior to site construction shall be conducted with primary contractor and Tulare County Fire Department.
34. Fire Department requires a Knox Box to be installed at an approved location to permit entry to the site.
35. Access gates shall be set back 30 feet from the roadway for fire apparatus access.
36. All combustible vegetation shall be removed from the site and a Tulare County Fire Department approved weed abatement plan to prevent the accumulation of combustible vegetation that would create a fire hazard.
37. Access roads of an all-weather surface (crushed rock, road base, or DG – compacted to a Min. 2 inches) shall be provided so that no portions of the photovoltaic panels are further than 155 feet from an accessible fire apparatus access road.
38. All weather access roads shall be a minimum of 20 feet in width (non-obstructed), with a maintained 13 feet 6 inches vertical clearance.
39. 20-foot fire access roads shall be constructed at intervals of no greater than 310 feet.
40. Applicant shall be responsible for training fire personnel of facility operations, hazards and emergency procedures for shutting down the operation.

41. Posted address visible from roadway, min. 4 inch numbers. If project site is not visible from roadway, additional approved all weather address signage may be required.
42. If permanent or temporary buildings are proposed, National Fire Protection Agency (NFPA) 1142 standards for rural water supplies shall be required. (min. 2000 gallon water tank) This shall include portable buildings during construction.

Building Department Conditions:

43. The applicant shall submit three (3) sets of engineered plans and two (2) sets of calculations at building permit stage.

F. The Owner Assignment and Assumption Agreement, attached hereto as Exhibit “F,” is the Agreement between 22SV 8me LLC, a California liability company, and that entity which shall assume the rights entitled herein.

The foregoing resolution was adopted upon motion of Commissioner _____, seconded by Commissioner _____, at a regular meeting of the Planning Commission on September 28, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

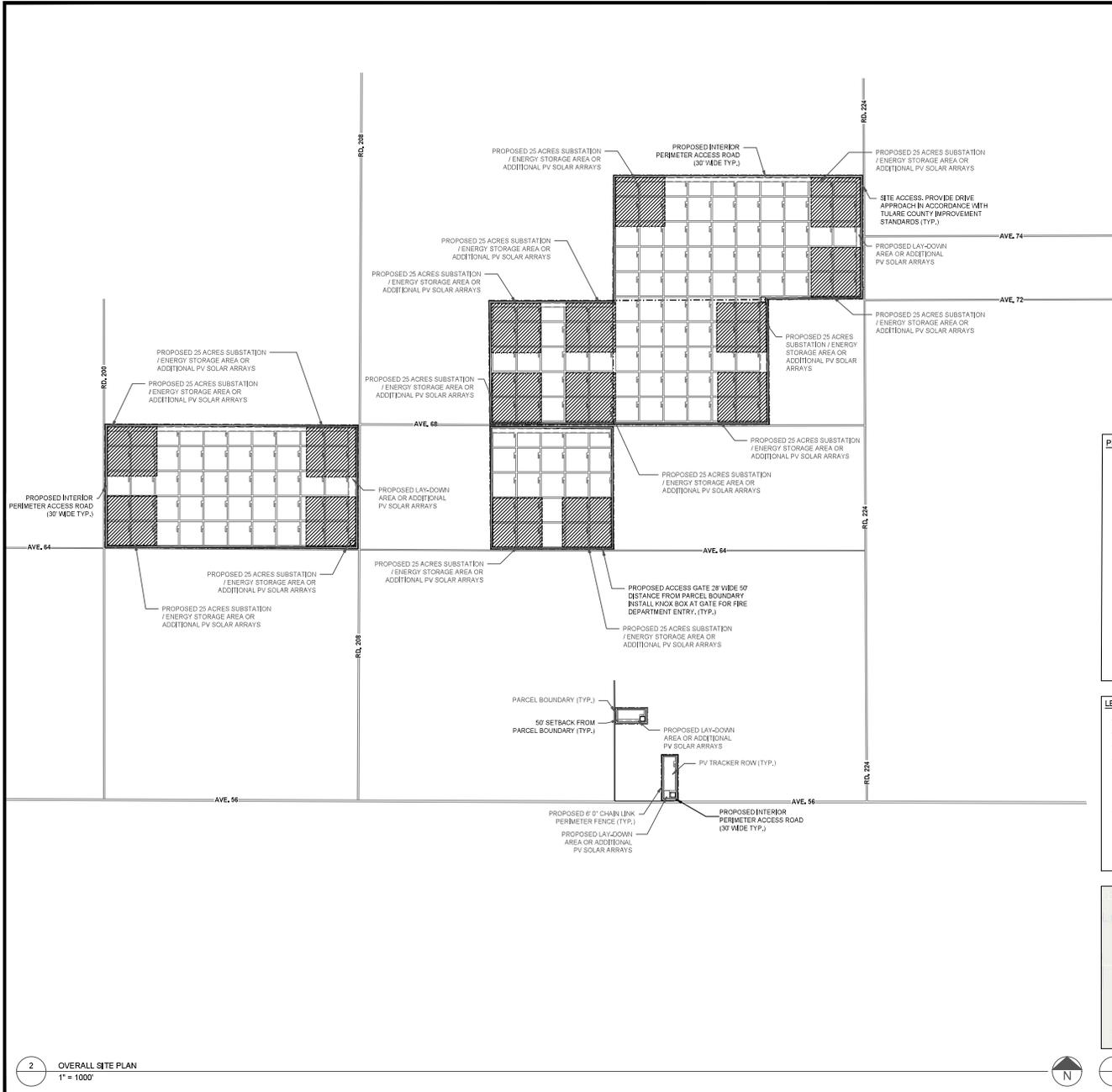
ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

Exhibit "A"

PSP 22-006 Site Plan



PROJECT NOTES:

LEGENDS:

- PROJECT ACCESS ROAD
- - - PARCEL BOUNDARY
- - - PERIMETER FENCE
- - - 50' SETBACK FROM PARCEL BOUNDARY
- - - GEN-TIE / COLLECTOR LINES
- O&M BUILDING
- ▨ SUBSTATION / ENERGY STORAGE AREA
- LAY-DOWN AREA
- PV SOLAR ARRAY
- PV EQUIPMENT PAD
- ⊥ 28' WIDE ACCESS GATE



REXFORD 2 SOLAR FARM

TULARE COUNTY CALIFORNIA, USA

REV. NO.	DESCRIPTION	DATE
0	PRELIMINARY	07/15/2021

SHEET TITLE:

SPECIAL USE PERMIT (SUP) PLAN

PRJ. MGR.: SS	PROJ. ENGR.: SS	DATE: 06/11/2021
DRAWN BY: PK	CHECKED BY: GB	SCALE: AS SHOWN

DRAWING NO. **SUP-100**

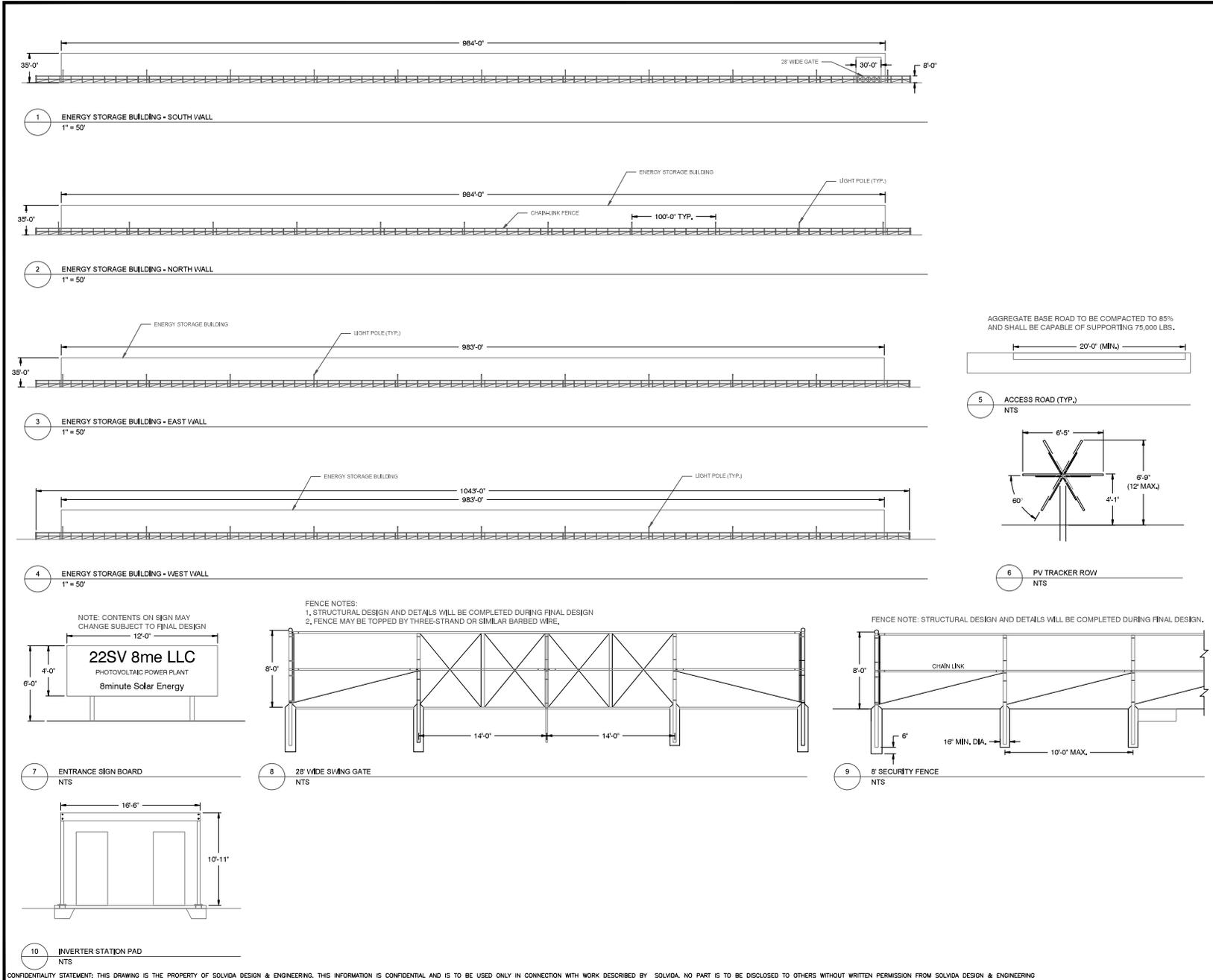
2 OVERALL SITE PLAN
1" = 1000'

1 OVERALL SITE PLAN
NTS

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Exhibit "A"

PSP 22-006 Site Plan



**REXFORD 2
SOLAR FARM**

**TULARE COUNTY
CALIFORNIA, USA**

REV. NO.	DESCRIPTION	DATE
0	PRELIMINARY	07/15/2021

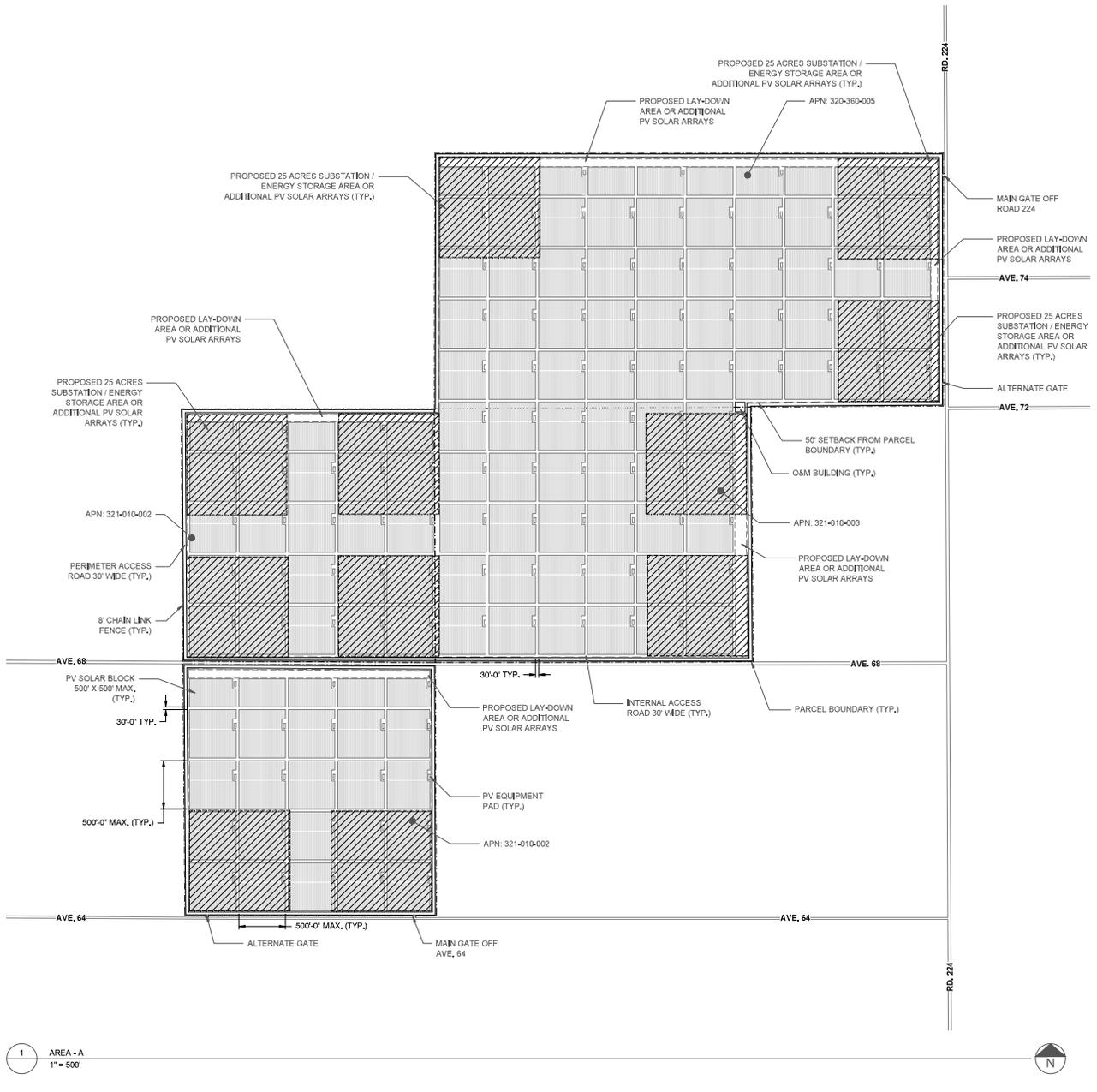
SHEET TITLE:
ELEVATIONS

PROJ. MGR.: SS	PROJ. ENGR.: SS	DATE: 06/11/2021
DRAWN BY: PK	CHECKED BY: GB	SCALE: AS SHOWN
DRAWING NO. SUP-101		

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Exhibit "A"

PSP 22-006 Site Plan



1 AREA - A
1" = 500'



LEGENDS:

- PROJECT ACCESS ROAD
- PARCEL BOUNDARY
- PERIMETER FENCE
- 50' SETBACK FROM PARCEL BOUNDARY
- GEN-TIE / COLLECTOR LINES
- O&M BUILDING
- SUBSTATION / ENERGY STORAGE AREA
- LAY-DOWN AREA
- PV SOLAR ARRAY
- PV EQUIPMENT PAD
- 28' WIDE ACCESS GATE

SOLVIDA
DESIGN + ENGINEERING

1400 Shattuck Avenue, Suite 3
Berkeley, California 94709

MINUTE
SOLAR ENERGY

5455 Wilshire Blvd., Suite 2010
Los Angeles, CA 90036

REXFORD 2
SOLAR FARM

TULARE COUNTY
CALIFORNIA, USA

REV. NO.	DESCRIPTION	DATE
0	PRELIMINARY	07/15/2021

SHEET TITLE:
SPECIAL USE PERMIT (SUP) AREA - A

PRJ. MGR.: SS	PROJ. ENGR.: SS	DATE: 06/11/2021
DRAWN BY: PK	CHECKED BY: GB	SCALE: AS SHOWN

SUP-200

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Exhibit "A"

PSP 22-006 Site Plan



**REXFORD 2
SOLAR FARM**

TULARE COUNTY
CALIFORNIA, USA

0	PRELIMINARY	07/15/2021
REV. NO.	DESCRIPTION	DATE

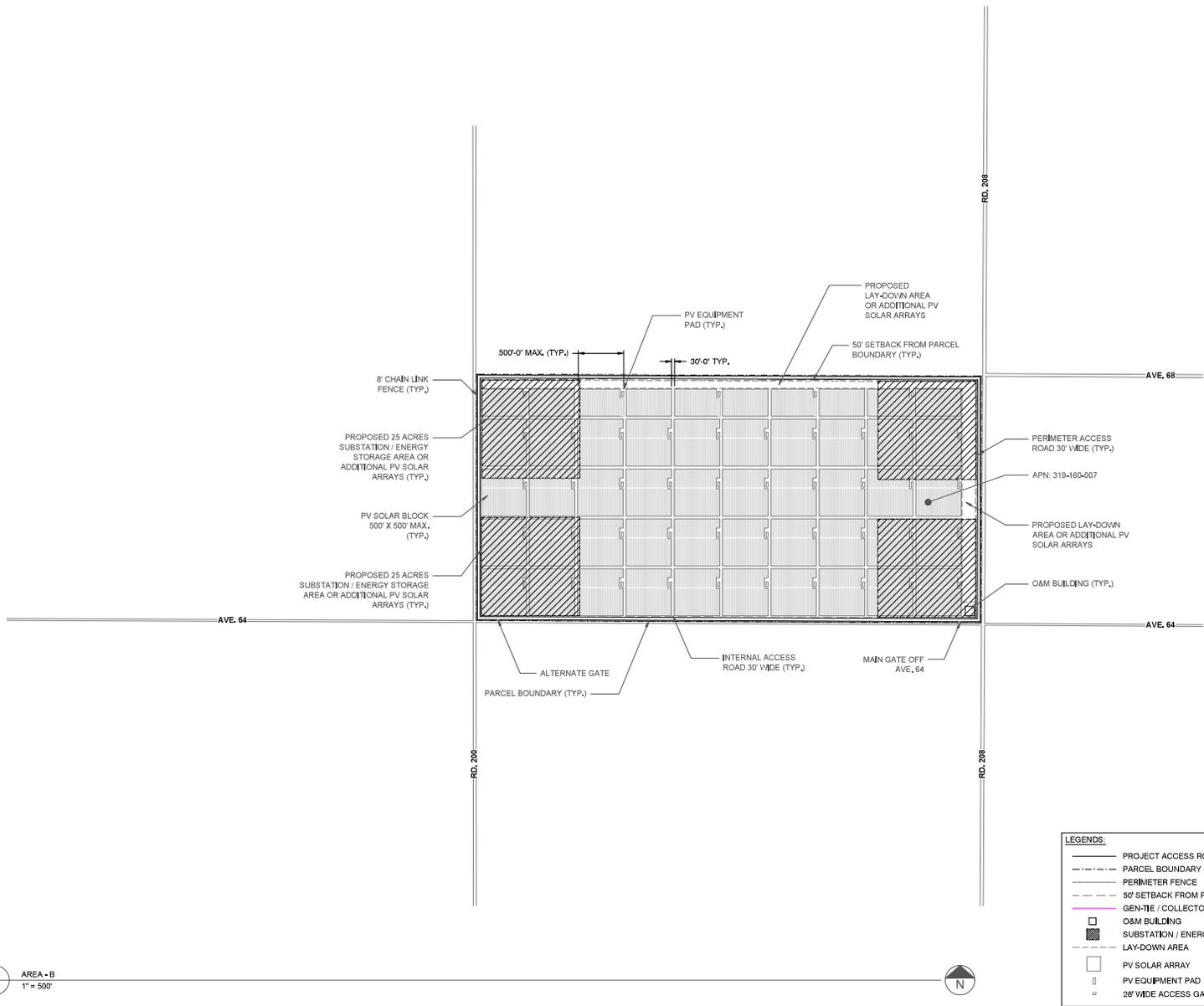
SHEET TITLE:

**SPECIAL USE
PERMIT (SUP)
AREA - B**

PROJ. MGR.: SS	PROJ. ENGR.: SS	DATE: 06/11/2021
DRAWN BY: PK	CHECKED BY: GB	SCALE: AS SHOWN

DRAWING NO.

SUP-201



LEGENDS:

- PROJECT ACCESS ROAD
- - - PARCEL BOUNDARY
- - - PERIMETER FENCE
- - - 50' SETBACK FROM PARCEL BOUNDARY
- GEN-TIE / COLLECTOR LINES
- O&M BUILDING
- SUBSTATION / ENERGY STORAGE AREA
- LAY-DOWN AREA
- PV SOLAR ARRAY
- PV EQUIPMENT PAD
- ⊥ 28' WIDE ACCESS GATE

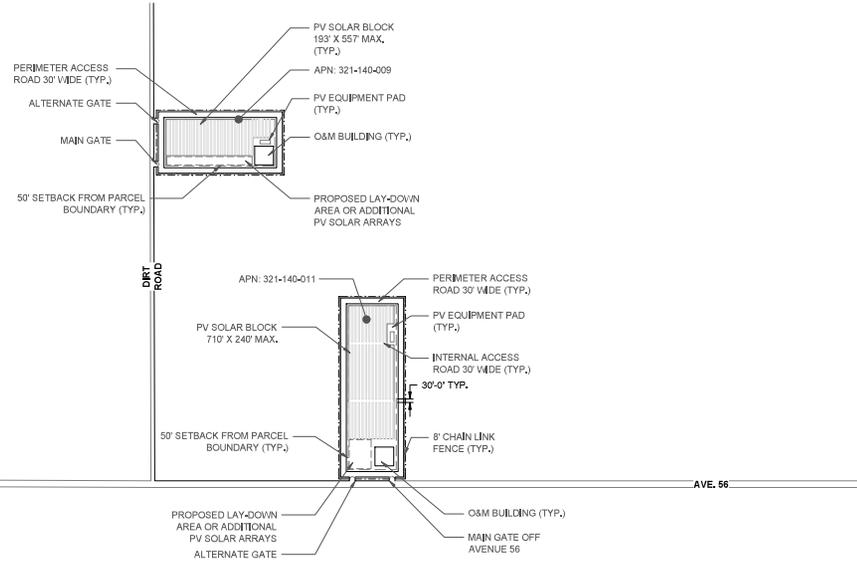
1 AREA - B
1" = 500'



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Exhibit "A"

PSP 22-006 Site Plan



1 AREA - C
1" = 300'



LEGENDS:

- PROJECT ACCESS ROAD
- - - - - PARCEL BOUNDARY
- - - - - PERIMETER FENCE
- - - - - 50' SETBACK FROM PARCEL BOUNDARY
- GEN-TIE / COLLECTOR LINES
- O&M BUILDING
- SUBSTATION / ENERGY STORAGE AREA
- LAY-DOWN AREA
- PV SOLAR ARRAY
- PV EQUIPMENT PAD
- ⊕ 28' WIDE ACCESS GATE

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1100 Shattuck Avenue, Suite 3
Berkeley, California 94709

MINUTE
SOLAR ENERGY
5455 Wilshire Blvd., Suite 2010
Los Angeles, CA 90036



**REXFORD 2
SOLAR FARM**

TULARE COUNTY
CALIFORNIA, USA

REV. NO.	DESCRIPTION	DATE
0	PRELIMINARY	07/15/2021

SHEET TITLE:
**SPECIAL USE
PERMIT (SUP)
AREA - C**

PROJ. MGR.: SS	PROJ. ENGR.: SS	DATE: 06/11/2021	
DRAWN BY: PK	CHECKED BY: GB	SCALE: AS SHOWN	

DRAWING NO.
SUP-202

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Exhibit "B"

RIGHT TO FARM NOTICE

RE: Special Use Permit No. PSP 22-006

or

Parcel Map No. _____

or

Subdivision Map No. _____

or

Mining and Reclamation Plan No. _____

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code; and as a condition of approval of the above-referenced use permit, parcel map, subdivision map or mining and reclamation plan, the undersigned hereby acknowledges that:

It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Dated: _____

(Signature)

(Print Name)

Dated: _____

(Signature)

(Print Name)

Exhibit "C"

COMPLIANCE REPORTING AND MONITORING SCHEDULE AND FEE NOTICE

PROJECT NO. Special Use Permit No. PSP 22-006

Section 22 of the Tulare County Ordinance mandates a program to monitor and ensure compliance with conditions imposed as part of approval of this project. It also mandates that fees be imposed to defray the expense incidental to any monitoring and compliance reviews.

Compliance review fees are based on an hourly rate as adopted by the Tulare County Board of Supervisors. The minimum deposit is based on the estimated number of inspections for the compliance review process.

A Compliance Reporting and Monitoring Schedule was established and imposed as a condition of the permit. **The first compliance review of this project is scheduled for 12 months from the date of approval.** If the use is to commence prior to the first scheduled inspection, call (559) 624-7000 to reschedule a first inspection.

At the time that PSP 22-006 was submitted, a deposit of \$130 was made to the Compliance Reporting and Monitoring Account for the first compliance review. **Future annual compliance reviews will require new deposits of \$130 prior to scheduling future compliance reviews.** These deposits can be made at the Tulare County Resource Management Agency offices, located at 5961 S. Mooney Blvd., Visalia. Additional deposits may be required if the account is depleted. If the use has not commenced and an extension of time is needed, an additional deposit is required with the extension of time request.

Upon completion of the project and/or termination of the compliance reporting and monitoring schedule, the deposit account will be reviewed to determine if excess fees exist. A written request is required for a refund of excess fees remaining in the account. These fees are also subject to waiver or refund under Sections 130 and 135 of the Tulare County Ordinance Code.

If there are any questions regarding this notice, please contact Building Inspection/Code Compliance staff at (559) 624-7000.

Exhibit "C"

Compliance Monitoring & Reporting – Review Record

Applicant Name: 22SV 8me, LLC Project Number: PSP 22-006 & CEQ 22-001
Project Planner: Sandy Roper Receipt No: TRC-049053-03-02-2022 & TRC-049054-03-02-2022
Deposit Date: 2/3/2022 Deposit Amount: \$6,030.00 and \$8,789.25 Check No: 1455
Depositor Name: 8minute energy US Solar LLC APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011
Location: In Tulare County near the unincorporated Ducor, west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224.

Field Investigations			Building and Associated Permits
Review#	Date	Amount	
_____	_____	_____	_____
_____	_____	_____	_____

Status of Investigation:
Compliant
Conditions Required to Satisfy:

Compliance Certificate
Date Issued: _____ Planner: _____

Additional Deposits
Deposit Date: _____ Deposit Amount: _____ Receipt No: _____

Refund Status:
Refund Due: _____
Date Refund Request Sent: _____ Response Deadline: _____
Date Refund Request Returned: _____ OR No Response within allocated time: _____

Accounting Record:
Date Sent to Accounting: _____ Date Deposit Transferred: _____
Date of Refund (If required): _____ Check No: _____
To: _____

Exhibit "D"

DEVELOPER AGREEMENT AND RECLAMATION PLAN FOR THE REXFORD 2 SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY

I. INTRODUCTION

THIS AGREEMENT is entered into as of _____, 2022, between the COUNTY OF TULARE, a political subdivision of the State of California, referred to as COUNTY, and **22SV 8me, LLC**, a corporation, referred to as DEVELOPER, pursuant to the authority of sections 65864 - 65869.5 of the California Government Code. As of the date of this Agreement the owner(s) of the Property are **Giumarra Brothers Fruit, LLC; Giumarra Vineyards Corporation; Muller Investments, LLC; and Lorna D. Briggs (Owners)**.

II. RECITALS

A. Whereas, DEVELOPER has been granted Special Use Permit No. **PSP 22-006** on **[DATE]**, (the "Special Use Permit") pursuant to Planning Commission **Resolution No. _____** to allow a five hundred (500) megawatt ("MW-AC") electric generation facility with up to five hundred (500) MW-AC of energy storage capacity, for property located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project is located on Assessor Parcel Numbers 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011; (the "Property");

B. Whereas, Planning Commission **Resolution No. _____** requires the DEVELOPER to enter into a developer agreement and reclamation plan regarding the development of the solar photovoltaic (PV) electric generating facilities on the Property (the "Project") to secure the Special Use Permit and to require payment of monetary compensation to the COUNTY; and

C. Whereas, the parties intend by this Agreement to memorialize the terms and conditions to which DEVELOPER (including any successors and assigns) shall be bound in connection with performance of said Special Use Permit, this Agreement (particularly the monetary compensation provisions), and the Reclamation Plan defined below in paragraph 10 and Exhibit "B".

ACCORDINGLY, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

III. SPECIFIC TERMS

1. TERM: This Agreement shall become effective as of _____, 2022 and shall be coterminous with and incorporated into the Special Use Permit, such that this Agreement shall expire pursuant to the thirty-five (35) year term set forth in Special Use Permit No. **PSP 22-006**, or upon the removal of solar power facilities from the Property, or unless otherwise modified as agreed to by the parties hereto.

2. PROPERTY LOCATION. This Agreement pertains solely to the Property.

Exhibit “D”

22SV 8me, LLC
Developer Agreement & Reclamation Plan
PSP 22-006

3. CONSIDERATION: DEVELOPER hereby agrees to the requirements within this Agreement in consideration of COUNTY’s approval of said Special Use Permit.

4. COMPLIANCE WITH PERMIT: DEVELOPER shall comply with the Special Use Permit’s terms and conditions granted by Resolution No. _____ for PSP No. 22-006, dated September 28, 2022, as amended, and mitigation measures set forth in Resolution No. _____, dated September 28, 2022, as amended, (Resolutions attached hereto as Exhibit “A”). If DEVELOPER does not comply with the terms and conditions of said permit and this Agreement, then the default provisions in paragraph 19 shall be followed.

5. ANNUAL PAYMENT TO COUNTY: To support cost recovery for public service impacts, DEVELOPER shall pay to COUNTY upon commencement of the Project an annual payment of one thousand dollars and no cents (\$1,000.00) per megawatt of AC capacity as documented by the interconnection agreement between the Developer and Southern California Edison (the “General Fund Payment”) for the Term and an annual payment of one thousand dollars and no cents (\$1,000.00) per megawatt of battery energy storage. Since the attached Special Use Permit authorizes five hundred (500) megawatts of AC capacity as documented by the interconnection agreement between the Developer and Southern California Edison, and five hundred (500) megawatts AC of battery energy, this Agreement requires that DEVELOPER shall pay to COUNTY on an annual basis a General Fund Payment in the sum of one million dollars and no cents (\$1,000,000.00) per year for the duration of the permit starting upon the first full month of operation of the solar power facilities (Commercial Operation Date). After any partial year payment following the Commercial Operation Date, the General Fund Payment shall be made within thirty (30) days after the close of DEVELOPER’s tax year, whether annual or fiscal. The monies paid by DEVELOPER pursuant to this paragraph 5 shall constitute the total and exclusive amount owed by DEVELOPER to COUNTY for any and all impacts incurred by the COUNTY as a result of the Project. The General Fund Payment shall be offset by any personal property taxes actually paid by DEVELOPER as a result of capital improvements related to the Project. This offset does not apply to taxes assessed on the Property. DEVELOPER shall not be owed a refund by COUNTY should the General Fund Payment be less than the amount of personal property taxes actually paid by DEVELOPER.

6. PAYMENT OF DEVELOPMENT IMPACT FEES: DEVELOPER shall be subject to development impact fees in effect at the time of execution of this Agreement. The parties hereto acknowledge that no such fees exist or are enforceable against DEVELOPER as of the date of this Agreement with regard to PSP No. 22-006.

7. PAYMENT FOR LOSS OF WILLIAMSON ACT SUBVENTIONS: DEVELOPER shall pay to COUNTY the amount of any losses (including losses for any partial tax year) in state subventions associated in real property taxes assessed against the Property pursuant to the

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California Agricultural Land Conservation Act of 1965, also known as "the Williamson Act" (Government Code, §§ 51200 *et seq.*) and the Open Space Subvention Act (Government Code §§ 16140 *et seq.*), resulting from the Property, or any portion thereof, no longer qualifying under the Williamson Act solely because of any action of DEVELOPER; provided, however, DEVELOPER shall not be required to pay for any subvention losses (a) if there is no subvention loss suffered during any fiscal year occurring within the duration of each special use permit, including as a result of the State of California no longer issuing subvention payments to any California county, or (b) if the land conservation contract expires or is cancelled pursuant to law.

Any cancellation fees shall be paid to the State of California. DEVELOPER shall pay any annual subvention losses upon thirty (30) days written notice provided by COUNTY. In determining the amount of any subvention losses, COUNTY may consult with the County Assessor and Auditor-Controller. In determining said losses, if any, COUNTY shall consider and include any and all lease revenue accruing to land affected by the Williamson Act.

8. COMPLIANCE AND MONITORING FEES AND COSTS: DEVELOPER shall pay to COUNTY fees in accordance with Condition of Approval No. 14 of Tulare County **Resolution No. _____** for Special Use Permit No. PSP 22-006.

9. PAYMENT OF TAXES: To the extent required by law, DEVELOPER shall pay any and all sales and use taxes on taxable transactions within or outside Tulare County, and all property taxes on assessable real and personal property applicable to the Special Use Permit, at the legal rate of taxation.

10. RECLAMATION PLAN: (a) Upon expiration or earlier termination of the Special Use Permit, DEVELOPER shall comply with the Reclamation Plan attached in Exhibit "B" (the "Reclamation Plan"). The Reclamation Plan shall automatically become effective and enforceable by COUNTY immediately upon expiration or earlier termination of the Special Use Permit in accordance with the terms and conditions of this Agreement, and shall remain enforceable by COUNTY until completion of all of DEVELOPER's duties and obligations thereunder to the reasonable satisfaction of COUNTY.

(b) Except for development of the Project on land owned by a public agency, DEVELOPER shall secure the performance of its duties and obligations under the Reclamation Plan by furnishing COUNTY with cash, letter of credit, or bond that complies with Section 66499 *et seq.* of the California Government Code. The amount of such security shall be fixed by COUNTY pursuant to the Reclamation Plan, and, pursuant to Special Use Permit Planning Condition No. 23, and, such amount shall be adjusted every five years in accordance with the Consumer Price Index (CPI) of California. DEVELOPER hereby acknowledges and agrees that DEVELOPER's failure to satisfy fully its duties and obligations under the Reclamation Plan shall result in a forfeiture of the security.

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(c) Pursuant to the conditions of the Special Use Permit, the parties hereto agree that DEVELOPER covenants to execute and perform fully its duties and obligations under the Reclamation Plan.

11. ABATEMENT OF NUISANCE: COUNTY may abate any public nuisance related to DEVELOPER's use of the Property and will require DEVELOPER to reimburse COUNTY for the costs to abate said nuisance.

12. RIGHT TO FARM ORDINANCE: DEVELOPER shall adhere to the Tulare County Right to Farm Ordinance and execute the Right to Farm Notice as required by the Tulare County Resource Management Agency.

13. ASSIGNMENT OR TRANSFER OF AGREEMENT: Except for Permitted Assignees (defined below), DEVELOPER shall not assign or transfer its rights or delegate its duties under this Agreement, whether voluntarily, by operation of law or otherwise, without first obtaining the written consent of COUNTY, which consent shall not be unreasonably withheld, conditioned or delayed; and any attempt to assign or transfer this Agreement without such consent shall be void. In evaluating whether consent shall be given, COUNTY shall consider, without limitation, the willingness to perform (including the monetary and reclamation provisions of this Agreement) and creditworthiness of the DEVELOPER's successors and assigns. Permitted Assignees shall mean the following: (i) any affiliate of DEVELOPER; (ii) any lender or investor that provides financing for the Project; or (iii) an entity with a net worth of not less than five million dollars (\$5,000,000.00). Upon the transfer or assignment of its rights and duties under this Agreement pursuant to this Section 13, the transferor/assignor shall cease to be, and the transferee/assignee shall become, the DEVELOPER under this Agreement.

IV. GENERAL TERMS

14. NON-EMPLOYEE STATUS: (a) Nothing in this Agreement shall be construed to constitute the DEVELOPER or any of its agents, employees or officers as an agent, employee or officer of COUNTY.

(b) DEVELOPER agrees to advise everyone it assigns or hires to perform any duty under this Agreement that they are not employees of COUNTY. Subject to any performance criteria contained in this Agreement, DEVELOPER shall be solely responsible for determining the means and methods of performing the specified requirements and COUNTY shall have no right to control or exercise any supervision over DEVELOPER as to how the services will be performed. As DEVELOPER is not COUNTY's employee, DEVELOPER shall be responsible for paying all required state and federal taxes. In particular, COUNTY will not:

1. Withhold FICA (Social Security) from DEVELOPER's payments.

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2. Make state or federal unemployment insurance contributions on DEVELOPER's behalf.
3. Withhold state or federal income tax from payments to DEVELOPER.
4. Make disability insurance contributions on behalf of DEVELOPER.
5. Obtain unemployment compensation insurance on behalf of DEVELOPER.

(c) COUNTY shall have the right to monitor and evaluate the performance of DEVELOPER to assure compliance with this Agreement.

15. COMPLIANCE WITH LAW: DEVELOPER shall act pursuant to this Agreement in accordance with applicable federal, state, and local laws, regulations and directives. With respect to DEVELOPER's employees, DEVELOPER shall comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance, and discrimination in employment.

16. GOVERNING LAW: This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The parties agree that this contract is made in and shall be performed in Tulare County, California.

17. CONFLICT OF INTEREST: (a) DEVELOPER agrees to, at all times during the performance of this Agreement, comply with the law of the State of California regarding conflicts of interest and appearance of conflicts of interest, including, but not limited to, Government Code Section 1090 *et seq.*, and the Political Reform Act, Government Code Section 81000 *et seq.* and regulations promulgated pursuant thereto by the California Fair Political Practices Commission. The statutes, regulations and laws previously referenced include, but are not limited to, prohibitions against any public officer or employee from making any decision on behalf of COUNTY in which such officer, employee or consultant/contractor has a direct or indirect financial interest. A violation can occur if the public officer, employee or consultant/contractor participates in or influences any COUNTY decision which has the potential to confer any pecuniary benefit on DEVELOPER or any business firm in which DEVELOPER has an interest, with certain narrow exceptions.

(b) DEVELOPER agrees that if any facts come to its attention raising any questions as to the applicability of conflicts of interest laws, DEVELOPER will immediately inform COUNTY's designated representative and provide all information needed for resolution of this question.

18. INDEMNIFICATION: DEVELOPER shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by DEVELOPER or its

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agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by DEVELOPER under Government Code Sections 12920 *et seq.* (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for DEVELOPER's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions that occur under and during the term of this Agreement or any extension thereof, and during DEVELOPER's performance under the Reclamation Plan. DEVELOPER shall select counsel to conduct the defense of COUNTY, who shall be authorized to represent COUNTY if COUNTY issues its written consent thereto. COUNTY shall not reject any financial settlement acceptable to DEVELOPER, provided that DEVELOPER pays any and all consideration that is part of said settlement. If COUNTY rejects any financial settlement acceptable to DEVELOPER, COUNTY may continue to defend such action at its own expense, but DEVELOPER's indemnity obligation shall be capped at the amount DEVELOPER would have paid on COUNTY's behalf pursuant to said rejected financial settlement. Any non-financial settlement terms shall be subject to approval of both COUNTY and DEVELOPER.

19. DEFAULT: If DEVELOPER fails to comply with the terms and conditions of the Special Use Permit or this Agreement for a period of thirty (30) days following receipt of written notice from COUNTY, then such failure shall constitute a material default or violation and will constitute grounds for revocation of the Special Use Permit. COUNTY shall undertake the procedures set forth in the applicable provisions of the Tulare County Ordinance Code and Zoning Ordinance in effecting such revocation. However, a default shall not occur if, within thirty (30) days following receipt of written notice of default from COUNTY, DEVELOPER provides written notification to COUNTY that it is taking action to cure the default. Such notice shall describe the action being taken and provide a reasonable schedule for completing the action necessary to cure the default. The written approval of DEVELOPER's reasonable schedule for completing the action necessary to cure the default is subject to the Director of RMA's written approval, which shall not unreasonably be withheld.

20. REMEDIES: The parties hereto reserve to themselves, and to each of their successors and assigns, any available remedy allowed at law or in equity, including, without limitation, bringing an action for breach of this Agreement or for the specific performance thereof, or, in the case of COUNTY, terminating this Agreement in accordance with the terms hereof.

21. NOTICES: (a) Except as may be otherwise required by law, any notice to be given pursuant to the Special Use Permit and this Agreement shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

Exhibit "D"

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COUNTY:

Tulare County Resource
Management Agency
Government Plaza
5961 South Mooney Boulevard
Visalia, CA 93277

Tulare County Counsel
County Civic Center
2900 West Burrel Avenue
Visalia, CA 93291

Attn: Reed Schenke, P.E. Director
Telephone No.: (559) 624-7000
FAX No. (559) 615-3002

Telephone No.: (559) 636-4950
FAX No.: (559) 737-4319

DEVELOPER:

22SV 8me, LLC
5455 Wilshire Blvd., Suite 2010
Los Angeles, CA 90036

Attn: Thomas Buttenbach

WITH A COPY TO:

(b) Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed received upon successful transmission. Notice sent by first class mail shall be deemed received on the fifth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

(c) Notwithstanding anything to the contrary in this paragraph, COUNTY agrees that any notice of default issued pursuant to paragraph 19 shall be deemed received by, and enforceable against DEVELOPER, only if furnished by personal delivery, or registered or certified mail.

22. RECORDATION OF AGREEMENT: Upon execution of this Agreement by COUNTY and the DEVELOPER, this Agreement shall be recorded in the Office of the Tulare County Recorder. From and after the date of recordation, and subject to the requirements of paragraph 13 relating to assignment and transfer of this Agreement, the terms and conditions of said Special Use Permit and this Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, grantees, successors, and assigns of DEVELOPER as covenants running with the land described herein as the Property.

Exhibit "D"

22SV 8me, LLC
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23. FURTHER ASSURANCES: Each party will execute any additional documents and perform any further acts that may be reasonably required to effect the purposes of this Agreement.

24. CONSTRUCTION: This Agreement reflects the contributions of all undersigned parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any alleged uncertainty or ambiguity.

25. HEADINGS: Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

26. NO THIRD-PARTY BENEFICIARIES INTENDED: Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefits or enforceable legal or equitable right or remedy.

27. WAIVERS: The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

28. EXHIBITS AND RECITALS: The recitals and the exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

29. CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY: This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties hereto to be, in conflict with any code or regulation governing its subject matter, only the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provisions is such that a material benefit of the Agreement to either party is lost, this Agreement may be terminated at the option of the affected party. In all other cases, the remainder of this Agreement shall continue in full force and effect.

30. ENTIRE AGREEMENT REPRESENTED: This Agreement, together with the attached Special Use Permit and Reclamation Plan, represents the entire agreement between DEVELOPER and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect.

31. MODIFICATION: This Agreement shall be amended or modified only with the prior written consent of all parties hereto and any such amendment shall be recorded forthwith in the Office of the Tulare County Recorder.

Exhibit "D"

22SV 8me, LLC
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THE PARTIES hereto, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

Date: _____ By: _____
Jason T. Britt, County Administrative Officer/
Clerk of the Board of Supervisors to the County
Of Tulare County Board of Supervisors

APPLICANT/ OWNER (DEVELOPER)

Pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a Limited Liability Company (LLC) shall be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.

Applicant/Owner

Date: _____ By: _____
Thomas Buttenbach

Title: CEO

Date: _____ By: _____

Title: _____

Exhibits: "A" – Resolution No. _____ and Resolution No. _____
"B" – Reclamation Plan

Exhibit “A”

PSP 22-006 Resolution No. _____

PSP 22-006 Resolution No. _____

Exhibit “B”

RECLAMATION PLAN FOR LARGE SCALE SOLAR FACILITIES LOCATED ON AGRICULTURAL LANDS

The Applicant/Owner, also referred to collectively as “Developer”, of the solar project (the “Project”) permitted pursuant to that certain Special Use Permit No. **PSP 22-006** (the “Permit”) agrees that upon cessation of the Project, the land upon which the Project is located (the “Land”) shall be reclaimed to its previous agricultural condition.

This reclamation plan (the “Plan”) shall be entered into pursuant to Tulare County **Resolution No. _____**.

Pursuant to that certain Developer Agreement of _____, **2022**, entered into between Developer and the County, this Plan shall become effective automatically and immediately upon expiration or earlier termination of the Project, and shall remain in full force and effect until the requirements of the Plan have been satisfied. Developer shall commence or cause the commencement of reclamation within sixty (60) days and shall fully satisfy its obligations hereunder within one (1) year of abandonment of the Project, or expiration, or earlier termination of the Permit. Developer shall notify the County in writing not later than thirty (30) days after the completion of the Plan.

The Plan shall consist of the following procedures, in accordance with Planning Condition No’s. 22, 24, 26, and 27 of **Resolution No. _____**:

- a) Developer shall remove all Project furniture, equipment and personal property regardless of whether or not they are firmly affixed to facilities on the Land.
- b) Developer shall complete the removal of all underground Project improvements, including concrete foundations and pilings to three feet (3’-0”) below grade.
- c) Developer shall remove all at grade and above grade Project structures, buildings and improvements of any kind whatsoever, placed or maintained on the Land, whether placed thereon or maintained by Developer or others.
- d) Hazardous materials contamination of the Land by Developer shall be remediated in compliance in all material respects with all applicable environmental laws.
- e) The Project site shall be restored to a level graded condition.
- f) Developer shall abandon in place (in the same condition they were in immediately prior to abandonment) all wells, pumps, equipment, electrical leads and improvements related to the extraction of ground water from the Land.
- g) Exclusions from Project improvements requiring removal from the Land:
 - i. Any underground Project improvements or any improvements constructed by or on behalf of public utility companies within easements or rights-of-way granted to such public utility companies.

Exhibit "B"

- ii. Any Project improvement or facility that by mutual agreement between Developer and the County, provided they will not interfere with the potential resumed farming operations on the Land.
- h) The Plan must comply with State, Federal and local requirements at the time Reclamation of the Property site occurs.

Financial Assurances

Unless the Land is owned by a public agency, financial assurances are required to ensure reclamation is performed to return the Land to its previous agricultural condition. Financial assurances may take the form of cash, letter of credit, or bond, parent guarantee from an investment grade entity or other financial security that complies with Section 66499 *et seq.* of the California Government Code as further defined in the dollar amount below to perform of the required act of items A through H of this reclamation plan.

The sole financial assurances to perform of the required act of items A through H of this reclamation plan ("Decommissioning Security") shall be made to the benefit of Tulare County, in the sum of \$ _____ and shall be secured by Developer; (i) no later than five (5) years following the commencement of the Project; or, (ii) if the Project has been transferred to any entity other than a Permitted Assignee (as defined in the Developer Agreement) upon commencement of the Project or upon transfer of the Project (if the Project has already commenced operation), whichever is earlier. The amount of Decommissioning Security is determined by the Preliminary Cost Estimate for the Reclamation of 22SV 8me, LLC, which is attached hereto and incorporated herein by reference as Attachment No. 1. The financial assurances required hereunder shall remain in effect for the duration of the Project's operation and any additional period until reclamation is completed. Pursuant to paragraph 10(b), the amount of said security shall be adjusted in accordance with the Consumer Price Index (CPI) of California every five (5) years. The first adjustment will occur five (5) years after the original posting of the Decommissioning Security.

If the Developer fails to timely perform its obligations under this Plan following abandonment of the Project or expiration or earlier termination of the Permit, the County may either:

- i. Provide written notice to the Developer by personal service or certified mail giving Landowner sixty (60) days to commence or cause the commencement of reclamation and require that reclamation be completed within a time period mutually agreed upon by the County and the Developer; or
- ii. Proceed to take appropriate action to make demand upon the financial assurances furnished pursuant to this Plan if the Developer does not comply with paragraph 4, and use the proceeds solely for the forfeited financial assurances to conduct and complete reclamation. Any funds not used to effect this Plan shall be returned to the party furnishing the financial assurance.

Financial assurances shall no longer be required by the Special Use Permit, and shall be released, upon this Plan being completed in accordance herewith. If the Special Use Permit is transferred,

Exhibit "B"

the existing financial assurances shall remain in force and shall not be released by the County until new financial assurance are obtained from the new owner.

AGREED TO AND ACCEPTED BY:

COUNTY OF TULARE

Date: _____

By: _____

Jason T. Britt, County Administrative Officer/
Clerk of the Board of Supervisors to the County
Of Tulare County Board of Supervisors

APPLICANT (DEVELOPER)

Date: _____

By _____

Thomas Buttenbach

Title CEO

Date: _____

By _____

Title _____

Exhibit "B"

ATTACHMENT NO. 1

Preliminary Cost Estimate
Reclamation Plan for Special Use Permit No. PSP 22-006

Exhibit "E"

AGREEMENT FOR ALLOCATION OF SALES AND USE TAX REVENUES AND LIMITATIONS ON TRANSFER OF THE REXFORD 2 SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITIES TO NONTAXABLE OR TAX EXEMPT ENTITIES UNDER SPECIAL USE PERMIT NO. 22-006

This Agreement for Allocation of Sales and Use Tax Revenues and Limitations on Transfer of the Rexford 2 Solar Farm Project ("Rexford 2" or "Project") to Nontaxable or Tax Exempt Entities Under Special Use Permit No. 22-006 ("Agreement") is entered into by and between 22SV 8me, LLC, and the County of Tulare, a political subdivision of the State of California ("County"), and is dated for convenience as of _____, 2022.

RECITALS

This Agreement is based on the following facts:

A. 22SV 8me, LLC, 5455 Wilshire Blvd., Suite 2010, Los Angeles, CA 90036 is the applicant for Special Use Permit No. 22-006 authorizing the Project, a 500 megawatt-alternating current ("MW-AC") utility-scale solar farm with up to 500 MW-AC of energy storage capacity and related infrastructure located on approximately 1,200 acres of private land west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224 (APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011).

B. County is a public entity and a political subdivision of the State of California, having all the powers granted to counties by the California Constitution and statutes, including, but not limited to the power to regulate land uses, approve, or deny land use permits, and enforce conditions in such land use permits.

C. County has approved and issued Special Use Permit No. 22-006, subject to certain Conditions of Approval, including Condition of Approval No. 24.a. requiring that 22SV 8me, LLC, and County execute an agreement covering the matters set forth in this Agreement. This Agreement is intended to fulfill that Condition of Approval.

D. For the purposes of this agreement, EPC Activities shall refer to engineering, procurement, and construction in connection with the construction or otherwise attributable to the construction of the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements set forth in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, 22SV 8me, LLC, and County agree as follows:

1. Allocation of Sales and Use Tax Revenues

A. Situs. 22SV 8me, LLC, shall take the following actions to maximize County's receipt of sales and use taxes (the "Rexford 2 Sales / Use Tax Revenues," as further defined below) paid in

Exhibit "E"

connection with the construction of the Project or otherwise attributable to the Rexford 2 project construction ("EPC Activities"):

1. EPC Contract Requirements. 22SV 8me, LLC, shall contractually require that its engineering, procurement, and construction contractor ("EPC Contractor") perform all of the following to the extent permitted by law and consistent with Section 260.020 of the California Department of Tax and Fee Administration ("CDTFA") Compliance Policy and Procedures Manual and any other requirements of the CDTFA:

a) Register as a Seller with the CDTFA and designate the Rexford 2 jobsite as the business location (or sub-location) for reporting all local sales and use taxes payable that are attributable to the Project on the EPC Contractor's Sales and Use Tax Returns for all EPC Activities or, if already registered as a Seller, register for a Sub-permit for the Rexford 2 jobsite. The EPC Contractor shall be required to provide a copy of its Seller's Permit or Sub-permit, showing the Rexford 2 jobsite as the business location (or sub-location), to 22SV 8me, LLC, within ten (10) days of the effective date of the EPC Contract.

b). Accrue and report all sales and use taxes payable that are attributable to the Project on the EPC Contractor's Sales and Use Tax Returns for all EPC Activities and attribute all such sales and use taxes to Tulare County on Schedule C of CDTFA Form 530, to the extent consistent with applicable law.

c). Issue resale certificates and report to the 22SV 8me, LLC, business location (or sub-location) all sales of fixtures and materials furnished in connection with the Project.

d). Authorize County to share with 22SV 8me, LLC all information reported to County concerning sales and use taxes paid by the EPC Contractor related to the Project.

e). Report to 22SV 8me, LLC, not later than forty-five (45) days after the end of each calendar quarter during which it has engaged in the EPC Activities the amount of sales and use taxes reported on its Combined State and Local Sales and Use Tax Return related to the Project for that calendar quarter.

2. Large Subcontractor Requirements. 22SV 8me, LLC, shall contractually require that its EPC Contractor require the following in any subcontract for EPC Activities for the Rexford 2 Project ("EPC Subcontract") that has an estimated value in excess of Five Million dollars (\$5,000,000):

a). Fixtures. If the EPC Subcontract involves furnishing fixtures (as defined in applicable CDTFA regulations; see, for example, Regulations 1521, 1806, and 1826), that the EPC Subcontractor perform all of the following to the extent permitted by law and consistent with Section 260.020 of the CDTFA Compliance Policy and Procedures Manual and any other requirements of CDTFA:

Exhibit "E"

- i). Register as a Seller with the CDTFA and designate the Project jobsite as the business location (or sub-location) for reporting all local sales and use taxes payable that are attributable to the Rexford 2 Project on the EPC Subcontractor's Sales and Use Tax Returns for all EPC Activities or, if already registered as a Seller, register for a Sub-permit for the Rexford 2 Project jobsite. The EPC Subcontractor shall be required to provide a copy of its Seller's Permit or Sub-permit, showing the Rexford 2 Project jobsite as the business location (or sub-location), to 22SV 8me, LLC, and the EPC Contractor within ten (10) days of the effective date of the EPC Subcontract.
 - ii). Accrue and report all sales and use taxes payable that are attributable to the Rexford 2 Project on the EPC Subcontractor's Sales and Use Tax Returns for all EPC Activities and attribute all such sales and use taxes to Tulare County on Schedule C of the CDTFA Form 530, to the extent consistent with applicable law.
 - iii). Issue resale certificates and report to the business location (or sub-location) all sales of fixtures furnished in connection with the Rexford 2 Project to the jobsite.
 - iv). Authorize County to share with 22SV 8me, LLC, and the EPC Contractor all information reported to County concerning sales and use taxes paid by the EPC Subcontractor related to the Rexford 2 Project.
 - v). Report to 22SV 8me, LLC, and the EPC Contractor not later than forty-five (45) days after the end of each calendar quarter during which it has engaged in EPC Activities the amount of sales and use taxes reported on its Combined State and Local Sales and Use Tax Return related to the Rexford 2 Project for that calendar quarter.
- b). Materials. If the EPC Subcontractor involves furnishing of materials (as defined in the applicable CDTFA regulations; see, for example, Regulations 1521, 1806, and 1826), that the EPC Subcontractor perform all of the following to the extent permitted by law and consistent with Section 260.020 of the CDTFA Compliance Policy and Procedures Manual and any other requirements of the CDTFA:
- i). Register either as a Consumer or a Seller with the CDTFA and designate the Rexford 2 Project jobsite as the business location (or sub-location) for reporting all local sales and use taxes payable that are attributable to Rexford 2 Project on the EPC Subcontractor's Sales and Use Tax Returns for all EPC Activities. If the EPC Subcontractor is already registered with CDTFA as a Seller, it shall register for a Sub-permit for the Rexford 2 Project jobsite. If the EPC Subcontractor is already registered with the CDTFA as a Consumer, it shall report all taxes for material used in the Rexford 2 Project to the Rexford 2 Project jobsite location. The EPC Subcontractor shall be required to provide a copy of its Seller's or Consumer's Permit or Sub-permit, showing the Rexford 2 Project jobsite as the business location (or sub-location), to 22SV 8me, LLC, and the EPC Contractor within ten (10) days of the effective date of the EPC Subcontract.

Exhibit "E"

ii). Accrue and report all use taxes payable that are attributable to the Rexford 2 Project on the EPC Subcontractor's Sale and Use Tax Returns for all EPC Activities as follows:

1). If registered as a consumer, accrue and report all purchases related to the Rexford 2 Project that are subject to use tax on the EPC Subcontractor's Sales and Use Tax Returns for all EPC Activities and attribute all such taxes to Tulare County, to the extent consistent with applicable law.

2). If registered as a Seller:

a). If the EPC Subcontract is on a lump sum or fixed price basis, follow the requirements set forth in Section 1.A.(2)(a)(ii), above; and,

b). If the EPC Subcontract is on a time and materials plus tax basis, follow the requirements set forth in Section 1.A.(2)(a)(iii), above.

iii). Authorize County to share with 22SV 8me, LLC and the EPC Contractor all information reported to County concerning use taxes paid by the EPC Subcontractor related to the Deer Creek Solar I Project.

iv). Report to 22SV 8me, LLC, and the EPC Contractor not later than forty-five (45) days after the end of each calendar quarter during which it has engaged in EPC Activities the amount of taxes reported on its Combined State and Local Sales and Use Tax Return related to the Rexford 2 Project for that calendar quarter.

c). Fixtures and Materials. If the EPC Subcontract involves furnishing of both fixtures and materials (as defined in applicable CDTFA regulations), that the EPC Subcontractor perform all of the requirements set forth in Sections 1.A.(2)(a) and (b) to the extent permitted by law.

2. Transfers to Nontaxable or Tax Exempt Public Entities.

22SV 8me, LLC, shall ensure that the Rexford 2 Project is not transferred to a nontaxable public entity (other than County), or other entity that is exempt from payment of property taxes, unless that entity agrees to either waive its property tax exemption or pay a fee to the County on an ongoing basis, together with any property taxes payable by the entity, is equivalent to the amount of real property taxes it would be required to pay if it were not a nontaxable or tax exempt entity.

3. Liberal Construction.

Notwithstanding any general rule of construction to the contrary, it is the intention of the parties that this Agreement shall be liberally construed to effectuate its purposes. If any provision of this Agreement is found to be ambiguous, an interpretation consistent with the purposes of this

Exhibit "E"

Agreement that would render that provision valid shall be favored over any interpretation that would render it invalid.

4. **Applicable Law and Forum.**

This Agreement shall be construed and interpreted according to the substantive law of California excluding the law of conflicts. Any action to enforce the provisions of this Agreement or the breach thereof shall be brought and tried in the County of Tulare.

5. **Severability.**

If any provision of this Agreement is found to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other provision of this Agreement.

6. **Integration.**

This Agreement is the final and complete expression of the agreement between the parties as to its subject matter, and all prior or contemporaneous agreements written or oral are merged into this instrument.

7. **Authority to Bind Parties.**

22SV 8me, LLC, and the County each warrant and represent that the persons executing this Agreement on their behalf have full and complete legal authority to do so and to thereby bind them to this agreement.

8. **Captions.**

The Captions in this Agreement are solely for convenience of reference. They are not part of this Agreement and shall have no effect upon its construction or interpretation.

Exhibit "E"

IN WITNESS WHEREOF, County of Tulare and 22SV 8me, LLC, have executed this Agreement as of the day and year set forth above.

Corporations Code Section 17703.01 requires that contracts with a Limited Liability Company (LLC) shall be signed by at least two managers, unless the contract is accompanied by a certified copy of the article of organization stating that the LLC is managed by only one manager.

22SV 8me, LLC

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

COUNTY OF TULARE

Date: _____

By: _____

Jason T. Britt
County Administrative Officer /
Clerk of the Board of Supervisors

Date: _____

By: _____

Approved as to Form
County Counsel

Exhibit "F"

OWNER ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS OWNER ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Agreement"), dated as of _____, 2022, is made by and between 22SV 8me LLC, a Delaware limited liability company ("Applicant"), and _____, a _____ limited liability company ("Owner"), with the consent of the Planning Director of Tulare County (the "Planning Director," and, together with Applicant and Owner, the "Parties").

WITNESSETH

WHEREAS, Owner is a direct or indirect affiliate of Applicant;

WHEREAS, the Applicant filed with Tulare County Resource Management Agency ("RMA") an application for a Special Use Permit;

WHEREAS, the Planning Commission conditionally approved Special Use Permit PSP 22-006 authorizing Applicant to construct and operate a 500 megawatt-alternating current ("MW-AC") utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor's Parcel Numbers ("APNs") encompassing approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project ("Rexford 2" or "Project") site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project. The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site is located in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone on APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011 (the "Project Site"), pursuant to a Resolution duly adopted by the Tulare County Planning Commission on September 28, 2022 (the "Planning Commission Resolution"); and

WHEREAS, the Planning Commission adopted Resolution No. _____ on September 28, 2022, certifying the Supplemental Environmental Impact Report for Special Use Permit No. PSP 22-006 (Applicant 20SVD 8me LLC) in compliance with CEQA, the CEQA Guidelines and the County's procedures for implementing CEQA;

WHEREAS, the Planning Commission authorized the Project to be constructed in a single phase or in multiple separate phases, e.g., 10 MW, 20 MW, or other sizes, not to exceed 500 MW in all (each, a "Project Phase"), which could be separately owned and financed on subparcels within the Project Site ("Project Parcels"), but only if the Owner executes an Owner Assumption and Assignment Agreement in form and substance substantially similar to Exhibit "F" of the Planning Commission Resolution;

WHEREAS, the Planning Commission Resolution authorized the Planning Director to consent to the assignment to and assumption by the Owner of the Applicant's rights and responsibilities under the Planning Commission Resolution, including all related conditions and

Exhibit "F"

requirements, with respect to the construction and financing of a Project Phase on a Project Parcel or Parcels;

WHEREAS, Owner desires to construct, own and operate a Project Phase on the Project Parcel(s) as described in Exhibit A;

WHEREAS, Applicant desires to grant, convey, transfer, assign and deliver to Owner, and Owner desires to accept and assume, all of the rights, duties and obligations of Applicant with respect to the Planning Commission Resolution and related assets set forth on Exhibit B (the "Assigned Assets");

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto do hereby agree as follows:

1. Effective Date. The assignment contemplated in Section 2 below and assumption contemplated in Section 3 below shall become effective as to the Applicant and the Owner as of the date on which both the Applicant and Owner have executed this Agreement. The consent and release contemplated in Section 4 below shall be effective as to all Parties following the execution hereof by the Planning Director.

2. Assignment. Applicant hereby irrevocably contributes, transfers, assigns, conveys and delivers to Owner and assigns all of Applicant's right, title and interest in and to the Assigned Assets. Applicant hereby irrevocably assigns any and all duties, obligations, responsibilities, claims, demands and other commitments in connection with the Assigned Assets, as applicable, to Owner.

3. Assumption. As of the Effective Date, Owner hereby accepts the assignment from Applicant of all of Applicant's right, title and interest in and to the Assigned Assets and hereby covenants and agrees to comply with all conditions and requirements and to assume all of the respective duties, obligations and responsibilities of Applicant with respect to the Assigned Assets as they apply to the Project Phase, on the Project Parcel(s) and the Common Facilities.

4. Consent and Release. The Tulare County Planning Commission, acting through the Planning Director, or any delegate of the Planning Director duly authorized to act on the Planning Director's behalf, hereby (a) consents to the assignment of the Assigned Assets from Applicant to Owner, and the assumption by Owner of all rights, title, responsibility and obligation of Applicant pursuant to this Agreement, (b) recognizes Owner as the sole and exclusive party responsible for compliance with the Planning Commission Resolution (including all of the other requirements in the Assigned Assets) with respect to the Project Phase and the Project Parcel(s) as set forth herein, and (c) releases Applicant from all duties, obligations and liabilities under the Planning Commission Resolution and the Assigned Assets to the extent that they apply to or govern the construction, use or operation of the Project Phase or the Project Parcel(s).

5. Governing Law. This Agreement, including the interpretation, construction and validity hereof, shall be governed by the laws of the State of California, without regard to any conflicts of law rules that might apply the laws of any other jurisdiction.

Exhibit "F"

6. Applicants and Assigns. This Agreement and the covenants and agreements herein contained shall inure to the benefit of Applicant and Owner, and shall be binding upon Applicant and Owner. This Agreement shall not be deemed to confer upon or give to any third party other than the Applicant and Owner any remedy, claim, cause of action or other right.

7. Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Any facsimile, portable document format or electronically transmitted copies hereof or signature hereon shall, for all purposes, be deemed originals.

[Signature page follows]

Exhibit "F"

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first set forth above.

OWNER:

_____,
a _____ limited liability company
Its Managing Member

By: _____

Name: _____

Title: _____

Date: _____

APPLICANT:

22SV 8me LLC,
a Delaware limited liability company
Its Managing Member

By: _____

Name: _____

Title: _____

Date: _____

Tulare County Planning Director

By: _____

Name: _____

Title: _____

Date: _____

Exhibit "F"

Exhibit A

Project Phase Description

Name of Owner:

Owner Representative for Notices:

Contact Information:

Project Size: MW

Description of Project Parcel: [insert acres, metes and bounds, APN – attach diagram if appropriate]

Relevant Common Facilities:

Exhibit "F"

Exhibit B

Assigned Assets

To the extent applicable to the Project Phase or the Project Parcel(s), all of the following:

The Planning Commission Resolution, including all conditions, reports, plans and surveys required thereunder, and all exhibits attached thereto;

All studies, reports and analyses required by the Planning Commission Resolution or submitted to the Planning Commission in connection with the application for the Special Use Permit;

The Special Use Permit;

All plans prepared and required to be submitted or complied with pursuant to the Planning Commission Resolution or the Special Use Permit, including without limitation, the Compliance Reporting and Monitoring Schedule, the Mitigation Monitoring Reporting Plan pursuant to the California Environmental Quality Act ("CEQA") and the Guidelines for the Implementation of the California Environmental Quality Act of 1970 ("CEQA Guidelines"), and the Reclamation Plan;

All agreements with the County, including without limitation the Owner Agreement, the Agreement for Allocation of Sales and use Tax Revenues and any other agreement to which the Applicant is a party with the County;

Any agreements or determinations by the County relating to the payment of fees or maintenance of financial assurance pursuant to any of the foregoing.

Attachment No. 3

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -
Staff Report
Special Use Permit No. PSP 22-006**

I. GENERAL:

- 1. Applicant:** 22SV 8me LLC
5455 Wilshire Blvd., Suite 2010
Los Angeles, CA 90036
- 2. Property Owners:**

Giumarra Bros Fruit, LLC, 11220 Edison Highway, Edison, CA 93307
(APNs: 319-160-007 & 321-010-002);

Giumarra Vineyards Corporation, 11220 Edison Highway, Edison, CA 93307
(APNs: 320-360-005 & 321-010-003);

Muller Investments, LLC, 100 South Street, #319, Sausalito, CA 94965
(APN: 321-140-009);

Lorna D. Briggs, 11240 Avion Road, Atascadero, CA 93422
(APN: 321-140-011);
- 3. Requested Action:** Special Use Permit to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) APNs totaling approximately 1,200 gross acres in the Exclusive Agricultural - 20 Acre Minimum (AE-20) and Exclusive Agricultural - 40 Acre Minimum (AE-40) Zones.
- 4. Location:** The Project site encompasses approximately 1,200 acres of land located near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project. The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site is located in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone on APNs: 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011.

II. COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES:

1. Zoning and Land Use:

The majority of the Project site is comprised of active agricultural fields (actively tilled and commercially farmed grain fields, vineyards, and citrus orchards), fallow agricultural fields, and developed areas (roads, agricultural infrastructure). The Project site is surrounded by existing agricultural uses including vineyards, orchards, dry-land grain, irrigated crops, and grazing lands and scattered rural residences and agricultural related structures. near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project. The Project site is surrounded by the AE-10, AE-20, and AE-40 Zones.

2. Zoning, Entitlement, and Other Ordinance Characteristics:

Section 16 of Ordinance No. 352, as amended, the zoning ordinance allows the construction and operation of public utility structures in the AE-20 and AE-40 Zones, subject to approval of a special use permit.

Tulare County Zoning Ordinance No. 352, Resolution No. 2010-0458 and 2010-0590 included both Solar and Wind Electrical Generation Facilities under the definition of Private and Public Utility Structures and Resolution No. 2010-0590 included Agricultural Zone Districts as a Special Use Permit requirement.

Compliance with zoning: Yes. Explain: Section 16 and the recent Resolutions indicated that both solar and wind electrical generation facilities were within the definition of public and private utility structures, which are allowed in the AE-20 and AE-40 Zones, subject to approval of a special use permit.

Section 16 of Ordinance No. 352, as amended, the Zoning Ordinance, states the following:

"A Special Use Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use of the building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards."

The Tulare County Building Line Setback Ordinance requires that all above and

below ground facilities be constructed at least 50 feet from the established centerline of the right-of-way of all County roads.

3. **Access/Circulation:** The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. SR-65 is a rural two-lane highway with paved shoulders in the Project vicinity. It runs in the north-south direction and is east of the Project area. It provides access to local roads that will be used to access the Project area. As shown in Appendix “B” of the SEIR, a controlled access gate will be located at the intersection of Avenue 64 and Road 216. The access gate will be maintained at the main entrance to the Project site. Access to the Project site will be provided to offsite emergency response teams that respond in the event of an after-hours emergency. Enclosure gates will be manually operated with a key provided in an identified key box location. Construction-related vehicles would travel on SR 65 primarily via Avenue 24 and Avenue 56 to access the Project site.

4. **General Plan Elements:**

Land Use Element: The site is located in the Rural Valley Lands Plan (RVLP), Land Use Element of the Tulare County General Plan.

The portion of the Project site located within the RVLP is designated as “Valley Agriculture.”

Urban Boundaries Element: The project site is not located within any Urban Area or Urban Development Boundary.

Open Space Plan: The Environmental Resources Management Element of the Tulare County General Plan designates the subject site “Intensive Agriculture.”

Noise Element: Noise levels from the Project’s solar array operations (i.e., transformers and HVAC units associated with the inverters) are shown in Table 3.13-6 of the SEIR, and noise level contours and receptors are shown in Figure 3.13-3 of the SEIR. As shown in Table 3.13-6 of the SEIR, operational noise levels are anticipated to reach up to 57 dBA Ldn at off-site noise-sensitive land uses and 60 dBA Ldn at a residence (Receptor R8) that currently exists within the Project site. These noise levels will not exceed Tulare County’s standard of 60 dBA Ldn for noise at noise-sensitive land uses.

Seismic Safety Element: Section 3.7.6 on Pages 3.7-6 to 3.7-7 of the DEIR states that studies conducted by the USGS show that the Project vicinity has a .01 to 1 percent probability of experiencing an earthquake with a magnitude of 6.7 or higher within the next 30 years. In such an event, the Project vicinity could experience shaking effects depending on the location of the earthquake epicenter, magnitude, and behavior of materials that underlie to Project site. However, due to the low probability of a high magnitude earthquake, the risk of groundshaking

at the Project site is not high. Additionally, Tulare County is characterized as Severity zone “Nil” and “Low” for groundshaking events. The Project does not include the construction of any residences; and construction- and decommissioning-related phases will be temporary. Furthermore, the Project, including O&M facilities, will be required to adhere to the California Building Code (CBC), which includes design specifications and criteria to minimize damage from seismic events. Together, these factors will result in a minimal risk of damage to people or structures if seismic ground shaking occurred.

The Project is Compatible with the following relevant General Plan Policies:

Agriculture:

AG-2.11 Energy Production: The County shall encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, and solar or wind farms.

Land Use:

LU-7.15 Energy Conservation: The County shall encourage the use of solar power and energy conservation building techniques in all new development.

Environmental Resources Management:

ERM-4: To encourage energy conservation in new and existing developments throughout the County.

ERM-4.1 Energy Conservation and Efficiency Measures: The County shall encourage the use of solar energy, solar hot water panels, and other energy conservation and efficiency features in new construction and renovation of existing structures in accordance with State law.

ERM-4.3 Local and State Programs: The County shall participate, to the extent feasible, in local and State programs that strive to reduce the consumption of natural or man-made energy sources.

ERM-4.5 Advance Planning: The County shall participate with energy providers in identifying long range energy strategies and facilities.

ERM-4.6 Renewable Energy: The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation.

Air Quality:

AQ-1: To improve air quality through a regional and interagency cooperation.

AQ-1.7 Support State Wide Climate Change Solutions: The County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety Code § 38501 et seq.), to formulate mitigation strategies, if

any, that may be implemented by local government, and further require the County to ultimately consider any such strategies once they become available.

AQ-3.5 Alternative Energy Design: The County shall encourage all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to maximum extent feasible. Such practices include, but are not limited to: building orientation and shading, landscaping, and the use of active and passive solar heating and water systems.

Health and Safety:

HS-8.18 Construction Noise

The County shall seek to limit the potential noise impacts of construction activities by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County to minimize noise impacts associated with development near sensitive receptors.

HS-8.19 Construction Noise Control

The County shall ensure that construction contractors implement best practices guidelines (i.e., berms, screens, etc.) as appropriate and feasible to reduce construction-related noise-impacts on surrounding land uses.

General Plan Consistency: The project is consistent with the Tulare County General Plan as it conforms to the land use policies applicable within the Plan.

5. Planning Commission Policies and Precedents:

The Planning Commission has normally approved requests for the establishment of new solar electrical generation facilities when it can be shown that the approval of said use will not adversely affect nearby residents or properties.

6. Planning Commission Development Standards:

Tulare County Development Standards have been adopted by the Planning Commission and utilized by the Board of Supervisors as policy to guide the development of property in Tulare County to provide safeguards for health, safety and general welfare. For a use not specified, the same standards shall be provided as are required for the most similar specified use, as determined by the Director of the Tulare County Resource Management Agency. The development standards which most closely apply to this type of use are as follows:

Development Standards do not normally apply to power generation facilities and, as such, shall be imposed through the application of conditions of approval and mitigation measures attached to the Planning Commission Resolution.

III. ENVIRONMENTAL SETTING:**1. Topographical Setting:**

The site is generally flat.

2. Flooding Potential:

Section 3.10.4 on Page 3.10-2 of the SEIR states that according to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (Map Numbers 06107C1975E, 06107C1950E, 06107C2325E), the majority of the Project site is located within Zone X. Zone X is an area determined to be outside the 0.2 percent annual chance floodplain. As shown in Figure 3.10-1 of the SEIR, portions of the transmission/collector line near the White River and an unnamed tributary are mapped as Zone A. Zone A is an area subject to a 1 percent or greater annual chance of flooding in any given year. The proposed Project will be designed to avoid the siting of structures in the 100-year flood zone (see the substantiation for Section 3.10.6 d) on Page 3.10-9 of the SEIR).

Construction within Zone X requires no specific flood mitigation measures.

3. Soils:

The entire Project site is designated as Prime Farmland, Farmland of Statewide Importance and Farmland of Local Importance. (see Figure 3.2-1 on Page 3.2-5 of the EIR). “Prime Farmland is land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date.” “Farmland of Statewide Importance is land other than Prime Farmland which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date.” “Farmland of Local Importance is land of importance to the local economy, as defined by each county’s local advisory committee and adopted by its Board of Supervisors. Farmland of Local Importance is either currently producing, or has the capability of production; but does not meet the criteria of Prime, Statewide or Unique Farmland.” Approximately 85 acres of the Project site (western portion of APN 319-160-007) is designated as Prime Farmland, 1,067 acres as Farmland of Statewide Importance, and 13 acres as Farmland of Local Importance. Five soils are mapped underlying the Project area. Table 3.7-2 on Page 3.7-3 of the SEIR provides a list and description of the soil series located within the Project area.

The proposed Project would result in an anticipated temporary conversion of farmland to a non-agricultural use. However, this conversion would be temporary and would not be considered an incompatible use that would disturb agricultural operations in the vicinity, nor would it impede or reduce the productive capacity of the Project site for future agricultural uses.

Dispersed solar energy generation facilities are fundamentally compatible with adjacent agricultural uses and do not compromise the agricultural integrity of farms in their vicinity. In many respects, maintaining a solar energy generation facility will be similar to maintaining an orchard: vegetation and stormwater management will be similar, and the labor involved in routine maintenance of the panels will be similar to that required in pruning and maintaining trees. Facility operation will not significantly increase traffic on rural roads nor produce noise, light, odors or other nuisances that might disrupt the rural environment. The facilities will not introduce incompatible urban uses or expose sensitive populations to agricultural operations, nor will they require urban infrastructure such as streets, sewer and water lines that could lead to urban encroachment into agricultural areas.

In addition, solar energy generating facilities have been determined to be compatible with the Exclusive Agriculture zone districts by action taken by the Board of Supervisors on July 13, 2010 (Resolution No. 2010-0590) with conditions of approval set forth in Special Use Permits. The conditions of approval for PSP 22-006 will provide that the proposed solar generating facility is compatible with the adjacent agricultural uses and will not conflict with the adjacent agricultural zoning.

Therefore, the project will not have any significant impact with regard to farmland conversion.

4. Biotic Conditions:

Vegetation Characteristics: The Project site consists primarily of heavily disturbed agricultural fields, vineyards, and orchards, and no intact native vegetation communities are present. Three land cover types exist within the Project site and surrounding vicinity: Agricultural, Ruderal, and Developed (see Section 3.4-4 on Page 3.4-2 of the SEIR).

The majority of the Project site is comprised of active agricultural land (containing grain fields, vineyards, and citrus orchards). Areas mapped as Developed in the Project site include paved and dirt roads, an abandoned agricultural facility, and residential homes. Ruderal land cover exists throughout the Project site, primarily along roadsides and between agricultural fields. The gen-tie/collector line corridors are located almost exclusively adjacent to established roads bordered by ruderal vegetation (see Section 3.4-4 on Page 3.4-2 of the SEIR).

Of the 26 species evaluated for their potential to occur on the Project site, none of the species were determined to have potential to occur within the Project site based on the absence of suitable habitat and/or soils and the disturbance caused by intensive agriculture. (see Section 3.4.4 on Page 3.4-2 of the SEIR).

Wildlife Habitats: Of the 25 special-status species evaluated for their potential to occur on the Project site, three species were determined to have a low potential to occur, one has moderate potential to occur, and four were detected within the Project site during the field reconnaissance surveys and are, therefore, considered present (see Section 3.4.4 on Page 3.4-2 of the SEIR).

These species include the San Joaquin Kit Fox, Burrowing Owl, Swainson's Hawk, Tricolored Blackbird, Loggerhead Shrike, Burrowing Owl, California Horned Lark, Cooper's Hawk, and Northern Harrier. Mitigation Measures 3.4-2 (San Joaquin Kit Fox), 3.4-3 (Worker Environmental Awareness Program), 3.4-4 (Burrowing Owl), and 3.4-5 (Raptors and Nesting Birds) would reduce impacts to these species to a level that is less than significant (see Section 3.4.4 on Pages 3.4-7 to 3.4-12 of the SEIR).

5. **Water Table:** Static groundwater was not encountered on the Project site. Based on groundwater data from an offsite groundwater production well located approximately 1.1 miles northwest to 4.4 miles southwest of the Project site, groundwater is expected to be encountered at a depth of approximately 480 feet below ground surface and flows to the west (see Appendix G of the SEIR on Page 12). Groundwater levels may fluctuate in the future due to rainfall, irrigation, broken pipes, or changes in site drainage.
6. **Agricultural Preserves:** 4 of the 6 APNs that make up the Project site are restricted by California Land Conservation Act (Williamson Act) Contracts. The four APNs that are under contract are 319-160-007, 320-360-005, and 321-010-002 & -003. The two APNs that are not under contract are 321-140-009 and 321-140-011. The project conforms to the principles of compatibility as set forth in Government Code Section 51238.1 (see Attachment No. 4 of Planning Commission Agenda Item for PSP 22-006 for Williamson Act Conformity Analysis).
7. **Archaeological Concerns:** The proposed Project would result in *Less Than Significant Impacts with Mitigation* to Cultural Resources. The "*Rexford 2 Solar Farm Project Cultural Resources Assessment Report*" was prepared by Rincon Consultants, Inc. and is included in Appendix "F" of the Draft SEIR. The impact analyses and determinations in this chapter are based upon information obtained from the Cultural Resources Assessment Report. A detailed review of potential impacts is provided in the analysis in Section 3.5 of the SEIR on Pages 3.5-1 to 3.5-8. As such, implementation of Mitigation Measures 3.5-1 and 3.5-2, as described in the Rexford Solar Farm Project Final EIR that was prepared for PSP 19-073, will reduce potential impacts to historical or archaeological resources to less than significant.

8. **Waterways:** According to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (Map Numbers 06107C1975E, 06107C1950E, 06107C2325E), the majority of the Project site is located within Zone X. Zone X is an area determined to be outside the 0.2 percent annual chance floodplain. As shown in Figure 3.10-1 of the Draft SEIR, portions of the transmission/collector line near the White River and an unnamed tributary are mapped as Zone A. Zone A is an area subject to a 1 percent or greater annual chance of flooding in any given year (see Section 3.10-4 on Page 3.10-2 of the SEIR). The proposed Project will be designed to avoid the siting of structures in the 100-year flood zone. (see Section 3.10.6 on Page 3.10-8 of the SEIR).

IV. HISTORY AND PROJECT FACTS:

1. **History:**

No activity is of record for the Project site.

2. **Project Summary:**

Project Description: Section 2 on Pages 2-1 and 2-2 of the SEIR discusses the Project Description. As described in Chapter 1, Introduction, of the Draft SEIR, the Tulare County Planning Commission certified the Final Environmental Impact Report (State Clearinghouse No. 2020020326) and approved Special Use Permit No. PSP 19-073 for the Rexford Solar Farm Project (herein referred as “previously approved Project” or “Rexford 1”) on August 26, 2020. Rexford 1 involved the construction and operation of an up to 700 megawatt (MW) solar photovoltaic (PV) facility, including an energy storage system (ESS) with up to 700 MW storage capacity, on-site substation, transmission and/or collector lines, and ancillary components on approximately 3,614 acres of land historically used as agricultural farmland in unincorporated Tulare County, California (Figure 2-1). Power generation by Rexford 1 would connect to the Southern California Edison (SCE) Vestal Substation. Construction of Rexford 1 is scheduled to commence in spring of 2022.

The Project applicant is now requesting the expansion of the previously approved Rexford 1 Solar Farm Project. The proposed Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) is the subsequent development phase of the Rexford 1 Project. As shown on Figure 2-1, the Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project (PSP 19-073). These facilities would include transmission and collector lines and operation and maintenance facilities. Rexford 2 would involve the construction and operation of an up to 500 megawatts-alternating current (MW-AC) solar PV facility, including an ESS with up to 500 MW-AC storage capacity on approximately 1,200 acres near the unincorporated community of Ducor. Similar to Rexford 1, power generated by the

Project will be collected using up to 230 kilovolt collector lines which run overhead and/or underground to a dedicated Project substation and will then connect to the SCE Vestal Substation via an overhead and/or underground generation tie-line.

Project Location: Section 2.1 on Page 2-2 of the SEIR discusses the Project Location. The Project site encompasses approximately 1,200 acres of land located near the unincorporated community of Ducor, a census-designated place, in south-central Tulare County (see Figure 2-2 of the Draft SEIR). Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the prior Rexford 1 Project (PSP 19-073). These facilities would include transmission and collector lines and operation and maintenance facilities. As shown on Figure 2-3 of the Draft SEIR, the Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project site contains six (6) Assessor's Parcel Numbers: 319-160-007, 320-360-002, and 321-010-002, -003, -009, & -011.

Project Characteristics: Section 2.3 on Pages 2-6 of the SEIR discusses the Project Characteristics. The proposed Project involves the construction of a utility-scale PV solar facility on approximately 1,200 acres of privately-owned land. The proposed Project will generate up to 500 MW-AC on a daily basis. Power generated by the proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line.

The proposed Project will include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system (ESS), access roads and fencing, and on-site substation. An operations and maintenance (O&M) building may be constructed on the site.

The proposed Project may share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. Any lands not used for O&M, substation, ESS, and/or transmission facility areas on the Project site could instead be used by solar panels under such scenarios. The proposed site plan can be found in Appendix "B" of the SEIR.

Photovoltaic Panels/Solar Arrays: Section 2.3.1 on Page 2-7 of the SEIR discusses Photovoltaic Panels/Solar Arrays. The proposed Project will use PV panels or modules (including but not limited to bi-facial or concentrated PV technology) on mounting frameworks to convert sunlight directly into electricity. Individual panels will be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum). If the panels are configured for fixed tilt, they will be oriented toward the south. For tracking configurations, the panels will rotate to follow the sun over the course of the day. Depending on the mounting system used and on County building codes, panels are anticipated to be between 6 and 8 feet in height. Figure 2-4 of the SEIR depicts representative examples of photovoltaic

panel/mounting configurations.

The solar panel array will be arranged in groups called “blocks”, with inverter stations generally located centrally within the blocks. Blocks will produce direct electrical current (DC), which is converted to AC at the inverter stations.

Each PV module will be placed on a fixed-tilt or tracker mounting structure. The foundations for the mounting structures can extend to no more than 10 feet below ground, depending on the structure, soil conditions, and wind loads, and may be encased in concrete or use small concrete footings. A light-colored ground cover or palliative may be used to increase electricity production. Final solar panel layout and spacing will be optimized for Project area characteristics and the desired energy production profile.

Inverter Stations: Section 2.3.2 on Pages 2-7 to 2-9 of the SEIR discusses the Inverter Stations. DC energy is delivered from the panels via cable to inverter stations, generally located near the center of each block. Inverter stations convert the DC energy to AC energy which can be dispatched to the transmission system. Inverter stations are typically comprised of one or more inverter modules with a rated power of up to 5 MW each, a unit transformer, and voltage switch gear. The unit transformer and voltage switch gear are housed in steel enclosures, while the inverter module(s) are housed in cabinets. Depending on the vendor selected, the inverter station may lie within an enclosed or canopied metal structure, typically on a skid or concrete mounted pad. Figure 2-5 of the SEIR depicts representative examples of typical inverter stations.

Energy Storage System (ESS): Section 2.3.3 on Pages 2-10 to 2-12 of the SEIR discusses the ESS. The proposed Project may include one or more ESS, located at or near a substation/switchyard (onsite or shared) and/or at the inverter stations, or elsewhere onsite. Such large-scale ESSs will be up to 500 MW-AC in capacity and occupy no more than 25 acres in total area.

ESSs consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which could include commercially available lithium or flow batteries, typically consist of ISO standard containers (approximately 40’L x 8’W x 8’H) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building(s) in compliance with applicable regulations. The maximum height of a dedicated structure is not anticipated to exceed 25 feet. The actual dimensions and number of energy storage modules and structures vary depending on the application, supplier, and configuration chosen, as well as on offtaker/power purchase agreement requirements and on County building standards. The proposed Project may share an ESS with one or more nearby or future solar projects or may operate one or more standalone ESS facilities within the Project site. Figure 2-6 of the SEIR depicts representative examples of typical energy storage systems.

Protection would be provided as part of the Project design by housing the battery units in enclosed structures to provide containment should a fire break out or for

potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. This risk will be mitigated through monitoring and a fire suppression system that includes water and or a suppression agent (e.g., FM-200, Novatech) with smoke detectors, control panel, alarm, piping and nozzles. The fire protection system will be designed by a certified fire protection engineer and installed by a fire protection system contractor licensed in California and in accordance with all relevant building and fire codes in effect in the County at the time of building permit submission. Fire protection systems for battery systems will be designed in accordance with California Fire Code and will take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

The general approach to fire mitigation at the Project site will be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment, then to suppress any fire with a clean agent so as to reduce damage to uninvolved equipment. Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods will be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment will comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. For lithium-ion batteries storage, a system will be used that will contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms will be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection will be implemented. These will include alarms from the Battery Management System (BMS), including voltage, current, and temperature alarms. Detection methods for off gas detection will be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms will be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting.

Substation: Section 2.3.4 on Pages 2-12 and 2-13 of the SEIR discusses the Substation. Output from the inverter stations will be transferred via electrical conduits and electrical conductor wires to one or more Project substations or switchyards (collectively referred to as “substations” herein), and then onward via an up to 230kV dedicated gen-tie line to the SCE Vestal Substation. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project’s substation, which would then interconnect to the SCE Vestal Substation.

Transmission and Collector Lines: Section 2.3.5 on Pages 2-13 and 2-14 of the SEIR discusses Transmission and Collector Lines. The proposed Project will involve the construction of both transmission and collector lines. Power generated by the

proposed Project will be transmitted to the SCE Vestal Substation via an up to 230 kV overhead and/or underground gen-tie line. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project's substation, which would then interconnect to the SCE Vestal Substation. A franchise and/or encroachment agreement along public roads may ultimately be required for portions of the transmission and/or collector line. The proposed transmission and/or collector line configuration is depicted on Figure 2-8 of the SEIR.

As depicted on Figure 2-8 of the SEIR, the transmission and/or collector line component of the Project will extend along existing roadway right of ways from various portions of the Project site (where substations are located) ultimately connecting to the SCE Vestal Substation. The transmission and/or collector lines will be located along portions of Road 192, Road 200, Road 208, Road 232, Avenue 24, Avenue 42, Avenue 46, Avenue 56, Avenue 64, Avenue 68, and Avenue 72, or could, however unlikely, possibly utilize additional nearby routings. The total length of the transmission and/or collector lines will be approximately 31 miles in length.

Operations and Maintenance Building: Section 2.3.6 on Page 2-15 of the SEIR discusses the Operations and Maintenance Building. The proposed Project may include an O&M building of approximately 40' -6x 80' in size, with associated on-site parking (see Figure 2-9 of the SEIR). The O&M building will not exceed 25 feet in height. The O&M building will be steel framed, with metal siding and roof panels. The O&M building may include the following:

- Office
- Repair building/parts storage
- Control room
- Restroom
- Septic tank and leach field

Roads, driveways and parking lot entrances will be constructed in accordance with Tulare County improvement standards. Parking spaces and walkways will be constructed in conformance with all California Accessibility Regulations.

The proposed Project may share O&M facilities and/or staff with one or more nearby or future solar projects, and/or may be remotely operated. Any unused O&M areas on-site may be covered by solar panels.

Water Storage Tank: Section 2.3.7 on Page 2-15 of the SEIR discusses the Water Storage Tank. One or more above-ground water storage tanks with a total capacity of up to 50,000 gallons may be placed on-site near the O&M building (if an O&M building is constructed on-site). The storage tank(s) near the O&M building will have the appropriate fire department connections to be used for fire suppression purposes.

Auxiliary Facilities: Section 2.3.8 on Pages 2-15 and 2-16 of the SEIR discusses Auxiliary Facilities. The entire Project site will be enclosed within a chain link fence with barbed wire measuring up to eight feet in height from finished grade. An intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit, located either in the substation control room or at the O&M building, or similar technology, may be installed. Additionally, the Project may include additional security measures consistent with County of Tulare regulations including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with operation of the Project.

As shown in Appendix “B” of the SEIR, a controlled access gate will be located at the intersection of Avenue 64 and Road 216. The access gate will be maintained at the main entrance to the Project site. Access to the Project site will be provided to offsite emergency response teams that respond in the event of an after-hours emergency. Enclosure gates will be manually operated with a key provided in an identified key box location.

Construction: Section 2.4 on Page 2-17 of the SEIR discusses Project Construction. The construction period for the proposed Project, from site preparation through construction, testing, and commercial operation, is anticipated to commence as early as the third Quarter (Q3) of 2023 and could encompass approximately 12 to 24 months. Construction of the facility will include the following activities:

- Site preparation
- Grading and earthwork
- Concrete foundations
- Structural steel work
- Electrical/instrumentation work
- Collector line installation
- Architecture and landscaping

Impacts to roadways will be limited to construction-related activities of the Project. Construction-related vehicles would travel on SR 65 primarily via Avenue 24 and Avenue 56 to access the Project site. State Route 65 will not be used to directly access or egress the site. It is estimated that up to 800 workers per day (during peak construction periods) will be required during the construction of the Project.

Heavy construction (i.e., grading and earthwork, concrete foundations) is expected to occur during day-to-dusk hours, Monday through Friday. Additional hours, as approved by Tulare County RMA, may be necessary to make up

schedule deficiencies or to complete critical construction activities. Although unlikely, some activities may continue 24 hours per day, seven days per week, with approval by Tulare County RMA. Low level noise activities (i.e., those below 60 dBA) may potentially occur between the hours of 10:00 p.m. and 7:00 a.m., with approval by Tulare County RMA. Low level noise activities during nighttime could potentially include refueling equipment, staging material for the following day's construction activities, quality assurance/control, and commissioning.

Materials and supplies will be delivered to the Project area by truck. Truck deliveries will typically occur during daylight hours. However, there may be offloading and/or transporting to the Project area on weekends and during evening hours as approved by Tulare County RMA.

Earthmoving activities are anticipated to be limited to the construction of the access roads, O&M building, substation, ESS(s), and any storm water protection or storage (detention) facilities. Final grading may include revegetation with low lying grass or applying earth-binding materials to disturbed areas to control dust and increase albedo of the ground.

During the construction period of up to 24 months, the proposed Project will use up to approximately 400 acre-feet of water for construction-related activities (mainly to minimize dust generating impacts).

Operations and Maintenance: Section 2.5 on Page 2-18 of the SEIR discusses Operations and Maintenance. Once the Project is constructed, maintenance will generally be limited to the following: cleaning of PV panels (twice a year), monitoring electricity generation, providing site security, and facility maintenance (replacing or repairing inverters, wiring, and PV modules).

It is expected that the proposed Project will require an operational staff of up to 20 full-time employees. As previously discussed, it is possible that the proposed Project could share O&M, substation, ESS, and/or transmission facilities with one or more nearby or future projects. In such a scenario, the projects will share personnel, thereby potentially reducing the Project's on-site staff.

The facility will operate seven days a week, 24 hours a day. Maintenance activities may occur seven days a week, 24 hours a day to ensure PV panel output when solar energy is available.

Operational water demands, which include water used for fire suppression, solar PV panel washing, and operation of the proposed O&M building, will total approximately 50-acre feet/year (AFY).

Project Features and Best Management Practices: Section 2.6 on Pages 2-18 and 2-19 of the SEIR discusses Project Features and Best Management Practices. The

following describes standard Project features and best management practices (BMP) that will be applied during construction and long-term operation of the Project.

Section 2.6.1 on Page 2-18 of the SEIR discusses Waste and Hazardous Materials Management. The proposed Project will have minimal levels of materials on-site that have been defined as hazardous under 40 CFR, Part 261. The following materials are expected to be used during the construction, operation, and long-term maintenance of the Project:

- Insulating oil - used for electrical equipment
- Lubricating oil - used for maintenance vehicles
- Various solvents/detergents - equipment cleaning
- Gasoline - used for maintenance vehicles

Hazardous materials and wastes will be managed, used, handled, stored, and transported in accordance with applicable local and State regulations. All hazardous wastes will be maintained at quantities below the threshold requiring a Hazardous Material Management Program (HMMP): one 55-gallon drum. Though not expected, should any on-site storage of hazardous materials exceed one 55-gallon drum, an HMMP will be prepared and implemented.

Section 2.6.2 on Page 2-18 of the SEIR discusses Spill Prevention and Containment. Hazardous materials stored on-site will be in quantities of less than 55 gallons. Spill prevention and containment for construction and operation of the Project will adhere to the Environmental Protection Agency's guidance on Spill Prevention Control and Countermeasures and Tulare County Health and Human Services Agency regulations.

Section 2.6.3 on Page 2-19 of the SEIR discusses the Wastewater/Septic System. A standard on-site septic tank and leach field may be used at the O&M building (if constructed on-site) to dispose sanitary wastewater, designed to meet operation and maintenance guidelines required by Tulare County laws, ordinances, regulations, and standards.

Section 2.6.4 on Page 2-19 of the SEIR discusses Inert Solids. Inert solid wastes resulting from construction activities may include recyclable items such as paper, cardboard, solid concrete and block, metals, wire, glass, type 1-4 plastics, drywall, wood, and lubricating oils. Non-recyclable items include insulation, other plastics, food waste, vinyl flooring and base, carpeting, paint containers, packing materials, and other construction-related activities waste. A Construction Waste Management Plan will be prepared for review and approval by the County. Consistent with local regulations and the California Green Building Code, the Plan will provide for diversion of a minimum of 50 percent of construction waste from landfill.

Chemical storage tanks (if any) will be designed and installed to meet applicable local and state regulations. Any wastes classified as hazardous such as solvents, degreasing agents, concrete curing compounds, paints, adhesives, chemicals, or chemical containers will be stored (in an approved storage facility/shed/structure) and disposed of as required by local and state regulations. Material quantities of hazardous wastes are not expected; however, in the unlikely event such wastes were to occur, they will be handled pursuant to federal, state, and/or local regulations.

Section 2.6.5 on Page 2-19 of the SEIR discusses Health and Safety. Safety precautions and emergency systems will be implemented as part of the design and construction of the Project to ensure safe and reliable operation. Administrative controls will include classroom and hands-on training in operating and maintenance procedures, general safety items, and a planned maintenance program. These will work with the system design and monitoring features to enhance safety and reliability.

The Project will have an Emergency Response Plan (ERP). The ERP will address potential emergencies including chemical releases, fires, and injuries. All employees will be provided with communication devices, cell phones, or walkie-talkies, to provide assistance in the event of an emergency.

Facility Decommissioning: Section 2.7 on Pages 2-19 and 2-20 of the SEIR discusses Facility Decommissioning. The Project proponent expects to sell the renewable energy produced by the product under the terms of a long-term Power Purchase Agreement (PPA) or directly into the wholesale market. The life of the solar facility is anticipated to be up to 35 years; however, the Project proponent may, at its discretion (and with approval by Tulare County), choose to extend the life of the facility, update technology and re-commission, or decommission and remove the system and its components. If, and when, a decommissioning event occurs, the solar site will be reclaimed as required by a County approved Decommissioning and Reclamation Plan (and attendant bond). This Reclamation Plan will provide financial assurances along with a detailed plan to remediate soils and return the land to its original pre-construction condition upon termination of the Project. At the time of re-use, the zoning/land use designations will be used to determine the Project site's use.

If, and when, Project decommissioning occurs, Project structures will be removed from the Project site. Above-ground equipment that will be removed will include module posts and support structures, onsite transmission poles that are not shared with third parties and the overhead collection system within the Project site, inverters, transformers, energy storage equipment, electrical wiring, equipment on the inverter pads, and related equipment and concrete pads. The substation will be removed if it is owned as part of the Project; however, if a public or private utility assumes ownership of the substation, the substation may remain on-site to be used as part of the utility service to supply other applications. Project roads will be

restored as close as feasible to pre-construction conditions unless the landowner elects to retain the improved roads within the property. The area will be thoroughly cleaned, and all debris removed. Materials will be recycled to the extent feasible, while the balance of unrecyclable material will be disposed (likely in landfills) in compliance with all applicable laws. A collection and recycling program will be implemented in the event system components are manufactured containing hazardous materials.

All decommissioning- and restoration-related activities, as contained in the County approved Decommissioning and Reclamation Plan, will adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, state, and county regulations.

When the Project ceases operation, the facilities will be decommissioned and dismantled, and the Project site restored to a condition suitable for agricultural use (or other use as allowed by zoning/land use designations at the time of decommissioning). Decommissioning-related activities of the Project site will take approximately 4-6 months and will comprise removal of above-ground and below-ground (subsurface) structures; and site reclamation (including restoration of topsoil, revegetation, and seeding).

Temporary erosion and sedimentation control BMPs will be implemented during the decommissioning-related phase of the Project. Decommissioning-related activities will consist of:

- Dismantling and removal of all above-ground equipment (solar panels, tracker units, transformers, substation, ESS, enclosures, etc.);
- Excavation and removal of all below-ground cabling;
- Removal of posts;
- Removal of roads;
- Break-up and removal of concrete pads and foundations; and
- Scarification of compacted areas and re-grading of the Project site to pre-Project conditions.

Decommissioning-related activities of the Project will likely require similar water use as construction-related activities, due to water needs for dust control. Following decommissioning, if returned to an agricultural-ready use, the Project site will likely require similar water use as existing conditions. It would be speculative to estimate post-Project water usage if the site is returned to a use other than agriculture use as allowed by zoning/land use designations at the time of decommissioning. Post-Project, it is anticipated that the Project site will continue in active agricultural use, which is the same as its pre-Project use, and the same as current use of adjacent parcels. To minimize post-construction dust, a revegetation plan will be developed and implemented to stabilize temporary disturbance from installation-related activities, and to be compatible with long-term site vegetation management. Revegetation is also a dust control technique

permissible in complying with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII.

3. Other Facts:

- a. Fire Protection:** Tulare County Fire Department, Substation No. 21, Terra Bella, approximately 3.39 miles north.
- b. Police Protection:** Tulare County Sheriff's Department, Porterville Substation.
- c. Sewer and Water Service:** N/A

V. ENVIRONMENTAL DETERMINATION:

A Draft EIR was released for a review period of 45 days, starting on July 15, 2022, and ending August 30, 2022. The Draft and Final SEIR included a discussion on the resources evaluated and found to be impacted by the Project. These include: (a) Aesthetics; (b) Agricultural Land and Forestry Resources; (c) Air Quality; (d) Biological Resources; (e) Cultural Resources; (f) Energy; (g) Geology and Soils; (h) Greenhouse Gas Emissions; (i) Hazards and Hazardous Materials; (j) Hydrology & Water Quality; (k) Land Use and Planning; (l) Mineral Resources; (m) Noise; (n) Population/Housing; (n) Public Services; (o) Recreation; (p) Transportation; (q) Tribal Cultural Resources; (r) Utilities and Service Systems; (s) Wildfire, and (t) Mandatory Findings of Significance. Copies of the Draft SEIR and Final SEIR are attached to the Planning Commission Agenda Item for PSP 22-006 as Attachment No. 5. The Draft and Final SEIRs also include Findings to support the approval of the Proposed Special Use Permit, including environmental findings in detail. A Statement of Overriding Considerations is not necessary in order for the Tulare County Planning Commission to certify the SEIR because all of the impacts associated with the project will be mitigated to a level that is less than significant. Section 15088 of the CEQA Guidelines requires the lead agency to evaluate comments on environmental issues from public agencies and interested parties, who review the Draft SEIR and Final SEIR, and provide written responses. Tulare County Resource Agency staff has prepared responses in writing to all the comments received. A full analysis of the environmental setting, plan impacts, project alternatives, and mitigation is contained in the Draft and Final SEIR.

VI. SUBSEQUENT ACTIONS:**1. Appeals:**

All Planning Commission actions on Special Use Permits are final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days after the date on which the decision is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

2. Fish and Game Fee:

An Environmental Impact Report has been approved for this project by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment. However, the SEIR does indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code requires that the applicant pay a fee of \$3,539.25 as a user fee to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development. In order to apply for a waiver to the Fish and Game user fee, the applicant may contact the California Department of Fish and Game (DFG) at 559-243-4014 to have the project reviewed. Fees are only waived for projects that meet strict requirements. DFG will require a copy of the Staff Report and EIR.

The Fish and Game Code also requires that the applicant pay to the Tulare County Clerk's Office a \$58 document handling fee for the required filing of the Notice of Determination. The Notice of Determination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Tulare County Clerk's Office, Room 103, Tulare County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Tulare." Applicants cannot avoid payment of the required \$58 Department of Fish and Game fee, since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.

3. School Impact Fees:

The subject site is located within the Ducor Union Elementary School District and Porterville Unified School District, which have implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public

entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

4. Compliance Reporting and Monitoring Schedule Fees:

A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incidental to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution. (see Exhibit No. "C" of Draft Resolution Approving PSP 22-006)

5. Right to Farm Notice:

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, and as a condition of approval of the special use permit, a Right to Farm Notice shall be recorded with the resolution approving the special use permit. (see Exhibit No. "B" of Draft Resolution Approving PSP 22-006)

6. Water Impact Assessment:

If your project disturbs 1 or more acres of soil or will disturb less than 1 acre but is part of a larger common plan of development that in total disturbs 1 or more acres, you are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

If your activities or discharges from your property or business affect California's surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived, and some discharge activities can be handled through enrollment in an existing general permit.

For assistance in determining whether or not your project requires a permit call the Fresno Branch Office at 559-445-5116 or visit:

www.waterboards.ca.gov/centralvalley.

7. Air Impact Assessment:

The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under “Land Use/Development” and then under “Indirect Source Review”, or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District’s ISR Group at 559-230-6000.

- 8. Indemnification:** The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of Special Use Permit No. PSP 22-006: or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject to the County’s reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney’s fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.
- 9. Conditions of Approval Costs:** The approved land use permit may require compliance with conditions such as providing a safe water supply, fire prevention measures, road improvements, etc. that will add to the above costs. (The preliminary conditions of approval are listed in the draft Planning Commission Resolution. The applicant should be aware that conditions may be added and/or deleted prior to or during the course of the public hearing on this proposal. In addition, these suggested conditions of approval may not be indicative of the Staff’s recommendation on the merits of this project.)
- 10. Development Impact Fees:** The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. The project may be subject to future development impact fees.

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WILLIAMSON ACT COMPATIBILITY

Overview

The California Land Conservation Act of 1965 (Williamson Act) was established to preserve agricultural land and open space, and to discourage premature conversion of agricultural land to urban uses. The Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or compatible uses, or related open space uses. In return, landowners receive reduced property tax assessments.

The Williamson Act gives the Department of Conservation oversight of the Act, and local governments have primary responsibility for implementing the program. The Act grants cities and counties broad discretion in adopting local rules defining allowable (compatible) uses on all parcels under contract within agricultural preserves (Government Code section 51231). Both state and local government requirements for land use compatibility with Williamson Act must be met. State requirements for compatibility are more general in nature, while local requirements may be more detailed, but must also meet state requirements. The Act gives the local government, in this case the Tulare County Board of Supervisors, the authority to make findings of compatibility.

State Williamson Act Requirements for Compatibility

Government Code sections 51200 through 51297 set minimum legal requirements for Williamson Act. Government Code (GC) section 51238.1 addresses compatibility requirements for uses on contracted lands. Key provisions, summarized here, require that the use not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or on other contracted parcels; the use must not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or other contracted lands; the use must not result in the significant removal of adjacent contracted land from agricultural or open-space use; and the use must not be a residential subdivision.

With regard to solar projects, the Williamson Act does not address these specifically, but GC section 51238(a) states that “unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.”

Cities and Counties must establish a strong defensible written record that addresses each of the Acts’s required findings. In evaluating compatibility, a board or council may require conditions of approval or mitigation measures which require that a project shall conform to principles of compatibility. A board or council may approve a use on nonprime land which, because of onsite or offsite impacts, would not be in compliance, provided the use is approved pursuant to a conditional use permit that sets forth several specific findings.

Local Requirements for Compatibility

In Tulare County, allowed agricultural and compatible uses on Williamson Act contracted lands are defined in Board of Supervisors Resolution No. 89-1275 (“Uniform Rules for Agricultural Uses”). Uses allowed in agricultural zones (including AE-20 and AE-40) either by right or with

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a Special Use Permit are determined to be compatible uses under the Williamson Act (“Uniform Rules...” items 2 and 4, p.4). The Uniform Rules do not address solar projects specifically; however, included as compatible uses are: “the erection, construction, alteration or maintenance of gas, electric, water, and community utility facilities....” (“Uniform Rules...” item 5, p. 4).

On July 13, 2010, the Tulare County Board of Supervisors approved Resolution No. 2010-0590 to include solar and wind electrical generation facilities as allowed uses in Agricultural Zone Districts (Tulare County Zoning Ordinance No. 352).

On February 26, 2013, the Tulare County Board of Supervisors approved Resolution No. 2013-0104, which established criteria to evaluate the compatibility of solar projects being established on contracted lands. Large-scale solar projects must meet local requirements (Level I for agricultural lands not in Williamson act and Level II for agricultural lands in Williamson Act).

The Project site consists of six Assessor’s Parcel Numbers (“APNs”). APNs: 319-160-007, 320-360-005, and 321-010-002 & -003 are restricted by Williamson Act Contracts. APNs: 321-140-009 & -011 are not restricted by Williamson Act Contracts.

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EXHIBIT "A"

WILLIAMSON ACT CONFORMITY ANALYSIS SPECIAL USE PERMIT NO. PSP 22-006

The following criteria shall be used to evaluate compatibility of solar projects on contracted lands.

Level I: Agricultural Zoned Lands

- a. Public and private utility structures on lands other than irrigated prime farmland, as defined in Level 1, Section C, may be permitted subject to findings and conditions. Desired locations include marginal or impaired lands, land with insufficient water supplies for viable agricultural production, or in the UDB, UAB, HDB areas of the County for agricultural buffers.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-6 of the Draft SEIR states "Although approximately 37 acres of Prime Farmland on the Project site have been irrigated in the last two years (for table grapes in 2022), the Project is consistent with the "other than irrigated prime farmland" criterion because the 85 acres of the Project site that is designated as Prime Farmland will not be permanently removed from agricultural production. Rather, the Prime Farmland is being repurposed for an anticipated 35-year timeframe, thereby preserving the land for future cropland use."

- b. Should be in proximity to the electrical grid/corridor/electrical substation or end user.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Pages 3.2-6 and 3.2-7 of the Draft SEIR states "Power generated by the proposed Project will be transmitted to the SCE Vestal Substation approximately 5.50 linear miles away, via an up to 230 kV overhead and/or underground gen-tie line. Alternatively, the gen-tie and/or collector lines may instead interconnect to the Rexford 1 Solar Farm Project's substation, approximately 0.50 linear miles away, which would then interconnect to the SCE Vestal Substation."

- c. Should not support, unless a unique proposal is approved by the Board of Supervisors, the citing of public and private solar utility structures located outside of UDB, UAB, HDB areas of the County on irrigated prime farmland as defined by any of the following criteria:

- i. Identified as Prime farmland by the State Farmland Mapping and Monitoring Program (FMMP)

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-7 of the Draft SEIR states "As stated above, approximately 85 acres (i.e., 7.10 percent) of the 1,200-acre Project site is designated as Prime Farmland by the FMMP. However, the 85 acres of the Project site that is designated as Prime Farmland will not be permanently removed from agricultural production. Rather,

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the Prime Farmland is being repurposed for an anticipated 35-year timeframe, thereby preserving the land for future cropland use.”

- ii. Identified as Class I Soil by the Natural Resources Conservation Service (NRCS)

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-7 of the Draft SEIR states “The NRCS Non-Irrigated Land Capability Classification System evaluates the suitability of soils for most types of field crops. Soils are then grouped in capability classes that describe the limitations that the soil class might present for crop cultivation. The Class groups are numbered from 1 through 8. The capability classes of the soil types of the Project site are presented in Table 3.2-2.

As shown in Table 3.2-2, all soils within the Project site have a Non-Irrigated Capability Class of 4 meaning that the soils “have severe limitations that reduce the choice of plants or that require very careful management, or both” (USDA 2019).

Table 3.2.2. Soil Information for Project Site”

Map Unit Symbol	Map Unit Name	Non-Irrigated Capability Class	Site Percentage
106	Centerville clay, 0 to 2 percent slopes	4	2.80
108	Colpien loam, 0 to 2 percent slopes	4	7.10
124	Exeter loam, 0 to 2 percent slopes	4	49.49
116	Flamen loam, 0 to 2 percent slopes	4	0.30
135	Havala loam, 2 to 5 percent slopes	4	40.41

- iii. Land having been actively farmed in permanent crops at least one year during the past ten years.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Pages 3.2-7 and 3.2-8 of the Draft SEIR states “The portion of the Project site that is designated as Prime Farmland has supported permanent crops (table grapes) at least one year during the past ten years (2012-2022). In 2022, approximately 37 acres supported table grapes. This acreage represents approximately 3.08 percent of all Prime Farmland in the Project area’s 1,200 acres. As noted earlier, this area (like all other Prime Farmland within the Project area) will not be permanently removed from agricultural production; rather, the Prime Farmland is being repurposed for an anticipated 35-year timeframe, thereby preserving the land for future cropland use. See discussion d), below, for estimated water savings during the projected 35-year lifespan of the Project.”

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- d. Should not support the removal of permanent crops when there is sufficient water available for continued crop production on lands outside of UDB, UAB and HDB areas of the County regardless of soil capability classification.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-8 of the Draft SEIR states “The portion of the Project site that is designated as Prime Farmland has supported permanent crops (table grapes) in the past ten years (2012-2022). In 2022, approximately 37 acres supported table grapes, which required 111-acre feet (AF) of water. The proposed Project would require approximately 50-acre feet of water per year to operate the solar facility (i.e., wash the solar panels, fire suppression, and operation of the O&M Building) on approximately 1,200 acres of land. This is significantly less water demand per year when compared to agricultural production, including the 111-acre feet of water per year used to grow the 37 acres of permanent crops (i.e., table grapes) in 2022. During the lifespan of the Project, the 37 acres of permanent crops would utilize approximately 3,885-acre feet of water; whereas the Project would utilize approximately 1,750-acre feet (approximately 55% less acre feet of water than the permanent crops).”

- e. Identify sources of water not limited to well, irrigation canal, water transfer and conduct water availability analysis demonstrating either (1) the insufficiency of adequate water supplies for continued crop production, or (2) the infeasibility of continued agricultural activities on the subject property. This analysis must include input from the water district, or other water authority.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-8 of the Draft SEIR states “The proposed Project is not supplied by, or located within, any urban water management planning area. Nor is it located within any agricultural or urban water districts, or other public or private utilities that deliver water to the end user. The proposed Project is located within the jurisdiction of the Eastern Tule Groundwater Sustainability Agency. The Tule County Subbasin of the San Joaquin Valley Groundwater Basin are not currently adjudicated. There are no such pumping restrictions in place for groundwater wells in the basins.

While there is an active groundwater well (Tule Subbasin) on the Project site, continued agricultural production is not the most feasible or efficient use of available water supplies. While approximately 50-acre feet of water per year would be used to operate the entire 1,200-acre solar facility (i.e., wash the solar panels, fire suppression, and operation of the O&M Building), this is significantly less water demand per year when compared to agricultural production (e.g., 111-acre feet of water was used to grow 37 acres of table grapes in 2022; see discussion d) above). As such, implementation of the proposed Project would replace past, present, and future (that is, during the life of the Project) agricultural water uses on the Project area, and based on the nature of the Project, would result in a decrease in operational water demand in the Project area.”

- f. Analyze the potential negative impacts on neighboring farming operations and mitigate for those impacts including, but not limited to, increases in invertebrate and vertebrate pest and invasive plant species.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Pages 3.2-8 and 3.2-9 of the Draft SEIR states “The Mitigation Monitoring Reporting Program (MMRP),

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adopted as part of the project approvals, will provide an implementation and monitoring mechanism that would ensure adherence to the implementation of mitigation measures proposed to mitigate potential impacts as identified in this EIR. Also, conditions of approval will require removal of combustible material from the site; the submission of a soil reclamation plan; fencing; dust management; on-site parking; management of vector harborage and breeding; an invasive species plan, etc. These measures will ensure impacts on neighboring farm operations will be less than significant. Therefore, the proposed Project is consistent with the “neighboring farming operations” criterion.”

- g. Should not impede or reduce the productive agricultural capacity of the land for future uses. Thus, reclamation of the land to its previous agricultural condition is crucial and appropriate financial assurances are essential.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-9 of the Draft SEIR states “The proposed solar facility represents a conversion of farmland with a life of approximately 35 years. It is unknown at this time if the solar facility may extend beyond 35 years. The Project proponent may, at its discretion (and with approval by Tulare County), choose to extend the life of the facility, update technology and re-commission, or decommission and remove the system and its components. As a condition of approval, a Reclamation Plan would be submitted as a part of the permit application materials. This Reclamation Plan would provide financial assurances along with a detailed plan to remediate soils and return the land to its original pre-construction condition upon termination of the Project.

As described in the Project Description, at the end of the Project’s life all infrastructure associated with the Project would be removed and the site would be restored to its original state allowing it to return to agricultural use. These reclamation activities would be in accordance with the Reclamation Plan submitted as a Condition of Approval of the Special Use Permit.

At the end of the Project life, all infrastructure associated with the Project would be removed, the topsoil will be restored, revegetated and seeded in order to return the land to its pre-construction condition. At the time of re-use, the zoning/land use designations will be used to determine the Project site’s use. Therefore, the proposed Project is consistent with this criterion.”

- h. Require developer agreements that include cost recovery, loss of crop production and/or subvention funds, removal of facility and reclamation requirements, and other Tulare County financial incentives.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-9 of the Draft SEIR states “A condition of approval will require the Project proponent to enter into the “Developer Agreement and Reclamation Plan for the Solar Photovoltaic Electric Generating Facility”, adopted on August 31, 2010 by Board of Supervisors Resolution 2010-0717. Therefore, the proposed Project is consistent with the “developer agreement” criterion.”

- i. Require Sales and Use Tax Agreements to maximize capture of sales and use tax revenue.

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Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-9 of the Draft SEIR states “A condition of approval will require the Project proponent to enter into the “Agreement for Allocation of Sales and Use Tax Revenues and Limitations on Transfer of the Project to Nontaxable or Tax Exempt Entities”, adopted by the Board of Supervisors on February 28, 2012 by Resolution 2012-0187. Therefore, the proposed Project is consistent with the “Sales and Use Tax Agreements” criterion.”

Level II: Agricultural Zoned Lands Under Williamson Act Contracts

- a. Adhere to all criteria noted in Level I to be completed.

Response: Please see discussion at Level I above..

- b. Review Resolution No. 89-1275 – Uniform Rules for Agricultural Preserves – and Resolution No. 99-0620 establishing Rules for Farmland Security Zones to insure compatibility.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-10 of the Draft SEIR states “The Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89-1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract. Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract with Resolution No 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits.”

- c. Review Williamson Act Contract Contents to insure compatibility.

Response: The substantiation for subparagraph a) in Section 3.2.6 on Page 3.2-10 of the Draft SEIR states “Land Conservation Contract Tulare County Agreement No. 10110, Preserve No. 3453 allows the County to modify the list of permissible uses on the Project site. The Tulare County Board of Supervisors defined allowable uses on contracted lands in Resolution No. 89-1275, which established Uniform Rules for Agricultural Use. Resolutions No. 89- 1275 and No. 99-0620 established the construction of gas, electric, water, and community utility facilities as compatible uses for lands under a Williamson Act Contract. Public and private utility structures were determined to be a compatible use on lands under Williamson Act Contract with Resolution No. 2010-0717. Under Resolution No. 2010-0590, the Tulare County Board of Supervisors determined that solar generating facilities are a compatible use in Exclusive Agriculture Zone Districts subject to conditions of approval set forth in Special Use Permits. The proposed Project is therefore compatible with the Williamson Act contracts applicable to the Project site.”

CASE NO. PSP 22-006 (Rexford 2 Project)
CONSULTING AGENCY LIST

TULARE COUNTY AGENCIES

- R.M.A. - Building Division - Kevin Sullivan
R.M.A. - Code Compliance Division - Michael Grove
R.M.A. - Environmental Coordinator - Hector Guerra
R.M.A. - Community Dev./Redevelopment Division
R.M.A. - Flood/Permits/Subdivisions Division - Craig Anderson
R.M.A. - Parks and Recreation Division
R.M.A. - Building Services Division
R.M.A. - General Services Division
R.M.A. - Transportation/Utilities Division
R.M.A. - Solid Waste Division
H.H.S.A. - Environmental Health Services Division - Ted Martin
H.H.S.A. - HazMat Division
Fire Department - Gilbert Portillo
Sheriff's Department - Visalia Headquarters
Traver Substation
Orosi Substation
Pixley Substation
Porterville Substation
Agricultural Commissioner
Education Department
Airport Land Use Commission
Supervisor District
Assessor
Donn Dwyer

LOCAL AGENCIES

- Levee Dist. No 1*
Levee Dist. No 2*
Pub Utility Dist.*
Comm. Service Dist*
Town Council*
Elementary School District*
High School District*
City of *
County of *
Tulare Lake Basin Water Storage Dist*
Advisory Council*
Fire District*
Mosquito Abatement*
Kaweah Delta Water Cons. District*
SJV Air Pollution Control Dist

FEDERAL AGENCIES

- Army Corps of Engineers
Fish & Wildlife
Bureau of Land Management
Natural Resources Conservation Dist.
Forest Service
National Park Service

STATE AGENCIES

- Dept. of Fish & Wildlife Dist 4
Alcoholic Beverage Control
Housing & Community Development
Reclamation Board
Regional Water Quality Control Board - Dist. 5
Caltrans Dist. 6*
Dept. of Water Resources*
Water Resources Control Board*
Public Utilities Commission
Dept. of Conservation
State Clearinghouse (15 copies)
Office of Historic Preservation
Dept. of Food & Agriculture
State Department of Health
State Lands Commission
State Treasury Dept. - Office of Permits Assist.

OTHER AGENCIES

- U.C. Cooperative Extension
Audubon Society - Condor Research
Native American Heritage Commission
District Archaeologist (Bakersfield)
TCAG (Tulare Co. Assoc. of Govts)
LAFCo (Local Agency Formation Comm.)
Pacific Bell (2 copies)
GTE (General Telephone) (2 copies)
P.G. & E. (2 copies)
Edison International (2 copies)
The Gas Company (2 copies)
Tulare County Farm Bureau
Archaeological Conservancy (Sacramento)

March 16, 2022

TO: Sandy Roper, Project Planner

FROM: Craig Anderson, Engineer III

SUBJECT: Case No. PSP 22-006

APPLICANT: 22SV 8me LLC

APN: 319-160-007 et al

The subject Case No. PSP 22-006 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is not located within any Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is not located within the boundaries of any Specific Plan.

Flood Information:

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1975. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

We have no recommended conditions for the subject case.

CA

From: [Hector Guerra](#)
To: [Sandy Roper](#); [Kevin Sullivan](#); [Michael D Grove](#); [Craig Anderson](#); [Ted Martin](#); [Gilbert Portillo](#); [Mapping](#); [David Deel \(david.deel@dot.ca.gov\)](#); [Lorin Sutton](#); [SJVAPCD CEQA \(ceqa@valleyair.org\)](#); [R4CEQA@wildlife.ca.gov](#); [Patia Siong \(patia.siong@valleyair.org\)](#); [Tricia Stever](#); [Cal Rossi](#); [dlrp@conservation.ca.gov](#); [TCSolidWaste](#)
Subject: RE: PSP 22-006 (Rexford 2 Project) Consultation Notice
Date: Wednesday, March 16, 2022 12:43:08 PM

Sandy,

We agree, an environmental impact report should be prepared for this Project.

Hector Guerra, Chief
Environmental Planning Division
Economic Development and Planning Branch
Tulare County Resource Management Agency
559-624-7121

From: Sandy Roper <SRoper@tularecounty.ca.gov>
Sent: Wednesday, March 16, 2022 11:50 AM
To: Kevin Sullivan <ksullivan@tularecounty.ca.gov>; Michael D Grove <MXGrove@tularecounty.ca.gov>; Hector Guerra <HGuerra@tularecounty.ca.gov>; Craig Anderson <canderso@tularecounty.ca.gov>; Ted Martin <TMartin1@tularecounty.ca.gov>; Gilbert Portillo <GPortillo@tularecounty.ca.gov>; Mapping <Mapping@tularecounty.ca.gov>; David Deel (david.deel@dot.ca.gov) <david.deel@dot.ca.gov>; Lorin Sutton <lorin.sutton@waterboards.ca.gov>; SJVAPCD CEQA (ceqa@valleyair.org) <ceqa@valleyair.org>; R4CEQA@wildlife.ca.gov; Patia Siong (patia.siong@valleyair.org) <patia.siong@valleyair.org>; Tricia Stever <pstever@tulcofb.org>; Cal Rossi <calvin.rossi@sce.com>; dlrp@conservation.ca.gov; TCSolidWaste <TCSolidWaste@tularecounty.ca.gov>
Subject: PSP 22-006 (Rexford 2 Project) Consultation Notice

Please review the attached PSP 22-006 (Rexford 2 Project) Consultation Notice and return any comments that you may have by April 8, 2022.

Thank you,

Sandy Roper, Planner IV
Project Processing Division
Economic Development & Planning Branch
Tulare County Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Office Phone: (559) 624-7101

Email: SRoper@tularecounty.ca.gov

RMA office hours are Monday - Thursday, 7:30 a.m. - 5:30 p.m. and Friday 8:00 a.m. - 12:00 p.m.

My hours are Monday - Thursday, 7:00 a.m. - 5:30 p.m.

Date: 03/17/2022
PSP 22-006

Planner: Sandy Roper

- Submit 3 sets of engineered plans and 2 sets of calculations.
 - Indicate abandoned wells, septic systems and excavations on construction plans.
 - Meet state requirements for accessibility for persons with disabilities.
 - Submit 3 sets of plans signed by an architect or engineer. Must comply with 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.

 - Maintain fire-resistive requirements at property lines.
 - Obtain required permit from San Joaquin Valley Air Pollution Board.
 - Calculations of free-standing carport
 - Must comply with state energy requirements.
 - Plans must be approved by the Tulare County Health Department.
 - A path of travel, parking and common area must comply with requirements for access for persons with disabilities.

 - Project is located in the flood zone _____ *Minimum finished floor elevations requires _____.
- *Flood Zone determination and finished floor elevation are based on the official FEMA NAVD 88 elevation converted to the equivalent NGVD 29 elevation using FEMA's established conversion factor of 2.73.
- All accessible units required to be adaptable for the physically handicapped.

 - Acceptable as submitted Arrange for an on-site inspection
 - Hazardous materials report A demolition permit & deposit is required.
 - School Development to be paid at school district office, need proof of payment prior to issuance.

Additional Comments:

1. No active code violations exist on the parcels. For all new construction to be done in the future, building plans must be submitted and permits obtained prior to construction.
Michael Grove 03/17/2022

March 22, 2022

SANDY ROPER
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA CA 93277

RE: SPECIAL USE PERMIT, PSP 22-006

Dear Mr. Roper:

This office has reviewed the above referenced matter. Based upon our review, we offer the following comments for this project:

1. If the site will ever handle or store quantities of hazardous materials in excess of 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas, or **any** amount of a hazardous waste, then the site(s) will be required to submit a Hazardous Materials Business Plan to the Tulare County Environmental Health Services Division (TCEHSD). The facility operator(s) shall immediately contact TCEHSD at (559) 624-7400 if the site ever meets these threshold quantities.
2. If the 'Operation & Maintenance Building' will be part of the development plans, then an on-site septic system shall serve this structure. Installation of new on-site septic systems will require a site evaluation and soils testing. This evaluation must be done by a Qualified Professional. Qualified Professionals must possess the appropriate licensure (PE, PG, CHG, REHS or CPSS). The report of this evaluation must be submitted to the TCEHSD for review, before approval can be granted for any building permits.

Sincerely,



Ted Martin
Environmental Health Specialist
Environmental Health Services Division



TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 747-8242

Charlie Norman
FIRE CHIEF

April 5, 2022

Attn: Sandy Roper,

Tulare County Fire Department has conducted a plan check on plans # PSP 22-006, the following is a check list of requirements.

Please advise if you would like to schedule a meeting to discuss one or more of the line items below.

Requirements for Large Ground Mounted Non-Residential Solar Projects

1. A preliminary planning meeting prior to site construction shall be conducted with primary contractor and Tulare County Fire Department.
2. Fire Department requires a Knox Box to be installed at an approved location to permit entry to the site.
3. Access gates shall be set back 30 feet from the roadway for fire apparatus access.
4. All combustible vegetation shall be removed from the site and a Tulare County Fire Department approved weed abatement plan to prevent the accumulation of combustible vegetation that would create a fire hazard.
5. Access roads of an all-weather surface (crushed rock, road base, or DG – compacted to a Min. 2 inches) shall be provided so that no portions of the photovoltaic panels are further than 155 feet from an accessible fire apparatus access road.
6. All weather access roads shall be a minimum of 20 feet in width (non-obstructed), with a maintained 13 feet 6 inches vertical clearance.
7. 20-foot fire access roads shall be constructed at intervals of no greater than 310 feet.
8. Applicant shall be responsible for training fire personnel of facility operations, hazards and emergency procedures for shutting down the operation.
9. Posted address visible from roadway, min. 4 inch numbers. If project site is not visible from roadway, additional approved all weather address signage may be required.
10. If permanent or temporary buildings are proposed, National Fire Protection Agency (NFPA) 1142 standards for rural water supplies shall be required. (min. 2000 gallon water tank) This shall include portable buildings during construction.

Note, this checklist does not exclude builder / owner from all required applicable codes. If something was missed in the plan check process, the owner / builder will be expected to comply with the applicable code, regulation or ordinance.* **Page 159

Respectfully,

Gilbert R. Portillo

Gilbert Portillo
Fire Inspector – Plans Examiner
Tulare County Fire Department
(559)624-7003



TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 747-8242

Charlie Norman
FIRE CHIEF

RAPID KEY ENTRY SYSTEMS (KNOX BOX)

The KNOX rapid entry system is a secure emergency access program developed for property owners and fire departments to allow immediate access without forced entry, damage or delay.

KNOX BOX

Property owner's store entrance keys and cards used exclusively by the fire department during emergencies. When a fire breaks out or there is a medical emergency, the KNOX BOX allows immediate entry into a building and/or property by the fire department without forced entry which can cause damage and delay assistance.



2019 California Fire Code Section 506.1 Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

ORDERING PROCEDURES:

1. Fill out the KNOX BOX Authorization Order Form.
 - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 825 S. Akers St, Visalia, CA 93277. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does **NOT** process paperwork or receive shipments).

INSTALLATION SPECIFICATIONS:

1. The KNOX BOX shall be installed no lower than 5' feet and no higher than 6' feet above finished grade, adjacent to the main building entrance that fronts the public street access unless designated at a different location by the Tulare County Fire Department.
 - It must be installed in plain view, as you approach the building, in a location not likely to be hidden with landscape growth or other obstructions.
2. Follow the manufacturer's installation instructions.

INSTALLING KEYS AND BOX COVER:

1. Have key(s) made that will provide access to the interior of the building, and the interior secured areas and any specific keys requested by the Tulare County Fire Department. (Note: Multi-tenant buildings should provide access keys for each tenant space as above. A Master Key for all tenant spaces are preferred).
2. All keys must be labeled using a substantial key identification tag that will withstand exposure to moisture.
3. Test all Keys in lock mechanisms before contacting the Tulare County Fire Department (559) 802-9800 to install the box cover.
4. Contact the Tulare County Fire Department for an appointment to install the keys and box cover.

KNOX KEY SWITCH:

The key switch is primarily utilized for secured premises where gates or key pad security entrances have been installed.

2019 California Fire Code Section 506.1.1 An approved lock shall be installed on gates or similar barriers when required by the fire code official.



ORDERING PROCEDURES:

1. Fill out the KNOX BOX Authorization Order Form.
 - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 835 S. Akers St. Visalia, CA 93277. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does **NOT** process paperwork or receive shipments).

INSTALLATION SPECIFICATIONS:

1. Once the Knox Key switch arrives, it will need to be installed by the owner or owner's representative on the gate/key pad post or where otherwise specified by the Tulare County Fire Department. (Note: Follow the manufacturer's installation instructions).
2. Once the installation has been completed, contact the Tulare County Fire Department (559) 802-9800 to test and verify the operations of the key switch.



KNOX PADLOCKS:

The KNOX Padlock is primarily utilized where gates have been installed restricting access to fire department access roads or fire lanes.

2019 California Fire Code Section 506.1.1 An approved lock shall be installed on gates or similar barriers when required by the fire code official.

ORDERING PROCEDURES:

1. Fill out the KNOX BOX Authorization Order Form.
 - KNOX BOX Authorization Order Forms can be found at the Tulare County Fire Department Fire Administration Building at 865 S. Akers St. Visalia, CA 93277. Please allow adequate time for shipping and installation.
2. Mail the KNOX BOX Authorization Order Form or use the online ordering process, with the appropriate payment. (Note: The Tulare County Fire Department does **NOT** process paperwork or receive shipments).

INSTALLATION SPECIFICATIONS:

1. Once the KNOX Padlock arrives, contact the Tulare County Fire Department (559) 802-9800 to secure the padlock to the gate.



If you have any questions, please contact the Tulare County Fire Department at (559) 802-9800.

KNOX ONLINE ORDERING ACKNOWLEDGMENT AND REGISTRATION FORM

To provide online ordering for customers, please select either the Express or eApproval online ordering option below and submit this form by either fax, email or mail.

Express Ordering

With Express Ordering, customers in a Department's territory may purchase Knox products, keyed to that Department System Code, without providing notice or securing pre-approval from the Department.

eApproval Ordering

eApproval Ordering allows Departments to review and approve (or deny) products selected by property owners prior to purchase to confirm that products should be keyed to the Department's System Code. Once approved, customers then return to the Knox website to complete their transaction.

By signing below, the department acknowledges and confirms:

1. The department wishes to allow property owners in its jurisdiction to order Knox products online using the selected approval/authorization method indicated above.
2. The department can update the online approval method at any time upon written notice to the Knox Company.
3. The department understands only recognized authorized signers for the department can request these changes and represents that the person signing this form is dully authorized to do so.

Please type or print the following information:

Department Name	
Department System Code	
Department City	State
Knox Coordinator Name	Title
Knox Coordinator Email	
Signature	Date

PLEASE COMPLETE, SIGN & SUBMIT TO "RECORDS" BY ANY METHOD BELOW:

Email: records@knoxbox.com

Fax: (623) 687-2296

Mail: ATTN: RECORDS
1601 W. Deer Valley Road
Phoenix, AZ 85027





ONLINE ORDERING OPTIONS

KNOXBOX.COM

Express ORDERING

With Express Ordering, property owners in a Department's jurisdiction can immediately purchase Knox products, keyed to that Department's System Code, without providing notice or securing pre-approval from the Department.

1 Property Owner visits **knoxbox.com**, selects department + products.

2 Property Owner checks out (creates account, adds shipping + payment info), completing transaction.

3 Department receives an email notification when orders have been shipped.

eApproval ORDERING

eApproval Ordering allows Departments to review and approve (or deny) products selected by property owners prior to purchase to confirm those products should be keyed to the Department's System Code. Once approved, customers then return to the Knox website to complete their transaction.

1 Property Owner visits **knoxbox.com**, selects department + products, creates account and submits request for approval.

2 Department "Approvers" receive email informing them they have a request to review

3 Department "Approvers" log into Knox Partner Portal to review and approve or deny request.

4 Upon Approval, Property Owner receives an approval email with secure cart link.

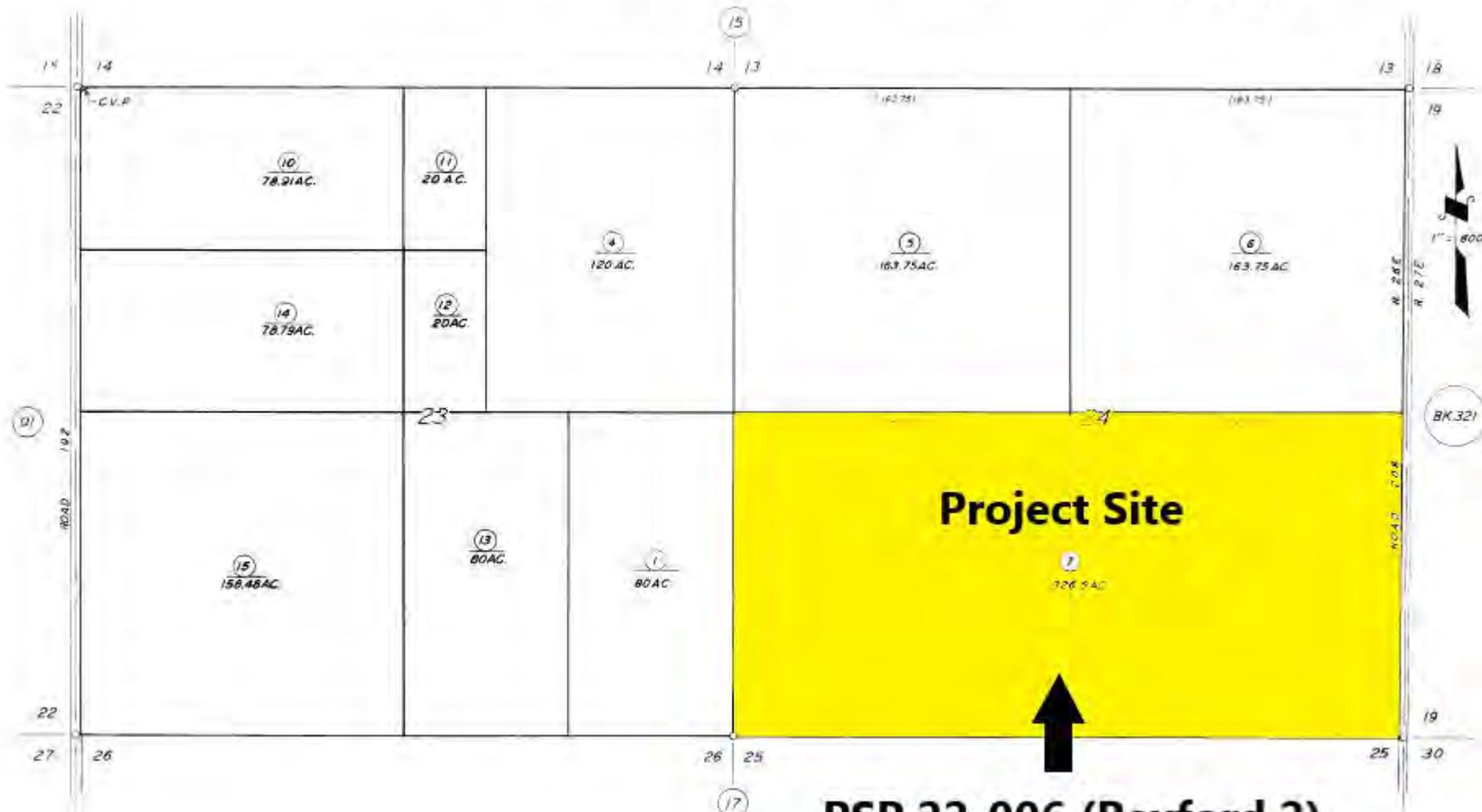
5 Property Owner clicks link from email, logs into website, adds shipping + payment info, and completes transaction.

6 Department receives an email notification when orders have been shipped.

Attachment No. 6

SEC'S. 23 & 24, T.23S., R.26E., M.D.B.&M.

TAX CODE AREA 319-16
74-003



PSP 22-006 (Rexford 2)

Page 165

ASSESSOR'S MAPS BK. 319, PG. 16.

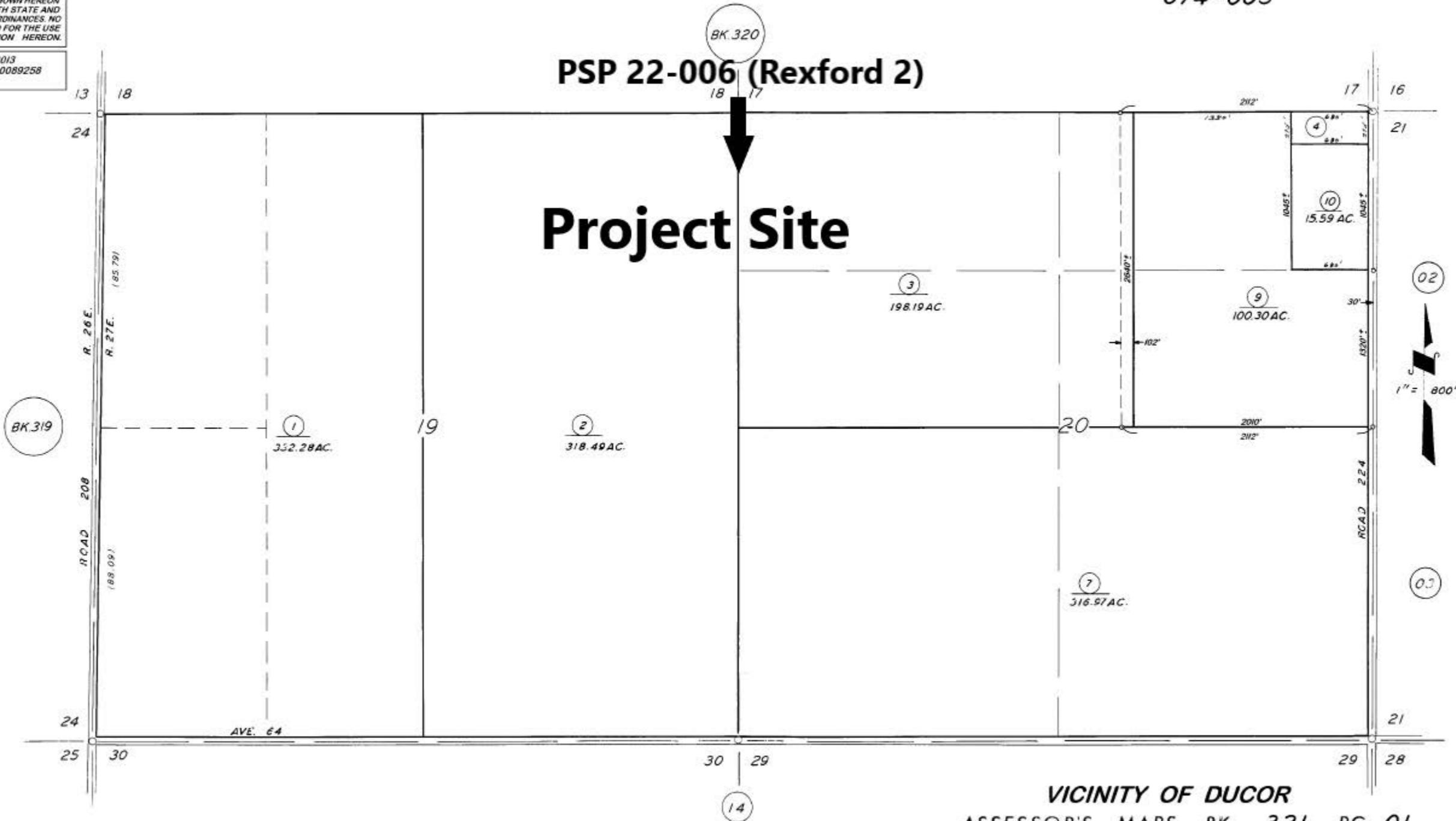
COUNTY OF TULARE, CALIF.

NOTE - ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES



DISCLAIMER
THIS MAP WAS PREPARED FOR LOCAL PROPERTY ASSESSMENT PURPOSES ONLY. THE PARCELS SHOWN HEREON MAY NOT COMPLY WITH STATE AND LOCAL SUBDIVISION ORDINANCES. NO LIABILITY IS ASSUMED FOR THE USE OF THE INFORMATION HEREON.

REVISED: 6/19/2013
REASON: 2006-0089258
CAD TECH: NFL

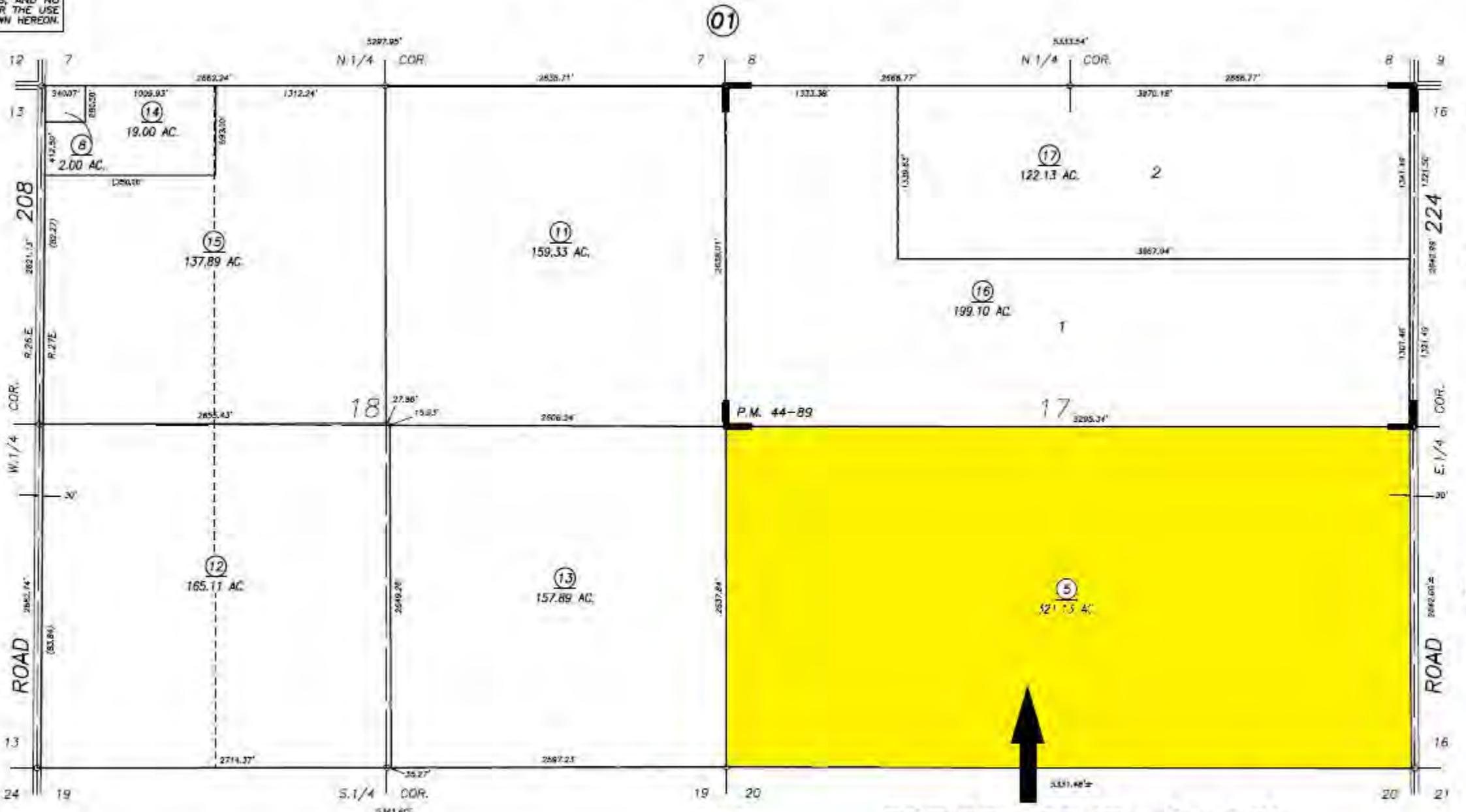


VICINITY OF DUCOR
ASSESSOR'S MAPS BK. 321, PG. 01.
COUNTY OF TULARE, CALIF.

NOTE - ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES



DISCLAIMER
THIS MAP WAS PREPARED FOR LOCAL PROPERTY ASSESSMENT PURPOSES ONLY AND THE PARCELS SHOWN HEREON MAY NOT COMPLY WITH STATE AND LOCAL SUBDIVISION ORDINANCES, AND NO LIABILITY IS ASSUMED FOR THE USE OF THE INFORMATION SHOWN HEREON.



Bk. 319

33

34

P.M. 4384	08/13/99	JOM
REVISION	DATE	BY

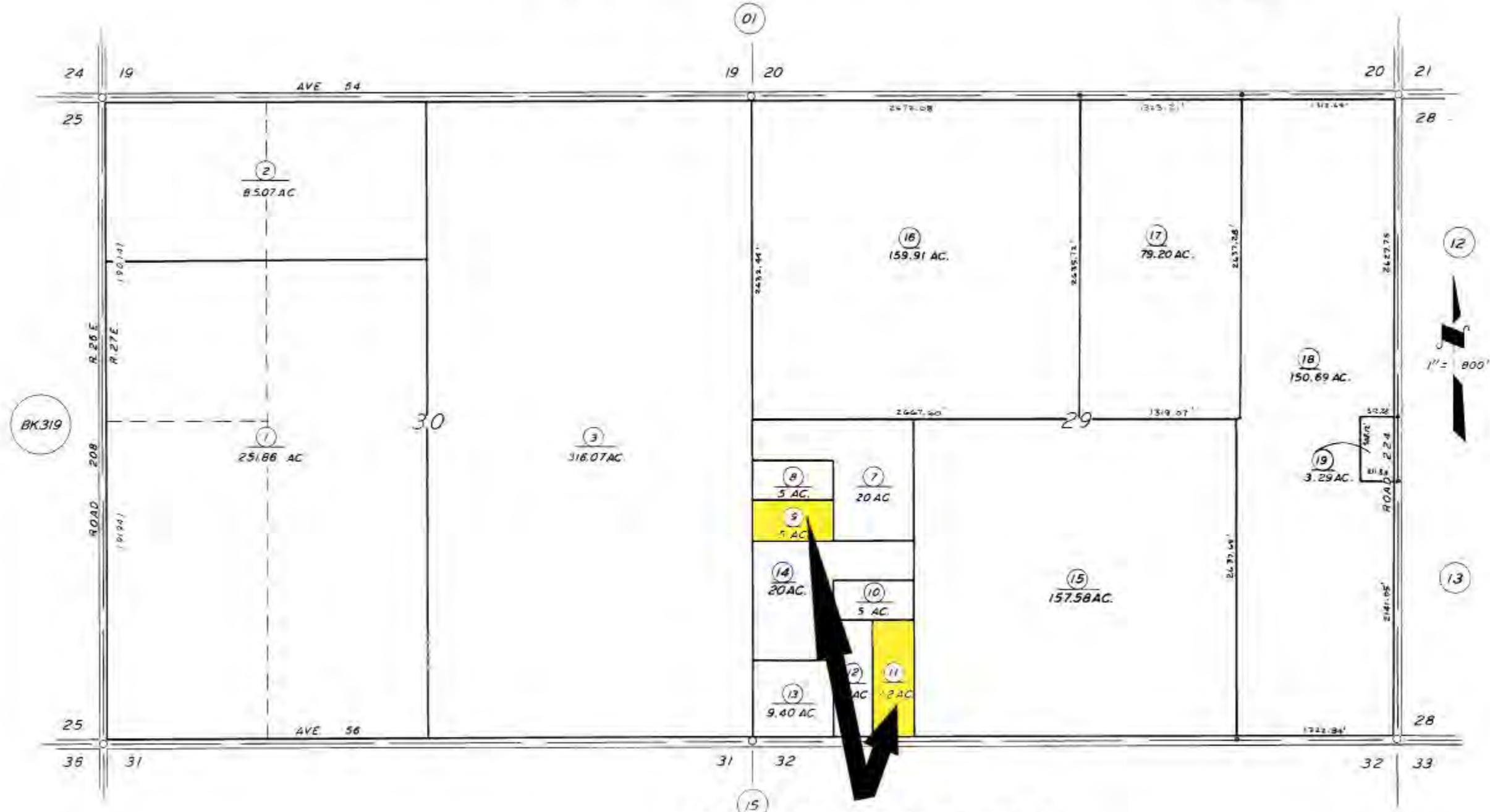
PARCEL MAP 4384, 44-89

Bk. 321

PSP 22-006 (Rexford 2)

ASSESSOR'S MAPS BK. 320, PG. 36.
COUNTY OF TULARE, CALIF.

NOTE: Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

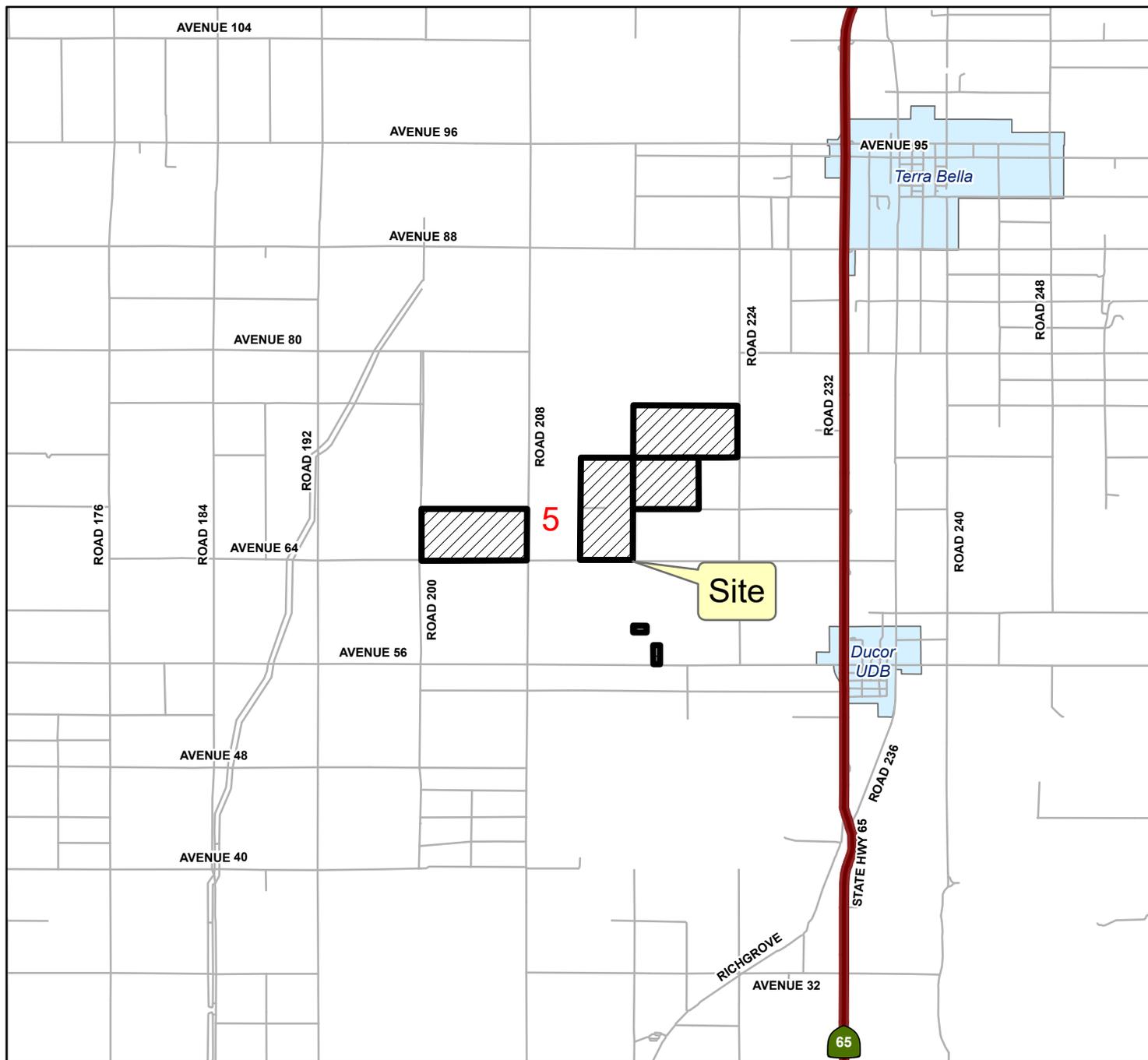


PSP 22-006 (Rexford 2)

NOTE - ASSESSOR'S BLOCK NUMBERS SHOWN IN FLIPSSES
 ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

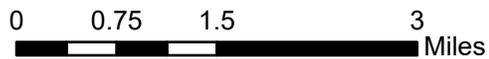


Vicinity Map for PSP 22-006



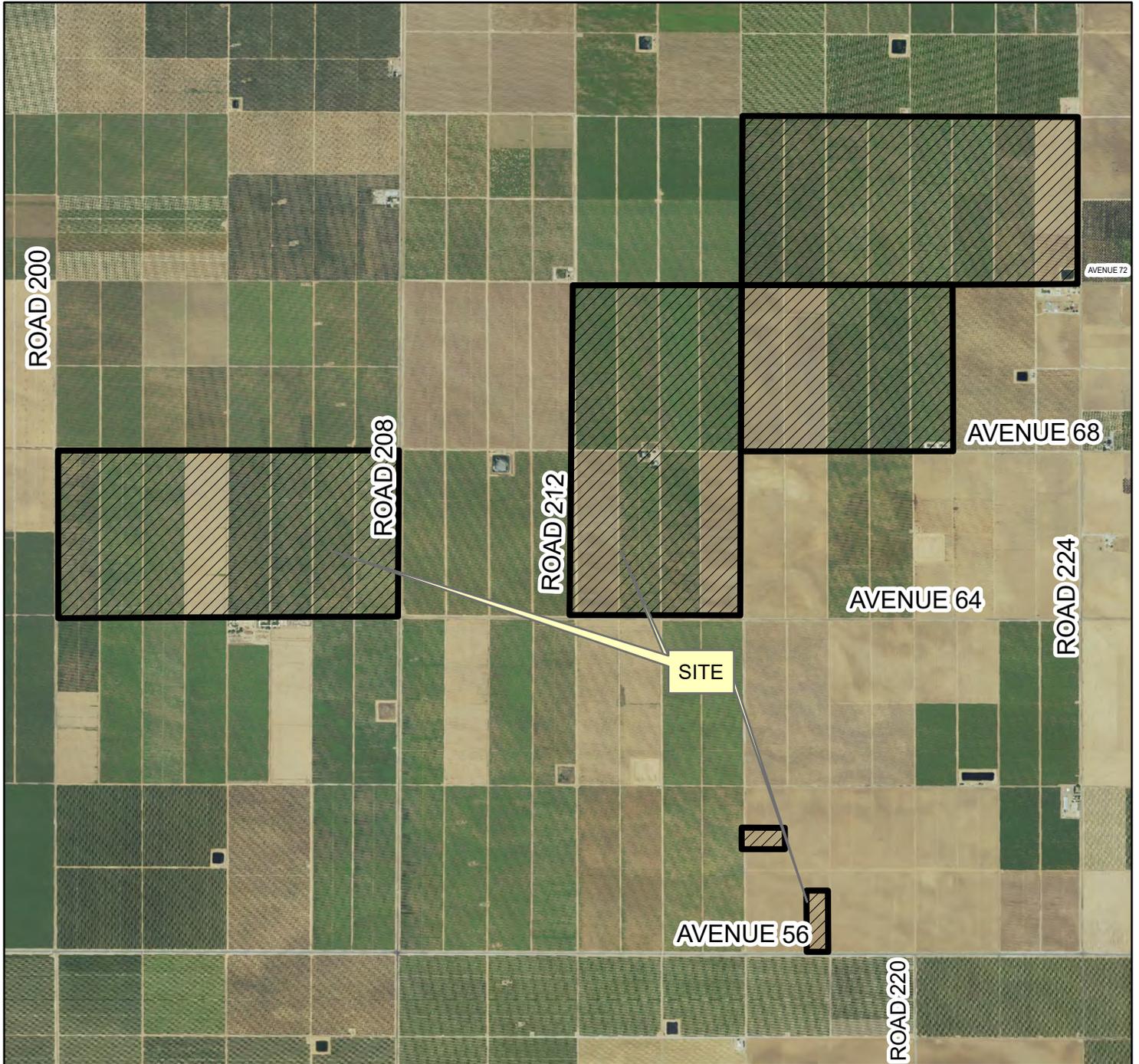
Supervisorial District: 5

- Supervisorial Districts
- State Highway
- City Limits
- Community Limits
- Site





Aerial Photograph for PSP 22-006



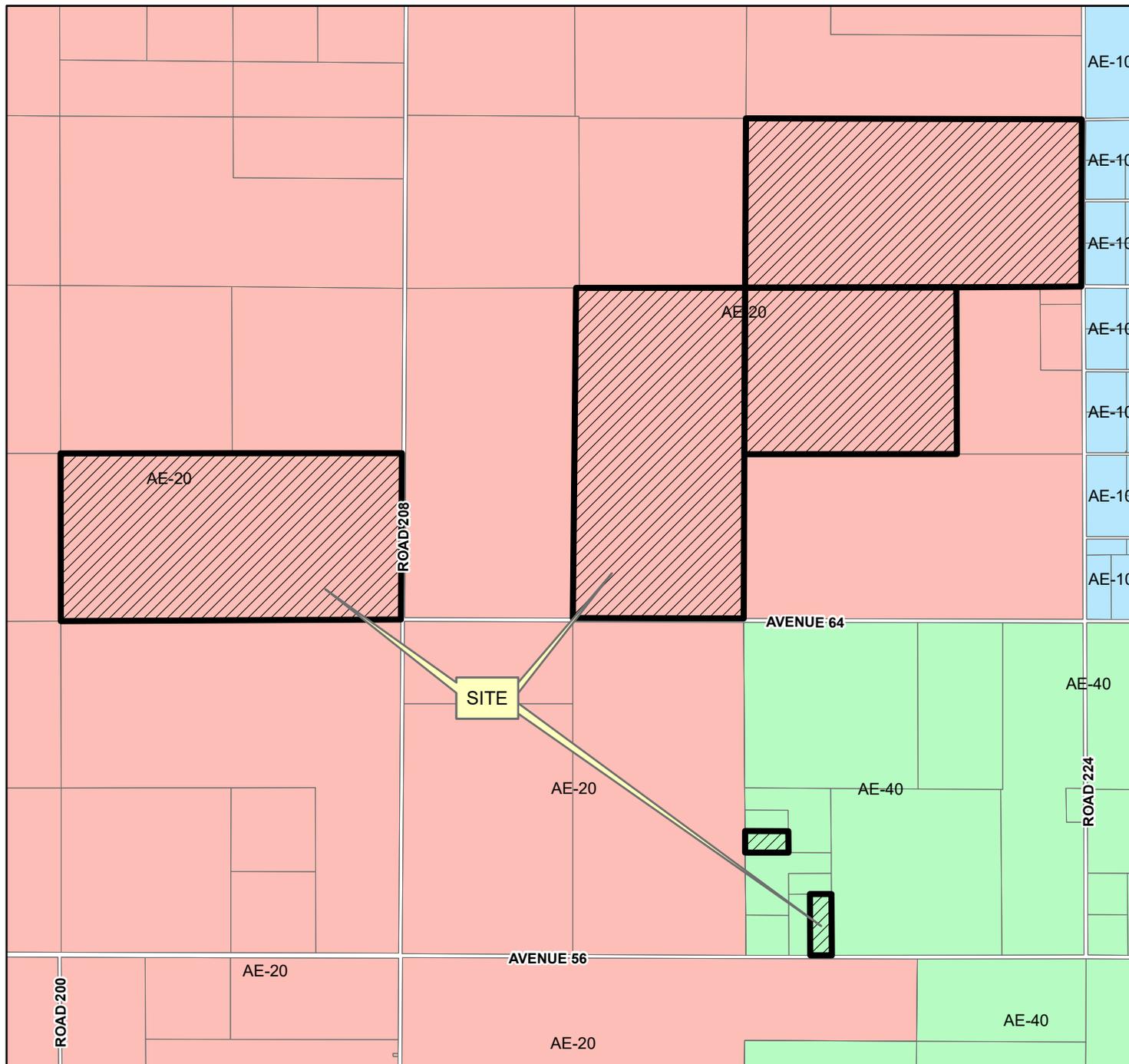
Applicant: 22SV 8me LLC
 Address: 5455 Wilshire Blvd., Suite 2010
 City, State, ZIP: Los Angeles, CA 90036
 Owner: Multiple
 Agent: N/A
 Supervisorial District: 5
 Assessors Parcel: 319-160-007, 320-360-005, 321-010-002,
 321-010-003, 321-140-009, 321-140-011



 Site



Existing Zoning Map for PSP 22-006



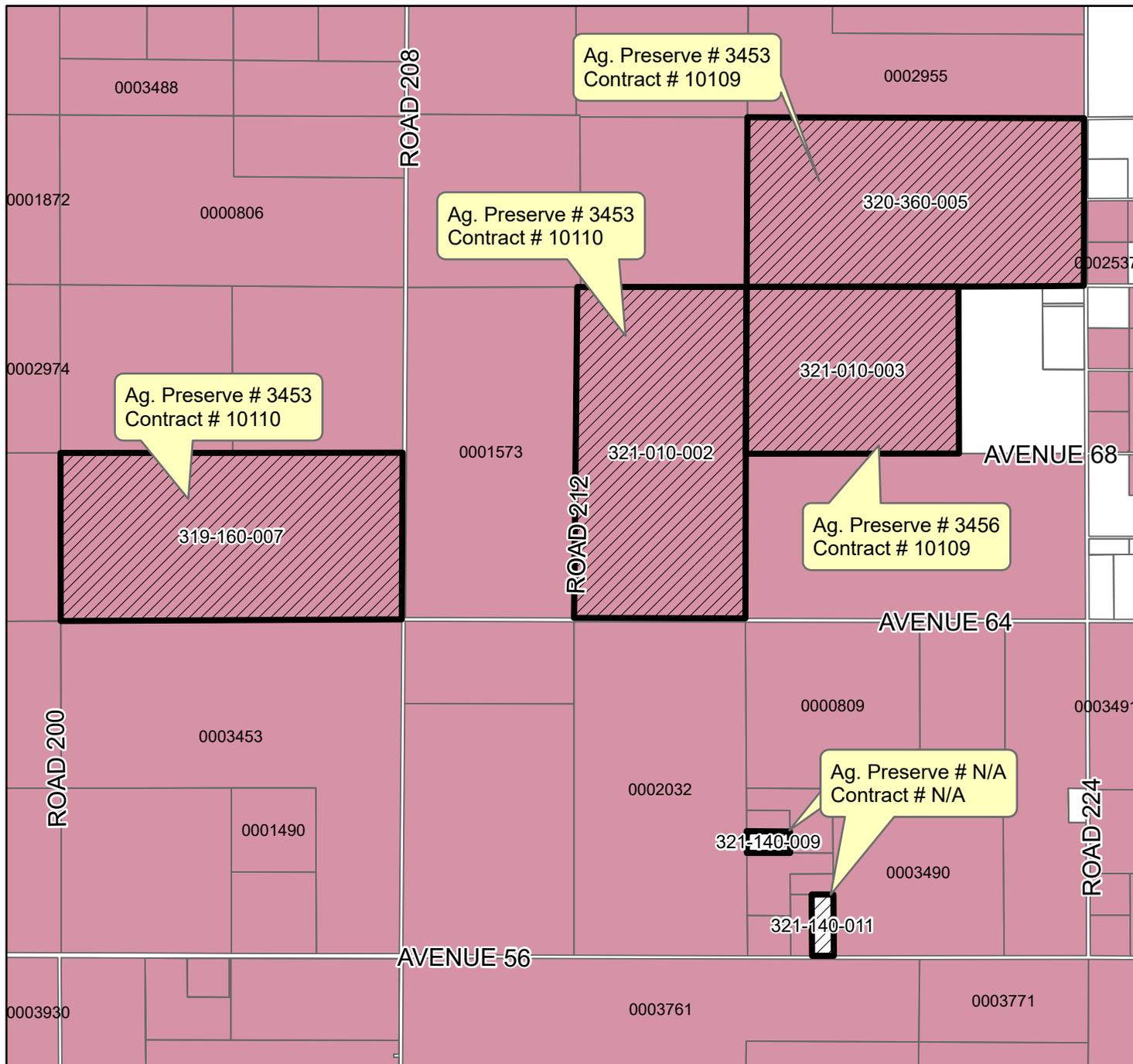
Applicant: 22SV 8me LLC
 Address: 5455 Wilshire Blvd., Suite 2010
 City, State, ZIP: Los Angeles, CA 90036
 Owner: Multiple
 Agent: N/A
 Supervisorial District: 5
 Assessors Parcel: 319-160-007, 320-360-005, 321-010-002,
 321-010-003, 321-140-009, 321-140-011



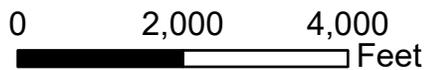
Exhibit "B"

Ag. Preserve Map

PSP 22-006

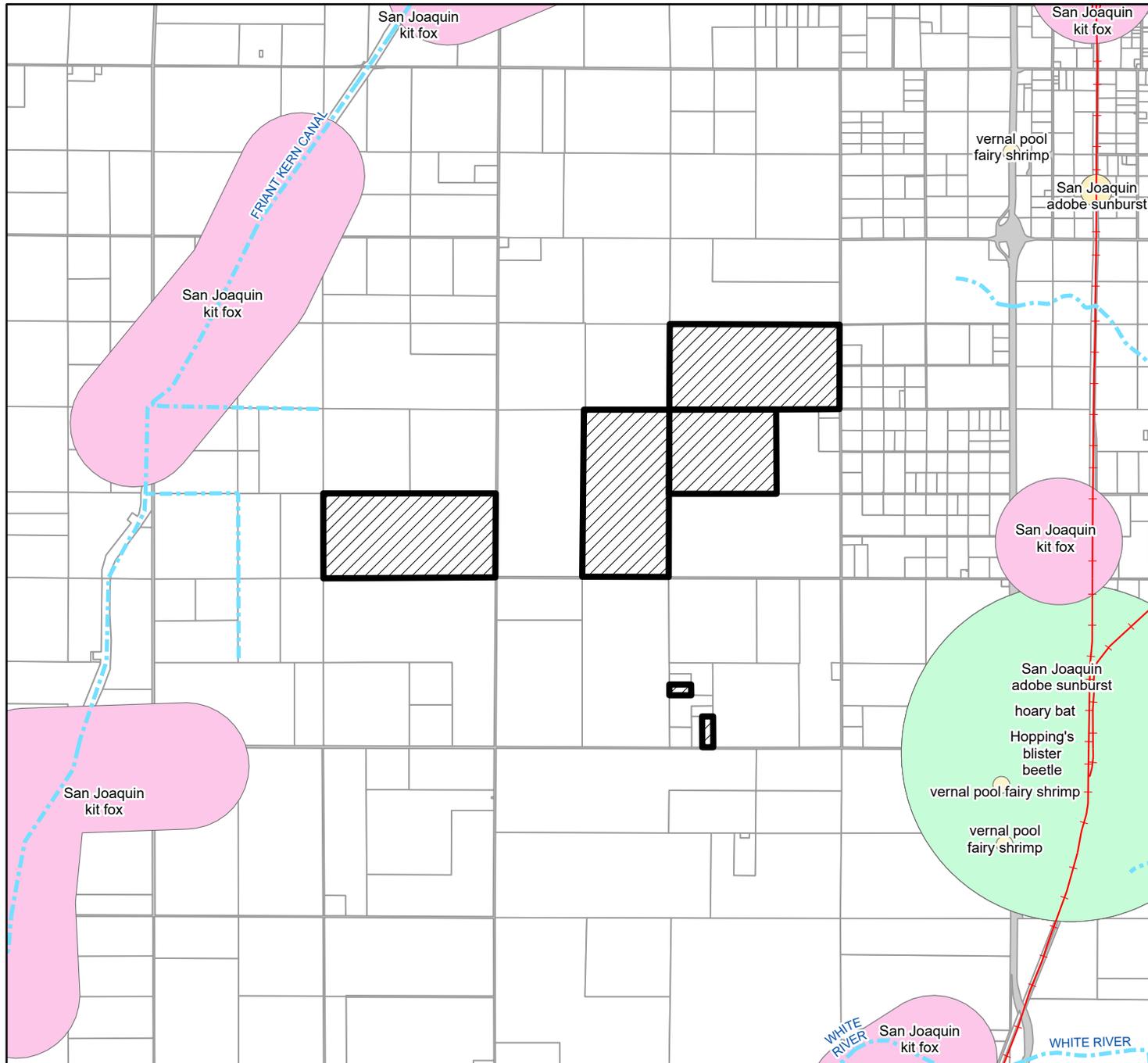


Applicant: 22SV 8me LLC
 Address: 5455 Wilshire Blvd., Suite 2010
 City, State, ZIP: Los Angeles, CA 90036
 Owner: Multiple
 Agent: N/A
 Supervisorial District: 5
 Assessor's Parcel: 319-160-007, 320-360-005, 321-010-002, 321-010-003, 321-140-009, 321-140-011





Species of Concern for PSP 22-006



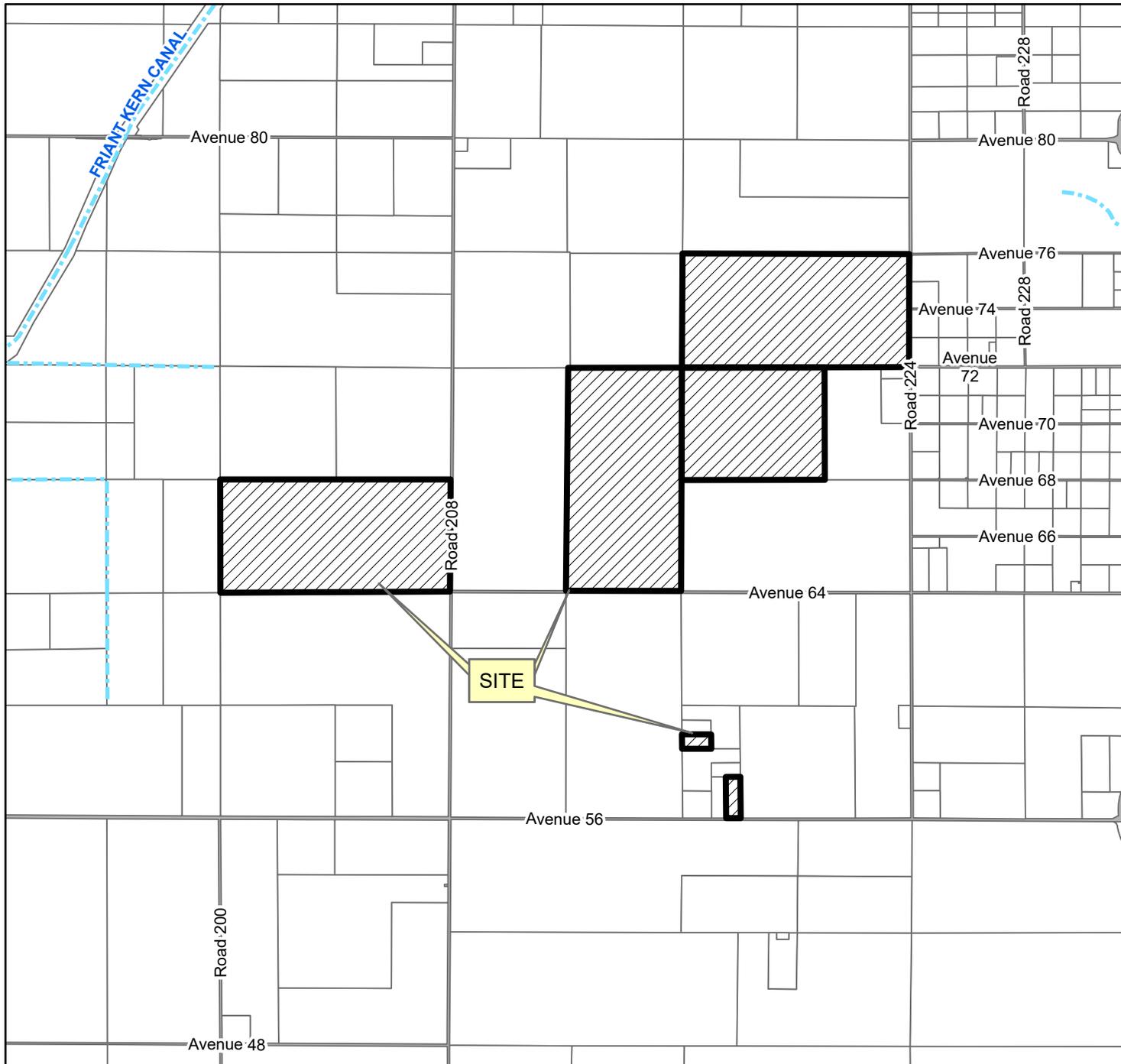
CNDDDB (data file last updated on (3/1/2022))



- | | | |
|-------------------|------------------------------------|--------------------------|
| Site | Species of Concern (CNDDDB) | vernal pool fairy shrimp |
| Parcels | Hopping's blister beetle | |
| STREAMS | San Joaquin adobe sunburst | |
| SJV & TV Railroad | San Joaquin kit fox | |
| | hoary bat | |



Waterways Map for PPM 22-006

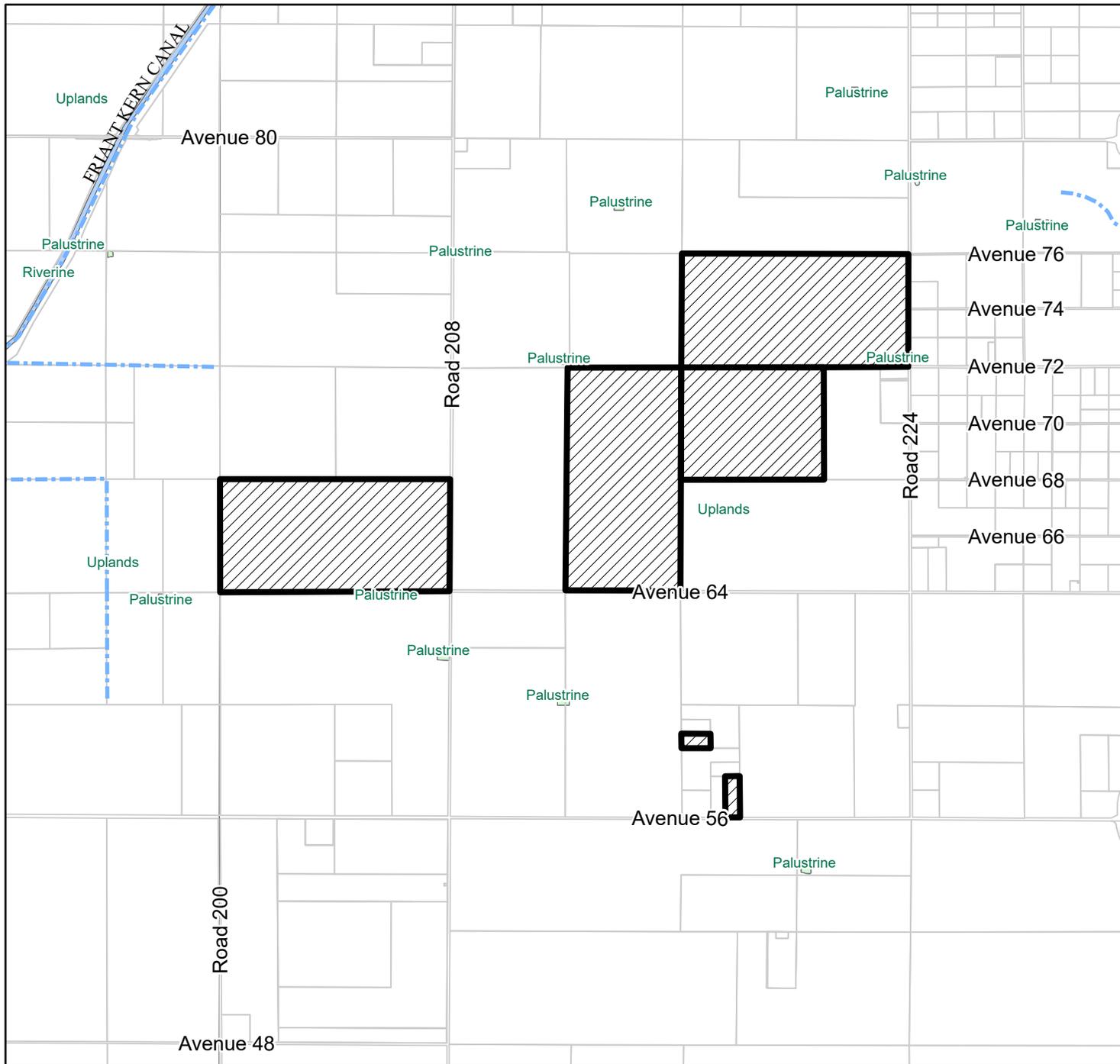


- Waterways
- Parcels
- Site





Wetlands Map For PPM 22-006



National Wetlands Inventory

Lacustrine

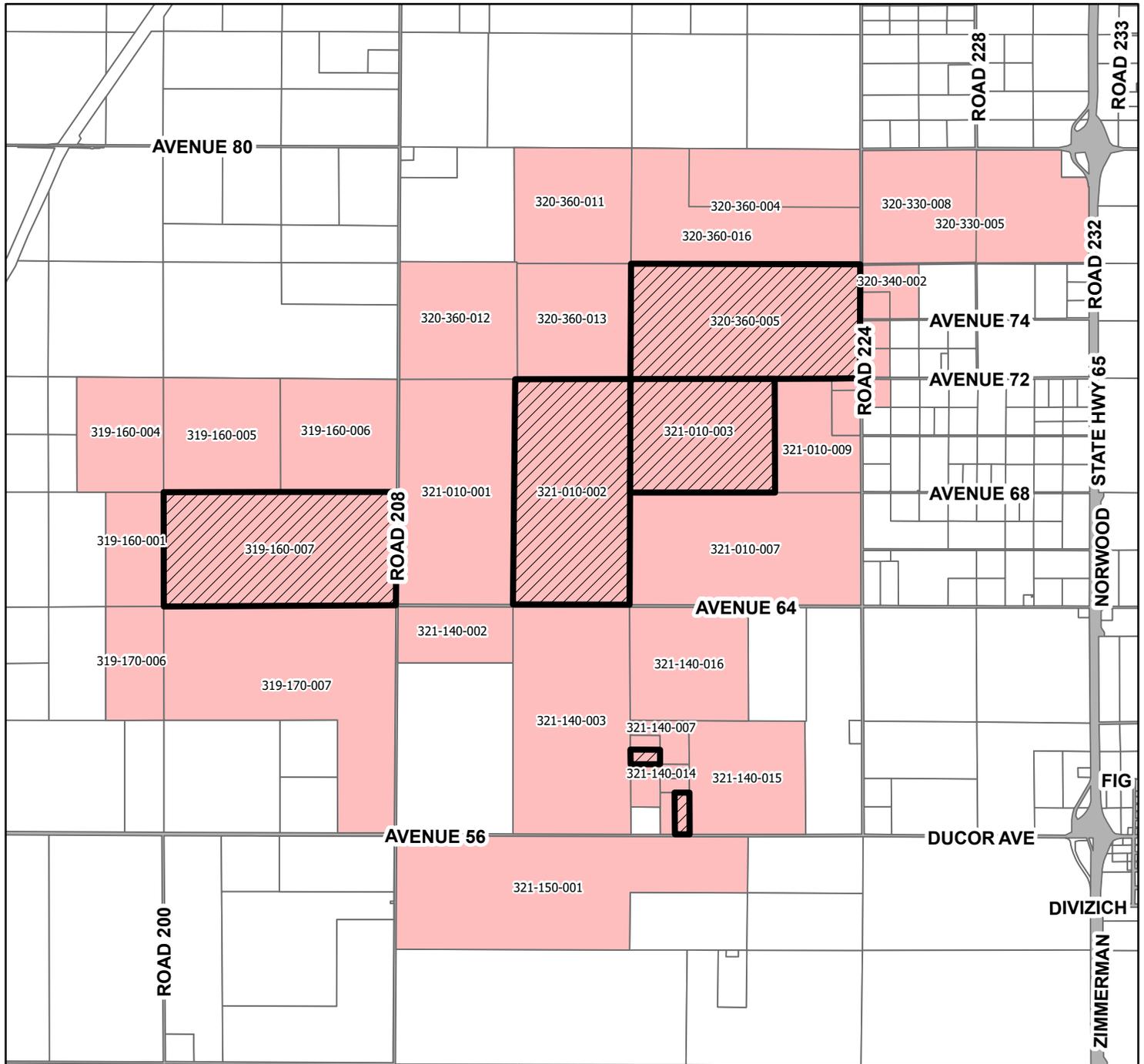
Palustrine

Riverine

Uplands (No Wetlands)



Location and Property Ownership Map for Hearing Notification for PSP 22-006



Applicant: 22SV 8me LLC
 Address: 5455 Wilshire Blvd., Suite 2010
 City, State, ZIP: Los Angeles, CA 90036
 Owner: Multiple
 Agent: N/A
 Supervisorial District: 5
 Assessors Parcel: 319-160-007, 320-360-005, 321-010-002,
 321-010-003, 321-140-009, 321-140-011



- Parcels
- Site
- Properties within 300'



Attachment No. 8

TULARE COUNTY RESOURCE MANAGEMENT AGENCY NOTICE OF AVAILABILITY OF DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT REXFORD 2 SOLAR FARM (SCH # 2020020326)

Project Title: Rexford 2 Solar Farm (State Clearinghouse # 2020020326)

Project Location: The Rexford 2 Solar Farm Project (“Rexford 2” or “Project”) is located on approximately 1,200 acres of land near the unincorporated community of Ducor, a census-designated place, in south-central Tulare County. The Rexford 2 Project site is located in close proximity to the Rexford 1 Project, with two parcels being immediately adjacent to the Rexford 1 Project. The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 72, and west of Road 224.

Project Description: In accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), the County of Tulare Resource Management Agency (RMA) will be preparing a supplemental EIR (SEIR) to evaluate the environmental effects associated with the Rexford 2 Project. Rexford 2 would involve the construction and operation of an up to 500 megawatts-alternating current (MW-AC) solar PV facility, including an ESS with up to 500 MW-AC storage capacity on approximately 1,200 acres near the unincorporated community of Ducor. The proposed Project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, ESS, access roads and fencing, and on-site substation. An operations and maintenance building may be constructed on the site. The proposed Project would involve the construction of both transmission and collector lines. Power generated by the proposed Project would be transmitted to the Southern California Edison (SCE) Vestal Substation via an up to 230 kilovolt (kV) overhead and/or underground gen-tie line. The proposed transmission and/or collector lines would extend along existing roadway rights-of-way from various portions of the Project site (where substations are located) ultimately connecting to the SCE Vestal Substation. The transmission and/or collector lines will be located along portions of Road 192, Road 200, Road 208, Road 232, 24th Avenue, Avenue 42, Avenue 46, Avenue 56, Avenue 64, Avenue 68, and Avenue 72, or could possibly utilize additional nearby routings.

EIR Availability: A copy of the Draft SEIR will be available for review at the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277, (559) 624-7000, (Monday – Thursday: 9:00 am to 4:30 pm) and (Friday: 9:00 am to 11:00 am).

A copy of the Draft SEIR may also be obtained and/or reviewed at the following locations:

Tulare County Web Site: <https://tularecounty.ca.gov/rma/planning-building/environmental-planning/environmental-impact-reports/rexford-2-solar-farm-project-psp-22-006/>

State Clearinghouse Web Site: <https://ceqanet.opr.ca.gov/> (enter the SCH # in the search bar)

And if open to the public before the end of the 45-day commenting period, at the Terra Bella Branch Library, 23825 Avenue 92, Terra Bella, CA 93270.

Contact for More Information: Hector Guerra, Chief Environmental Planner (559) 624-7121 (**para Español llame Jose Saenz (559) 624-7102**).

The Draft SEIR has a review period of **45 days**, starting on **Friday, July 15, 2022**, and ending **Tuesday, August 30, 2022**, which has been approved by the State of California, Office of Planning and Research. Any written comments on the Draft SEIR should be sent to the Tulare County Resource Management Agency at the address noted above, to the attention of: Hector Guerra, Chief Environmental Planner.

After the close of the public comment review period on the Draft SEIR established by this notice, this matter will be set for public hearing before the Tulare County Planning Commission at a date to be determined later. Notice of the date, time and place for such public hearing will be published and/or mailed as provided by law.

Please take notice that - pursuant to Public Resource Code § 21177, Government Code § 65009, and other applicable law - if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the Tulare County Resource Management Agency within the review period, or to the Planning Commission during the public hearing.

Reed Schenke, Director, Resource Management Agency

NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENT

A **Final Environmental Impact Report** for **Special Use Permit No. PSP 22-006** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review by appointment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394, (559) 624-7016, (Monday – Thursday: 9:00 am to 4:30 pm and Friday: 9:00 am to 11:00 am). For further information regarding this project, please call **Sandy Roper at (559) 624-7101 or email him at sroper@tularecounty.ca.gov**. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for the project.

PROJECT: Special Use Permit No. PSP 22-006

APPLICANT: 20SD 8me LLC

LOCATION: The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224. The Project is located near the unincorporated community of Ducor, a census designated place, in south central Tulare County, and is located on Tulare County Assessor Parcel Numbers (APNs) 319-160-007; 320-360-005; 321-010-002 & -003; and 321-140-009 & -011. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest. The Rexford 2 Project site is located in close proximity to the previously approved Rexford 1 Project (PSP 19-073), with two parcels being immediately adjacent to the Rexford 1 Project. Rexford 2 is intended to share some common facilities that are already approved for construction associated with the Rexford 1 Project.

PROJECT DESCRIPTION: Special Use Permit No. PSP 22-006 requests to allow a 500 megawatt-alternating current (“MW-AC”) utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor’s Parcel Numbers (“APNs”) encompassing approximately 1,200 acres of land in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone.

ENVIRONMENTAL DOCUMENT: Supplemental Environmental Impact Report, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

REVIEW PERIOD: 10 days until September 26, 2020 at 5:00 p.m.

PUBLIC HEARING: Planning Commission on September 28, 2022, at 9:00 a.m.

All meetings are held in the Human Resources and Development Department, Innovation Conference Room, located at 2500 West Burrel Avenue, Visalia, California 93291. **PLANNING COMMISSION** meetings start at 9:00 a.m. All interested parties are invited to attend and be heard. Meeting Agendas, Documents, Live Broadcasts and Archived Recordings are available at the following link: <https://tularecounty.ca.gov/rma/planning-building/planning-commission/>

Attachment No. 9

Based on guidance from the California Department of Public Health and the California Governor's Office, to minimize the spread of the COVID-19 virus, **members of the public are encouraged to participate in the Planning Commission meetings in the following ways: Remote Viewing - Listen to the live audio stream of the Planning Commission** meetings. Instructions on how to participate in the live meeting can be found at the following link: <https://tularecounty.ca.gov/rma/planning-building/planning-commission/planning-commission-website-information/>

For environmental questions, please call Hector Guerra, Chief Environmental Planner at 624-7000. If you challenge the decision on any of the foregoing matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Tulare County Resource Management Agency, Economic Development and Planning Branch, within the review period described herein. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

TO BE PUBLISHED ONCE ONLY ON: September 16, 2022

SEND BILL AND TEAR SHEET TO:
TUL CO RESOURCE MGMT.
5961 SOUTH MOONEY BLVD.
VISALIA, CA 93277-9394

SEND TO: Visalia Times Delta 9/14/2022

Attachment No. 10

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
Room 105, Courthouse
221 South Mooney Blvd.
Visalia, CA 93291

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277 (559) 624-7000
Attn: hguerra@tularecounty.ca.gov and jwillis@tularecounty.ca.gov

Applicant(s): 22SV 8me, LLC
5455 Wilshire Blvd., Suite 2010
Los Angeles, CA 90036 (323) 525-0900

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Special Use Permit No. PSP 22-006

State Clearinghouse Number: 2020020326

Contact Person: Hector Guerra, Chief Environmental Planner **Telephone Number:** 559-624-7121

Project Location: The Project site is located west of State Route (SR) 65 and generally located north of Avenue 56, east of Road 200, south of Avenue 75, and west of Road 224, near the unincorporated community of Ducor, a census designated place, in south central Tulare County. Neighboring unincorporated communities include Terra Bella to the north and Richgrove to the southwest.

Project Description: A Supplemental Environmental Impact Report (SEIR) was prepared for the Rexford 2 Solar Project. The project requests to allow a 500 megawatt-alternating current ("MW-AC") utility-scale solar farm with up to 500 MW-AC of energy storage capacity on six (6) Assessor's Parcel Numbers ("APNs") encompassing approximately 1,200 acres of land in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone and the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone..

This is to advise that the **TULARE COUNTY PLANNING COMMISSION**, as Lead Agency Responsible Agency, has approved the above-described project on _____, and has made the following determinations regarding the above-described project:

1. The project [will will not] have a significant adverse impact on the environment.
2. A Supplemental Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [were were not] made a condition of approval of this project.
4. A Mitigation Monitoring and Reporting Plan [was was not] adopted for this project.
5. A Statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provision of CEQA.

This is to certify that the environmental document and record of project approval is available to the General Public and may be examined at: Tulare County Resource Management Agency, 5961 S Mooney Blvd., Visalia CA 93277.

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Signature: _____ Date: _____ Title: Chief Environmental Planner
Hector Guerra

Signature: _____ Date: _____ Title: Environmental Assessment Officer
Reed Schenke, P.E. RMA Director

Signed by Lead Agency

Dept. of Fish & Wildlife Fees Required

EIR

MND

ND

Dept. of Fish & Wildlife Fees Not Required – Fees Paid

Receipt Number: _____

Cc: California. Dept. of Fish & Game, 1416 Ninth St., 12th Floor, Sacramento, CA 95814

Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

Attachment No. 11

ORDINANCE NO. 3589

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, GRANTING TO 20SD 8ME LLC, A FRANCHISE TO CONSTRUCT INSTALL, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE A POLE LINE AND UNDERGROUND TRANSMISSION SYSTEM AND FIBER OPTIC CABLE FOR THE PURPOSE OF TRANSMITTING ELECTRICAL POWER

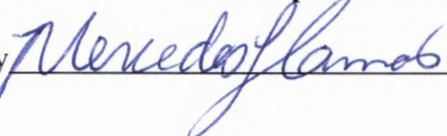
The following ordinance, consisting of 22 sections and Exhibits A, B and C, was duly and regularly passed and adopted by the Board of Supervisors of the County of TULARE, State of California, at a regular meeting of the Board of Supervisors held on the 12th day of January, 2021, by the following vote:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



Chairman of the Board of Supervisors of
the County of TULARE, State of California

Attest: Jason T. Britt
**County Administrative Officer/
Clerk of the Board of Supervisors**

By  , Deputy Clerk



Attachment No. 11

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force within thirty (30) days of its enactment (the "Operative Date"). The franchise granted by this ordinance shall become effective (the "Effective Date") when 20SD 8ME LLC ("Grantee"), files its written acceptance (the "Acceptance Certification") of the terms and conditions of the franchise with the Clerk of the Board of Supervisors of the County of TULARE ("County"). Grantee shall have until January 1, 2024, to accept the Franchise or it shall terminate. This franchise is granted in accordance with Article 11, Section 7 of the California Constitution and Government Code section 26001. This ordinance shall be published once in the Foothill Sun Gazette, a newspaper of general circulation, published in the County of TULARE, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Section 2. The County grants to Grantee a nonexclusive franchise to construct, install, maintain, operate, repair, and remove electrical power transmission lines and/or fiber optic communication lines (the "gen-tie and fiber optics line"), for the Grantee's solar farm. The Franchise is approximately eight (8) miles (approximately 42,240 linear feet) in distance, more specifically shown in the attached Exhibit "B" incorporated herein by this reference). The Franchise shall be limited to areas of public highways, public roads or rights-of-way located in Tulare County, now or hereafter dedicated to public use for roadway purposes and expressly accepted by the County, which are within the County of Tulare, but not included within the limits of an incorporated city is hereby granted to Grantee and its successors and assign. If any part of the Grantee's transmission system is to be placed in, along or under a public road or right-of-way that has been accepted by the County, but has not been expressly accepted into the County's road system, Grantee shall conduct or cause to be conducted a survey which the County shall utilize to determine where Grantee may place its pole lines, appurtenances and underground transmission systems.

Section 3. The term of the Franchise shall be for thirty-five (35) years (the "Term") from the Effective Date of the Franchise.

Section 4. Grantee shall construct, install and maintain all elements of the transmission system and appurtenances in accordance and conformity with all of the ordinances and rules adopted by the Board of Supervisors of the County and to the reasonable satisfaction of the Assistant Director, County of Tulare Resource Management Agency, Department of Public Works, or his/her designee (DPW).

Section 5.

A. Commencing on the Effective Date Grantee shall pay to County a Franchise fee in the amount more fully described in **Exhibit "C"** incorporated herein by this reference for the rights under the Franchise (the "Franchise Fee"). An initial Franchise Fee Payment, in the amount specified in Exhibit C(2)(a) shall be paid concurrent with delivery of the Acceptance Certification. Any Franchise Fee payments due under Exhibit C, if applicable, shall be paid concurrent with the

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application for the encroachment permit to conduct the construction that triggers the further Franchise Fee payment. Grantee waives and releases all objections it may have to the payment of the Franchise fee on the grounds that the fee is not calculated as a percentage of gross receipts in the manner contemplated by Public Utilities Code section 6231.

B. Any neglect, omission or refusal by Grantee to file the Acceptance Certification, or to pay the Franchise Fee at the time or in the manner provided, shall make the Grantee subject to penalties as detailed herein and/or constitute grounds for declaration of forfeiture of the Franchise and of all rights thereafter. Any late payment of the Franchise Fee shall be subject to a late charge penalty of fifteen percent (15%) of the amount that is in arrears plus interest at the rate of one and one half (1 1/2%) percent per month from the date the Franchise fee was due. Grantee agrees that this penalty is a fair estimate of the County's cost to recover the Franchise Fee and waives and releases any defense to payment of the fifteen (15%) percent on the grounds that it is punitive or excessive.

Section 6. For all construction work done in, along or under a public road or right of way which has not been expressly accepted into the County's road system, Grantee shall procure a building permit prior to the commencement of work and conduct the work as expeditiously as possible and with the least possible hindrance to the use of the highways for purposes of travel. All installations under the Franchise shall be performed in accordance with the provisions and conditions prescribed by law and of all applicable ordinances and regulations of the County and to the reasonable satisfaction of DPW. Grantee shall also follow the additional construction requirements detailed in **Exhibit "A"**, which is attached and made a part of this ordinance. Upon completion of any trench, ditch, pit or other excavation, Grantee shall fill the hole and close it in such a manner that the surface of the road/right of way area will be supported in substantially the same manner as though no digging had occurred and to the reasonable satisfaction of the County. County may, but is not required to, perform repairs of any highway or any portion of any highway that Grantee excavated for the purpose of making installations under the Franchise. Workmanship and costs thereof shall be consistent with industry standards and rates applicable to a government agency. All costs and expenses incurred by County as a result thereof shall be invoiced to Grantee and Grantee shall pay County upon demand. No action taken by County pursuant to this Section shall constitute a waiver of any of Grantee's obligations hereunder.

If, at any time during the construction of the work or thereafter, the surface of the road or traveled way offers any indication of breaking up, sinking or being otherwise disturbed by reason of the construction of such trench, ditch, pit or other excavation, Grantee, upon being notified by County, shall immediately repair the damage. All construction work done in, along or under a County highway or the right of way of a highway shall require an encroachment permit and traffic control permit shall be done pursuant to all applicable requirements contained in the Tulare County Code or as may reasonably be imposed by DPW.

During any construction work, Grantee shall place and maintain warning lights at or along any trench, ditch, pit or other dangerous excavation or any piling of material at distances of not more than 100 feet apart along such excavation. Such lights shall be illuminated from sunset of each day to sunrise of the next day until the excavation is entirely refilled or the pile(s) of material

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is/are removed.

The Grantee is liable to the County for all damage proximately resulting from the failure of Grantee to well and faithfully observe and perform any provision of the Franchise. Grantee and its successors or assigns shall pay the County of Tulare all costs of suit and reasonable attorneys' fees as the court may fix if the County is given judgment in a suit to enforce the Franchise, to recover damages for a breach of the conditions thereof or to forfeit the Franchise.

Section 7. The Grantee shall pay the County, on demand, the cost of all repairs to public property made necessary by any of the construction by or operations of Grantee under the Franchise.

Section 8. The acceptance of this Franchise by Grantee constitutes an express waiver by the Grantee of any liability of the County and its officers, employees, agents and permittees for damages to Grantee's facilities and shall constitute an agreement to indemnify, defend with counsel acceptable to County, and hold harmless the County and its officers, employees, agents and permittees from all liability for damages proximately resulting from any construction or operation under the Franchise, and any action and any action to challenge or resulting from the award of this Franchise, including without limitation any proceeding brought pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq..

Without limiting the generality of the foregoing, the defense and indemnity provided for damages proximately resulting from any construction or operation under the Franchise shall include bodily and personal injury or death to any person or persons; damage to any property, regardless of where located, including the property of County; any regulatory or enforcement actions brought by a government agency or third party, where authorized by law, to enforce any environmental laws, regulations and permits; and any workers' compensation claim or suit arising from or connected with any work performed pursuant to this Franchise.

Section 9.

A. If the Grantee fails, neglects or refuses to comply with any of the provisions or conditions prescribed by this ordinance and does not, within ten (10) days after written demand for compliance begin the work of compliance, or after such beginning does not prosecute the work with due diligence, but in no event more than twelve (12) months from receipt of a written demand, the Board of Supervisors of the County may declare the Franchise forfeited.

B. The County may levy a monetary penalty on Grantee as an alternative to, or in addition to, forfeiting the Franchise for Grantee's failure to abide by the terms and conditions of this ordinance. The amount of penalty shall be assessed and determined by the Board of Supervisors of the County per the schedule as follows:

- a. Up to \$5,000 for the first offense;
- b. Up to \$10,000 for the second offense;
- c. Up to a maximum of \$25,000 for third and all subsequent offenses.

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Grantee agrees that the monetary penalties are a fair estimate of the County's costs to enforce the Franchise and waives and releases any defense to payment on the grounds that they are punitive or excessive. Each month (i.e., 30 calendar days) that a violation occurs shall be considered a new violation for purposes of levying a monetary penalty, unless Grantee diligently initiates and diligently pursues any required cure of a previously noticed breach of the Franchise.

Section 10.

A. If a Hazardous Condition arises, Grantee shall immediately undertake to investigate and remediate or remove such Hazardous Condition at its sole cost. Grantee shall also immediately determine the source of the Hazardous Condition and cause its repair and restoration at its sole cost. For purposes of this Franchise, "Hazardous Condition" shall mean any damage to trench, conduit, wires, or electric transmission equipment and appurtenances that has or could lead to a deterioration of line safety, create a safety hazard, or adversely impact the function of the right-of-way.

B. All actions to investigate, remove and remediate Hazardous Conditions and repair or restore Grantee's transmission line system, the right of way and appurtenances as provided in the preceding paragraph shall be the sole responsibility of Grantee and shall be conducted by Grantee or its employees, agents, contractors, subcontractors, or suppliers in conformance with any and all laws, ordinances, rules, regulations, requirements, and orders whatever, present or future, of the national, state, county, or other local government at Grantee's sole cost. If Grantee fails to take any action required by this Section, County may, but shall not be obligated to, take all actions it deems appropriate with respect to the Hazardous Condition, at Grantee's cost. Upon written demand by County, Grantee shall reimburse County for all of County's expenses incurred in connection with County's actions including, but not limited to, all direct and indirect costs relating to investigation, remediation and removal of the Hazardous Condition.

C. Grantee shall deliver to County immediate notice of any of the following occurrences:

(i) any release of Hazardous Materials from the Grantee's lines and/or other facilities or the presence of Hazardous Materials in or adjacent to the Franchise area to the extent Grantee has notice thereof. "Hazardous Materials" shall include, without limitation, (a) substances or materials that are toxic, corrosive, flammable, infectious, explosive, or ignitable, (b) lead based paint, mold, asbestos, oil, petroleum and petroleum products, radioactive materials, hazardous wastes, toxic substances, or related injurious materials, and (c) substances defined by the terms, or terms similar to, "hazardous substances," "hazardous materials," "toxic substances," "hazardous waste," "toxic waste" or "oil and petroleum products" or similar terms in 15 U.S.C. section 2601, et seq. (the Toxic Substances Control Act), 33 U.S.C. section 1251, et seq. (the Clean Water Act), 33 U.S.C. section 2701, et seq. (the Oil Pollution Act), 42 U.S.C. section 6901, et seq. (the Resource Conservation and Recovery Act), 42 U.S.C. section 7401, et seq. (the Clean Air Act), 42 U.S.C. section 9601, et seq. (the Comprehensive Environmental Response, Compensation, and Liability Act), 49 U.S.C. section 1801, et seq. (the Hazardous Materials Transportation Act), or

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any other federal, state or local statute, ordinance or regulation related to environmental protection or human health; and,

(ii) any notice, claim or allegation of any violation relating to Grantee's transmission line or other facilities within the Franchise area received from any federal, state or local governmental agency or authority or any non-governmental person or entity or the filing or commencement of any judicial or administrative proceeding by any such agency or authority or non-governmental person or entity that relates to or is a result of Grantee's activities in the Franchise area.

Section 11. Grantee shall reimburse the County for all publication expenses incurred by the County in connection with the granting of the Franchise, and for the costs of the legal services expended by the County in the preparation of this Franchise Ordinance. The reimbursement payment shall be made within thirty (30) days after the County furnishes the Grantee a written statement of expenses.

Section 12. The Franchise shall not become operative until Grantee has provided the Acceptance Certification and the payment of the Franchise Fee.

Section 13.

A. At the expiration, revocation or termination of the Franchise, if it is not extended or replaced with a new Franchise, or of the permanent discontinuance of the use of all or a portion of its facilities, Grantee shall, within thirty (30) days thereafter, make written application to the County Department of Public Works for authority either:

1. To abandon all or a portion of such facilities in place; or
2. To remove all or a portion of such facilities.

Such application shall describe the facilities desired to be abandoned, their location with reference to County highways, and shall describe with reasonable accuracy the physical condition of such facilities. The County Department of Public Works shall determine whether any abandonment or removal that is thereby proposed may be effected without detriment to the public interest and under what conditions such proposed abandonment or removal may be effected. The County Department of Public Works shall then notify the Grantee of the determinations.

B. Within thirty (30) days after receipt of such notice, Grantee shall apply for a permit from the County Department of Public Works to abandon or remove the facility.

C. The Grantee shall, within sixty (60) days after obtaining such permit, commence and diligently prosecute to completion the work authorized by the permit.

D. If Grantee fails to timely take action as required by this Section, the County may remove or cause to be removed the Franchise facilities at Grantee's expense and Grantee shall promptly pay the County upon the County's demand the amount of such expense. The County

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may take possession of, and appropriate to itself without payment, any property of Grantee, or anyone claiming under Grantee, which remains on or under the public roads, highways or rights-of-way in the County of Tulare not then included within the limits of an incorporated city, after the expiration or termination of this Franchise.

E. If, at the expiration, revocation or termination of this Franchise, or of the permanent discontinuance of the use of all or a portion of its facilities, the Grantee, within thirty (30) days thereafter, fails or refuses to make written application for the above mentioned authority, the County Department of Public Works shall make the determination as to whether the facilities shall be abandoned in place or removed. The County Department of Public Works shall then notify the Grantee of this determination. The Grantee shall thereafter comply with the provisions of Section 13.D of this ordinance.

Section 14. No provision of this Franchise shall be so construed as to impose upon the County any duty or obligation to construct, repair or maintain any highway, including those areas in which Franchise property is located, to any particular standard.

Section 15.

A. The State and any municipal corporation, political subdivision or governmental agency or instrumentality of the State acting in a governmental capacity may improve or alter any public road or portion thereof in which Franchise properties have been installed and may install, and maintain in any such public road or remove any public improvement.

B. If notice in writing is given to the Grantee ninety (90) days in advance that work is to be done pursuant to any right reserved in Section 15.A of this ordinance, specifically the general nature of the work and the area in which the same is to be performed, then the Grantee shall do all things necessary to protect its Franchise privilege property during the progress of such work. If ordered by the County or by the governmental agency performing such work, the Grantee shall disconnect, remove or relocate its facility within the public road to such extent, in such manner, for such period as shall be necessary to permit the performance of such work in an economical manner, and in accordance with the generally recognized engineering and construction methods, to permit the maintenance, operation and use of such public improvement or of the highway as so improved. All of such things shall be done and such work be performed by the Grantee at the sole cost and expense of the Grantee.

C. The right is reserved in the County, through the County Department of Public Works to: (1) Vacate subject to reservation of franchise rights pursuant to Streets & Highways Code Section 8340(a) and change the grade, alignment, or width of any public road over which this Franchise is granted; (2) extend, place, lay or construct an installation of any kind or nature including the construction of any subway or viaduct, whether or not it is within the facilities granted by this Franchise, over, in upon or under any public road. In the event County Department of Public Works desires to exercise any of the foregoing powers, twelve (12) month written notice shall be given by the County to Grantee of County's intention to do so and the Grantee at its own cost and expense, within said time shall begin, and within a reasonable time but in no event more

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than twelve (12) months shall complete, a change of location of all installations made by it in its operations under the Franchise so as to permit and conform to such change or installation desired to be made by the County.

Section 16. Grantee shall not construct or install any electrical pole line having a capacity greater than 230 kV without first obtaining special permission to do so from the Board of Supervisors.

Section 17. Grantee shall commence in good faith the installation of the transmission system within forty-eight (48) months of the Effective Date, and if not so commenced within said time, this Franchise may be declared forfeited. The work of installation shall be prosecuted diligently and in good faith so as to satisfy the reasonable purpose for which this Franchise is granted. An encroachment and traffic control permit will be required before installation work may be performed in the County's right of way.

Section 18. Grantee shall obtain and file with the County a Faithful Performance Bond or make a deposit in lieu of bond pursuant to Code of Civil Procedure section 995.710, within five (5) days after the granting of the Franchise. The bond or deposit shall be in a form acceptable to County, run to the County as obligee, be subject to the approval of the Board of Supervisors, be in a penal sum of \$25,000 and be conditioned upon the Grantee well and truly observing, fulfilling and performing each term and condition of the Franchise, and provide that, in case of any breach or condition or term of the bond, the amount of the penal sum therein shall be paid to County as liquidated damages. If said bond is not so filed, the award of this Franchise will be set aside and any money paid therefore will be forfeited. The Bond shall remain in place through the life of this Franchise and be kept on file with the Board throughout the term of the Franchise. Any substitution of one bond with another bond shall be preceded by sixty (60) days prior written notice to the County.

Section 19. The Grantee shall maintain, at its cost and expense, at all times during the term of the Franchise, a commercial general liability policy of insurance, including broad form property damage coverage, owner's and contractor's protective insurance (during construction), fire legal liability coverage and contractual liability coverage for obligations under the Franchise, naming County, its officers, agents, employees and volunteers as additional insureds, acknowledging that the Franchise shall be used for an electric transmission system. Such insurance policy or policies shall be maintained in the amount equal to the policy limits, but shall be no less than \$1,000,000 per occurrence, and \$2,000,000 aggregate. However, the amounts of insurance required hereunder shall be subject to adjustment specified by the County on or about each fifth anniversary of the Effective Date of the Franchise. Such insurance shall not contain a deductible or be subject to a self-insured retention greater than \$100,000. The requirement of such policy coverages shall in no way serve as a limitation on Grantee's liability under the other provisions of the Franchise. Such insurance shall be written on an "occurrence" form, if available. If the insurance in part or in whole is written on a "claims made" form, Grantee will ensure the continuance of such coverage for a period of five (5) years beyond the expiration of the Franchise either by maintaining ongoing "claims made" coverage having a retroactive date equal to the inception date of the first "claims made" policy provided or by purchasing "tail" coverage for a

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five year period beyond the expiration date of the Franchise.

The insurance which Grantee is required to provide shall be primary insurance and the insurer shall be liable for the full amount of the loss up to and including the total limit of liability required hereunder without the right of contribution from any other insurance coverage that may be held by the County or by any self-insured retention of the County.

All insurance required by the Franchise to be provided by Grantee shall be procured from responsible insurance companies having a minimum Best's rating of A-VII and which are admitted to do business in California or which is a California licensed excess/surplus lines insurer. A certificate and a copy of the completed endorsement evidencing such insurance policies shall be delivered to the County simultaneously with the execution and delivery of the acceptance of the Franchise, and evidence of renewals thereof shall be delivered by Grantee to County at least thirty (30) days prior to the respective expiration dates of such policies. County shall be provided at least thirty (30) days written notice of any termination, cancellation, amendments or changes to the terms of such insurance policies.

If Grantee fails or refuses to procure or to maintain insurance coverages as required by this Franchise, or fails or refuses to furnish County required proof that such insurance has been procured, is in force and paid for, County, at its election, may procure and maintain such insurance, in which event all premiums paid by County shall be charged to and immediately due and payable by Grantee, with a 20% service charge plus interest at the rate of 1½% per month from the date the premium was paid. Grantee agrees that the service charge and interest are a fair estimate of the County's cost to procure insurance and waives and releases any objection to payment on the grounds that the amounts are punitive or excessive.

Section 20. The Franchise shall not be assigned in whole or in part without prior written notice to the County being first obtained, said assignment not be unreasonably withheld. Grantee shall request the assignment in writing to the Director of the County Department of Public Works describing both the proposed assignee and the reason for the assignment. The assignment will be deemed approved unless the County denies the request for assignment in writing within ten (10) days.

Notwithstanding the foregoing, Grantee may hypothecate the Franchise without such consent and, in the event of foreclosure, the creditor may be assigned the Franchise provided that: (a) the facilities are properly maintained; (b) all terms and conditions of the Franchise and other County requirements are being adhered to; (c) the creditor agrees in writing to be bound by the terms of the Franchise and not to assign or transfer the Franchise without the unreasonable approval of the County; to another lender or to a qualified lender and (d) the creditor pays to the County the required administrative fee to process the assignment.

In the event of transfer or assignment for any cause, the County shall have the right to substitute for the security a new security conditioned upon the assignee or transferee well and truly observing, fulfilling and performing and terms and conditions of the Franchise, and upon the filing of said security with and the approval thereof by County, to exonerate and excuse further liability

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upon the original security.

Section 21. Any provision, clause or section of this ordinance, or the application thereof, which is, or becomes inconsistent or in conflict with any of the laws of the United States of American or State of California shall be deemed to be preempted and superseded.

Section 22. Any provision, clause or section of this ordinance, or the application thereof, which is preempted or superseded shall not preempt, supersede or in any other way invalidate the other provisions, clauses or sections of this ordinance which can be given a reasonable effect without the preempted or superseded provision, clause, or section, and to this end, the provisions, clauses, and sections of this ordinance are hereby declared to be severable.

Exhibit "A"

1. Surety Bond: A construction Surety Bond in the amount of \$50,000 and in a form satisfactory to County shall be required to ensure performance in accordance with all terms, conditions and restrictions of this Franchise throughout the construction period.

2. Storage of Material: No material shall be stored within eight feet of the edge of pavement or traveled way, or within the shoulder line where the shoulders are wider than eight feet. Such material shall not be so stored for more than three consecutive calendar days.

3. Clean Up Right-of-Way: Upon completion of work, all brush, timber, scraps and other material shall be entirely removed and the right-of-way left in a condition satisfactory to County.

4. Standards of Construction: All work shall conform to recognized County standards of construction and the State of California, Department of Transportation, Standard Specifications, current edition. The provisions of the Franchise shall supersede the Standard Specifications, if in conflict.

5. Supervision of County: All work to be done shall be subject to the supervision and satisfaction of County.

6. Care of Drainage: If the work contemplated shall interfere with established drainage, suitable provision shall be made by the Grantee for the situation so as not to present a hazard or cause damage.

7. Submit As-Builts: After completion of underground or surface work of consequence or if work differs from the plans submitted for the franchise application, the Grantee shall, when requested, furnish to County, an As-Built plan showing the exact location of encroachment and other details, including the location of the installation with its beginning and terminus in the highway, both with reference to the surface and with reference to the property lines along said highway.

8. Construction and Repair: The Grantee shall properly construct, maintain and repair any encroachment authorized herein and shall exercise reasonable care in inspection and immediately repair any damage to the traveled way that occurs as a result of the existence of said encroachment or as the result of any work done under this Franchise.

9. Crossing Roadway: If it is necessary to lay pipe across or under any portion of the pavement, it shall be done by a tunnel or bore unless the County Department of Public Works directs otherwise. Service and other small diameter conduits shall be jacked or otherwise forced underneath pavement without disturbing the surface thereof. The pavement or roadway shall not be cut or otherwise disturbed unless specifically permitted on the reverse side hereof. Service conduits are not permitted inside culvert structures used as drainage facilities. The County Department of Public Works retains the power to refuse permission for the laying of pipe across or under any paved highway if it believes that the work cannot be done without permanent damage

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to the highway.

10. Bridge: In the event that the County or any governmental agency or instrumentality mentioned herein constructs, installs, reconstructs or repairs *any* bridge or artificial support in or underlying any highway in which the Franchise property is located or which is prescribed as the location for any Franchise property, and the cost thereof is increased in order to provide for the installation, maintenance or operation of the Franchise property in or on the highway area covered or underlain by said bridge or other artificial support, then the Grantee shall pay to the County or such governmental agency or instrumentality doing such work the full amount of such increase of cost, upon completion of such construction, installation or repair.

11. Casing: A casing is required for all pipes crossing roads, containing water, gas, oil or other liquids.

12. Limit of Excavation: No excavation shall be made closer than eight feet from the edge of pavement.

13. Tunneling: No tunneling is permitted except as specifically authorized by County Department of Public Works.

14. Depth of Pipes: There shall be a minimum of 36" of cover over sewer lines and a minimum of 30" over all other pipelines or conduits.

15. Backfilling: All backfill is to be moistened as necessary and thoroughly tamped. Backfill material shall be of a uniform grading as directed by County.

16. Maintain Surface: The Grantee shall maintain the surface over all structures placed hereunder as long as same shall exist.

17. Final Transmission System Location Approval: Final approval of the location of all Grantee's transmission systems shall be evidenced with the issuance of a County Building Permit and or Encroachment Permit.

18. Keep this Exhibit : This Exhibit shall be kept at the site of the work and upon request must be shown to any representative of County or any Law Enforcement Office.

19. Permits from Other Agencies: The Grantee shall, whenever required by law, secure a written order or consent to the doing of the work from the California Public Utilities Commission, or any other agency having jurisdiction, this authorization to construct shall not be valid or effective until such order or consent is obtained.

20. Public Utilities Commission Orders: All clearance and type of construction shall be in accordance with all applicable orders of the California Public Utilities Commission unless more restrictive provisions are required by County Ordinance.

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21. Permission from Property Owners: Whenever deemed necessary by County, the Grantee shall secure written permission from abutting property owners prior to the starting of any work hereunder.

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Exhibit "B"
Map Showing Franchise Route

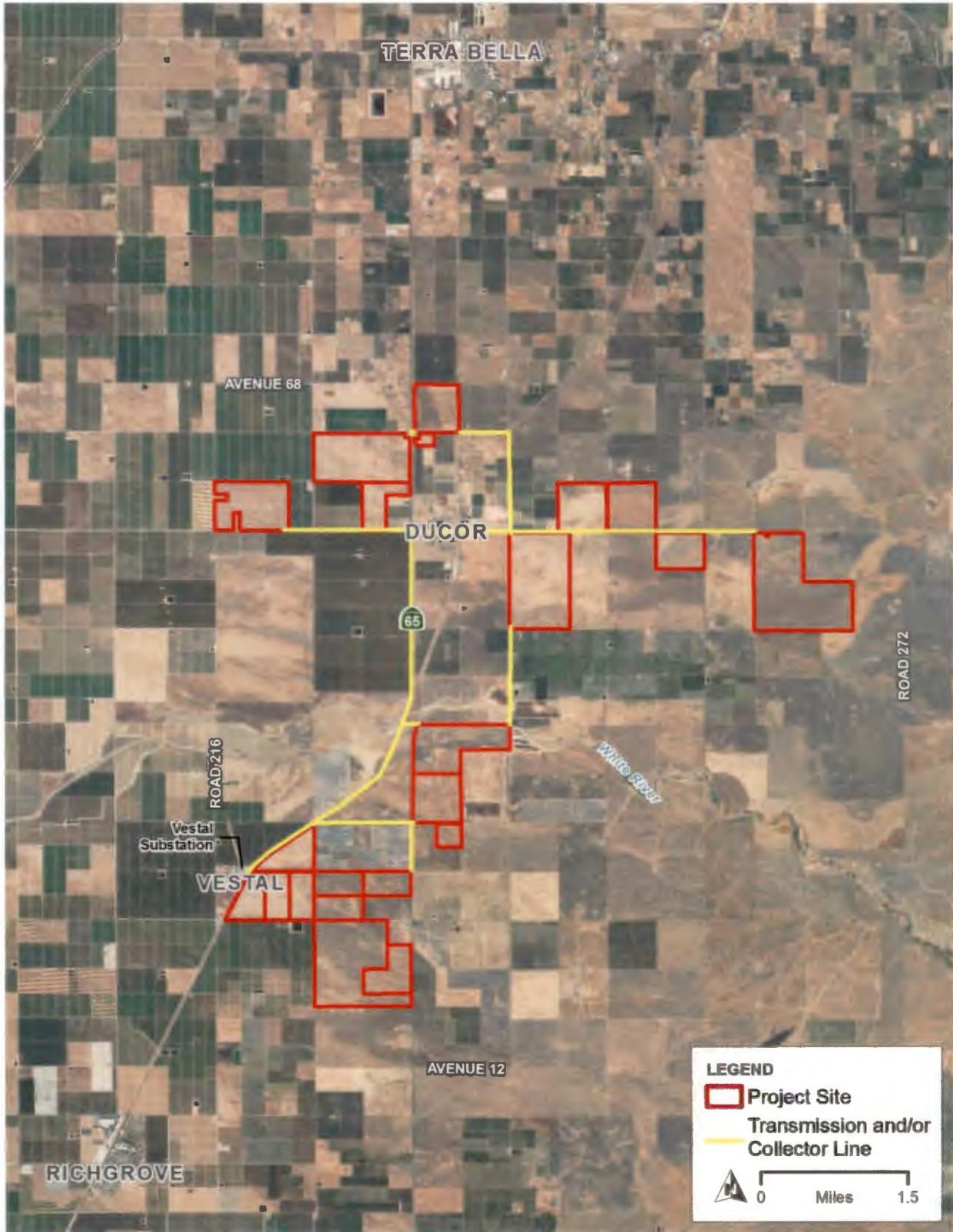


Exhibit "C"
FRANCHISE FEE PAYMENT SCHEDULE
ORIGINAL TERM

1. Application for up to approximately eight (8) miles of gen-tie and fiber optics

2. At delivery of the Acceptance Certification, Franchisee shall pay a one-time Franchise Fee in the following amounts, based on the linear miles of gen-tie and fiber optics that Franchisee intends to install:
 - a. Up to four (4) miles (21,120 feet): \$1,000,000.00
 - b. Four (4) plus to eight (8) miles: \$250,000.00 for each additional mile. In the abundance of clarity this means that for 6 miles of gen-tie and fiber optic the Grantee shall pay \$1,500,000.00.

3. If any of the roads are expanded after Franchisee has started construction, Franchisee has the right to relocate the gen-tie/fiber optics to the new edge of the expanded road, if needed. If such relocation is required, no additional payment shall be made unless both of the following occur: (a) relocating the line results in the addition of more than 500' of gen-tie/fiber optics; and, (b) the additional line results in a step up to a new increment (per above). If both criteria are met, then Franchisee pays the additional incremental payment at the time of attainment of the encroachment permit to relocate the installed gen-tie and fiber optics line.