

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Kern

1115 Truxtun Avenue, First Floor

Bakersfield, CA 93301-4639

From: (Public Agency): Lost Hills Water District
5555 California Ave. Suite 209
Bakersfield, CA 93309

(Address)

Project Title: Lost Hills Water District Sarad Pump Station Solar Project

Project Applicant: WPR RE Holdings, LLC

Project Location - Specific:

30 acres of a 46-acre parcel, APN 044-202-23 in unincorporated Kern County

Project Location - City: unincorporated area near Lost Hills Project Location - County: Kern

Description of Nature, Purpose and Beneficiaries of Project:

Construction and operation of an approximately 4-megawatt behind-the-meter solar photovoltaic energy generation facility on an approximately 30 acre site to provide an alternative energy source for the Sarad Pump Station. See Attachment A for additional information about the project.

Name of Public Agency Approving Project: Lost Hills Water District

Name of Person or Agency Carrying Out Project: Lost Hills Water District

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: 15268

Reasons why project is exempt:

CEQA Guidelines Section 15268 state that ministerial projects are statutorily exempt from CEQA. This project is a "by right" use consistent with the Kern County General Plan Land Use Designation of Intensive Agriculture for the project site and requires ministerial approval only for a building permit. See Attachment A for additional information and reasoning.

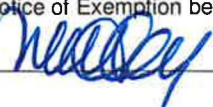
Lead Agency

Contact Person: Mark Gilkey

Area Code/Telephone/Extension: 559-816-0386

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: 

Date: 8/20/2024

Title: General Manager

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment A

Statutory Exemption Report



Lost Hills Water District Sarad Pump Station Solar Project

Statutory Exemption Report

prepared for

White Pine Renewables

7621 North Del Mar Avenue, Suite 102

Fresno, California 93711

Contact: Garrett Hollingsworth

prepared by

Rincon Consultants, Inc.

7080 North Whitney Avenue, Suite 101

Fresno, California 93720

July 2024



RINCON CONSULTANTS, INC. SINCE 1994

Table of Contents

1	Introduction	1
2	Project Description	2
2.1	Project Title.....	2
2.2	Project Location and Setting.....	2
2.3	General Plan and Zoning Designations	2
2.4	Project Characteristics	2
3	Statutory Exemption Applicability	6
4	Summary	7

Figures

Figure 1	Regional Location	3
Figure 2	Project Site Location.....	4

This page intentionally left blank.

1 Introduction

This report serves as the documentation of analysis performed by Rincon Consultants, Inc. (Rincon) on behalf of White Pine Renewables (“Applicant”) for the Lost Hills Water District (LHWD) Sarad Pump Station Solar Project (Project). The proposed Project involves construction and operation of an approximately 4-megawatt (MW) behind-the-meter solar photovoltaic (PV) energy generation facility. The Project would be located on approximately 30 acres of an approximately 46-acre parcel of previously disturbed land in unincorporated Kern County, California, and would serve the LHWD’s Sarad Pump Station.

CEQA Guidelines Section 15268 state that a Statutory Exemption can be made for ministerial projects. According to *CEQA Guidelines* Section 15369, “Ministerial” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. The determination of what is “ministerial” can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis which projects are considered exempt from CEQA.

The intent of the analysis is to document whether the Project meets the requirements as a Statutory Exemption under the California Environmental Quality Act (CEQA) with the County of Kern as the CEQA Lead Agency. This report provides an introduction, project description, and evaluation of the Project’s consistency with the requirements for a Statutory Exemption. The report concludes that the Project is eligible for a Statutory Exemption.

2 Project Description

2.1 Project Title

Lost Hills Water District Sarad Pump Facility Solar Project

2.2 Project Location and Setting

The Project site is approximately 30 acres of a larger 46-acre parcel (Assessor Parcel Number 044-202-23) in unincorporated Kern County that would be acquired by the LHWD through the eminent domain process. The Project site is formerly agriculture. The project site does not have an address but is located south of the Sarad Pump Facility and west of the California Aqueduct. The project site is located approximately 15 miles northwest of the unincorporated community of Lost Hills in Kern County and is an area characterized by agricultural land, undeveloped land, utility and water infrastructure, agricultural facilities, and rural residences. The project site is bounded by a paved public road and electrical transmission lines to the west, agricultural lands to the south and east, and agricultural lands and the Sarad Pump Facility to the north. The California Aqueduct is located approximately 400 feet northeast of the project site. The area surrounding the project site is zoned for agricultural use and designated for agricultural use in the General Plan. The project site is generally flat and includes an abandoned almond orchard.

Figure 1 shows the regional location of the project site and Figure 2 shows the project site boundary and the immediate surroundings.

2.3 General Plan and Zoning Designations

The project site has a Kern County General Plan land use designation of Intensive Agriculture with a minimum 20-acre parcel size (8.1) in the Kern County General Plan.

The site is zoned as Exclusive Agriculture (A). The County provides the permitted uses in this zone in Chapter 19.12 of its Zoning Code. This includes solar energy electrical generators where the power generated does not exceed the total power demand.

2.4 Project Characteristics

The Applicant has entered into a Solar Power Services Agreement (SPSA) with the LHWD for construction, operation, and maintenance of the solar facility and associated infrastructure to provide power for LHWD's Sarad Pump Station. The Project would generate approximately 4 MW of PV energy to provide an alternative energy source for the Sarad Pump Station. The power generated would be used to operate the Sarad Pump Station and would not exceed the total power demand. The LHWD is deferring to the County of Kern as the CEQA Lead Agency.

Figure 1 Regional Location



Imagery provided by Esri and its licensors © 2024.

22-13263 EPS
Fig 1: Regional Location

★ Project Location

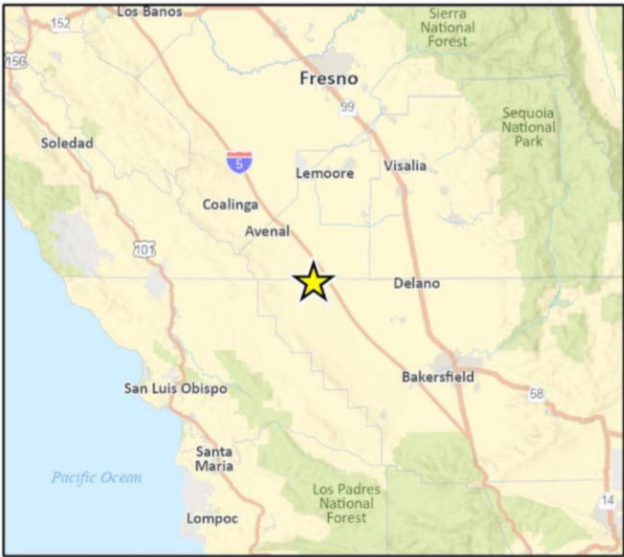
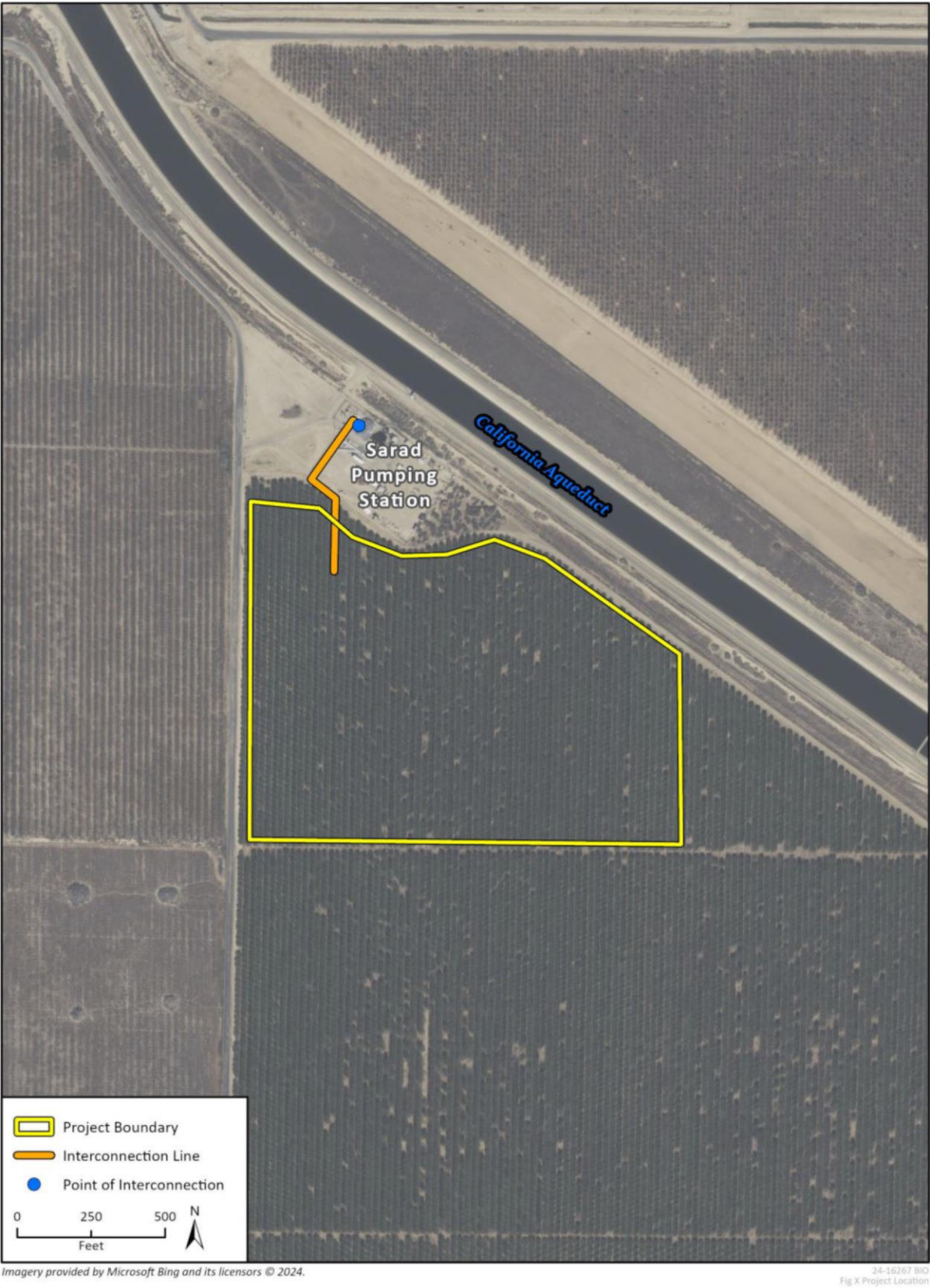


Figure 2 Project Site Location



The Project will include the following components:

- A solar array generating approximately 6,000 megawatt hours (MWh) per year, or approximately 80 percent of the electrical needs at the Sarad Pump Station.
- Approximately 7,000 total PV panels mounted on a single-axis tracking system in order to maximize sunlight capture.
- Interconnection to an existing meter at the Sarad Pump Station north of the project site, as seen in Figure 2, achieved via installation of a new medium voltage overhead 12kV line from the solar array into the Sarad Pumping Station.
- A fence surrounded the facility and an access road constructed around the perimeter of solar arrays with site access west of the development via a public county road along the western project boundary.

No built structures (operations and maintenance buildout or restroom) other than the solar PV equipment would be constructed. Access to the site would be from an existing road on the west side of the project boundary from King Road.

Project construction is expected to begin in January 2025 and be completed in December 2025, for a total duration of approximately 12 months. Construction activities are anticipated to occur five days a week (Monday through Friday) from approximately 6:00 AM to 4:00 PM. Construction of the proposed project would begin with initial clearing and grubbing of the site including the removal of the existing almond trees on site. Staging and construction worker parking would be provided on site. The panels would be mounted on pile-driven posts installed at a depth of between 5 and 10 feet. Grading is anticipated to be balanced on site with no import or export of earth material.

During construction, water would be used for civil activities and dust control. Water use is anticipated to be brought on-site from LHWD sources by a 2,000-gallon truck filled three times per day, or approximately 6,000 gallons per day, five days per week for an estimated 10 weeks of grading and civil activities. For the remaining construction duration, it is estimated that water use will be approximately 2,000 gallons per day for dust control. Portable restrooms would also be brought to the site during construction for worker use.

After construction, the proposed project would be automated to allow operation with no staffing present. Production and system health data, as well as onsite weather data, would be monitored remotely and gathered electronically. A Vegetation Management Plan would be developed and implemented to ensure that vegetation is maintained adequately to prevent negative impacts to adjacent properties from wildfire spreading, and to ensure no interference with on-site solar production. Periodic site maintenance and washing of the solar panels, which may be necessary to maintain efficiency, would occur on an as-needed basis and is anticipated to occur up to two times per year, depending on annual precipitation and vegetation growth. Such maintenance would require temporary staffing on site and use of a water truck. The trucks would obtain water from nearby LHWD facilities. Portable restrooms would be brought to the site during any maintenance activities. No onsite restroom facilities are included in the proposed project because the project site would not house any permanent employees. Additionally, no water service is proposed to the project site. No lighting would be required for the project.

3 Statutory Exemption Applicability

Article 18 of the *CEQA Guidelines* describes the exemption from CEQA granted by the California Legislature, which are referred to as Statutory Exemptions. Pursuant to *CEQA Guidelines* Section 15268, this includes ministerial projects. The determination of what is ministerial “can most appropriately be made by the particular public agency involved based upon its analysis of its own laws.” In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the issuance of building permits and business licenses as well as the approval of final subdivision maps and individual utility service connections and disconnections are presumed to be ministerial (*CEQA Guidelines* Section 15268[b]).

The Project would be located on a parcel with a General Plan land use designation of Intensive Agriculture. The Kern County General Plan identifies appropriate uses for land designated Intensive Agriculture to include, but not be limited to, irrigated cropland; orchards; vineyards; horse ranches; raising of nursery stock ornamental flowers and Christmas trees; fish farms; bee keeping; ranch and farm facilities and related uses; one single-family dwelling unit; cattle feed yards; dairies; dry land farming; livestock grazing; water storage; groundwater recharge acres; mineral, aggregate, and petroleum exploration and extraction; hunting clubs; wildlife preserves; farm labor housing; public utility uses; and agricultural industries pursuant to provisions of the Kern County Zoning Ordinance. As a solar facility, the project is substantially similar to “public utility uses” and therefore falls within the appropriate uses for land designated Intensive Agriculture. In addition, the proposed project would not include elements that would conflict with public health, safety, and welfare. As such, the Project is a “by-right” use. Section 19.12 of the Kern County Zoning Ordinance lists solar energy electrical generators where the power generated does not exceed the total power demand as a “by-right” use. The term “by-right” use refers to a property owner's use of property and structures in manners consistent with that which is listed as permissible in the zoning district in which his or her property is located. The Project, as described in Section 2, will generate approximately 4 MW of energy, which will only offset the Sarad Pump facility's energy usage, and therefore this project qualifies as a “by-right” use. According to the Kern County Zoning Ordinance Section 19.06.020, “Where there is a question as to the meaning or the intent of any requirement of this title, including interpretations of conditions of approval required in conjunction with the approval of any ministerial or discretionary permit authorized therein, the Planning Director shall provide any necessary interpretation, and the decision of the Planning Director shall be final.” Therefore, the authority to determine whether a Statutory Exemption is appropriate is vested solely with the Kern County Planning Director.

4 Summary

Based on the analysis presented herein, the Project meets all criteria to be Statutorily Exempt from CEQA pursuant to *CEQA Guidelines* Section 15268. The Kern County Zoning Ordinance Section 19.12 allows this facility as a by-right use as it would not exceed the total power demand (i.e., no net export of electricity), thereby making this project a ministerial project per County regulations and therefore statutorily exempt. Therefore, it is concluded pursuant to *CEQA Guidelines* Section 15268 that the Project is ministerial, and thus exempt from further CEQA analysis.

This page intentionally left blank.