

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): Berrenda Mesa Water District
5555 California Ave. Suite 209
Bakersfield, CA 93309

(Address)

Project Title: Berrenda Mesa Water District Still Pump Station Solar Project

Project Applicant: Gray Pine, CS LLC

Project Location - Specific:

9 acres of a 352-acre parcel, APN 057-103-02 in unincorporated Kern County

Project Location - City: unincorporated area near Blackwells Corner Project Location - County: Kern

Description of Nature, Purpose and Beneficiaries of Project:

Construction and operation of an approximately 650-kilowatt behind-the-meter solar photovoltaic energy generation facility on an approximately 9 acre site to provide an alternative energy source for the Still Pump Station. See Attachment A for additional information about the project.

Name of Public Agency Approving Project: Berrenda Mesa Water District

Name of Person or Agency Carrying Out Project: Berrenda Mesa 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: 09/05/2024 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



Berrenda Mesa Water District Still Pump Facility 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

September 2024



RINCON CONSULTANTS, INC. SINCE 1994

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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 Berrenda Mesa Water District (BMWD) Still Pump Facility Solar Project (Project). The proposed Project involves construction and operation of an approximately 650-kilowatt (kW) behind-the-meter solar photovoltaic (PV) energy generation facility. The Project would be located on approximately 9 acres of an approximately 352-acre parcel of previously disturbed land in unincorporated Kern County, California, and would serve the BMWD’s Still Pump Facility.

CEQA Guidelines Section 15268 state that a Statutory Exemption can be made for ministerial projects. According to Section *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). 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

Berrenda Mesa Water District Still Pump Facility Solar Project

2.2 Project Location and Setting

The Project site is approximately 9 acres of a larger 352-acre parcel (Assessor Parcel Number 057-103-02) in unincorporated Kern County, California. The project site does not have an address but is located north of the Still Pump Facility and west of the Berrenda Mesa Canal.

The project site is located approximately 10 miles northwest of the unincorporated community of Blackwells Corner 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 agricultural lands to the north and west, the Berrenda Mesa Canal to the east, and the Still Pump Facility and agricultural land to the south. An unpaved access road is located south of the Still Pump Facility. The project site is generally flat.

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

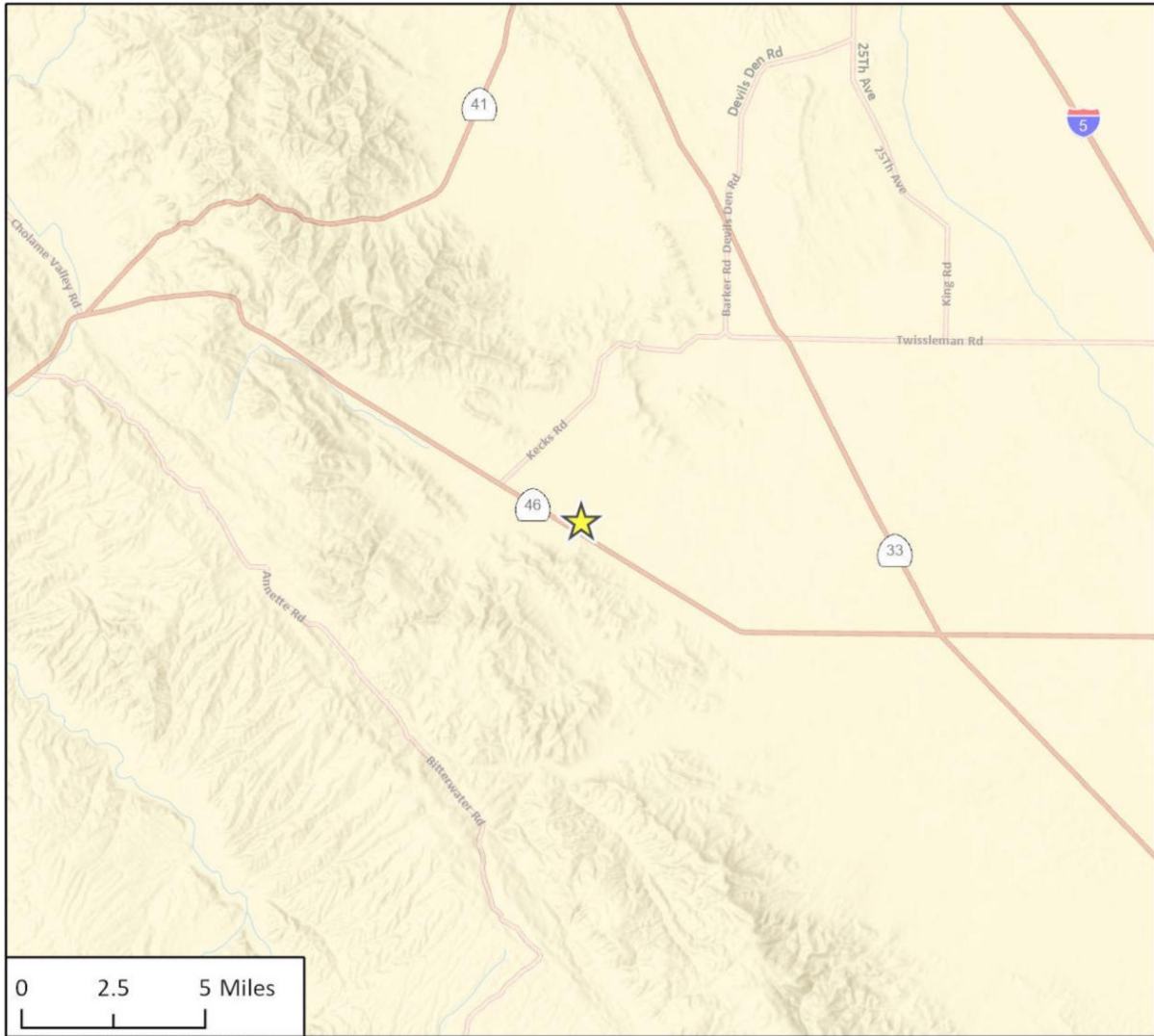
The project site has a Kern County General Plan land use designation of Intensive Agriculture with a minimum 20-acre parcel size (8.1/2.5) in the Kern County General Plan.

The site is zoned as Exclusive Agriculture (A). Kern County provides the permitted uses in this zone in Chapter 19.12 of the Kern County Zoning Ordinance.

2.4 Project Characteristics

The Applicant has entered into a Solar Power Services Agreement (SPSA) with the BMWD for construction, operation, and maintenance of the solar facility and associated infrastructure to provide power for BMWD's Still Pump Facility. The Project would generate approximately 650 kW of PV energy to provide an alternative energy source for the Still Pump Station. The power generated would be used to operate the Still Pump Station and would not exceed the total power demand.

Figure 1 Regional Location



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24-15830 EPS
Fig 1 Regional Location

★ Project Location



Figure 2 Project Site Location



Imagery provided by Microsoft Bing and its licensors © 2024.

24-16367.EPS
Fig 2 Project Location

The Project will include the following components:

- A solar array generating approximately 1,230,000 kWh per year, or approximately 80 percent of the electrical needs of the Still Pump Facility.
- Approximately 1,336 total PV panels mounted on a single-axis tracking system in order to maximize sunlight capture.
- Interconnection to an existing meter at the Still Pump Facility south 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 pump facility.
- A fence surrounding the facility and an access road constructed around the perimeter of solar arrays with site access south of the development via an unimproved access road south of the Still Pump Facility.

No built structures (such as operations and maintenance buildout or restroom) other than the solar PV equipment would be constructed.

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. 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 BMWD sources by a 2,000-gallon truck filled three times per day, or approximately 6,000 gallons per day, five days per week. 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 BMWD 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 is located on a parcel with a General Plan land use designation of Intensive Agriculture (Map Code 8.1). The Kern County General Plan Land Use Element identifies appropriate uses for land designated Intensive Agriculture. These include, but are not 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.

Further, Section 19.12.020 the Kern County Zoning Ordinance lists permitted uses in the Exclusive Agriculture zoning district. As discussed in Section 19.12.020(E), “solar energy electrical generators which are accessory to a permitted or conditionally permitted use and where the power generated does not exceed the total on-site power demand” are a permitted use. “Permitted use” means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district (Kern County Zoning Ordinance Section 19.04.555). 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 650 kW of energy, which will only offset the Still Pump facility’s energy usage and the power generated would not exceed the total on-site power demand. Therefore, this project qualifies as a “by-right” permitted use in the Exclusive Agriculture zone.

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 project is by-right is 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.

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