

DUDLEY RIDGE WATER DISTRICT

District Office: 455 W. Fir Ave., Clovis, CA 93611-0242
Phone: 559-449-2700 Fax: 559-449-2715 www.dudleyridgewd.org

REGULAR MEETING OF THE BOARD OF DIRECTORS

October 13, 2021; 1:00 PM

1. CALL TO ORDER –PRESIDENT KIMBERLY BROWN

2. PUBLIC PARTICIPATION – NON AGENDIZED ITEMS

Members of the public are permitted to address the Board on items of interest that are within the jurisdiction of the Board, whether or not such items are on the agenda. If any such item is on the agenda, a member of the public may address such item before or during the Board's consideration of that item. To not unduly delay the meeting, individuals requesting the opportunity to address the Board are requested to keep their comments to a maximum of five minutes.

3. MINUTES

The Board will be asked to review and may approve the Minutes of the August 23, 2021 Special Board Meeting.

4. FINANCIAL REPORTS

The Board will hear reports and be asked to approve or consider action on the following items:

- a. Presentation of 2020 audit (accept and file);
- b. Treasurer's Reports for June and July (approve);
- c. Payment of bills for June (ratify) and July (approve); and
- d. Draft budget for 2022.

5. WATER SUPPLY REPORTS

The Board will hear reports and may be asked to approve or consider actions related to water supplies, water banking programs, exchanges, conveyance programs, acquisitions, and/or water transfers for the following:

- a. 2021 water supplies and routine landowner transfer/exchange requests;
- b. Existing District-approved banking and exchange programs (Kern Water Bank, San Gabriel Valley MWD, Irvine Ranch WD, Cawelo WD, Kern County WA, and Semitropic WSD);
- c. Water supply programs in collaboration with the Westside districts (Butte County, Western Hills WD, Browns Valley ID, Mojave WA, Rosedale-Rio Bravo WSD, West Kern WD, Palmdale WD, and potentially others);
- d. Multi-year transfer from Palmdale Water District: concur with lead agency's CEQA action and approve the agreement between Palmdale and the Westside districts;

- e. Landowner request to transfer 100 AF of 2021 Table A to Santa Barbara County (CCWA);
- f. 2021 Dry Year Transfer Program;
- g. 2021 Yuba Accord Transfer Program; and
- h. Aqueduct pumpback program.

6. REPORTS FROM OTHER MEETINGS

The Board will hear reports and may be asked to consider actions related to the following organizations:

- a. Southwest Kings GSA (Director Brown);
- b. Kern Water Bank Authority (Director Brown);
- c. Westside Water Authority (Director Puget/Mark Gilkey);
- d. Committee for Delta Reliability;
- e. South Valley Water Resources Authority (Dale Melville)
- f. Westside Water Quality Coalition (Dale Melville); and
- g. San Joaquin Valley Water Blueprint (Dale Melville).

7. STATE WATER PROJECT (“SWP”) ISSUES

The Board will hear reports and may be asked to consider actions related to the State Water Project, including:

- a. Delta Conveyance Project;
- b. SWP Contract Extension Amendment;
- c. Voluntary Agreement;
- d. 2022 Statement of Charges; and
- e. Tolling agreement for SWP protest issues.

8. OTHER DISTRICT ISSUES

The Board will hear reports and be asked to approve or consider action on the following items:

- a. Adopt a Notice of Determination and resolution for the conveyance of water from the Utica development (Jackson Ranch Specific Plan) to and from Kettleman City CSD for treatment;
- b. Appoint a District representative and alternate to ACWA-JPIA;
- c. Appoint a District representative and an alternate to the Southwest Kings GSA board;
- d. Appoint a District representative to the South Valley Water Resources Authority board;
- e. Appoint a District representative to the WWQC board and adopt a resolution related to terms for District representative to serve on the WWQC board.

9. REPORT OF COUNSEL

The Board will hear reports and may be asked to approve or consider actions related to current issues and legislation.

10. OTHER BUSINESS AND CORRESPONDENCE

The Board may hear a status report on various issues, none of which are action items. Correspondence since the previous Board meeting may be brought to the attention of the Board.

11. EXECUTIVE (CLOSED) SESSION – Conference with Legal Counsel
Anticipated Litigation (Govt. Code, § 54956.9(d)(4)): One matter.

12. DATE, TIME AND LOCATION OF NEXT BOARD MEETINGS
The next Board meeting is to be determined.

13. ADJOURNMENT

Notes:

- 1) **During the term of the Governor's State of Emergency declarations, District Board meetings may be (a) accessed by Board members, staff, and the public via teleconference by calling 559-512-2821, access code 157 187 725# or (b) video-conferencing by connecting to the Board meeting link on the website www.dudleyridgewd.org, or (c) by attending (masks are currently required) at the District office at the Pineflat conference room at 455 W. Fir Ave., Clovis, CA.**
- 2) *Written materials related to an item on this agenda to be considered in open session that are public documents and that are distributed to Board members after the posting of the agenda will be made available for public inspection when they are so distributed at the offices of the Dudley Ridge Water District located at the above address during normal business hours and on the District's website at www.dudleyridgewd.org. Documents that are public documents provided by others during a meeting will be available at the District office and on the District's website after the meeting.*
- 3) *A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the District to provide disability related modifications of accommodations in order to participate in any public meeting of the District. Such assistance includes appropriate alternative formats for the agendas and agenda packets. Requests for disability related modification or accommodation, in order to attend or participate in a District meeting, should be made to Dudley Ridge Water District at the above address or by telephone to 559-449-2700, at least 48 hours before a public meeting of the District.*
- 4) *Meeting notification requests: If you would like to be notified of future Dudley Ridge Water District meetings and events, please contact Dale Melville at 559-449-2700 or email at dmelville@ppeng.com.*

POSTED 10/8/2021 BY LS (District office) & JB (in District)

MINUTES of the Special Meeting of the Board of Directors of Dudley Ridge Water District held on August 23, 2021 at 1:00 p.m. at the office of the District, 455 W. Fir Ave., Clovis, California. Due to safety concerns related to Covid-19, all attendees participated via teleconference.

DIRECTORS PRESENT: Kimberly Brown, President
Bernard Puget
Patrick O'Dowd

DIRECTORS ABSENT: Larry Ritchie
John Vidovich

OTHERS PRESENT: Dale Melville, Assistant Manager-Engineer
Rick Besecker, Assessor-Collector-Treasurer
Joe Hughes, Legal Counsel
Paul Weghorst, Irvine Ranch WD
Pamela Tobin, ACWA

President Brown called the Board meeting to order at 1:00 p.m. and announced that Mr. Melville had administered the oath of office to Mr. Patrick O'Dowd on Saturday, August 21, 2021, and that he had been sworn in as a District director and executed the Oath of Allegiance.

MINUTES

Director Puget made a motion to approve the minutes of the June 14, 2021 Regular Board Meeting. The motion was seconded by Director O'Dowd; after discussion the Board voted to approve the motion. Following the vote, President Brown announced that the Directors voted as follows:

Brown	Ritchie	O'Dowd	Vidovich	Puget
Aye	Absent	Aye	Absent	Aye

RESOLUTION FO ACWA VICE PRESIDENT

The Assistant Manager-Engineer noted that Director O'Dowd expressed interest in serving as vice president of the Association of California Water Agencies ("ACWA"). Director Puget made a motion to adopt resolution 2021-07 nominating and supporting Director O'Dowd as a candidate for vice president of ACWA. The motion was seconded by Director O'Dowd; after discussion the Board voted to approve the motion. Following the vote, President Brown announced that the Directors voted as follows:

Brown	Ritchie	O'Dowd	Vidovich	Puget
Aye	Absent	Aye	Absent	Aye

SWP AUDIT AGREEMENT

Next, the Manager asked for the Board to approve the FY 2021-2022 Ernst & Young auditing agreement for the SWP, noting that the contract represented a 0.3% percent increase in fees over the prior year. Director Puget motioned to authorize the Manager execute the agreement. The motion was seconded by Director O'Dowd; after discussion, the Board voted unanimously to adopt the motion. Following the vote, President Brown announced that the Directors voted as follows:

Brown	Ritchie	O'Dowd	Vidovich	Puget
Aye	Absent	Aye	Absent	Aye

DATE, TIME, AND LOCATION OF NEXT BOARD MEETING

The Assistant Manager-Engineer noted that the next meeting is to be determined, based on the need for Board policy actions.

ADJOURNMENT

There being no further business to come before the Board, at 1:14 p.m. President Brown adjourned the meeting.

John Vidovich, Secretary

APPROVED:

Kimberly M. Brown, President

**DUDLEY RIDGE WATER DISTRICT
PROPOSED 2022 BUDGET
and comparison to both 2021 Budget & 2021 Actual Charges**

Item 4d

Description	Proposed 2022 Budget	2021 Budget	2022 Budget- 2021 Budget	% Change	2022 Budget- 2021 Actual	2021 2021	% Change
Benefit Assessments							
SWP Fixed Costs							
Table A Water							
Capital	1,916,869	1,669,020	247,849		1,669,020	247,849	
Minimum OMP&R	3,189,270	2,722,496	466,774		2,722,496	466,774	
Revenue Bond	528,778	528,049	729		528,049	729	
Delta Conveyance Project	644,448	644,448	0		103,375	541,073	
Ag Trust Fund (Fixed Portion)	0	0	0	(3)	0	0	
Total SWP Fixed Costs	6,279,365	5,564,013	715,352	12.9	5,022,940	1,256,425	20.0
Minimum District Administration							
Manager-Engineer	8,250	16,500	(8,250)		20,283	(12,033)	
Legal	5,000	5,000	0		5,957	(957)	
Assessor-Collector-Treasurer	6,500	6,500	0		6,700	(200)	
Office Supplies & Secretarial	4,500	4,500	0		2,906	1,594	
Annual Audit	4,000	4,000	0		4,000	0	
Total Minimum District Administration	28,250	36,500	(8,250)	(22.6)	39,845	(11,595)	(41.0)
Total Benefit Assessments	6,307,615	5,600,513	707,102	12.6	5,062,785	1,244,830	19.7
Standby Charges							
District Administration							
Insurance	4,000	4,000	0		4,000	0	
Membership Dues & Fees	120,360	104,507	15,853	(1)	115,624	4,736	
Annual Audit & State Controller's Report	3,950	3,950	0		3,950	0	
Manager-Engineer	95,000	190,000	(95,000)	(2)	172,845	(77,845)	
Office Supplies & Secretarial	8,000	8,000	0		5,053	2,947	
Legal-General	20,000	20,000	0		19,931	69	
Assessor-Collector-Treasurer	35,000	35,000	0		36,076	(1,076)	
SWP Audit	17,000	17,000	0		13,455	3,545	
SWC Delta Issues	49,000	49,000	0		59,890	(10,890)	
Special Studies	13,000	13,000	0		3,250	9,750	
Manager-SWP Litigation	2,000	2,000	0		500	1,500	
Legal-SWP Litigation	10,000	10,000	0		2,500	7,500	
Westside Water Authority (5)	72,368	36,184	36,184		55,061	17,307	
Contingencies	25,000	25,000	0		9,902	15,098	
Total District Administration	474,678	517,641	(42,963)	(8.3)	502,038	(27,359)	(5.8)
Distribution System Maintenance							
Distribution System Maintenance	50,000	50,000	0		44,989	5,011	
Total Distribution System Maintenance	50,000	50,000	0	0.0	44,989	5,011	10.0
Total Standby Charges	524,678	567,641	(42,963)	(7.6)	547,027	(22,349)	(4.3)
Water Toll Charges							
SWP Variable Costs							
Table A Water							
Off-Aqueduct	17,907	22,617	(4,710)		14,009	3,898	
Ag Trust Fund (Variable Portion)	0	0	0	(3)	0	0	(3)
Variable (at 63% allocation)	812,056	515,939	296,117		660,282	151,774	
Total SWP Variable Costs	829,963	538,556	291,407	54.1	674,291	155,672	18.8
District Water Operations							
Ditchtender Services	28,000	28,000	0		28,000	0	
Water Scheduling/Ordering	14,000	14,000	0		10,168	3,833	
Total District Water Operations	42,000	42,000	0	0.0	38,168	3,833	9.1
Total Water Toll Charges	871,963	580,556	291,407	50.2	712,459	159,504	18.3
Grand Totals	7,704,256	6,748,710	955,546	14.2	6,322,271	1,381,985	17.9

(1) Payee	Proposed 2022 Budget	2021 Payment
Committee for Delta Reliability	\$ 41,350	\$ 41,350
State Water Contractors	60,000 (4)	59,890
Water Blueprint for the San Joaquin Valley	7,500	7,500
Association of California Water Agencies	5,060	5,110
South Valley Water Resources Agency	2,500	2,268
Underground Service Alert	1,200	1,117
Water Education Foundation	750	750
Valley Ag Water Coalition	600	600
Agricultural Energy Consumers Association	500	500
California Farm Water Coalition	500	500
Eat-Well	200	0
San Joaquin Valley Ag Water Committee	200	0
Total Payment	\$ 120,360	\$ 119,585

(2) Includes projected additional costs associated with SGMA, Delta Conveyance Facility, and three pending SWP Contract Amendments.

(3) Assumes \$375,748 Rate Management credits will not be paid to Ag Trust Fund.

AGREEMENT FOR PURCHASE OF WATER SUPPLIES

THIS AGREEMENT (**Agreement**) is made and effective as of _____, 2021 (**Effective Date**) by and among PALMDALE WATER DISTRICT (**Palmdale**), a special act agency, and BELRIDGE WATER STORAGE DISTRICT (**Belridge**), a water storage district, BERRENDA MESA WATER DISTRICT (**Berrenda Mesa**), a California water district, LOST HILLS WATER DISTRICT (**Lost Hills**), a California water district, WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT (**Wheeler Ridge**), a water storage district, and DUDLEY RIDGE WATER DISTRICT (**Dudley Ridge**), a California water district. Belridge, Berrenda Mesa, Lost Hills, Wheeler Ridge, and Dudley Ridge are referred to collectively as the **Westside Districts**. Palmdale and the Westside Districts are referred to collectively as the **Parties** or individually as a **Party**.

RECITALS

A. Palmdale holds a contract with the California Department of Water Resources (**DWR**) for a water supply from the State Water Project (**SWP**). The Westside Districts also hold contracts either directly with DWR (in the case of Dudley Ridge) or indirectly through the Kern County Water Agency (in the cases of Belridge, Berrenda Mesa, Lost Hills, and Wheeler Ridge) for SWP water supplies.

B. Palmdale and the Westside Districts have determined that it is in their mutual best interest for Palmdale to sell and the Westside Districts to purchase a portion of Palmdale's Table A Water [defined below] while this Agreement is in effect. Among other benefits, Palmdale anticipates that this transaction will reduce some of its fixed SWP costs and the Westside Districts anticipate they can utilize additional Table A Water to address existing agricultural water needs within the allowed place of use for such water in the San Joaquin Valley.

THEREFORE, the Parties agree as follows:

ARTICLE I DEFINITIONS

1.01 Definitions. Terms used in this Agreement not otherwise defined shall have the following meanings:

- (a) **"AF"** means acre feet (or acre foot) of water.
- (b) **"Year"** means a calendar year beginning January 1 and ending December 31.
- (c) **"SWP Water"** means Table A Water.

(d) **“Table A Water”** means water made available to Palmdale under its SWP contract with DWR. Palmdale’s full contractual allocation of Table A Water is currently 21,300 AF per SWP water year.

(e) **“Transfer Water”** means Table A Water that Palmdale grants the Westside Districts the right to purchase, or otherwise makes available to the Westside District for purchase, under Section 2.01 below.

(f) **“Minimum Quantity of Transfer Water”** means a quantity of Table A Water determined for transfer to the Westside Districts each Year according to DWR’s May 1 SWP allocation and the following table:

<u>SWP Allocation (%)</u>	<u>Minimum Quantity (AF)</u>
90 to 100	8,000
80 to 89	6,000
70 to 79	4,000
60 to 69	2,000
55 to 59	1,000
0 to 54	0

There will be no Minimum Quantity of Transfer Water in Years when (1) the May 1 SWP allocation is less than 55 percent, or (2) Palmdale does not have at least 3,500 AF of SWP water in carryover storage in San Luis Reservoir at the beginning of the subject Year. However, before Palmdale may transfer Table A water to any party other than the Westside Districts in such a Year, at least the minimums in the above table shall be first transferred to the Westside Districts.

(g) **“Rate”** means the rate for Transfer Water, expressed in dollars per AF, and determined as follows according to DWR’s May 1 SWP allocation. For Year 2021, the Rate is:

<u>SWP Allocation (%)</u>	<u>Rate (\$/AF)</u>
76 to 100	150
56 to 75	325
31 to 55	550
0 to 30	To Be Determined

For Years 2022 through 2025, the Rate will be increased by 5 percent of the preceding Year’s Rate. The Parties shall negotiate, in good faith, the Rate for any Transfer Water made available in a Year where SWP allocation is below 31 percent.

ARTICLE II SALE OF WATER

2.01 Right to Purchase Transfer Water. Palmdale grants the Westside Districts the right to purchase Table A Water on the following terms and conditions:

(a) The Westside Districts' rights under this Section 2.01 apply to the first Table A Water made available to Palmdale each Year that Palmdale does not use within its boundaries in that Year.

(b) Palmdale shall make available to the Westside Districts each Year at least the Minimum Quantity of Transfer Water. Palmdale may also, in any Year, make available as Transfer Water any additional Table A Water above the Minimum Quantity of Transfer Water for purchase by the Westside Districts at the applicable Rate. However, Palmdale may not offer more than 15,000 AF of Table A Water for transfer to the Westside Districts in any Year, regardless of the SWP allocation. Palmdale may revise the Minimum Quantity of Transfer Water determined under Section 1.01(f) above for the five years periods of (i) January 1, 2026 through December 31, 2030 and (ii) January 1, 2031 through December 31, 2035; however, Palmdale must notify the Westside Districts of any revisions by December 31, 2025 and December 31, 2030, respectively. The revision will then be substituted in place of the table provided in Section 1.01(f) above for that five-year period. Within 30 days of receiving a timely revision from Palmdale, the Westside Districts may, in their sole and absolute discretion, either accept the revised Minimum Quantity of Transfer Water for the following five-year period or terminate this Agreement.

(c) By February 15 each Year, Palmdale shall evaluate the quantity of water available for sale to the Westside Districts in addition to the Minimum Quantity of Transfer Water, if any, and provide the Westside Districts with the total estimated quantity of Transfer Water available for the Year for sale to the Westside Districts.

(d) By June 1 of each Year, Palmdale shall provide the Westside Districts with the final quantity of Transfer Water for the Year, which will consist of the Minimum Quantity of Transfer Water *plus* any additional Table A Water Palmdale determines, in its sole and absolute discretion, to make available to the Westside Districts. That final quantity will be deemed to be the Transfer Water for the subject Year.

(e) The Westside District may not carry over any undelivered Transfer Water from one Year to the next.

2.02. Payment for Transfer Water. The Westside Districts shall pay for the Minimum Quantity of Transfer Water made available by Palmdale each Year, whether or not the Westside Districts take delivery of that water. The Westside Districts shall pay for all Transfer Water as follows:

(a) The Westside Districts shall pay Palmdale the purchase price as determined by the applicable Rate within 45 days of Palmdale both determining the quantity of Transfer Water under Section 2.01(d) above and sending the Westside Districts an invoice for that Transfer Water. Palmdale shall send the invoice to the Westside Districts' point of contact as provided under Section 2.04 below who shall arrange for one payment to be made to Palmdale. Allocation of the invoiced purchase price among the Westside

Districts will be the sole responsibility of the Westside Districts. Any disagreement among the Westside Districts regarding that allocation may neither delay payment of the subject invoice nor involve Palmdale.

(b) The Parties shall negotiate, in good faith, a revision of the Rate under Section 1.01(g) above prior to each of the five-year periods of (i) January 1, 2026 through December 31, 2030 and (ii) January 1, 2031 through December 31, 2035. The resulting revision of the Rate will be substituted in place of the table provided in Section 1.01(g) above for that five-year period for purposes of this Agreement. If the Parties are unable to agree to a revision, then this Agreement shall terminate at the end of the last Year for which there is an agreed Rate.

2.03. Delivery of Transfer Water. Palmdale shall deliver Transfer Water as follows:

(a) Within 10 days of Palmdale determining the final quantity of Transfer Water under Section 2.01(d) above, Palmdale shall, in coordination with Dudley Ridge and Kern County Water Agency, notify DWR of the transfer of Transfer Water for that Year and its preliminary delivery schedule.

(b) The point of delivery for all Transfer Water is San Luis Reservoir.

(c) Palmdale shall submit monthly water delivery schedules to DWR for delivery of the Transfer Water to the Westside Districts. Palmdale shall use its best efforts and cooperate in good faith with the Westside Districts to convey or cause the conveyance of Transfer Water from the point of delivery to its place of use as directed by the Westside Districts. Notwithstanding any other provision of this Agreement, the Westside Districts will be solely responsible for making any arrangements necessary and paying (or reimbursing to Palmdale) any costs to deliver, convey, store, or otherwise dispose of any Transfer Water following its delivery to the Westside Districts at San Luis Reservoir.

2.04. Point of Contact for Westside Districts. The point of contact for the Westside Districts with whom Palmdale may communicate on behalf of all those districts for purposes of Transfer Water delivery, determination of the applicable Rate, and payment for Transfer Water will be the Executive Director of the Westside Water Authority, who is also the General Manager of Belridge, Berrenda Mesa, Lost Hills, and Dudley Ridge.

**ARTICLE III
TERM**

The term of this Agreement will begin, subject to Article IV below, on the Effective Date and expire on December 31, 2035.

**ARTICLE IV
APPROVALS**

4.01. Approval. The Parties shall cooperate to process and obtain all necessary DWR (or other) approvals and consents to implement this Agreement and effectuate this transaction.

4.02. Costs. Each Party shall bear and be responsible for its own review and processing of any required agreements, environmental documents, and other costs of this Agreement.

4.03. California Environmental Quality Act. The Parties have cooperated to retain Environmental Science Associates as an independent consultant to perform appropriate environmental reviews associated with the transfer of Transfer Water under this Agreement. The Parties shall share equally the costs for that consultant to prepare the necessary environmental documents. Palmdale shall act as the lead agency for compliance with the California Environmental Quality Act.

ARTICLE V INDEMNITIES

5.01. Indemnity. Each Party (**Indemnitor**) shall indemnify, defend and hold the other (**Indemnitee**) harmless against any claim or suit for personal injury or death, including claims by employees for indemnification, or damage to real or personal property (and indemnify it for any resulting damage, loss, settlement costs, judgments or expenses, including legal fees), to the extent caused by (i) a breach by the Indemnitor of any covenant, representation or warranty under this Agreement or (ii) the negligence or misconduct of the Indemnitor or its agents in performing or attempting to perform any of its obligations under this Agreement. Each Party's obligations hereunder shall survive the expiration or earlier termination of this Agreement.

ARTICLE VI COOPERATION AND DEFENSE OF AGREEMENT

6.01. Notice of Claims. Each Party shall promptly notify the other Party within ten days of such Party becoming aware of any third-party claims affecting a Party relating in any way to this Agreement or any force majeure event affecting this Agreement.

6.02. Defense of Agreement. In the event any third party commences any proceeding (whether judicial, administrative or otherwise) challenging this Agreement, any environmental review undertaken in connection herewith or in connection with water deliveries hereunder, or any other action taken to implement this Agreement (**Third Party Challenge**), the Parties shall each retain separate counsel, enter into a joint defense agreement, and jointly and cooperatively defend any such Third Party Challenge, unless otherwise agreed in writing. The Parties shall assist one another without cost in connection with a Third Party Challenge by providing information and witnesses as reasonably requested.

6.03. Litigation Costs. For purposes of this Article VI, "**Litigation Costs**" means: (a) any costs (including without limitation attorneys' fees) incurred to defend any Third Party Challenge and (b) any damages, settlement amount or other amounts payable as the result of any such Third Party Challenge. Litigation Costs incurred by the parties resulting from a Third Party Challenge shall be borne (a) by each Party alone as to its own separately retained counsel and (b) equally as to any counsel all Parties jointly retain to defend against the challenge. If a Party decides not to

defend against the Third Party Challenge, either separately or jointly, then that Party will be deemed to have its interest in this Agreement terminated.

ARTICLE VII FORCE MAJEURE

Performance under this Agreement by all Parties may be suspended upon the occurrence of a **Force Majeure Event**, which means: Any flood, earthquake, failure of any facility not owned by one of the Parties, acts of God (other than drought), governmental or court actions, and other events which are beyond the reasonable control of, and have not been caused or contributed to by the Parties, and which causes the affected Party to be unable to substantially perform its obligations hereunder; provided, however, that no suspension shall extend the term of this Agreement. The affected Party shall provide the other Party written notice of the estimated duration of the suspension of performance and basis for the suspension prior to the suspension, if possible, and in no event less than one business day following the suspension. The affected Party shall thereafter provide the other Party with any information obtained regarding the Force Majeure Event and any information reasonably requested.

ARTICLE VIII REPRESENTATIONS, WARRANTIES AND COVENANTS

8.01. Representations, Warranties and Covenants. Each Party represents, warrants, and covenants to the other that:

- (a) It is duly formed, validly existing and in good standing under the laws of the State of California and has full power and authority to conduct its business as presently conducted and to enter into and perform this Agreement and to carry out the transactions contemplated by this Agreement.
- (b) The execution, delivery and performance of this Agreement: (i) will not conflict with or result in any breach of any of the terms, conditions or provisions of, or constitute (with or without notice or lapse of time, or both) a default under or a violation of (A) such party's enabling act, (B) any indenture, loan or credit agreement, note agreement, deed of trust, mortgage, security agreement or other agreement, lease or other instrument, commitment or arrangement to which such Party is a party or by which any of its properties, assets or rights are bound or affected, or (C) any decree, judgment, order, statute, rule or regulation applicable to such Party; and (ii) will not result in the imposition of any lien or other encumbrance on any property, asset or right held by such Party. It is not in violation of, or (with or without notice or lapse of time or both) in default under, any term or provision of any indenture, loan or credit agreement, note agreement, deed of trust, mortgage, security agreement or other agreement, lease or other instrument, commitment or arrangement to which it is a party or by which any of the properties, assets or rights are bound or affected that would have a material adverse effect upon the transaction contemplated hereby. Such Party is aware of no reason why it cannot fully and timely perform under this Agreement.

(c) To the best knowledge of such Party, as of the date of this Agreement no litigation, including any arbitration, audit, investigation or other proceeding of or before any court, arbitrator or governmental or regulatory authority is pending or, threatened, involving the water rights or storage rights that are the subject of this Agreement, or any other matter that could affect its ability to perform under this Agreement. Such Party is not a party to or subject to the provisions of any judgment, order, writ, injunction, decree or award of any court, arbitrator or governmental or regulatory official, body or authority that would interfere with its obligations under this Agreement.

(d) No statement by such Party contained in this Agreement and no written statement furnished by such Party or any officer, employee, director, counsel or other agent of such party pursuant to or in connection with this Agreement contains or will contain any untrue statement of a material fact, or omits or will omit to state a material fact necessary in order to make the statements therein contained not misleading. There is no fact that adversely affects, or in the future might reasonably be expected to adversely affect the condition (financial or otherwise), operations (present or prospective), business (present or prospective), properties, assets or liabilities of such Party that is not set forth in this Agreement or any exhibit thereto.

(e) Such Party shall maintain adequate facilities, personnel and resources to meet its obligations under this Agreement.

(f) All actions of such Party and its directors required in order to execute, deliver and fully perform this Agreement have been taken and remain in effect.

8.02. Survival. Except as otherwise expressly provided in this Agreement, all representations, warranties, covenants and agreements of the Parties contained in this Agreement shall be considered material and shall be effective and survive the execution and delivery of this Agreement and the consummation of the transactions contemplated hereby notwithstanding any investigation of the matters covered thereby by or on behalf of any Party benefited by any such representation, warranty, covenant or agreement or any knowledge (actual or constructive) on the part of any Party benefited by any such representation, warranty, covenant or agreement as to the truth or accuracy (or falseness or inaccuracy) thereof.

ARTICLE IX MISCELLANEOUS

9.01. Entire Agreement. This Agreement represents the entire agreement of the Parties with respect to the subject matter hereof. All understandings and agreements heretofore had between the Parties respecting this transaction, including without limitation, any offers, counteroffers or letters of intent, are merged in this Agreement, which fully and completely expresses the agreement of the Parties. There are no representations, warranties, covenants, or agreements except as specifically and expressly set forth herein and in the exhibits annexed hereto.

9.02. Waiver. The waiver by one Party of the performance of any covenant, condition, or promise shall not invalidate this Agreement nor shall it be considered a waiver by such Party of

any other covenant, condition, or promise hereunder. The waiver by any of the Parties of the time for performing any act shall not constitute a waiver of the time for performing any other act or identical act required to be performed at a later time. The exercise of any remedy provided by law and the provisions of this Agreement for any remedy shall not exclude other consistent remedies unless they are expressly excluded.

9.03. Amendment. No change in or addition to this Agreement or any part hereof shall be valid unless in writing and signed by or on behalf of the Party charged therewith.

9.04. Assignment. No Party may assign this Agreement without the written consent of the other Party, which may not be unreasonably withheld. This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties.

9.05. Expenses of this Agreement. Each of the Parties shall pay its own attorneys' fees and expenses incident to the negotiation, preparation, execution, delivery and performance of this Agreement, except as expressly set forth herein.

9.06. Construction. The language in all parts of this Agreement shall be in all cases construed simply according to its fair meaning and not strictly for or against any of the Parties hereto, and Section 1654 of the Civil Code has no application to interpretation of this Agreement. Headings at the beginning of Sections, paragraphs and subparagraphs of this Agreement are solely for the convenience of the Parties, are not a part of this Agreement and shall not be used in construing it. The preamble, recitals and all exhibits and schedules to this Agreement are part of this Agreement and are incorporated herein by this reference. Whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular, and the masculine gender shall include the feminine and neuter genders and vice versa. Unless otherwise required by the context (or otherwise provided herein): the words "herein," "hereof" and "hereunder" and similar words shall refer to this Agreement generally and not merely to the provision in which such term is used; the words "including," "include" or "includes" shall be interpreted in a non-exclusive manner as though the words "but [is] not limited to" or "but without limiting the generality of the foregoing" immediately followed the same; and the word "month" shall mean calendar month. If the day on which performance of any act or the occurrence of any event hereunder is due is not a business day, the time when such performance or occurrence shall be due shall be the first business day occurring after the day on which performance or occurrence would otherwise be due hereunder. All times provided in this Agreement for the performance of any act will be strictly construed, time being of the essence of this Agreement.

9.07. Notices. All notices or other communications of any kind to be given hereunder, except as authorized by Section 2.04 above, shall be in writing and sent (i) via a method capable of being traced (mailed postage prepaid via the U.S. Postal Service certified or registered mail, return receipt requested, or delivered by a nationally-recognized overnight delivery service (e.g., Federal Express, UPS)), (ii) by facsimile (electronically confirmed) or (iii) by electronic mail with confirmation of receipt. Notices shall be deemed received upon the first attempted delivery by the U.S. Postal Service, or a nationally-recognized overnight delivery service, or upon confirmed transmission of the facsimile or confirmed receipt of electronic mail before 5 p.m. (in

the recipient's time zone) on any business day, or, if transmission is after 5 p.m. (in the recipient's time zone), on the next business day. Notice by facsimile or electronic mail shall be deemed to have occurred if it is accompanied by transmission of the notice by any of the methods described in clause (i) of the first sentence of this Section 9.07 or the receipt of the facsimile or electronic mail is acknowledged in writing (including by responsive electronic mail) by the recipient. Notices shall be sent to the following addresses or such other address as any Party shall designate in writing:

Palmdale Water District

Dennis D. LaMoreaux, General Manager
2029 East Q Ave
Palmdale, Ca. 93550
Phone: 661.947.4111
Email: dlamoreaux@Palmdalewater.org

Belridge Water Storage District

Mark A. Gilkey, General Manager
5555 California Ave, Suite 209
Bakersfield, CA 93309
Phone: 661.633.9022
Email: mgilkey@westsidewa.org

Berrenda Mesa Water District

Mark A. Gilkey, General Manager
5555 California Ave, Suite 209
Bakersfield, CA 93309
Phone: 661.633.9022
Email: mgilkey@westsidewa.org

Lost Hills Water District

Mark A. Gilkey, General Manager
5555 California Ave, Suite 209
Bakersfield, CA 93309
Phone: 661.633.9022
Email: mgilkey@westsidewa.org

Wheeler Ridge-Maricopa Water Storage District

Sheridan Nicolas, Engineer-Manager
12109 Highway 166
Bakersfield, CA 93313
Phone: 661.858.2281
Email: snicholas@wrmwsd.com

Dudley Ridge Water District

Mark A. Gilkey, General Manager
455 W. Fir Ave.

Clovis, CA 93611
Phone: 559.449.2700
Email: mgilkey@dudleyridgewd.org

9.08. Counterparts. This Agreement may be executed in any number of counterparts. Each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement. Facsimile and electronic signatures shall be binding.

9.09. Governing Law. This Agreement will be governed by and construed under the laws of the State of California without regard to conflicts of law principles, with venue for any action proper only in Kern County.

9.10. Further Assurances. From time to time and at any time after the execution and delivery hereof, each of the Parties, at their own expense, shall execute, acknowledge and deliver any further instruments, documents and other assurances reasonably requested by another Party, and shall take any other action consistent with the terms of this Agreement that may reasonably be requested by another Party to evidence or carry out the intent of or to implement this Agreement. The Parties shall cooperate with each other, as reasonably requested by either Party, in preparing and filing on such schedule as shall reasonably be specified by the requesting Party all information and documents deemed necessary or desirable by the requesting Party under any statutes or governmental rules or regulations pertaining to the transactions contemplated by this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

PALMDALE WATER DISTRICT



Dennis D. LaMoreaux, General Manager

DUDLEY RIDGE WATER DISTRICT

Mark A. Gilkey, General Manager

LOST HILLS WATER DISTRICT

Mark A. Gilkey, General Manager

BERRENDA MESA WATER DISTRICT

Mark A. Gilkey, General Manager

FINAL
June 22, 2021

BELRIDGE WATER STORAGE DISTRICT

Mark A. Gilkey, General Manager

WHEELER RIDGE - MARICOPA WATER
STORAGE DISTRICT

Sheridan Nicholas, Engineer-Manager

POLICY FOR THE TEMPORARY TRANSFER OF WATER
TO OR FROM THE DUDLEY RIDGE WATER DISTRICT
(adopted by the Board of Directors on December 8, 2010)

This policy modifies and supersedes the prior water transfer policy (adopted December 13, 2000). This policy has been developed by the District to promote good water management of the District's State Water Project allocations and provide flexibility to the District's landowners.

For purposes of this policy, temporary transfers are defined as water transfers, banking, or exchanges from the District to areas outside the District that are requested annually or for a short-term period that do not create a long-term (greater than ten years) or permanent obligation or commitment for the District to continue such transfers.

Therefore, the following conditions state the District's policy for temporary water transfers.

1. Requests to transfer of water out of the District shall be allowed for the following:
 - a. District-approved water banking or exchange programs;
 - b. Transfers to the same landowner's or water user's lands outside the District where substantially the same landowner or water user business affiliation and use exists as exists within the District; and/or
 - c. Non District-approved banking or exchange programs where at least 50% of the water (after reasonable losses) is returned to the District within a ten year period, or other period as allowed by the California Department of Water Resources.
2. Temporary transfers proposed under Paragraph 1, may be administratively approved by the Manager-Engineer, provided that the transfer does not take specific action by the Board related to CEQA compliance.
3. For temporary transfers proposed under Paragraph 1b or 1c, all District charges must be paid prior to District authorization to release the transferred.
4. Requests to transfer water into the District may be administratively approved by the Manager-Engineer, provided that the transfer does not take specific action by the Board related to CEQA compliance.
5. Any State or third party charges or fees related to temporary transfers into the District or to outside of the District shall be payable by the transferor(s). District staff time to assist with the transfer shall not be charged to the transferor. An exception to this rule occurs in the case of programmatic transfers where the program was initially offered to all landowners or water users, but not all water users are participating (such as Kern Water Bank and Dry Year Water Program), in

which staff time shall be accounted for separately and charged only to program participants.

6. The Manager shall report any transfers administratively approved to the Board at the District Board meeting following the receipt of the request(s) for the transfer.
7. Temporary transfers not eligible for administrative approval by the Manager-Engineer in accordance with this policy, or other requests for temporary transfers not described in Paragraphs 1 or 4, shall be brought to the Board for consideration on a case-by-case basis.



October 5, 2021

Mark Gilkey, General Manager
Dudley Ridge Water District
455 W. Fir Ave.
Clovis, CA 93611

Subject: 2021 Water Transfer Agreement

Dear Mr. Gilkey,

This letter agreement ("Agreement") documents and confirms the agreement that has been reached between the Central Coast Water Authority, ("CCWA") and Dudley Ridge Water District ("DRWD"), on behalf of a DRWD landowner, for a transfer of water from the State Water Project.

BACKGROUND AND PURPOSE

In Santa Barbara County, CCWA is responsible for the State Water Contract between the Santa Barbara County Flood Control and Water Conservation District (SBCFCWCD) and the Department of Water Resources (DWR).

As of the date of this Agreement, the DWR has approved an allocation of water from the SWP to CCWA and DRWD of 5% of the Table A Amounts set forth in their respective State Water Project Contracts for calendar year 2021. For CCWA, that equals an allocation of 2,274 acre- feet (AF) that CCWA will receive from the SWP in 2021. CCWA's allocation for 2021 is not sufficient to satisfy CCWA's need for imported water in 2021. DRWD has surplus water available to it and has agreed to transfer up to 100 AF of DRWD's 2021 Annual Table A Amount, as that term is defined by the State Water Contract, to CCWA for delivery in 2021, subject to the terms and conditions hereinafter set forth ("Transfer").

TERMS AND CONDITIONS

Condition Precedent

DWR's written approval of the Transfer is a condition precedent to the effectiveness of this Agreement. CCWA and DRWD anticipate that DWR's approval will be provided in the form of a Change in Point of Delivery Agreement ("DWR Approval"), which shall be executed by DWR, DRWD and SBCFCWCD on behalf of CCWA.

In the event of a conflict between the terms of this Agreement and the DWR Approval, the terms of the DWR Approval shall govern, provided there is no objection by CCWA or DRWD. In the event of an objection, the parties will promptly confer in good faith to resolve the objection and, if not successful, either party may terminate this Agreement.

Water Transfer to CCWA

DRWD shall make available and CCWA shall take delivery of up to 100 AF of DRWD's Annual Table A Amount in 2021. By October 31, 2021, or within 30 days of DWR's

Eric Friedman
Chairman

Ed Andrisek
Vice Chairman

Ray A. Stokes
Executive Director

Brownstein Hyatt
Farber Schreck
General Counsel

Member Agencies

City of Buellton

Carpinteria Valley
Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water
Conservation District,
Improvement District #1

Associate Member

La Cumbre Mutual
Water Company

approval, whichever is later,, DRWD shall provide written notice to CCWA of the final quantity of Table A Amount to be made available to CCWA for delivery in 2021. Within 2 weeks of receiving written notice from DRWD of the total quantity of water made available to CCWA, CCWA shall provide notice to DRWD of the quantity of available water that CCWA would like to receive, up to the total amount made available. The Transfer will occur as provided in the DWR Approval. The point of delivery for the Transfer is Banks Pumping Plant.

Places of Use

The water delivered to CCWA in 2021 pursuant to this Agreement shall be used entirely within CCWA's service area.

Notice of Exemption

Because all of the water delivered to CCWA and to DRWD pursuant to this Agreement will be delivered through existing facilities, without the construction of additional facilities to effect such deliveries, CCWA and DRWD agree that the Transfer described herein constitutes a project that is exempt from CEQA pursuant to Sections 15061(b)(3) and 15301 of the State CEQA Guidelines.

CCWA and DRWD each shall file, in their respective counties, a Notice of Exemption for the Transfer with the applicable County Clerk/Recorder.

Pricing and Transaction Costs

This transfer is being made to accommodate an arrangement between a landowner in DRWD and a project participant of the CCWA. Pursuant to CCWA's Supplemental Water Purchase Program, any payments will be handled between the CCWA and the landowner in DRWD.

Additionally, CCWA shall be responsible for the DWR variable costs for the water delivered to CCWA.

Additionally, CCWA shall be responsible for any administrative or other transactional costs charged by DWR for DWR's Approval and for the preparation and processing of such other approvals as may be necessary to effect the Transfer.

Notwithstanding the foregoing, DRWD and CCWA shall each be responsible for their own transaction costs, including but not limited to legal and consulting costs incurred in the preparation, review and implementation of this Agreement, the DWR Approval, and any other documents and approvals that may be required.

Cooperation

CCWA and DRWD each agrees to cooperate with each other to request and obtain the DWR Approval of the Transfer described in this Agreement and with the processing of such other documents and approvals as may be necessary to effect the Transfer described herein.

Costs of Defense

In the event of any legal action by a third party to challenge this Agreement and/or the water transfer described herein, CCWA and DRWD agree to cooperate in the defense thereof and to share equally in the costs of such defense, utilizing counsel mutually acceptable to the parties.

Force Majeure

In the event that an unavoidable event renders the performance of this Agreement impossible or infeasible, the parties hereto shall be excused from the performance thereof, with a corresponding refund or adjustment of the payments required herein as may be necessary to achieve financial equity as between the parties for that portion of the Agreement that cannot be performed; provided, however, that CCWA and DRWD shall first coordinate with DWR to determine whether alternate performance may be possible pursuant to an alternate schedule for completion of performance.

Authority

The undersigned representatives of CCWA and DRWD hereby represent that they are authorized to execute the Agreement for the party on whose behalf this Agreement is executed.

Notice

Written notice may be provided by either party to the other by first-class mail, postage prepaid, to the following addresses:

Central Coast Water Authority
255 Industrial Way
Buellton, CA 93427
Attn: Ray A. Stokes, Executive Director

Dudley Ridge Water District
455 W. Fir Ave.
Clovis, CA 93611
Attn: Mark Gilkey, General Manager

If acceptable, sign below acknowledging your agreement to these terms and conditions.

Sincerely,


Ray A. Stokes
Executive Director

Mark Gilkey
Page 4 of 4
October 5, 2021

DUDLEY RIDGE WATER DISTRICT

By: _____
Mark Gilkey, General Manager

Date: _____

Notice of Determination**Appendix D****To:**

Office of Planning and Research
U.S. Mail: _____ *Street Address:* _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: _____
 Address: _____

From:

Public Agency: _____
 Address: _____

 Contact: _____
 Phone: _____

Lead Agency (if different from above): _____
 Address: _____

 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: _____

Project Applicant: _____

Project Location (include county): _____

Project Description:

This is to advise that the _____ has approved the above
 (Lead Agency or Responsible Agency)

described project on _____ and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report 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 the approval of the project.
4. A mitigation reporting or monitoring 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 provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

 Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

RESOLUTION NO. 2021-08

**RESOLUTION BEFORE THE BOARD
OF THE DUDLEY RIDGE WATER DISTRICT**

CONSIDERING THE ENVIRONMENTAL IMPACT REPORT PREPARED BY THE COUNTY OF KINGS, ADOPTING FINDINGS OF FACT, AND APPROVING A MITIGATION MONITORING PROGRAM, REQUIRED BY CEQA GUIDELINES SECTIONS 15091, 15096, AND 15097, AS RELATED TO THE LONG TERM CONVEYANCE AGREEMENT BETWEEN DWR, THE DISTRICT, AND THE COUNTY OF KINGS

WHEREAS, the Board of the Dudley Ridge Water District (District), at its meeting on October 13, 2021, held a duly noticed public meeting to consider a Long-Term Conveyance Agreement (Project) among the California Department of Water Resources (DWR), the District, and the County of Kings, and

WHEREAS, the Board recognized the District as a responsible agency to the Environmental Impact Report (State Clearinghouse No. 2019080497) prepared for the Jackson Ranch Specific Plan (Specific Plan EIR), which was certified on December 8, 2020, by the County of Kings through County of Kings Resolution 20-077, attached hereto as Attachment 1; and

WHEREAS, the Project is in furtherance of the Jackson Ranch Specific Plan, which was approved by the County of Kings on December 8, 2020 through County of Kings Resolution 20-077; and

WHEREAS, the District invited testimony, considered, and discussed the adequacy of the Specific Plan EIR for the Project pursuant to CEQA Guidelines Section 15096, 15091, and 15097; and

WHEREAS, pursuant to CEQA Guidelines Section 15096, a Responsible Agency is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project which it decides to carry out, finance, or approve.

NOW, THEREFORE, BE IT RESOLVED that the Board of the Dudley Ridge Water District, based on its own independent judgment hereby finds and determines that there is no substantial evidence in the record to indicate that the Project may have a significant effect on the environment beyond what was identified in the Specific Plan EIR.

BE IT FURTHER RESOLVED the District finds that the Specific Plan EIR identified several significant effects of the Project. Pursuant to CEQA Guideline Sections 15096 and 15091, the District makes the findings set forth in Attachment 2 and incorporated herein by this reference.

BE IT FURTHER RESOLVED the District finds that as a Responsible Agency, the District finds no feasible alternative or feasible mitigation measures within its powers that

would substantially lessen or avoid any significant effect the Specific Plan would have on the environment, and thus no Mitigation Measure Reporting Program is adopted.

BE IT FURTHER RESOLVED that the District hereby approves the Project.

Kimberly Brown, President

Attest:

Dale K. Melville, Assistant Secretary

I, Dale K. Melville, Assistant Secretary of the Board, do hereby certify that the foregoing resolution was adopted at a meeting of the Board of the Dudley Ridge Water District, on the motion of Board member _____ and second by Board member _____ on the 13th day of October, 2021 by the following vote:

AYES: Boardmembers: _____

NAYS: Boardmembers: _____

ABSTAIN: Boardmembers: _____

ABSENT: Boardmembers: _____

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF KINGS, STATE OF CALIFORNIA**

**IN THE MATTER OF APPROVING)
GENERAL PLAN AMENDMENT 19-01 OF)
THE KINGS COUNTY GENERAL PLAN)
_____)**

RESOLUTION NO. 20-077

**Re: Unincorporated area on the west side of
Interstate 5 along the South side of Utica
Avenue south of the Kettleman City area.
(APN: 048-010-016, 018 and 048-020-030)**

WHEREAS, California Government Code, Section 65300, requires that the planning agency of each county prepare, and the legislative body adopt, a comprehensive, long-term general plan for the physical development of the county;

WHEREAS, on December 14, 2009, after a duly noticed public hearing, the Kings County Planning Commission adopted Resolution No.s 09-14 and 09-15 approving the *2035 Kings County General Plan* and recommending its adoption by the Kings County Board of Supervisors;

WHEREAS, on January 26, 2010, after a duly noticed public hearing, the Kings County Board of Supervisors adopted Resolution No.s 10-001 and 10-002 approving the *2035 Kings County General Plan*;

WHEREAS, California Government Code, Section 65358, allows the legislative body to amend all or part of an adopted general plan if it deems the amendment to be in the public interest to ensure that it is consistent with current law, is internally consistent, consolidates and coordinates policies from one element to another, and addresses the changing physical needs of the county and the people who live and work there;

WHEREAS, on January 4, 2019, Utica J.L.J. LLC filed General Plan Amendment No. 19-01 which proposes the Jackson Ranch Specific Plan (JRSP);

WHEREAS, the County of Kings conducted an extensive environmental review of the Jackson Ranch Specific Plan. The environmental review process completed an Initial Study (IS)/Notice of Preparation (NOP) on August 29, 2019 with a public review period that concluded on September 29, 2019. The NOP was posted at the County of Kings Community Development Agency. Copies of the IS were also made available to the public at County library branches in Armona, Corcoran, Hanford, Lemoore, Stratford, and Kettleman City. The County completed the scoping process where the public was invited to participate in providing comments from August 29, 2019 through September 29, 2019, and held a scoping meeting on September 18, 2019 at the Board of Supervisors Chambers.

The Final Environmental Impact Report (FEIR) State Clearinghouse No. 2019080497 has been prepared in accordance with CEQA as amended (Public Resources Code § 2100 et seq.) and CEQA Guidelines (California Code of Regulations § 15000 et seq.)

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

- a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- b) Comments and recommendations received on the DEIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the DEIR;
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process, and

e) Any other information added by the Lead Agency.

The FEIR contains responses to comments received on the DEIR for Jackson Ranch Specific Plan during the 45 day public review period, which began June 30, 2020, and closed August 14, 2020. The FEIR has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgement of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132;

WHEREAS, the Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit A has been developed to provide a program for monitoring mitigation measures as outlined in the Draft and Final Environmental Impact Reports for JRSP. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and Kings County monitoring requirements. The MMRP will serve to document compliance with adopted/certified mitigation measures that are formulated to minimize impacts associated with future development that would be accommodated by the JRSP;

WHEREAS, a Statement of Overriding Considerations attached as Exhibit B has been prepared to address significant and unavoidable impacts related to Air Quality, Greenhouse Gas Emissions, and Transportation;

WHEREAS, the Jackson Ranch Specific Plan includes a comprehensive plan for approximately 415 acres of land within the unincorporated area of Kings County, California, which would establish the land uses, development standards, circulation, infrastructures, phasing, and administrative procedures necessary to achieve the orderly development of the Specific Plan Area;

WHEREAS, the Kings County Community Development Agency analyzed the draft Jackson Ranch Specific Plan to ensure that it maintains consistency with and carries out the goals, objectives, and policies of the 2035 Kings County General Plan;

WHEREAS, this General Plan Amendment includes the Jackson Ranch Specific Plan and the Final Environmental Impact Report;

WHEREAS, at a special meeting held on October 5, 2020, the Kings County Planning Commission held a duly noticed public hearing where the Commissioners duly reviewed the contents of the Staff Report for General Plan Amendment No. 19-01, as well as comments and testimony received from the public and interested governmental agencies;

WHEREAS, the Commission closed the public hearing related to General Plan Amendment 19-01 on October 5, 2020, and approved Planning Commission Resolution No. 20-11 recommending that the Board of Supervisors adopt the proposed amendment;

WHEREAS, on November 27, 2020, notice of the Kings County Board of Supervisors scheduled December 8, 2020 public hearing on the Final EIR and General Plan Amendment No 19-01 for the Jackson Ranch Specific Plan was published in a newspaper of general circulation, mailed to surrounding property owners and emailed to responsible agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft EIR;

WHEREAS, notices for the public hearing were given by the County as follows:

1. Emailed to all responsible and trustee agencies on or before November 27, 2020;

2. Emailed to all those persons who specifically requested notice in writing on or before November 27, 2020;
3. Posted at least ten days prior to the hearing in at least three public places within Kings County, including (i) the kiosk located along the South side of the Administration Building, Building No. 1, Kings County Government Center, 1400 W. Lacey Blvd., Hanford, California; (ii) South door of the Engineering Building No. 6, Kings County Government Center, 1400 W. Lacey Blvd, Hanford, California; and (iii) West door of the Finance Building No. 7, Kings County Government Center, 1400 W. Lacey Blvd, Hanford, California;
4. Published one time in the Hanford Sentinel, a newspaper of general circulation in Kings County as designated by the Kings County Board of Supervisors.

WHEREAS, copies of these notices and affidavits of mailing, posting and publishing are on file in the office of the Kings County Community Development Agency.;

WHEREAS, on December 8, 2020, this Board held a duly noticed public hearing and considered all testimony, written and oral, the Planning Commissions' recommendation, and the staff report, concerning this Amendment to the *Kings County General Plan*.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of evidence submitted by all concerned parties, the applicants, the Planning Commission, and the Staff Report, this Board finds that:

1. General Plan Amendment No. 19-01 for the Jackson Ranch Specific Plan meets all of the requirements for such plans as contained in the Planning and Zoning Law (Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 57450 through 65457) and other laws.
2. General Plan Amendment No. 19-01 for the Jackson Ranch Specific Plan contains all of the mandated requirements as shown in Section 65451 of the California Government Code. The Jackson Ranch Specific Plan includes text and diagrams which specify the distribution, location, and extent of the uses of land, including potential open space, within the area covered by the plan. It specifies the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the area covered by the plan and needed to support the land uses described in the plan. It specifies the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable. It specifies a program of implementation measures including regulations, public works projects, and financing measures necessary to carry out the Project.
3. The requirements of Government Code Section 65352.3 have been met as a consultation with the Santa Rosa Rancheria Tachi Yokut Tribe was conducted.
4. A Final Environmental Impact Report (EIR) has been conducted for the proposed Project (the Jackson Ranch Specific Plan) by the Lead Agency to evaluate the potential for any adverse environmental impact in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.).
5. The Final EIR was presented to the Board of Supervisors, and independently reviewed and considered by the Board of Supervisors prior to acting on the proposed Project.

6. The Final EIR reflects the Board of Supervisors independent judgement and analysis.
7. The documents comprising the Final EIR shall be held with the Director of the Kings County Community Development Agency, as the official custodian of the record, at the Kings County Government Center, Building No. 6, 1400 W. Lacey Boulevard, Hanford, CA 93230.
8. This Board certifies the Final Environmental Impact Report for General Plan Amendment No. 19-01, approves the Mitigation Monitoring and Reporting Program and the CEQA Findings of Fact and Statement of Overriding Considerations, and directs County staff to prepare and file a Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Kings and with the State of California and directs that copies of the Final Environmental Impact Report be retained at the office of the Kings County Community Development Agency.

BE IT FURTHER RESOLVED, that this Board adopts General Plan Amendment No. 19-01 which incorporates the Jackson Ranch Specific Plan as Chapter 15 of the 2035 Kings County General Plan and will make the following changes to the 2035 Kings County General Plan;

1. Amend the Table of Contents to add the underlined text.

<u>CHAPTER 15 JACKSON RANCH SPECIFIC PLAN</u>	
<u>I. INTRODUCTION</u>	<u>1-1 – 1-7</u>
<u>II. CONTEXT & CONDITIONS</u>	<u>2-1 – 2-7</u>
<u>III. LAND USE PLAN</u>	<u>3-1 – 3-16</u>
<u>IV. DEVELOPMENT STANDARDS</u>	<u>4-1 – 4-12</u>
<u>V. ADMINISTRATION</u>	<u>5-1 – 5-8</u>
<u>VI. APPENDIX A DESIGN GUIDELINES</u>	<u>A-1 – A-21</u>
<u>VII. APPENDIX B GENERAL PLAN CONSISTENCY</u>	<u>B-1 – B-5</u>
<u>VIII. APPENDIX C PLANT PALETTE</u>	<u>C-1 – C-4</u>
<u>IX. APPENDIX D GLOSSARY OF TERMS</u>	<u>D-1 – D-6</u>

2. Amend the Land Use Element, Section I.C. Community Plans, Specific Plans and New Communities on page LU-2 by changing the following text with strike-through deleted text, and underlined added text.

Specific plans provide even greater detailed information regarding land use, resources, and the multitude of service provisions necessary to accommodate large territories. ~~Only the~~ The Stratford Community Plan policies direct the “New Community Expansion Area” of Stratford to be considered under development of a Specific Plan. The Jackson Ranch Specific Plan area is a highway commercial planned area utilizing the Interstate 5/Utica Avenue interchange, and is a separate planned expansion extending from the Kettleman City Community. Another possible option that may involve specific plan development within the County is new community establishment. Although no new communities are planned under this General Plan, considerable interest in establishing new communities or cities within the San Joaquin Valley have emerged over the past decade and include one such interest in Kings County. This rising interest in new community establishment resulted in the County developing a “New Community Application And Processing Procedure” adopted by the Board of Supervisors on October 2, 2007. This procedure establishes criteria for evaluating new community proposals and requires the submittal of a detailed specific plan that sufficiently addresses all of the necessary land use planning and service provision issues in greater detail than either a community plan or general plan would evaluate. This procedure is included by reference into the General Plan and has been updated as part of this General Plan Update (attached as Exhibit C).

3. Amend the Land Use Element, Section IV.D. Community Districts on page LU-40 by changing the following text with underlined added text.

LU GOAL D1 **Community districts establish sustainable community areas that meet the needs of existing residents and serve to accommodate unincorporated urban growth that is guided according to individual community plans or specific plans.**

4. Amend the Land Use Element, Section IV.D. Community Districts on page LU-43 by changing the following text with underlined added text.

LU OBJECTIVE D1.5

Increase economic reinvestment by directing future commercial and industrial development to existing Community District areas as outlined in each Community Plan or established through Specific Plan in order to meet the daily needs of residents and provide employment opportunities near residences and transportation routes.

LU Policy D1.6.1: **Request LAFCO to amend the Community Services District or Public Utilities District Primary Sphere of Influence to coincide with planned urban land uses of a relevant Community Plan or Specific Plan when provision of adequate district services to the expansion area(s) can be clearly demonstrated.**

5. Amend the Land Use Element, Section IV.D. Community Districts on page LU-44 by changing the following text with underlined added text.

LU Policy D1.6.3: **Require new development proposals for urban growth within a Community Plan or Specific Plan defined area to annex to the relevant Community Services District or Public Utilities District for the provision of municipal services.**

LU OBJECTIVE D1.7

Specific Plan areas may be established within or expanded from Community Districts to accommodate planned urban growth supported by adequate services.

LU Policy D1.7.1: The Jackson Ranch Specific Plan is incorporated by reference and an expansion of highway commercial based urban growth extending south from the Kettleman City Community, and establishes its own set of land use policies, and related development regulations.

6. Amend the Land Use Element, Section VI. Land Use Maps Figure LU-11 by adding the Jackson Ranch Specific Plan area reference on the map. This will change the General Plan designation of three existing parcels (APN: 048-010-016, 018 and 048-020-030) from General Agriculture 40 (AG-40) to Commercial Thoroughfare (CT-JR), Innovation Center (IC-JR) and Specialty Agriculture (A-JR) and Specialty Agriculture with Air Strip Overlay (A-JR) as shown within the Jackson Ranch Specific Plan Land Use Plan attached as Exhibit C.

The foregoing Resolution was adopted on a motion by Supervisor Neves and seconded by Board Member Fagundes, at a regular meeting held on December 8, 2020, by the following vote:

**CEQA FINDINGS OF FACT
REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
JACKSON RANCH SPECIFIC PLAN
STATE CLEARINGHOUSE NO. 2019080497**

Exhibit A

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering the project acceptable even though the project has significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. Kings County (County), as lead agency, has subjected the Draft EIR (DEIR) and Final EIR (FEIR) to the agency's own review and analysis.

A. PROJECT LOCATION

The development area covered by the Jackson Ranch Specific Plan (Plan Area) is in an unincorporated agricultural area of the County, consisting of approximately 415 acres adjacent to and west of Interstate 5 (I-5) at the Utica Avenue on-ramp. The Plan Area is approximately 70 miles northwest of the City of Bakersfield and 70 miles southwest of the City of Fresno. The nearest urbanized area to the Plan Area is Kettleman City, an unincorporated community of the County approximately 6 miles to the northwest.

B. PROJECT SUMMARY

The Specific Plan is intended to shape development within the Plan Area through 2040 in accordance with the vision and guiding principles of the Specific Plan. The Specific Plan provides for three primary land use designations, and one overlay designation: Innovation Center (IC-JR), Commercial Thoroughfare (CT-JR), Specialty Agriculture (A-JR), and Specialty Agriculture with Air Strip Overlay (A-JR).

Under the Specific Plan, just under 2.4 million square feet of commercial space is planned for Jackson Ranch, with the majority of it slated for the area designated as Innovation Center. This designation allows for a range of uses including light industrial, research and development, medical offices, hospitals, office, hospitality, retail, and entertainment. The area encompassing the Commercial Thoroughfare land use designation is envisioned as a sophisticated transportation plaza, delivering food, lodging, amenities, and entertainment to both professional and leisure travelers along I-5. The Specific Plan intends to create a fully amenitized rest stop and commercial hub along I-5 that would serve travelers, encourage new employment across a variety of industries and attract a range of complementary commercial uses.

In order to implement the Specific Plan, a General Plan Amendment to change the General Plan land use designation of the Plan Area from General Agriculture-40 Acre (current General Plan land use designation) to Jackson Ranch Specific Plan is required. Under the Specific Plan, approximately 141 acres, or 34 percent of the Plan Area, would be designated as Innovation Center and Commercial Thoroughfare, which would allow a range of commercial, retail, light industrial, research and development, office, and hospitality uses. Also, approximately 268 acres, or 65 percent of the Plan Area, would be designated as Specialty Agriculture. It is anticipated that existing active agriculture will continue in the Specialty Agriculture-designated areas of the Plan Area during and after the development of Jackson Ranch.

Additionally, implementation of the Specific Plan would require an amendment to the Kings County Development Code and Zoning District Map. Specifically, the Development Code Amendment is needed to add the Jackson Ranch Specific Plan by reference and the Zoning District Map Amendment is needed to change the zoning district from AG-40 to Jackson Ranch Specific Plan. The existing zoning district of the Plan Area would also be replaced with the new Specific Plan land use designations. Additionally, the Development Code Amendment would state that the regulating code contained in the Specific Plan would serve as the regulatory plan (zoning, development, and design standards and guidelines) for all development projects and improvements in the Plan Area.

The Specific Plan would be adopted by the Kings County Board of Supervisors as ordinance and function as the regulatory plan that serves as the implementing zoning for the Plan Area, thereby, ensuring the orderly and systematic implementation of the Kings County General Plan, as well as the orderly and systematic development of the Plan Area. The Specific Plan would act as a bridge between the Kings County General Plan and development that would occur throughout the Plan Area.

Project Description

The Specific Plan will allow for the phased and systematic development of the Plan Area over the next 20 years in accordance with the vision and guiding principles of the Specific Plan. The Plan Area covers approximately 415 acres along I-5 at the Utica Avenue on-ramp in unincorporated Kings County. Of the 415 acres that make up the Plan Area, approximately 141 acres (or 34 percent) would be developed with a mix of uses.

Jackson Ranch will serve as an innovative service industrial and commercial center that will encourage economic growth while preserving the agricultural heritage of the region. As the halfway point between San Francisco and Los Angeles, Jackson Ranch offers a visible and viable high commercial-oriented rest stop to the high volume of motorists who pass by annually. Upon completion, Jackson Ranch will be the only stop to offer food, lodging, a truck stop, and service stations within a 31-mile stretch of I-5, stretching from Kettleman City to the north to State Route 46 to the south. Jackson Ranch also provides an ideal location for trucks to transfer goods and truck drivers to rest and fuel up via a truck stop. Furthermore, Jackson Ranch will serve as an industrial hub, providing an ideal location for industrial enterprises.

The Specific Plan provides for three primary land use designations, and one overlay designation. The figure and table also break out the area to be dedicated for streets. Just under 2.4 million square feet of commercial space is planned for Jackson Ranch, with the majority of it slated for the area designated as Innovation Center (IC-JR). This designation allows for a range of uses including light industrial,

research and development, medical offices, hospitals, office, hospitality, retail, and entertainment. The area encompassing the Commercial Thoroughfare (CT-JR) land use designation is envisioned as a well-planned project providing food, lodging, amenities, and entertainment to both professional and leisure travelers along I-5. As also shown in the table, approximately 1,617 jobs will be created by Jackson Ranch.

Jackson Ranch is anticipated to be developed in two phases: the first phase (Phase One) consists of buildout of the portion of the Plan Area designated as Commercial Thoroughfare, and the second phase (Phases Two through Seven) consists of the portion of the Plan Area designated as Innovation Center (IC-JR). Development of Phase One would serve as the key development piece and initial opening of Jackson Ranch. For planning and financing purposes, development of the subsequent phases will occur in response to market demands.

C. PROJECT OBJECTIVES

The following list of guiding principles accompany the Specific Plan's vision to guide future development and improvements that will occur in and outside the Plan Area, as well as help support the underlying purpose of the Specific Plan. These guiding principles will aid decision makers in their review of the Specific Plan and associated environmental impacts:

1. **Create a Landmark Commercial/Industrial Hub.** Serve the needs of today's travelers by offering a fully amenitized rest stop as well as an ideal location for industrial enterprises. Capitalize on the unique qualities of the region through carefully crafted site planning, architecture, and landscape design. The Specific Plan provides a framework for the implementation of a cohesive project with a readily identifiable visual motif that conveys a pleasing aesthetic quality
2. **Honor the Agricultural Heritage of Kings County.** Establish a center where the agricultural heritage of the site is valued and serves as inspiration for the physical design of the project.
3. **Enhance Economic Well-Being.** Encourage new employment opportunities across a variety of industries by providing flexibility in the type of tenants allowed in the Specific Plan. An emphasis on support of new businesses and job creation will enhance the regional and local economy.
4. **Optimize Opportunity Through Diversity.** Capitalize on the scale and highly visible location of Jackson Ranch as an opportunity to offer a complementary range of uses including retail, service, hospitality, office, and industrial to appeal to a range of business types.
5. **Encourage a Healthy Environment.** In the commercial area, pedestrian access and outdoor spaces will be provided.

D. ENVIRONMENTAL REVIEW PROCESS

In conformance with CEQA and the State CEQA Guidelines, the County of Kings conducted an extensive environmental review of the Specific Plan. The environmental review process has included:

- Completion of an Initial Study (IS)/Notice of Preparation (NOP) on August 29, 2019. The public review period extended from August 29, 2019, to September 29, 2019. The NOP was posted at the County of Kings, Planning Department, 1400 W. Lacey Boulevard, Building

#6, Hanford, CA 93230 on August 29, 2019. Copies of the IS were made available for public review at County libraries including: Amona Community Branch, Corcoran Branch, Hanford Branch, Lenmoore Branch, Stratford Branch, and Kettleman City Branch.

- Completion of the scoping process where the public was invited by the County to participate in a scoping meeting held September 18, 2019 at the Board of Supervisors Chambers, in the Administration Building No. 1, Kings County Government Center, 1400 W. Lacey Boulevard, Hanford, CA 93230. The notice of a public scoping meeting was included in the NOP
- Preparation of a DEIR, which was made available for a 45-day public review period beginning June 30, 2020 and ending August 14, 2020. The scope of the DEIR was determined based on the County's Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by the County. Section 2.3, *Scope of this DEIR*, of the DEIR describes the issues identified for analysis in the DEIR. The Notice of Availability (NOA) for the DEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies. Copies of the DEIR were made available for public review on June 30, 2020 at the County of Kings, the County libraries including: Amona Community Branch, Corcoran Branch, Hanford Branch, Lenmoore Branch, Stratford Branch, and Kettleman City Branch.
- Preparation of a Final EIR (FEIR), including comments, the responses to comments on the DEIR, and revisions to the DEIR. The FEIR was released for a 10-day agency review period prior to certification of the FEIR.
- Public hearings on the Specific Plan were held before the Kings County Planning Commission on October 5, 2020 and Board of Supervisors, date to be determined.

E. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Specific Plan includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the County in conjunction with the Specific Plan.
- The DEIR and FEIR for the Specific Plan.
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
- All written and verbal public testimony presented during a noticed public hearing for the Specific Plan.
- The Mitigation Monitoring and Reporting Program.

- The reports and technical memoranda included or referenced in the DEIR and FEIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR.
- The Resolutions adopted by the Planning Commission and Board of Supervisors in connection with the Specific Plan, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the County, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.

F. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the County’s actions related to the project are at the County of Kings, Community Development Agency, 1400 W. Lacey Boulevard, Building #6, Hanford, CA 93230. The County’s Community Development Agency is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Agency. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. FINDINGS AND FACTS

Kings County, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the DEIR and FEIR.

Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

A. Format

This section summarizes the significant environmental impacts of the project, describes how these impacts are to be mitigated, and discusses various alternatives to the Specific Plan, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section B, Summary of Environmental Impacts, presents the summary of impacts of the Specific Plan.

Section C, Findings on Impacts Determined to Be Less Than Significant, presents the impacts of the Specific Plan that were determined in the DEIR and Recirculated DEIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.

Section D, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the Specific Plan that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section E, Findings on Significant Unavoidable Impacts, presents significant impacts of the Specific Plan that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

Section F, Findings on Recirculation, presents the reasoning as to why recirculation was required under Section 15088.5 of the State CEQA Guidelines.

Section G, Findings on Project Alternatives, presents alternatives to the Project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

B. Summary of Environmental Impacts

Based on the NOP, DEIR and FEIR, the following is a summary of the environmental topics considered to have no impact, a less than significant impact, a less than significant impact with incorporation of mitigation measures, and a significant and unavoidable impact.

Less Than Significant Impact

- Aesthetics
- Energy
- Hazards and Hazardous Materials
- Mineral Resources
- Population and Housing
- Recreation
- Wildfire

Less Than Significant Impact with Mitigation Incorporated

- Agriculture and Forestry Resources
- Air Quality
- Biological Resources

- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use Planning
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Significant and Unavoidable Impact

- Air Quality
- Greenhouse Gas Emissions
- Transportation

C. Findings on Impacts Determined to be Less Than Significant

Initial Study

An Initial Study was prepared by King’s County to identify the potential significant effects of the Project. The Initial Study was completed and distributed with the Notice of Preparation for the Specific Plan, dated August 29, 2019. The Initial Study determined that the Specific Plan would not have the potential to result in significant impacts to Aesthetics, Energy, Hazards and Hazardous Materials, Mineral Resources, Population and Housing, Recreation, and Wildfire. All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in an EIR.

DEIR

It was determined that several potential environmental effects would not result from the Specific Plan or would result but would not have a significant impact on the environment. This determination was made based on the findings of the DEIR prepared for the Project. The following summary briefly describes those environmental topics that were found not to be significant with implementation of existing regulations, as detailed in each respective topical section of Chapter 5 of the DEIR.

1. Agriculture and Forestry Resources

Impact 5.1-1: Implementation of the Specific Plan would convert mapped important farmland to non-agricultural uses. [Threshold AG-1]

DLRP's Farmland Mapping and Monitoring Program is charged with producing maps for analyzing impacts on the state's agricultural resources. California's agricultural lands are rated based on soil quality and irrigation status. The classification system is contiguous with US Department of Agriculture soil surveys and current land use. These maps are updated every two years, with the most recent data being from 2016. For CEQA purposes and the analysis provided herein, the following categories are qualified as "agricultural land:" Prime Farmland, Farmland of Statewide Importance, and Unique Farmland (Public Resource Code Section 21060.1; DLRP 2019). Prime Farmland has the highest value of three categories of mapped important farmland analyzed under CEQA.

Following is a discussion of the potential impacts to mapped important farmland as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in the Specific Plan Land Use Plan; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

The Plan Area has historically been and is currently being used for agricultural purposes. DLRP designates approximately 46 percent (190 acres) of the 415-acre Plan Area as "Grazing Land" and approximately 52 percent (215 acres) as "Prime Farmland". A small area (approximately 10 acres) in the southwestern portion of the Plan Area adjacent to the California Aqueduct is designated as "Unique Farmland". Additionally, the Kings County General Plan designates the Plan Area as General Agriculture-40 Acre and the zoning designation is General Agriculture-40 District (AG-40).

Although the entire 415-acre Plan Area is designated for agricultural uses, currently, approximately 154 acres is used for agricultural purposes and is in agricultural production (orchards). The remainder of the Plan Area is not currently in agriculture production; it consists of fallow agricultural land or grazing land.

Implementation of the Specific Plan would convert approximately 141 acres (comprising the areas designated as Innovation Center and Commercial Thoroughfare) designated by DLRP as Prime Farmland and Grazing Land to non-agricultural uses. Of the 141 acres, approximately 85 acres (entirely designated as Prime Farmland) are currently being used for agricultural purposes (orchards) with the remainder being fallow agricultural land or grazing land. However, the orchards that would be removed to accommodate development under the Specific Plan are near the end of their productive life expectancy and would not be replaced. Also, approximately 69 acres of the Plan Area (entirely designated as Prime Farmland) would remain in agricultural production (orchards). The 10 acres in the southwestern portion of the Plan Area designated as Unique Farmland would also be designated for future agricultural uses, as discussed below. Additionally, under the Specific Plan, approximately 141 acres, or 34 percent of the Plan Area would be changed from General Agriculture-40 Acre to Innovation Center (IC-JR) and Commercial Thoroughfare (CT-JR). Implementation of the Specific

Plan would also change 268 acres, or 65 percent of the Plan Area from General Agriculture-40 Acre to Specialty Agriculture (A-JR). Of these 268 acres, approximately 56 acres would be designated as Specialty Agriculture with an Air Strip Overlay (A-JR). Over half of the Plan Area would be designated as Specialty Agriculture and would permit various agricultural uses such as cultivated land as well as support uses such as farm-based tourism, agricultural research and processing, wineries, and farmer's markets. The Specialty Agriculture land use designations would help maintain consistency with the Prime Farmland and Unique Farmland designations of DLRP's Farmland Mapping and Monitoring Program.

Also, to reduce impacts from the loss of agricultural land, the County requires a 1:1 mitigation for agricultural land that is converted to a non-agricultural use. Under the 1:1 ratio, the conversion of approximately 141 acres of the Plan Area to non-agricultural use would result in the need to preserve 141 acres elsewhere in the Plan Area for agricultural use. As noted above, 268 acres of the Plan Area would be designated as Specialty Agriculture (A-JR), which would permit various agricultural uses. Therefore, the acreage to be preserved for agricultural use would substantially exceed the County's 1:1 mitigation requirement.

The Specialty Agriculture land use designation would also provide a buffer between the active agricultural uses south and west of the Plan Area and the urban uses proposed under the Specific Plan in the northern portion of the Plan Area. Therefore, the buffer would protect and reduce indirect impacts to agricultural land surrounding the Plan Area. The Specialty Agriculture land use designation would also be compatible with non-agricultural land use designations and uses proposed under the Specific Plan.

Furthermore, the conversion of agricultural lands to non-agricultural uses would result in a more beneficial fiscal outcome for the County compared to existing conditions, as commercial uses would increase the value of the land and would create more employment and diverse opportunities in the County. The Plan Area is also not currently enrolled in a Williamson Act or Farmland Security Zone Contract.

Finally, Section 5.8, Land Use and Planning, of the DEIR provides a general plan consistency analysis, which highlights how the Specific Plan would be consistent with the applicable agricultural goals, objectives, and policies of the various elements of the King County General Plan. For example, as demonstrated in Section 5.8, of the DEIR, LU Goal B1 of the Land Use Element calls for the protection of agricultural land throughout the County. The Specific Plan designates 268 acres, or 65 percent of the Plan Area as A-JR, which permits agriculture-related uses. Also, provision of the buffer mentioned above (buffer between the active agricultural uses south and west of the Plan Area and the urban uses proposed under the Specific Plan in the northern portion of the Plan Area) would ensure the Specific Plan's consistency with LU Objective B2.2 of the Land Use Element, which calls for the reduction in potential conflicts between agriculture and non-agricultural urban uses. Finally, the Specific Plan would be consistent with LU Objective B2.3, which calls for the increase in diversified opportunities within agricultural areas when they are compatible with agricultural operations. As noted above, over half of the Plan Area would be designated as Specialty Agriculture and would permit various agricultural uses such as cultivated land as well as support uses such as farm-based tourism, agricultural research and processing, wineries, and farmer's markets. Therefore, the Specific Plan would

be consistent with the goals and policies of the Kings County General Plan, as demonstrated in Section 5.8 of the DEIR.

In summary, the Specific Plan would provide beneficial impacts to the County, continue existing agricultural designations and uses in the Plan Area, and be consistent with applicable goals, objectives, and policies of the various elements of the King County General Plan. Therefore, impacts to mapped important farmland would not be significant as a result of implementation of the Specific Plan.

Specific Plan – Phase One Buildout

As noted above, the Plan Area (including the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in the Specific Plan Land Use Plan) has historically been and is currently being used for agricultural purposes. DLRP designates approximately 13 acres (57 percent) of the Phase One development area (comprises approximately 23 acres) as Grazing Land, and approximately 10 acres (43 percent) as Prime Farmland. Currently, only the 10 acres designated as Prime Farmland are used for agricultural purposes and are in agricultural production (orchards). The remaining 13 acres are not currently in agriculture production; they consist of fallow agricultural land or grazing land.

Implementation of the Specific Plan would convert the entire Phase One development area from Prime Farmland and Grazing Land to non-agricultural uses. As noted above, approximately 10 of 23 acres is currently being used for agricultural purposes (orchards). However, as also noted above, the orchards that would be removed are near the end of their productive life expectancy and would not be replaced. Additionally, the 268 acres to be preserved for agricultural use elsewhere in the Plan Area would substantially exceed the County's 1:1 mitigation requirement.

Furthermore, the conversion of agricultural lands to commercial non-agricultural uses would result in a more beneficial fiscal outcome for the County compared to existing conditions, as commercial uses would increase the value of the land and would create more employment and diverse opportunities within the County. The Specific Plan would also be consistent with the applicable agricultural goals and policies of the Kings County General Plan, as demonstrated above.

Therefore, impacts to mapped important farmland would not be significant as a result of implementation of the Specific Plan.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, Potable Water Management Plan, of Chapter 3, Project Description, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Implementation of the offsite water main improvements along 25th Avenue would not directly or indirectly impact mapped important farmland in anyway. The 25th Avenue roadway right-of-way is fully disturbed and consists of pavement and some areas of compacted soil. Additionally, no

agricultural land or uses on private property abutting the entire stretch of 25th Avenue would be affected by the proposed water main improvements as the improvements would occur within the confines of the roadway right-of-way. Therefore, impacts to mapped important farmland would not occur as a result of the proposed water main improvements.

Finding:

Upon implementation of the Specific Plan, adverse impacts to agricultural resources would be less than significant.

2. Air Quality

Impact 5.2-3: Implementation of the Specific Plan would not expose sensitive receptors to substantial concentrations of air toxics. [Threshold AQ-3]

Development accommodated by the Specific Plan (under the Plan Area Buildout and Phase One Buildout) could generate new sources of criteria air pollutants and TACs in the Plan Area from area/stationary sources and mobile sources. The following describes potential localized operational air quality impacts from implementation of the Specific Plan.

Specific Plan – Plan Area Buildout

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm. The GAMAQI previously required CO hotspot monitoring. However, emissions from motor vehicles, the largest source of CO emissions, have been declining since 1985 despite increases in VMT due to the introduction of new automotive emission controls and fleet turnover. Consequently, no CO hotspots have been reported in the SJVAB even at the most congested intersections. Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal air does not mix—in order to generate a significant CO impact (BAAQMD 2017). As identified in the Traffic Impact Analysis prepared for the Specific Plan, implementation of the Specific Plan is not anticipated to produce the volume of traffic required to generate a CO hotspot. Therefore, implementation of the Specific Plan would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the Plan Area, and impacts would be less than significant.

Toxic Air Contaminants (TACs)

Permitted Stationary Sources

Emissions of TACs generated by stationary and point sources of emissions within the SJVAB are regulated and controlled by SJVAPCD. The Specific Plan would accommodate the types of uses (e.g., WWTF, dry cleaner, gas dispensing facilities, and light industrial) that would require a permit from SJVAPCD for emissions of TACs. Emissions of TACs from stationary sources accommodated under the Specific Plan would be controlled by SJVAPCD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits under Regulation II. According to SJVAPCD’s GAMAQI, Regulation II ensures that stationary source

emissions (permitted sources) would be reduced or mitigated below SJVAPCD significance thresholds of ten in one million cancer risk and one for acute risk at the maximally exposed individual. Although these sources would incrementally contribute to emissions in the Plan Area, they would be mitigated to the standards identified above.

Non-Permitted Sources

Emissions of TACs from mobile sources when operating at a property (e.g., truck idling) are regulated by statewide rules and regulations, not by SJVAPCD, and have the potential to generate substantial concentrations of air pollutants. The primary mobile source of TACs within the Plan Area is truck idling and use of off-road equipment. Trucking uses, such as trucks fueling areas, maintenance, and warehousing operations could generate substantial diesel particulate matter emissions from off-road equipment use and truck idling. In addition, some warehousing and industrial facilities may include use of transport refrigeration units (TRUs) for cold storage. New land uses that use trucks, including trucks with TRUs, could generate an increase in diesel particulate matter that would contribute to cancer and noncancer health risk in the SJVAB. Additionally, these types of facilities could also generate particulate matter (PM₁₀ and PM_{2.5}) that may cause an exceedance or contribute to the continuing exceedance of the federal and State AAQS. However, the Specific Plan is not proximate to sensitive land uses in the SJVAB. Per CARB siting guidelines, it recommends avoiding sensitive uses within 500 feet of gas dispensing facilities and dry cleaners and 1,000 feet of distribution centers that accommodates 100 or more trucks or 40 or more TRUs per day (CARB 2005). There are no sensitive uses within these buffer distances to the Plan Area. Overall, due to the distance of the Plan Area to the nearest sensitive receptor and the fact that the majority of project-related trucks are diverted traffic traveling on I-5 through the SJVAB, implementation of the Specific Plan would not generate substantial concentrations of air pollutants proximate to sensitive receptors.

Construction

Emissions from construction equipment primarily consist of diesel particulate matter (DPM). The OEHHA adopted new guidance for the preparation of health risk assessments in March 2015 (OEHHA 2015). It has also developed a cancer risk factor and noncancer chronic reference exposure level for DPM, but these factors are based on continuous exposure over a 30-year time frame. No short-term acute exposure levels have been developed for DPM. However, there are no sensitive land uses within four miles of the Plan Area. As a result, despite the increase in emissions, concentrations of DPM would not pose a threat to offsite receptors near in the Plan Area, and project-related construction health impacts would be less than significant.

Specific Plan – Phase One Buildout

Impacts identified for the Specific Plan buildout are the same as Phase One buildout. The nearest sensitive receptors to the Plan Area are over four miles away. Consequently, like the Specific Plan buildout, Phase One buildout activities would not expose sensitive receptors to substantial concentrations of air pollutants during construction or operation (permitted and non-permitted). Additionally, as identified in the Traffic Impact Analysis prepared for the Specific Plan, implementation of Phase One is not anticipated to produce the volume of traffic required to generate a CO hotspot. Therefore, implementation of Phase One would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the Plan Area, and impacts would be less than significant.

Specific Plan – Offsite Water Infrastructure Improvements

Operation of the proposed offsite water main improvements would not generate criteria air pollutants and/or TACs. Therefore, no impacts are anticipated to occur.

Finding:

No impacts with regard to exposure of sensitive receptors to substantial concentrations of air toxics would occur and no mitigation is necessary.

3. Greenhouse Gas Emissions

Impact 5.6-2: Implementation of the Specific Plan would not conflict with applicable GHG reduction plans. [Threshold GHG-2]

Applicable plans adopted for the purpose of reducing GHG emissions include CARB’s Scoping Plan and KCAG’s RTP/SCS. The consistency analyses with these plans are presented below.

Specific Plan – Plan Area Buildout

CARB Scoping Plan

CARB’s Scoping Plan is the State’s strategy to achieve the GHG emissions reduction goals under AB 32 and SB 32, as well as a long-term strategy to achieve the state’s overall carbon neutrality goals for 2050 under Executive Order S-03-05. The CARB Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require the County to adopt policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the state agencies outlined in the Scoping Plan result in GHG emissions reductions at the local level. As a result, local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction’s emissions inventory from the top down.

Transportation Sector

Trucks

Approximately 91 percent of the Specific Plan’s emissions are from the transportation sector, and over 96 percent of the project’s emissions are associated with VMT generated by trucks. In general, the state strategy for the transportation sector for medium and heavy-duty trucks is focused on making trucks more efficient and expediting truck turnover rather than reducing VMT from trucks. This is in contrast to the passenger vehicle component of the transportation sector where both per-capita VMT reductions and an increase in vehicle efficiency are forecasted to be needed to achieve the overall state emissions reductions goals.

Emissions associated with heavy duty trucks involved in goods movements are generally controlled on the technology side and through fleet turnover of older trucks and engines to newer and cleaner trucks and engines. The following state strategies reduce GHG emissions from the medium and heavy duty trucks:

- CARB’s Mobile Source Strategy focuses on reducing GHGs through the transition to zero and low emission vehicles and from medium-duty and heavy-duty trucks (CARB 2017b).

- CARB's Sustainable Freight Action Plan establishes a goal to improve freight efficiency by 25 percent by 2030, deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030 (CARB 2017b).
- CARB's Emissions Reduction Plan for Ports and Goods Movement (Goods Movement Plan) in California focuses on reducing heavy-duty truck-related emissions focus on establishment of emissions standards for trucks, fleet turnover, truck retrofits, and restriction on truck idling (CARB 2006). While the focus of Goods Movement Plan is to reduce criteria air pollutant and air toxic emissions, the strategies to reduce these pollutants would also generally have a beneficial effect in reducing GHG emissions.

Thus, these strategies would contribute in controlling heavy duty truck GHG emissions associated with the Specific Plan. Development accommodated by the Specific Plan would not conflict with the statewide strategies. Trucks onsite are required to comply with CARB's Heavy-Duty (Tractor-Trailer) GHG Regulation, which requires SmartWay tractor trailers that include idle-reduction technologies, aerodynamic technologies, and low-rolling resistant tires that would reduce fuel consumption and associated GHG emissions.

Passenger Vehicles

Approximately four percent of the emissions associated with the Specific Plan are associated with VMT generated by passenger vehicles. Statewide strategies to reduce GHG emissions from passenger vehicles and the transportation sector in general include the LCFS and changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley California Advanced Clean Cars program).

Energy / Commercial Sector

Energy use generated by the project represents the second largest source of emissions (15 percent) after the transportation sector. New buildings within the Plan Area would meet the current CALGreen and Building Energy Efficiency standards and would be solar-ready. In addition to being energy-efficient, over the long-term, energy demand generated by the Specific Plan would continue to meet with energy from sources with lower carbon intensity as a result of the state's carbon neutrality goals established under Executive Order B-55-18. SB 100 sets the RPS at 60 percent by 2030 and 100 percent by 2045. As a result, over time, GHG emissions from the energy sector will decrease. As evidenced by CARB's documentation of GHG emissions trends, in 2017 California generated more electricity from zero-GHG sources than GHG-emitting sources (CARB 2019b). Therefore, the Specific Plan would be consistent with the state's goals for this sector.

Other Sources

Other sources of GHG emissions represent approximately 9 percent of the emissions inventory, with the vast majority from solid waste disposal (8 percent), which is associated with landfilling municipal solid waste. The amount of methane emitted to the atmosphere as a fraction of the total amount of methane generated from the decomposition of accumulated waste has gradually declined over time as more landfills install landfill gas collection and control systems and existing systems are operated more efficiently as a result of CARB's Landfill Methane Control Measure (CARB 2019b). Therefore, the Specific Plan would be consistent with the state's goals for the recycling and waste sector.

Development projects accommodated under the Specific Plan are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32 and SB 32. These future individual development projects would comply with these statewide GHG emissions reduction measures. Project GHG emissions include reductions associated with statewide strategies that have been adopted since AB 32 and SB 32. Therefore, the Specific Plan would not obstruct implementation of the CARB Scoping Plan.

KCAG RTP/SCS

The 2018 RTP/SCS identifies regional strategies to better integrate housing, land use, and transportation planning in Kings County. The SCS is a regional growth strategy that provides the basis for the integration of the land use decisions made by KCAG’s member agencies and the transportation investments in the region with a goal of reducing the GHG emissions from cars and light trucks in the region; the SCS must be based on “current planning assumptions.” The RTP also includes the County’s strategy for goods movement. Although, this is not included as part of its SCS since SB 375 focuses on reductions in VMT per capita for passenger vehicles and light trucks (i.e., excludes commercial trucks). It should be noted that Kings County experiences a much higher percentage of trucks on its highways than most other counties. The majority of these vehicles move agricultural products (KCAG 2018). The Specific Plan’s consistency with the applicable 2018 RTP/SCS policies is discussed in Section 5.8, *Land Use and Planning* of the DEIR. As identified in this section, implementation of the Specific Plan would not conflict with the SCS/RTP and the impact would be less than significant.

Specific Plan – Phase One Buildout

Impacts identified for the Specific Plan – Plan Area Buildout are the same for Specific Plan – Phase One Buildout. As substantiated in this section, the Specific Plan would not conflict with the CARB Scoping Plan or the KCAG SCS/RTP and the impact would be less than significant.

Specific Plan – Offsite Water Infrastructure Improvements

The proposed offsite water main improvements are infrastructure improvements that do not have the potential to conflict with the CARB Scoping Plan or KCAG SCS/RTP. Therefore, no impacts are anticipated to occur.

Finding:

Implementation of the Specific Plan would not conflict with applicable GHG reduction plans, and no mitigation is necessary.

4. Hydrology and Water Quality

Impact 5.7-2: Development pursuant to the Specific Plan would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. [Thresholds HYD-2]

Following is a discussion of the potential impacts to groundwater supplies and recharge as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the

Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in the Specific Plan Land Use Plan; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Construction Phase

Construction activities associated with development that would be accommodated by the Specific Plan would involve grading and excavation, which have the potential to intersect groundwater. The groundwater beneath the Plan Area is shallow with depths to groundwater between 6 to 35 feet bgs and a seasonally highest recorded level at 6 feet (NexGen 2020). If groundwater is encountered during excavation, dewatering would be required. If dewatering discharge is piped to an onsite infiltration basin during construction, the Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality (Order No. 2003-0003-DWQ) would be required to be implemented. However, construction activities are temporary in nature, would subside once completed, and would not result in a substantial depletion of groundwater supplies that could result in a lowering of the groundwater table. Therefore, no impacts to groundwater supplies would occur during the construction phase of individual development projects.

Operation Phase

In order to provide potable water to future uses of the Plan Area, an offsite water main would be installed within the County's right-of-way along 25th Avenue. The water main would stretch for approximately 4.2 miles from the Plan Area to the new Kettleman City Surface Water Treatment Plant. Proposed development in the Plan Area would be serviced by the Kettleman City Community Services District (KCCSD). KCCSD water supplies consist of surface water from the State Water Project (SWP) and one local well (the Becky Pease Well) that is used if the SWP allotment of surface water is not sufficient to meet the needs of KCCSD customers. If needed, the Becky Pease Well would be used as a secondary source of water and currently has a maximum capacity of 250 gallons per minute.

Implementation of the Specific Plan would lead to an increased demand in water, and therefore might lead to an increase in groundwater pumping. A Water Supply Assessment (WSA) was prepared for the Specific Plan (Appendix H) to analyze the Specific Plan's impact on future water supply. The WSA substantiated that KCCSD has adequate supplies to serve all customers, including those of the Specific Plan, during normal, dry year, and multiple dry year demands through 2040, accounting for projected population increases and corresponding increases in water demand. Furthermore, the Plan Area is not in or near an active groundwater recharge site. Therefore, no impact to groundwater supplies or recharge during the operational phase would occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in the Specific Plan Land Use Plan. As concluded above, no impact to groundwater supplies or recharge during the Specific Plan's construction and operational phases would occur.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, an offsite water main would be installed within the County’s right-of-way along 25th Avenue in order to provide potable water to future uses of the Plan Area. The water main would stretch for approximately 4.2 miles from the Plan Area to the new Kettleman City Surface Water Treatment Plant. The offsite water infrastructure improvements would not require the use of groundwater supplies or interfere substantially with groundwater recharge. Therefore, no impact to groundwater supplies or recharge would occur.

Finding:

Implementation of the Specific Plan would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge, and no mitigation is necessary.

5. Land Use and Planning

Impact 5.8-1: Implementation of the Specific Plan would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

The Specific Plan is intended to shape development within the Plan Area through 2040 in accordance with the vision and guiding principles of the Specific Plan. The Specific Plan provides for three primary land use designations, and one overlay designation: Innovation Center (IC-JR), Commercial Thoroughfare (CT-JR), Specialty Agriculture (A-JR), and Specialty Agriculture with Air Strip Overlay (A-JR).

As shown in Table 3-1 of the DEIR, *Jackson Ranch Specific Plan Land Use Statistical Summary*, just under 2.4 million square feet of commercial space is planned for Jackson Ranch, with the majority of it slated for the area designated as Innovation Center. This designation allows for a range of uses including light industrial, research and development, medical offices, hospitals, office, hospitality, retail, and entertainment. The area encompassing the Commercial Thoroughfare land use designation is envisioned as a sophisticated transportation plaza, delivering food, lodging, amenities, and entertainment to both professional and leisure travelers along I-5. The Specific Plan intends to create a fully amenitized rest stop and commercial hub along I-5 that would serve travelers, encourage new employment across a variety of industries and attract a range of complementary commercial uses.

In order to implement the Specific Plan, a General Plan Amendment to change the General Plan land use designation of the Plan Area from General Agriculture-40 Acre (current General Plan land use designation) to Jackson Ranch Specific Plan is required. Under the Specific Plan, approximately 141 acres, or 34 percent of the Plan Area, would be designates as Innovation Center and Commercial Thoroughfare, which would allow a range of commercial, retail, light industrial, research and development, office, and hospitality uses. Also, approximately 268 acres, or 65 percent of the Plan Area, would be designated as Specialty Agriculture. It is anticipated that existing active agriculture will continue in the Specialty Agriculture-designated areas of the Plan Area during and after the development of Jackson Ranch.

Additionally, implementation of the Specific Plan would require an amendment to the Kings County Development Code and Zoning District Map. Specifically, the Development Code Amendment is

needed to add the Jackson Ranch Specific Plan by reference and the Zoning District Map Amendment is needed to change the zoning district from AG-40 to Jackson Ranch Specific Plan. The existing zoning district of the Plan Area would also be replaced with the new Specific Plan land use designations. Additionally, the Development Code Amendment would state that the regulating code contained in the Specific Plan would serve as the regulatory plan (zoning, development, and design standards and guidelines) for all development projects and improvements in the Plan Area.

Pursuant to the provisions of the California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450–65457 [Specific Plans]), the Specific Plan would be adopted by the Kings County Board of Supervisors as ordinance and function as the regulatory plan that serves as the implementing zoning for the Plan Area, thereby, ensuring the orderly and systematic implementation of the Kings County General Plan, as well as the orderly and systematic development of the Plan Area. The Specific Plan would act as a bridge between the Kings County General Plan and development that would occur throughout the Plan Area.

The following is an analysis of the Specific Plan’s consistency with applicable regional and laws, regulations, plans, and guidelines adopted for the purpose of avoiding or mitigating an environmental effect. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in the Specific Land Use Plan; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

KCAG 2018 Regional Transportation Plan/Sustainable Communities Strategy

A comparison of the Specific Plan with the broad goals and policies of KCAG’s 2018 RTP/SCS is provided in Table 5.8-1 of the DEIR. The analysis in this table concludes that the Specific Plan would be consistent with the 2018 RTP/SCS. Therefore, implementation of the Specific Plan would not result in significant land use impacts related to the 2018 RTP/SCS.

Kings County General Plan

In accordance with the holding in *Sierra Club v. County of Napa*, 121 Cal. App.4th 1490 (2004), “[a] project is consistent with a county’s general plan (and any specific plan adopted to further the objectives of the general plan) ‘if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.’ [Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal. App.4th 77, 782.] A given project need not be in perfect conformity with each and every general plan policy. To be consistent, a [project] must be ‘compatible with’ the objectives, policies, general land uses and programs specified in the general plan.”

Consistent with the holding in *Sierra Club v. County of Napa*, Table 5.8-2 of the DEIR provides an analysis as to why the Specific Plan is consistent (i.e., “compatible”) or inconsistent with the Kings County General Plan Land Use Element, and how it would help implement and further various goals, objectives and policies of this element. The Specific Plan’s consistency with other elements (e.g., circulation, housing, noise, air quality) of the Kings County General Plan is contained in the analysis provided in the respective topical sections of the DEIR. The analysis in Table 5.8-2 of the DEIR concludes that the Specific Plan would be consistent with the Kings County General Plan. Therefore,

implementation of the Specific Plan would not result in significant land use impacts related to the Kings County General Plan.

Furthermore, future development projects that would be accommodated by the Specific Plan would be subject to the County's development review process upon a formal request for a development permit. The County's development review process would include verification of land use compatibility compliance in accordance with the development standards of the Specific Plan and the Kings County's Development Code. Additionally, the Specific Plan provides a list of allowable uses that are customized for the Plan Area, thereby minimizing the exposure of future workers, visitors, and customers to potential impacts.

Specific Plan – Phase One Buildout

The Phase One development area consists of the portion of the Specific Plan designated as Commercial Thoroughfare. The Commercial Thoroughfare component of the Specific Plan is designed to provide a safe location for travels to stop along I-5. The Commercial Thoroughfare component would provide a range of amenities directed towards travelers, including a transportation plaza, delivering food, lodging, businesses and professional, medical, and personal services, retail, and entertainment. The consistency analysis for the Phase One portion of the Specific Plan Buildout is incorporated Tables 5.8-1 and 5.8-2 of the DEIR. As demonstrated in these tables, Phase One buildout would not conflict with adopted plans applicable to the Specific Plan, including KCAG's 2018 RTP/SCS or the Kings County General Plan.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, in the DEIR, in order to provide potable water to the future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The water main would be installed by and paid for by the project applicant/developer. Upon completion, the water main would be dedicated to the Kettleman City Community Services District (KCCSD) for ownership and maintenance. The proposed water main would run from the northern boundary of the Plan Area to the new Kettleman City Surface Water Treatment Plant (SWTP), which is owned and operated by KCCSD (see Figure 3-6, *Proposed Offsite Water Main Route*).

Implementation of the water main would be subject to review and approval by the County and KCCSD. It would also require approval from the Local Agency Formation Commission of Kings County for any KCCSD boundary or service extension that may be needed to serve the Specific Plan's potable water needs. Currently, the Plan Area is not in KCCSD's service area or sphere of influence (SOI) and therefore requires a SOI Amendment and service extension authorization with future annexation into their service area. Expanding the KCCSD SOI to include the Interstate 5/Utica Avenue area and anticipated annexation into the district are in line with the County's General Plan goals and policies that direct highway-commercial development projects to consolidate with the most adjacent water service provider. In this case, Jackson Ranch would connect to KCCSD in lieu of developing an onsite private water system that depends on water from the State Water Project via the California Aqueduct.

Based on the preceding, implementation of the water main would not conflict with adopted plans applicable to the Specific Plan, including KCAG’s 2018 RTP/SCS or the Kings County General Plan.

Finding:

Implementation of the Specific Plan would not result in significant land use impacts to applicable plans and policies that have been adopted for the purpose of avoiding or mitigating an environmental effect.

6. Noise

Impact 5.9-1	Construction activities of development projects accommodate by the Specific Plan would result in temporary construction noise increases in the vicinity of the Plan Area. [Threshold N-1]
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Two types of short-term noise impacts could occur during construction activities of development that would be accommodated by the Specific Plan: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment.

Following is a discussion of the potential short-term, construction-related noise impacts as a result of development that would be accommodated by the Specific Plan.

Specific Plan – Plan Area Buildout

Construction Vehicles

The transport of workers and materials to and from individual construction sites in the Plan Area would incrementally increase noise levels along site access roadways. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA Lmax at 50 feet from the worker and vendor vehicles. However, these occurrences would generally be infrequent and short-lived as they would cease upon completion of each construction phase. In addition, there are no nearby noise-sensitive receptors adjacent to or in the vicinity of the Plan Area. Surrounding land uses primarily consist of active and fallow agricultural land or grazing lands. Although there is a residential structure approximately 470 feet east of the northwestern Plan Area boundary, there are no individuals residing there and the structure is used for storage purposes only. Therefore, noise impacts from construction haul trips are not anticipated to occur.

Construction Equipment

Noise generated by onsite construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each stage of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest several pieces of equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

Construction activities of individual development projects would temporarily elevate existing ambient noise levels in and around the Plan Area. However, these occurrences would generally be infrequent and short-lived as they would cease upon completion of each construction phase. Additionally, as

noted above, there are no nearby sensitive receptors in the vicinity of the Plan Area. Therefore, noise impacts from construction equipment are not anticipated to occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion of the DEIR applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, noise impacts from construction activities (including construction vehicles and equipment) are not anticipated to occur.

Specific Plan – Offsite Water Infrastructure Improvements

Implementation of the Specific Plan would include on- and offsite construction-related activities. Onsite activities are discussed above. As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, offsite improvements include the installation of a water main system to provide portable water to future uses of the Plan Area. An offsite water main would be installed underground within the County’s right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Construction activities associated with the water main installation would temporarily elevate existing ambient noise levels not only around the northern boundary of the Plan Area, which is formed by 25th Avenue, but also along the aforementioned stretch of 25th Avenue. However, based on a review of Google aerial maps, there are no sensitive receptors between the water treatment plant and the Plan Area, and no sensitive receptors in the vicinity of the Plan Area. As noted above, 25th Avenue is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. Additionally, construction activities would be temporary as they would cease upon completion of water main construction phase. Therefore, noise impacts are not anticipated to occur.

Finding:

Compliance with the King’s County General Plan would ensure project-related noise impacts from temporary construction noise are reduced to less than significant levels.

Impact 5.9-2: Implementation of the Specific Plan would result in long-term operation-related noise increases, but not an extent that would exceed local standards or impact sensitive uses. [Threshold N-1]

Implementation of the Specific Plan would result in the creation of long-term, operation-related noise sources in and around the Plan Area, as well as along surrounding roadways. Following is a discussion of the potential long-term noise impacts as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in Figure 3-4, *Specific Plan Land Use Plan*; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Regarding mobile noise sources, implementation of the Specific Plan would result in the generation of new vehicle trips along roadways serving the Plan Area, including I-5 and Utica Avenue. The Plan Area is west of I-5 and existing average daily traffic volumes (ADT) along the freeway are 39,500 south of Utica Avenue (Caltrans 2017). Traffic volumes resulting from implementation of the Specific Plan were obtained from the traffic impact analysis prepared for the project (Kittelson 2020). When compared to the worst case Specific Plan buildout scenario of an estimated 10,216 net daily trips generated during Friday peak hour, traffic noise is estimated to increase by 1 dBA along I-5, which would not be perceptible. Also, although the new trips would increase traffic noise on Utica Avenue, there are no sensitive receptors along this roadway. Therefore, traffic noise impacts are not anticipated to occur.

Regarding non-mobile noise sources, development that would be accommodated by the Specific Plan would also result in the generation of noise related to heating, ventilation, and air conditioning (HVAC) mechanical equipment. However, as shown in Figure 3-3, *Aerial Photograph*, surrounding land uses primarily consist of active and fallow agricultural land or grazing lands. There are no sensitive receptors abutting or surrounding the Plan Area. Therefore, stationary noise impacts are not anticipated to occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in Figure 3-4, *Specific Plan Land Use Plan*. As concluded above, noise impacts from operational activities (including mobile and non-mobile sources) are not anticipated to occur.

Specific Plan – Offsite Water Infrastructure Improvements

As described above, offsite improvements of the Specific Plan include the installation of a water main system to provide portable water to future uses of the Plan Area. The water main would stretch along 25th Avenue for approximately 4.2 miles. As shown in Figure 3-6, *Proposed Offsite Water Main Route*, the proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant. However, installation of this water main would not result in the creation of any mobile or non-mobile noise sources. Therefore, no long-term noise impacts from this offsite improvement are anticipated to occur.

Finding:

Compliance with the King’s County General Plan would ensure project-related noise impacts from operational-related noise sources are reduced to less than significant levels.

7. Public Services

Impact 5.10-1:	Implementation of the Specific Plan would introduce new structures workers, and visitors into the Kings County Fire Department service boundaries, thereby increasing the requirement for fire protection and emergency services. [Threshold FP-1]
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Following is a discussion of the potential impacts to fire protection and emergency services as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Implementation of the Specific Plan would result in an increase in the overall demand on fire protection and emergency services in the Plan Area and its surroundings. Future growth (introduction of new structures, workers, and visitors) is expected to create the typical range of fire and emergency service calls, and increase the need for new fire facilities, apparatus, and personnel in order to maintain adequate response times. KCFD's costs to maintain equipment and apparatus and to train and equip personnel would also increase.

As stated above, the County has 10 existing fire stations strategically located throughout the County. Primary fire and emergency services to the Plan Area would be provided from Station No. 9, approximately six miles to the northwest in Kettleman City. KCFD has an estimated response time of 15 minutes. However, KCFD does not yet have data for the Plan Area and response times are not known at this time. Although data for the Plan Area is not available, implementation of the Specific Plan is also not anticipated to impact KCFD's response time to the Plan Area or its surroundings. Also, in the event of an emergency in the Plan Area that requires more resources than available at Station No. 9, KCFD would direct resources to the Plan Area from other KCFD stations, including Station No. 10 approximately 19 miles to the northwest in Avenal.

The potential demand for additional personnel, equipment, and operational costs generated by the Specific Plan would also be funded and offset through the property tax revenue generated from additional development that would be allowed under the Specific Plan. Additionally, individual development projects would be reviewed by the County and KCFD and be required to comply with the requirements in effect at the time building permits are issued, including the payment of Public Facility Impact Fees related to fire facilities established in Kings County Ordinance 633 (see Table 5.10-3, *Kings County Fire Facility Impact Fees (Effective October 2018)*) of the DEIR. Fees collected under this ordinance are utilized for payment of the actual or estimated costs of fire facilities, apparatus, and equipment related to new nonresidential construction in the County. Payment of these fees ensures that individual project applicants pay their fair share of costs related to fire protection services and facilities.

The County also involves KCFD in the development review process in order to ensure that the necessary fire prevention and emergency response features are incorporated into individual development projects. During the County's development review and permitting process, KCFD would review and approve individual development projects to ensure that adequate facilities, infrastructure, and access are provided to serve the needs of KCFD as detailed in the Specific Plan. Specific fire and life-safety requirements for the construction phase of future development projects that would be accommodated by the Specific Plan would be addressed at the building and fire plan check review stage for each development project.

Finally, all development projects that would be accommodated by the Specific Plan would be required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of Kings County and the State of California. These codes and standards impose design standards and requirements that seek to minimize and mitigate fire risk. For example, development projects would be required to comply with the most current edition (2019, which took effect January 1, 2020) of the CFC, which is adopted and incorporated by reference in Chapter 10 (Fire Protection and Prevention) of the Kings County Code of Ordinances. Compliance with these codes and standards is ensured through the County's and KCFD's development review and building plan check process.

Based on the preceding, implementation of the Specific Plan would not adversely affect KCFD's ability to provide adequate fire protection and emergency services and would not require new or expanded fire facilities that could result in adverse environmental impacts.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, implementation of the Specific Plan would not adversely affect KCFD's ability to provide adequate fire protection and emergency services and would not require new or expanded fire facilities that could result in adverse environmental impacts.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Implementation of the offsite water main improvements would not directly or indirectly impact fire protection and emergency services. The 25th Avenue roadway right-of-way is fully disturbed and consists of pavement and some areas of compacted soil. The roadway would continue to serve as an alternative means of emergency access to the Plan Area, with primary and more direct and quicker access being provided via Interstate 5. Therefore, implementation of the offsite water infrastructure improvements would not adversely affect KCFD's ability to provide adequate fire protection and emergency services and would not require new or expanded fire facilities that could result in adverse environmental impacts.

Finding:

Implementation of the proposed Specific Plan would not result in substantial adverse impacts related to fire protection and emergency services.

Impact 5.10-2: Implementation of the Specific Plan would introduce new structures, workers, and visitors into the Kings County Sherriff’s Office and California Highway Patrol service areas/boundaries, thereby increasing the requirement for police protection services. [Threshold PP-1]

Following is a discussion of the potential impacts to police protection services as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Implementation of the Specific Plan would result in an increase in the overall demand on police protection services in the Plan Area and its surroundings, including along state highway facilities. The introduction of new structures, workers and visitors in the Plan Area would result in additional calls for law enforcement services, which could increase needs for KCSO staffing, facilities, and equipment. Additionally, the increased traffic to the area would change traffic congestion patterns and may increase the likelihood of traffic collisions and other roadway-related incidents, which would generate additional demand for staffing and equipment for CHP (Brunnell 2019).

However, implementation of the Specific Plan is not anticipated to have a significant impact on police protection services for either KCSO or CHP. KCSO would respond to any public safety incidents in the Plan Area within the expected range of response times, which is an average response time of 10:22 minutes for Priority One calls and 13:04 minutes or more for Priority Two calls (Bevens 2019). Specific Plan implementation would also not impede CHP from continuing to adequately patrol all state highway facilities serving the Plan Area, including Interstate 5.

Additionally, considering the existing police resources that serve the Plan Area and its surroundings, project impacts on police protection services (including response times) are not expected to occur. It is anticipated that KCSO’s staffing and equipment levels could absorb the additional calls and responses that could be generated by development that would be accommodated by the Specific Plan. Also, although unlikely, in the event of an emergency in the Plan Area that requires more resources than KCSO could provide from its, KCSO would request assistance from CHP.

Furthermore, the potential demand for additional KCSO personnel, equipment, and operational costs generated by the Specific Plan would be funded and offset through the County’s General Fund. Individual development projects would be reviewed by the County and KCSO and be required to comply with the requirements in effect at the time building permits are issued, including the payment of Public Facility Impact Fees related to police protection facilities established in Kings County Ordinance 633 (see Table 5.10-4, *Kings County Law Enforcement Impact Fees (Effective October 2018)* of the DEIR). Fees collected under this ordinance are utilized for payment of the actual or estimated costs of police facilities, apparatus, and equipment related to new nonresidential construction in the County. Payment of these fees ensures that individual project applicants pay their fair share of costs related to police protection services and facilities.

Finally, the County involves KCSO in the development review and permitting process in order to ensure that the necessary police protection features are incorporated into development projects. All site and building improvements of development projects that would be accommodated by the Specific Plan would be subject to review and approval by KCSO. More specific consideration of police protection services and any desired augmentation to achieve best performance goals set forth by KCSO, such as project design features to improve security in the Plan Area, may be considered as part of the County's development review process.

Based on the preceding, implementation of the Specific Plan would not adversely affect KCSO's or CHP's ability to provide adequate police protection services and would not require new or expanded police facilities that could result in adverse environmental impacts.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, implementation of the Specific Plan would not adversely affect KCSO's or CHP's ability to provide adequate police protection services and would not require new or expanded police facilities that could result in adverse environmental impacts.

Specific Plan – Offsite Water Infrastructure Improvements

As described above, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Implementation of the offsite water main improvements would not directly or indirectly impact police protection services. The 25th Avenue roadway right-of-way is fully disturbed and consists of pavement and some areas of compacted soil. The roadway would continue to serve as an alternative means of emergency access to the Plan Area, with primary and more direct and quicker access being provided via Interstate 5. Therefore, implementation of the offsite water infrastructure improvements would not adversely affect KCSO's ability to provide adequate police protection services and would not require new or expanded fire facilities that could result in adverse environmental impacts.

Finding:

Based on the preceding, increases in demands for police protection resulting from implementation of the Specific Plan would not have significant impacts on KCSO services.

8. Transportation

Impact 5.11-2: Implementation of the Specific Plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [Threshold T-2]

CEQA Guidelines Section 15064.3 describes how transportation impacts are to be analyzed after SB 743. It eliminates auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as the sole basis for determining significant impacts:

Generally, VMT is the most appropriate measure of transportation impacts. For the purposes of this section, VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) ... [regarding roadway capacity], a project's effect on automobile delay shall not constitute a significant environmental impact.

As with all jurisdictions in California, the County has an opt-in period until July 1, 2020, to adopt the guidelines and new VMT-based criteria. Currently, the County has not adopted VMT guidelines or criteria and continues to use its established LOS and roadway capacity criteria to evaluate transportation impacts under CEQA. Therefore, the analysis in this section relies on currently adopted County methodologies and criteria to evaluate transportation impacts and is provided for informational purposes.

Specific Plan – Plan Area Buildout

VMT Calculation Methodology

VMT provides an indication of the amount of travel in the roadway system by multiplying the number of trips by the distance travelled. For example, 10 vehicles taking 10-mile trips each would result in a total of 100 VMT. The State of California Office of Planning and Research (OPR) in its Technical Advisory on Evaluating Transportation Impacts in CEQA has provided recommendations pertaining to the appropriate methodology for analyzing impacts related to residential, office, retail, and other land use projects. Specifically, OPR recommends VMT per capita for residential projects and VMT per employee for office projects. When estimating VMT using trip-based models, the home-based VMT per capita and home-based work VMT per employee should be used.

A travel demand model was utilized for the Specific Plan to identify average VMT/employee and average VMT/population for the County and in the project study area. Modeling results from Caltrans' California Statewide Travel Demand Model (CSTDM) were reviewed to identify land use and average VMT per household and VMT per employee in the project study area. The Plan Area is in traffic analysis zone (TAZ) 2602. Attachment A of the VMT Analysis Memorandum (Appendix G2 of the DEIR) includes the outputs for the TAZs in Kings County and TAZ 2602.

Truck mix (percentage of trucks of overall traffic) is based on a review of truck volumes on I-5, and the percentage of truck trips for industrial and warehousing land uses. For the VMT analysis, the daily proportion of truck traffic is considered to be 30 percent of the total traffic that would be generated by the Specific Plan. Truck trip distances were based on a review of locations of key goods movement businesses and freight transportation facilities in the San Joaquin Valley, and a review of truck volumes on roads and the tonnage distribution per direction in the San Joaquin Valley. This information is available in Section 2 of the San Joaquin Valley Goods Movement Plan.

Trip distances for employees and businesses patrons were based on a review of employment and population US Census data, and the travel distances to the communities in the region (Kittelson 2020b).

Project Truck VMT

Table 5.11-19 of the DEIR, presents the truck VMT that would be generated by the Specific Plan under the Phase One and Two buildout conditions. As shown in the table, Phase One buildout would generate a total truck VMT of 234,317 and Phase Two buildout would generate a total truck VMT of 398,096.

Project Employee VMT

As discussed above, OPR recommends lead agencies to analyze transportation impacts associated with office uses according to the average VMT/employee. For retail, OPR recommends analyzing retail projects based on its net VMT increase.

Office/Employment VMT

Table 5.11-20 of the DEIR presents the VMT/employee and VMT/population in the project study area (Traffic Analysis Zone 2602) compared to the regional averages in the County. As shown the table, the Plan Area is in an area of the County where the average VMT/employee is 9.6 and the VMT/employee is 25.9 for the County.

The areas surrounding the Plan Area are primarily agricultural. The nearest communities to the Plan Area are generally northwest of the Plan Area—these include Kettleman City (7 miles), Avenal (19 miles), Stratford (21.9 miles), and Huron (23.8 miles). The Specific Plan would provide opportunities for employment in the service sector in a primarily agricultural-area of the County. Therefore, it is expected that the Specific Plan will provide a reduction in vehicle miles travelled for employees seeking to work in the service sector.

Retail VMT

As shown Table 5.11-20, of the DEIR, the Plan Area is in an area where the regional average VMT/population is 22.9 and the VMT/employee is 11.5 for the County. As noted above, the areas surrounding the Plan Area are primarily agricultural and the nearest communities are all generally northwest of the Plan Area and range in distance from 7 to 23.8 miles. The Specific Plan would provide retail, dining, and services in a primarily agricultural-area of the County. It is anticipated that some of the retail, dining, and services to be provided will be similar (e.g., fast food restaurants, gas stations) to those provided in the other nearby communities, such as Kettleman City; however, it is also anticipated that other retail, dining, and services to be provided are not currently offered in the nearby communities and would therefore new to the region. Therefore, it is anticipated that implementation of the Specific Plan may result in an increase in VMT for residents of the communities to the north seeking similar retail, dining, and service options offered in the Plan Area, as they would have to first pass through those communities in order to reach the Plan Area. However, it is also anticipated that implementation of the Specific Plan may result in a reduction in VMT for residents of the communities to the north seeking certain retail, dining, and service options that are currently not offered in those communities or anywhere near those communities, but will be available in the Plan Area. For example, residents of Kettleman City (7 miles to the northwest) have to drive 15 miles to Avenal to access a vehicle sales business. The Specific Plan allows for the development of vehicle sales in the Plan Area; therefore, if a vehicle sales business operates out of the Plan Area, it would be much closer (7 miles versus 15 miles) than the same business located in Avenal.

Project Total VMT

Table 5.11-21, of the DEIR, presents the total VMT generated by the Specific Plan under the Phase One and Two buildout conditions. As shown in the table, Phase One buildout would generate a total VMT of 301,682 and Phase Two buildout would generate a total VMT of 472,345.

Conclusion

Kings County, which is the lead agency under CEQA has not yet adopted VMT methodologies and thresholds to evaluate projects. Currently, the County relies on roadway capacity and LOS to evaluate transportation impacts under CEQA. Therefore, the VMT analysis has been provided for informational purposes. In Summary, the Specific Plan would not conflict or be inconsistent with the County's currently adopted traffic analysis methodology and no impacts regarding VMT would occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, the Specific Plan would not conflict or be inconsistent with the County's currently adopted traffic analysis methodology and no impacts regarding VMT would occur.

Specific Plan – Offsite Water Infrastructure Improvements

As described above, an offsite water main would be installed within the County's right-of-way along 25th Avenue in order to provide potable water to future uses of the Plan Area. Implementation of the offsite water main improvements would not conflict or be inconsistent with CEQA Guidelines § 15064.3 as the improvements would not result in the generation of VMT. The roadway would continue to operate as it exists today, as a two-lane arterial road connection from the Plan Area to other developed areas of the County, including Kettleman City to the northwest. Therefore, implementation of the offsite water infrastructure improvements would not result in adverse environmental impacts.

Finding:

Implementation of the Specific Plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). No mitigation measures are necessary.

9. Utilities and Service Systems

Impact 5.13-1: Development pursuant to the Specific Plan would result in the construction of new wastewater treatment facilities in the Plan Area; however, their construction and operation would not cause significant environmental effects. [Threshold U-1]

Following is a discussion of the potential wastewater treatment and collection impacts resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Due to the agriculturally-developed nature of the Plan Area and its surroundings, there are no existing wastewater infrastructure improvements or facilities in or surrounding the Plan Area. In order to provide wastewater service to the future uses of the Plan Area and to all phases of the Specific Plan, a wastewater collection and treatment system would be developed for the Plan Area. The system would consist of a wastewater collection system comprised of grease interceptors, influent screeners, pump tanks and associated gravity main piping. The system would also include a domestic wastewater treatment facility (WWTF) that would provide primary and advanced secondary treatment of wastewater. The WWTF would be placed in the eastern portion of the Plan Area, abutting Interstate 5 (I-5). The WWTF will occupy approximately 6.6 acres of the Plan Area.

Wastewater generated by land uses in the Plan Area would flow by gravity through a network of privately-maintained sewer laterals and mains to the WWTF. The sewer laterals and mains would be provided throughout the Plan Area to serve the individual development sites. The sewer laterals and mains would be located in roadways and easements as appropriate and typical for new development. The WWTF would be designed to treat up to a peak flow of 75,000 gallons per day of wastewater.

The WWTF would discharge treated wastewater to land in the Plan Area. Specifically, the WWTF would direct filtrate to either be recirculated back to the primary septic tank anoxic zone for denitrification or discharged to pressure dose sand lined (sand filter) dispersal beds depending on the desired recirculation ratio. This recycling process would provide greater than 50 percent nitrogen removal. The sand filter dispersal beds would provide additional treatment and allow for the dispersal of the filtrate to the native soils. Therefore, development of the WWTF requires filing of a ROWD and approval and issuance of a WDR permit from the Central Valley RWQCB pursuant to California Water Code Section 13260. Pursuant to Section 13260, a ROWD was prepared for the WWTF and submitted to the Central Valley RWQCB for review and approval in April of 2020.

The potential environmental impacts associated with the Specific Plan's wastewater collection and treatment system, which includes the WWTF, are analyzed throughout the DEIR. Impacts to water quality from the proposed percolation ponds are addressed in Chapter 5-7, *Hydrology and Water Quality* of the DEIR. As substantiated in other topical sections of the DEIR, development of the Specific Plan's wastewater collection and treatment system would not result in any physical environmental effects beyond those identified in those sections, if any.

Additionally, construction of the WWTF is subject to review and approval by the Kings County Department of Public Health, Kings County Public Works Department, and the Central Valley RWQCB. The Specific Plan's wastewater collection and treatment system would also be required to be developed and operated in accordance with the Kings County Improvement Standards. For example, pursuant to Section 603 (Construction of a Sewage Treatment Facility) of the standards, the WWTF would be privately operated and maintained. Furthermore, all proposed plumbing improvements would be installed in accordance with the California Plumbing Code, which is adopted by reference in Article VI (Plumbing Code) of Chapter 5 (Buildings and Structures) of the Kings County Code of Ordinances.

Based on the preceding, development of the Specific Plan's wastewater collection and treatment system would not result in any impacts.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, no impact would occur as a result of the Specific Plan’s wastewater collection and treatment system.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue, which is a fully paved roadway that is maintained by the County. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant (SWTP). The offsite water infrastructure improvements would not result in the generation or require treatment of wastewater. Therefore, no impact would occur.

Finding:

Existing and/or proposed utility facilities would be able to accommodate electricity and natural gas demands of development projects accommodated by the Specific Plan. No mitigation measures are necessary.

Impact 5.13-2: Wastewater generated from development pursuant to the Specific Plan would be privately treated onsite and not require treatment by a wastewater service provider. [Threshold U-3]

Following is a discussion of the potential wastewater generation impacts resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Wastewater generated by development that would be accommodated by the Specific Plan would be privately treated by an onsite via the WWTF. Since wastewater would be treated onsite, the local wastewater treatment provider in the region would not serve the Plan Area. As noted above, the WWTF would be designed to treat up to a peak flow of 75,000 gallons per day of wastewater. The treatment capacity would be more than adequate to serve the Specific Plan’s wastewater treatment needs. Therefore, no impact to the wastewater providers’ treatment capacity would occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, no impact to the wastewater providers’ treatment capacity would occur.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new SWTP. The offsite water infrastructure improvements would not result in the generation or require treatment of wastewater. Therefore, no impact to the wastewater providers’ treatment capacity would occur.

Finding:

Wastewater generated from development pursuant to the Specific Plan would be privately treated onsite and not require treatment by a wastewater service provider. No mitigation measures are necessary.

Impact 5.13-3: Implementation of the Specific Plan would result in the construction of new potable water distribution facilities; however, their construction and operation would not cause significant environmental effects. [Threshold U-1]

Following is a discussion of the potential impacts to potable water distribution facilities resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Currently, the Dudley Ridge Water District delivers State Water Project water from the adjacent California Aqueduct to the Plan Area for irrigation and fire protection purposes of the existing agricultural uses. The aqueduct is owned by CDWR. Water supply from the aqueduct would continue to be used for irrigation and fire protection purposes only via the existing connections to the aqueduct. No activities or improvements within CDWR’s property or easements are proposed under the Specific Plan, and no improvements or modifications to the existing aqueduct connections are proposed.

However, in order to provide potable water service to the future land uses of the Plan Area and to all phases of the Specific Plan, an offsite potable water main would be installed from the SWTP within the County’s right-of-way in 25th Avenue to the Plan Area. The SWTP would provide the Specific Plan’s potable water needs. The proposed water main would be approximately 4.2 miles long and constructed from the northern boundary of the Plan Area to the SWTP. Once the water main improvements reach the 25th Avenue overpass at I-5, two scenarios could occur:

- **Preferred Scenario.** The water main would be installed in the bridge deck of the overpass structure. This scenario would require review and approval by the County and possibly Caltrans.
- **Alternative Scenario.** The water main would traverse downward and under I-5, which would require boring under the freeway. In addition to the County, this scenario would also require review and approval (including issuance of an encroachment permit) by Caltrans.

In addition to installation of the offsite water main, a system of underground water mains would be provided throughout the Plan Area to serve the individual development sites. The onsite water system would connect to the new offsite water service being constructed in Utica Avenue. Onsite water systems would be located within roadways and easements as appropriate and typical for new development in the County.

The potential environmental impacts associated with the Specific Plan's potable water distribution system, which includes the offsite water main, are analyzed throughout the DEIR. As substantiated in other topical sections of the DEIR, development of the Specific Plan's potable water distribution system would not result in any physical environmental effects beyond those identified in those sections, if any.

Additionally, construction of the on- and offsite potable water distribution system is subject to review and approval by the Kettleman City Community Services District, Kings County Public Works Department Kings County Environmental Health Department, and possibly the California Department of Public Health. The system would also be required to be developed in accordance with the Kings County Improvement Standards. For example, connection to the SWTP would be required to be undertaken in accordance with the provisions of Section 502 (Connection to an Existing System) of the improvement standards. Additionally, the offsite water main will be installed in an acceptable location within the right-of-way of 25th Avenue; it will be installed at the required design depth of the Kings County Public Works Department requirements. The offsite water system will be installed by and paid for by the project applicant/developer and upon completion, the system will be dedicated to KCCSD for ownership

Furthermore, all proposed plumbing improvements within the Plan Area would be installed in accordance with the California Plumbing Code, which is adopted by reference in Article VI (Plumbing Code) of Chapter 5 (Buildings and Structures) of the Kings County Code of Ordinances.

Finally, installation of the offsite water main and connection to the SWTP would require review and approval by KCCSD. It would also require approval from the Local Agency Formation Commission of Kings County for any KCCSD boundary or service extension that may be needed to serve the Specific Plan's potable water needs. Currently, the Plan Area is not in KCCSD's service area or sphere of influence (SOI) and therefore requires a SOI Amendment and service extension authorization with future annexation into their service area. The SWTP has more than adequate water treatment capacity to serve the Specific Plan's potable water needs.

Based on the preceding, development of the Specific Plan's potable water distribution system would not result in any impacts. Additionally, implementation of the Specific Plan would not result in the need for the construction of new or expansion of existing water treatment facilities, the construction of which could cause significant environmental effects.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, no impact would occur as a result of the Specific Plan's potable water distribution system. Additionally, implementation of the Specific Plan

would not result in the need for the construction of new or expansion of existing water treatment facilities, the construction of which could cause significant environmental effects.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue, which is a fully paved roadway that is maintained by the County. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new SWTP. The offsite water infrastructure improvements would not result in the need for or require treatment of potable water. Therefore, no impact would occur.

Additionally, the potential environmental impacts associated with the Specific Plan’s offsite water infrastructure improvements are analyzed throughout the DEIR. As substantiated in other topical sections of the DEIR, development of the offsite improvements would not result in any physical environmental effects beyond those identified in those sections, if any.

Finding:

Implementation of the Specific Plan would not result in significant environmental effects to water distribution facilities. Impacts would be less than significant. No mitigation measures are necessary.

Impact 5.13-4: Available water supplies are sufficient to serve development pursuant to the Specific Plan during normal, dry, and multiple dry years. [Threshold U-2]

Following is a discussion of the potential impacts to water supply resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

The Plan Area is currently agricultural land use and receives irrigation and fire protection water from DRWD via the California Aqueduct. Water supply from DRWD would continue to be used for agriculture irrigation and fire protection, as well as for landscape irrigation and any other outdoor water demands for development projects accommodated by the Specific Plan. The amount of water required from DRWD for the Specific Plan’s outdoor uses would likely be less than the current water demand because approximately 34 percent of the Plan Area would be converted from agriculture to the land uses listed in Table 5.13-1 of the DEIR. Additionally, all outdoor water needs (e.g., landscaping, agricultural) would be supplied by DRWD via the California Aqueduct.

Therefore, only the indoor water use supplied by KCCSD’s SWTP was calculated in the Water Supply Assessment (WSA) prepared for the Specific Plan (Appendix H of the DEIR), using the domestic water demand rates as specified in the Water Service Technical Memorandum prepared for the Specific Plan (Yamabe and Horn 2019). The total estimated potable water demand for buildout of the Specific Plan (Phase Two) is 41,944 gpd (47 AFY).

Implementation of the Specific Plan includes the construction of a new water main connection to the SWTP approximately 4.2 miles north of the Plan Area. The plant is owned and operated by KCCSD. Therefore, the WSA also calculated the future water demand for Kettleman City as shown in Table 5.13-2 of the DEIR. As indicated in the table, KCCSD's projected water demand for the year 2040 is 419 AFY.

Table 5.13-3 of the DEIR includes a comparison of water demand and supply for KCCSD for the year 2040. As noted earlier, KCCSD was allocated 900 AFY from the SWP. However, on average, KCCSD may not receive its full allotment of 900 AFY and may receive only up to 750 AFY (SKAGGS 2019). Also, in the past 10 years, the SWP has supplied an average of 43 percent of total Table A water allocations to SWP contractors. This decrease in supply is mainly due to regulatory restrictions, such as those aimed at protecting the estuary's resident and migratory fish species. Taking into account the average supply of 43 percent, KCCSD's allotment has been at 387 AFY (43 percent of the allotted 900 AFY). Furthermore, KCCSD's SWTP incurs water losses of approximately 10 percent as a result of various processes, including automatic strainers, upflow clarifier sludge blowdowns, and membrane backwash cycles (Appendix H of the DEIR). With the additional 10 percent reduction, the total SWP water supplied to KCCSD would be 349 AFY, as shown in Table 5.13-3 of the DEIR.

As shown in Table 5.13-3 of the DEIR, the combined water demand for Kettleman City (419 AFY) and the Specific Plan (47 AFY) is 466 AFY, which is greater than the total water supply for KCCSD of 349 AFY. However, current DRWD water supplied to the Plan Area (allocated by right for agricultural uses) from the California Aqueduct is 750 AFY. The DRWD water being supplied is used for irrigating the existing almond orchards in the Plan Area. However, as noted above, the SWP has supplied an average of 43 percent of total Table A water allocations to SWP contractors, including DRWD. Under a conservative scenario and taking into account the average supply of 43 percent, DRWD's water allotment to the Plan Area has been approximately 323 AFY.

In 2019, approximately 185 acres of the Plan Area were irrigated. Under the Specific Plan, approximately 102.5 acres of irrigated almonds would be removed and replaced with commercial uses under the Specific Plan, resulting in a reduction in almond orchards (approximately 82.5 acres of almonds to remain in production) and DRWD water needed for irrigation purposes. With 82.5 acres remaining in production, this would require approximately 149 AFY of DRWD water for irrigating the almond orchards. Deducting the irrigation needs of the almond orchards to be removed, there would be approximately 174 AFY of DRWD water available to dedicate to KCCSD (based on the 2019 allocation). Additionally, as noted above, KCCSD's SWTP incurs water losses of approximately 10 percent as a result of various processes. With the additional 10 percent reduction, the total additional water that KCCSD would have to supply from its SWTP would be approximately 150 AFY.

With the additional 150 AFY, KCCSD would have 499 AFY (349 AFY plus 150 AFY) to supply to Jackson Ranch and its customers, which exceeds the required 466 AFY needed to supply the total demand shown in Table 5.13-3 of the DEIR. Therefore, available water supplies are sufficient to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

Furthermore, there are options to provide approximately 150 acre-feet of the Plan Area's currently allocated DRWD water supply to KCCSD.

- Option 1. Approval from DRWD and the California Department of Water Resources (DWR) is required for a long-term agreement to deliver a portion (up to 150 acre-feet of State Water Project Table A amount, a one-to-one ratio) of the Plan Area’s current allocated DRWD water supply to Kings County on behalf of KCCSD via the California Aqueduct turnout serving KCCSD. Under existing conditions, KCCSD and their aqueduct turnout area are outside of DRWD’s service area and, therefore, requires both DRWD and DWR approval to deliver the DRWD Table A water to KCCSD. A formal request for delivery of the DRWD water supply from the Plan Area to KCCSD was submitted by the project applicant/developer to DRWD on April 15, 2020. The request submitted was for DRWD to approve, and then DWR to approve the long-term agreement. DRWD’s approval is pending Board approval, with a request to DWR then following DRWD’s approval.
- Option 2. The landowner would initiate a permanent transfer of the approximately 150 acre-feet of DRWD’s State Water Project Table A amount to Kings County on behalf of KCCSD. This would require approvals from DRWD’s board, Kings County’s Board of Supervisors, and DWR.
- Option 3. The landowner would exchange an equivalent amount of Table A water with another landowner common to both Kings County and DRWD and with Table A amounts in both of these SWP contractor service areas. Approximately 150 acre feet of Table A amount in Kings County would be dedicated for use by KCCSD in exchange for an equivalent quantity of Table A amount transferred from the Plan Area to the other landowner’s properties in DRWD. Under this option, no approval from DWR would be required.

The final decision on the total amount of water to be re-allocated/transferred, which option will be agreed to and approved by all parties involved, and the timing of the re-allocation/transfer will occur prior to issuance of building permits.

Finally, individual development projects accommodated by the Specific Plan would be required to comply with the provisions of CALGreen, which establishes mandatory nonresidential measures for water efficiency and conservation under Chapter 5 (Nonresidential Mandatory Measures). The provisions establish the means of conserving water used indoors, outdoors, and in wastewater conveyance. The provisions also include standards for water conserving plumbing fixtures and fittings and the use of potable water in landscaped areas. To improve water savings in the landscaping sector, the individual development projects would also follow the state’s current Model Ordinance.

Based on the preceding, no impact to water supply would occur as a result of development pursuant to the Specific Plan.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, no impact to water supply would occur as a result of development pursuant to the Specific Plan.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new SWTP. The offsite water infrastructure improvements would not result in the need for potable water. Therefore, no impact would occur.

Finding:

Available water supplies are sufficient to serve development pursuant to the Specific Plan during normal, dry, and multiple dry years. No mitigation measures are necessary.

Impact 5.13-5: Development pursuant to the Specific Plan would result in the construction of new drainage improvements and facilities; however, their construction and operation would no cause significant environmental effects. [Threshold U-1]

Following is a discussion of the potential drainage improvements and facility impacts resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Proposed development in the Plan Area under the Specific Plan would alter the onsite drainage patterns with the development of the buildings, roadways, and associated site improvements. Implementation of the Specific Plan would require drainage improvements. In order to ensure implementation of the required storm drain improvements, individual development projects would require site-specific hydrology and hydraulic studies of the onsite and immediate offsite storm drain systems to determine capacity and integrity of the existing systems prior to approval by the Kings County Public Works Department.

Additionally, construction and installation of all drainage improvements needed to accommodate development under the Specific Plan are subject to review and approval by the Kings County Public Works Department. All drainage improvements are also required to meet the requirements of the Kings County Improvement Standards, including those of Article 4 (Stormwater and Other Drainage). This article includes storm drainage fees, hydrologic and hydraulic design requirements, the types of drainage systems permitted, and drainage construction requirements.

Furthermore, new development accommodated by the Specific Plan would trigger the Construction General Permit (CGP) requirements for post-construction storm water management, which requires post-construction runoff amounts to not exceed pre-construction runoff amounts. Pursuant to the CGP’s requirements for post-construction storm water management development in the Plan Area would incorporate BMPs with each development project to provide water quality treatment and runoff reduction and/or detention. Implementation of BMPs would also serve to minimize increases in runoff.

Finally, the potential environmental impacts associated with the Specific Plan’s drainage improvements and facilities are analyzed throughout the DEIR. As substantiated in other topical sections of the DEIR, development of the Specific Plan’s drainage improvements would not result in any physical environmental effects beyond those identified in those sections, if any.

Based on the preceding, development of the Specific Plan’s drainage system improvements would not result in any impacts.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As substantiated above, development of the Specific Plan’s drainage system improvements and facilities would not result in any impacts.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new SWTP. The offsite water infrastructure improvements would not result in the need for the relocation or construction of new or expanded drainage facilities. Therefore, no impact would occur.

Finding:

Development pursuant to the Specific Plan would result in the construction of new drainage improvements and facilities; however, their construction and operation would not cause significant environmental effects. Impacts would be less than significant. No mitigation measures are required.

Impact 5.13-6: Existing solid waste facilities would be able to accommodate solid waste generated by development accommodated by the Specific Plan, and development would comply with solid waste regulations. [Thresholds U-4 and U-5]

Following is a discussion of the potential solid waste impacts resulting from urban runoff that would be generated during the construction and operational phases of development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Construction Phase

Onsite land uses primarily consist of active and fallow agricultural land or rangeland. The Plan Area has historically been used for farming, and portions presently contain an orchard of almond trees.

Power lines on wooden poles line the northern site boundary and traverse the entire stretch of the central portion of the Plan Area from the northern to southern boundary.

Of the 415 acres that make up the Plan Area, approximately 141 acres (or 33 percent) would be developed with a mix of uses under the Specific Plan. Development of the 141 acres would mainly involve site clearing on fallow agricultural land and rangeland. However, development of portions of the 141 acres would also require the removal of existing orchard trees. Development under the Specific Plan would also involve removal of the wooden poles and electrical and telecommunication lines throughout the Plan Area.

Based on the preceding, minimal construction waste would occur from implementation of the Specific Plan. All green waste would be disposed of at the Kochergen Farms Composting Facility, which is managed and operated by Kochergen Farms Composting, Inc. Additionally, the electrical infrastructure to be removed is not associated with or contains hazardous materials. All electrical infrastructure to be removed would be hauled offsite to the appropriate disposal or recycling facility. Specifically, electrical infrastructure to be removed would be hauled off to KWRA's Material Recovery Facility and Transfer Station. Waste that is not recycled at the Material Recovery Facility and Transfer Station primarily disposed of at the Avenal Landfill and the Chemical Waste Management Inc. Landfill.

The removal of the electrical poles may cause a strain on existing landfill capacities if waste exceeds the daily permitted capacity for the landfills serving the Plan Area. Collectively, the two primary landfills serving the Plan Area have a daily permitted capacity of 8,000 tons per day (tpd), and an average daily disposal of 834 tpd. Therefore, the two landfills have a residual capacity of 7,116 tpd. In Summary, disposal of construction-related solid waste generated by the Specific Plan landfills would not exceed the daily residual capacity of the landfills and no impact would occur.

Operation Phase

Buildout of the Specific Plan is estimated to generate 12,438 ppd of solid waste.

The two landfills serving the Plan Area have a residual capacity of 7,116 tpd. The estimated 12,438 ppd or 12.44 tpd generated by the Specific Plan would be adequately served by the two landfills serving the Plan Area.

Overall, sufficient landfill capacity is available in the region for the estimated solid waste generated by the Specific Plan during operations, and project development would not require an expansion of landfill capacity. Therefore, no impacts would occur.

Additionally, certain development projects accommodated by the Specific Plan would be subject to the requirements of Assembly Bill 341, which requires all businesses in California that generate four cubic yards or more of waste per week to implement one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:

- Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
- Subscribe to a recycling service with their waste hauler in the service area.

- Provide recycling service to their tenants (if commercial or multifamily complex).
- Demonstrate compliance with the requirements of California Code of Regulations Title 14.

Furthermore, the Specific Plan would not impede Kings County from implementing its requirements under the County's Integrated Waste Management Plan. The requirements of Chapter 13 (Solid Waste Collection and Disposal) of the Kings County Code would also be implemented to ensure that development with the Plan Area complies with all applicable state and federal laws, including, but not limited to AB 939.

Finally, a construction waste management plan would also be required to be submitted and implemented for individual development projects accommodated by the Specific Plan, in compliance with Section 5.408 (Construction Waste Reduction, Disposal and Recycling) of CALGreen. This section also requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

Based on the preceding, existing solid waste facilities would be able to accommodate solid waste generated by development accommodated by the Specific Plan, and development would comply with all applicable solid waste reduction and recycling regulations. Therefore, no impact related to solid waste generation or facilities would occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As substantiated above, no impact related to solid waste generation or facilities would occur.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new SWTP.

The offsite water infrastructure improvements would generate construction waste. However, a construction waste management plan would be required to be submitted and implemented for the offsite water infrastructure improvements component of the Specific Plan, in compliance with Section 5.408 (Construction Waste Reduction, Disposal and Recycling) of CALGreen. This section also requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

Furthermore, construction waste associated with the offsite infrastructure improvements may cause a strain on existing landfill capacities if waste exceeds the daily permitted capacity for the landfills serving the Plan Area. Collectively, the two primary landfills serving the Plan Area have a daily permitted capacity of 8,000 tpd, and an average daily disposal of 834 tpd. Therefore, the two primary landfills have a residual capacity of 7,116 tpd and disposal of construction waste that would be disposed of in

these landfills would not exceed the daily residual capacity of the landfills. Therefore, no impact would occur.

Finding:

Existing solid waste facilities would be able to accommodate solid waste generated by development accommodated by the Specific Plan, and development would comply with solid waste regulations. Less than significant impacts would occur. No mitigation measures are necessary.

Impact 5.13-7: Existing and/or proposed utility facilities would be able to accommodate electricity and natural gas demands of development projects accommodated by the Specific Plan. [Threshold U 1]

Following is a discussion of the potential electricity and natural gas impacts resulting from development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Jackson Ranch is within the service area of Pacific Gas & Electric (PG&E) and would be served by the existing electrical power lines onsite and abutting the northern Plan Area boundary. Specifically, existing power lines on wooden poles line the northern site boundary, abutting Utica Avenue; they also cross traverse the entire stretch of central portion of the Plan Area from the northern to southern boundary. Existing transmission lines and wooden poles would be undergrounded where necessary. New electrical transformers and switch stations would be located in key areas of the Plan Area to provide the necessary electric distribution infrastructure to serve Jackson Ranch. New underground electrical lines would be located within roadways and easements as appropriate and typical for new development.

As with electricity and as an option, PG&E can provide natural gas service to the Plan Area through new regulator stations in key areas of the Plan Area that will connect to existing transmission pipelines offsite. As an alternative, the project applicant/developer may utilize local gas providers to have tanks provided for the uses of the Plan Area. If new underground gas mains are constructed, they be located within roadways and easements as appropriate and typical for new development.

Buildout of the Specific Plan would require electrical services totaling an estimated 25.3 million kilowatt-hours (KWhr) annually and natural gas service up to 35.6 million kilo British thermal units (KBTU) per year. These energy and natural gas consumption rates are typical for projects of this size and are modest increases in energy and gas use when considered in the context of PG&E’s service territory. However, as note above and as an alternative to natural gas, the project applicant/developer may utilize local gas providers to have tanks provided for the uses of the Plan Area. This option provides more flexibility and may be economically more suitable. This option would also eliminate the need for PG&E to deliver natural gas to the Plan Area.

In addition, development projects accommodated by the Specific Plan would be required to comply with energy efficiency standards set forth by Title 24 of the California Building Code, energy efficiency measures mandated by CALGreen, and the 2012 Appliance Efficiency Regulations. These measures will decrease electricity and gas consumption.

Furthermore, all proposed plans for electrical facilities and infrastructure (and natural gas, if implemented/required) would require coordination with and review by the County Public Works Department and PG&E, and would be implemented in accordance with all required guidelines and standards of PG&E.

Therefore, the Specific Plan would not result in a substantial increase in natural gas and electrical service demands. PG&E would not need to expand its supply and transmission facilities in order to handle the demand generated by the Specific Plan. Therefore, no impact related to electricity or natural gas facilities and consumption would occur.

Additionally, the potential environmental impacts associated with the Specific Plan's electrical and natural gas infrastructure improvements are analyzed throughout the DEIR. As substantiated in other topical sections of the DEIR, development of the needed improvements would not result in any physical environmental effects beyond those identified in those sections, if any.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As substantiated above, no impact related to electricity and natural gas facilities and consumption would occur.

Specific Plan – Offsite Water Infrastructure Improvements

As noted above, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue. The water main would stretch along this roadway for approximately 4.2 miles and would run from the Plan Area to the new STWP. The offsite water infrastructure improvements would not result in the need for the relocation or construction of new or expanded electricity or natural gas facilities. Therefore, no impact would occur.

Finding:

Existing and/or proposed utility facilities would be able to accommodate electricity and natural gas demands of development projects accommodated by the Specific Plan. Less than significant impacts would occur. No mitigation measures are necessary.

D. Findings on Impacts Mitigated to Less Than Significant

The following summary describes impacts of the Specific Plan that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the DEIR, these impacts would be considered less than significant.

1. Air Quality

Impact 5.2-4:	Installation of the Wastewater Treatment Facility within the Plan Area has the potential to create objectionable odors that could affect a substantial number of people. [Threshold AQ-4]
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The following discusses potential operation- and construction-related odor impacts associated with implementation of the Specific Plan. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative or formulaic methodologies to determine if potential odors would have a significant impact. Rather, projects must be assessed on a case-by-case basis.

Specific Plan – Plan Area Buildout

Development allowed under the Specific Plan could generate new sources of odors. Odors from the types of land uses that could generate objectionable odors are regulated under Regulation IV, Prohibitions, Rule 4102, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Operation

The type of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. While future tenants of the Plan Area are currently unknown, future land uses of the Specific Plan would not include manufacturing operations or any of the other aforementioned types of operations (with the exception of a wastewater treatment plant) that could generate objectionable odors.

Implementation of the Specific Plan would require construction of a wastewater treatment facility (WWTF) in Phase One to serve development in the Plan Area under Phase One and all subsequent development phases. The WWTF has the potential to generate substantial nuisance odors if not properly designed and maintained. SJVAPCD Rule 4102 requires abatement of any nuisance generating an odor complaint. Typical abatement includes passing air through a drying agent followed by two successive beds of activated carbon to generate odor-free air. Additionally, the SJVAPCD has identified buffer distances for common types of facilities that have been known to produce odors in the SJVAB, such as wastewater treatment plants. There are no sensitive receptors within four miles of the Plan Area; therefore, it is highly unlikely that odors associated with the project would affect sensitive receptors to the north (i.e., outside of the distances outlined in Table 5.2-6 of the DEIR). However, operation of the WWTF is considered potentially significant in the absence of an Odor Management Plan.

Construction

During construction activities of development projects accommodated by the Specific Plan, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. However, any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reached any sensitive receptor, which are over four miles away, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant.

Specific Plan – Phase One Buildout

The impacts identified for the Specific Plan buildout are applicable to the Phase One buildout activities. Impacts associated with construction-generated odors are considered less than significant. The WWTF would be constructed in Phase One, as note above. As also noted above, there are no sensitive receptors within four miles of the Plan Area; therefore, it is highly unlikely that odors associated with the project would affect sensitive receptors to the north (i.e., outside of the distances outlined in Table 5.2-6 of the DEIR). However, operation of the WWTF is considered potentially significant in the absence of an Odor Management Plan.

Specific Plan – Offsite Water Infrastructure Improvements

Operation of the proposed offsite water main improvements would not generate odors. Therefore, no impacts are anticipated to occur. Regarding construction, the impacts identified for the Specific Plan-Plan Area Buildout are applicable here. As discussed above, impacts associated with construction-generated odors are considered less than significant.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

- AQ-8 An odor management plan shall be prepared for the onsite Wastewater Treatment Facility that would be developed to serve the wastewater needs of the Jackson Ranch Specific Plan. The odor management plan shall outline steps to comply with the San Joaquin Valley Unified Air Pollution Control District Rule 4102 for nuisance odors. The odor management plan shall identify the best available control technologies for toxics (T-BACTs) that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to scrubbers (i.e., air pollution control devices) at the industrial facility. T-BACTs identified in the odor management plan shall be incorporated into the site plan. The odor management plan shall be submitted to the Kings County Community Development Agency prior to the commencement of operations.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

2. Biological Resources

Impact 5.3-1: Implementation of the Specific Plan could impact special-status species. [Threshold B-1]

Following is a discussion of the potential impacts to biological resources as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Special-Status Wildlife Species

The biological technical report (Appendix D of the DEIR) identified 15 special-status wildlife species that occur on or near the Plan Area; however, due to the disturbed nature of the Plan Area and its long agricultural history, and the current lack of suitable habitat for special-status species within the Plan Area, eight of the special-status wildlife species identified were presumed absent from the Plan Area (ECORP 2019).

The remaining special-status wildlife species (described below) have varying levels of potential to occur in the Plan Area based on the presence of suitable habitat on, or immediately adjacent to the Plan Area and documented observations of these species near the Plan Area.

Burrowing owls were determined to have a potential to occur in the Plan Area due to the presence of suitable burrowing and foraging habitat and recorded observations within five miles of the Plan Area. Although burrowing owls were not observed during the site survey conducted by ECORP, the species is mobile and could take up residence at any time (ECORP 2019). Burrowing owls are a species of special concern and are also protected by the MBTA and California Fish and Game Code. Direct impacts to burrowing owls could occur by mortality and habitat loss during ground disturbance and indirect impacts could occur from construction noise, construction vibrations, increase human activity, and increased light pollution. Therefore, potentially significant impacts could occur.

The San Joaquin kit fox and American badger were determined to have a high and moderate potentials to occur in the Plan Area, respectively, due to the presence of suitable habitat and documented observations within five miles of the Plan Area. The San Joaquin kit fox is a federally endangered and state-listed threatened species and the American badger is a species of special concern. Although no San Joaquin kit fox or San Joaquin kit fox dens were observed during the site survey conducted by ECORP, the species is mobile and could take up residence at any time (ECORP 2019). Direct impacts to the San Joaquin kit fox and American badger could occur by mortality and habitat loss during ground disturbance and indirect impacts could occur from construction noise, construction vibrations,

increased human activity, and increased light pollution (ECORP 2019). Therefore, potentially significant impacts could occur.

The loggerhead shrike was determined to have a moderate potential to occur in the Plan Area; suitable nesting habitat is present within the orchards onsite and suitable foraging habitat is present throughout the Plan Area. Furthermore, the San Joaquin antelope squirrel was determined to have a moderate potential to occur in the Plan Area along the southern half of the western border of the Plan Area, which is adjacent to suitable grassland habitat. The majority of the Plan Area, which consists of active and fallow agriculture, does not represent suitable habitat for the species. However, the grassland habitat adjacent to the southern half of the western border of the Plan Area is suitable for the species. Additionally, numerous small burrows of the appropriate size for the San Joaquin antelope squirrel were observed within the grassland habitat and along the road that runs along the southwest border of the Plan Area.

If the San Joaquin antelope squirrels are present in the adjacent suitable habitat then it is possible that they could venture onto the Plan Area while foraging or moving about their home range (ECORP 2019). The portion of the Plan Area that is immediately adjacent to the grassland habitat along the western border of the Plan Area would be designated as Specialty Agriculture (A-JR) and Specialty Agriculture with Air Strip Overlap (A-JR) under the Specific Plan. If this area remains as active or fallow agriculture, implementation of the Specific Plan would not affect the San Joaquin antelope squirrel; however, if this area is developed or used for non-active or non-fallow agricultural land under the Specific Plan, then impacts to the San Joaquin antelope squirrel could occur (ECORP 2019). Direct impacts to San Joaquin antelope squirrel could occur by mortality and habitat loss during ground disturbance and indirect impacts could occur from construction noise, construction vibrations, and increase human activity. Therefore, potentially significant impacts could occur.

Additionally, the San Joaquin coachwhip was determined to have a low potential to occur in the Plan Area, and although no suitable habitat is present in the Plan Area, the grassland habitat adjacent to the Plan Area along the southern half of the western border is considered suitable. If this species is present within this adjacent suitable habitat, it is possible it could venture onto the Plan Area while foraging or moving about its home range (ECORP 2019). However, due to the disturbed nature of the Plan Area and the lack of quality habitat, if this species occurs within the Plan Area, it is likely to occur only in very low density and loss of those animals would not be enough to result in a significant impact. Furthermore, the tricolored blackbird was determined to have a low potential to exist in the Plan Area as there is no suitable nesting habitat identified within the Plan Area, but marginally suitable foraging habitat is present (ECORP 2019). Therefore, it is not anticipated that impacts would occur on to these species.

Raptors and Migratory Birds

Migratory non-game native bird species are protected under the MBTA. Additionally, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests. The Plan Area contains suitable vegetation for migratory birds and raptors within the orchards and vegetation suitable for nesting birds is also present immediately adjacent to the Plan Area (ECORP 2019). Construction activities of development projects that would be accommodated by the Specific Plan could indirectly affect nesting birds; raptors typically breed between February and August, and songbirds and other passerines generally nest between March and August. Potential impacts could

occur if ground disturbing activities or vegetation removal occur during the bird nesting season. Therefore, potentially significant impacts could occur.

Special-Status Plant Species

The Plan Area consists of active and fallow agriculture, which is disturbed, and large portions of the Plan Area are completely devoid of vegetation. Based on the literature review conducted as part of the biological technical report (Appendix D of the DEIR), seven special-status plant species could occur in the Plan Area. However, due to the Plan Area's long agricultural history, frequent disturbance and disking, and current lack of suitable habitat for the special-status plant species, all species are presumed to be absent from the Plan Area (ECORP 2019). The removal and replacement of the active and fallow agricultural land in the Plan Area would not contribute to the overall decline of any plant species identified in the biological technical report and no impacts to special-status plant species are anticipated to result from the development that would be accommodated by Specific Plan (ECORP 2019).

Native Vegetation Communities/Habitat

No native vegetation communities are present within the Plan Area; the Plan Area consists of active and fallow agricultural land, and the remainder of the Plan Area not in agricultural production consist of recently disked fallow agricultural land. In general, the Plan Area supports mostly nonnative grass and forb species. The active and fallow agricultural land within the Plan Area do not provide substantial habitat for native wildlife (ECORP 2019). Therefore, it is not anticipated that impacts would occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, potential impacts to certain special-status wildlife species and migratory birds could occur as a result of implementation of the Specific Plan. As also concluded above, impacts to special-status plant species and native vegetation communities/habitat are not anticipated to occur.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. As shown in Figure 3-6, *Proposed Offsite Water Main Route*, the proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Given the existing disturbed character of the 25th Avenue right-of-way (consists of pavement and some areas of compacted soil), there is no potential for this project improvement to result in any impact to biological resources. Additionally, no land or uses on private property abutting the entire stretch of 25th Avenue would be affected by the proposed water main improvements as the improvements would

occur within the confines of the roadway right-of-way. Therefore, impacts to special-status species and native vegetation communities/habitat are not anticipated to occur.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

BIO-1 Prior to the commencement of any development activity within the development area covered by the Jackson Ranch Specific Plan (Plan Area), pre-construction surveys for burrowing owls shall be conducted by a qualified biologist to ensure potential impacts to burrowing owls resulting from project-related construction activities (including site preparation, clearing, and grubbing) are avoided and/or minimized to less-than-significant levels. The following measures shall be taken:

- A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas, plus a 150-meter (approximately 492-foot) buffer, to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction. The survey methodology will be consistent with the methods outlined in the California Department of Fish and Wildlife (CDFW) staff report on Burrowing Owl Mitigation and will consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing. Copies of the survey results shall be submitted to the CDFW and Kings County Community Development Agency.
- A qualified biologist shall conduct an additional preconstruction survey of all impact areas plus an approximately 492-foot buffer no more than 24-hours prior to start or restart (as the case may be) of ground-disturbing construction activities in order to identify any additional burrowing owls or burrows necessitating avoidance, minimization, or mitigation measures.
- If burrowing owls are detected, no ground-disturbing activities, such as road construction or ancillary facilities construction, shall be permitted within the distances listed in the CDFW Staff Report on Burrowing Owl Mitigation, unless otherwise authorized by CDFW. Burrowing owls shall not be moved or excluded from burrows during the breeding season.
- If any burrowing owl burrows are observed during the preconstruction survey, avoidance measures shall be consistent with those included in the CDFW Staff Report on Burrowing Owl Mitigation. If avoidance of active burrows is infeasible, the owls may, in consultation with CDFW, be passively displaced from their burrows according to recommendations made in the CDFW Staff Report on Burrowing Owl Mitigation.

BIO-2 Prior to the commencement of any development activity within the development area covered by the Jackson Ranch Specific Plan (Plan Area), preconstruction surveys for San Joaquin kit fox and American badger shall be conducted by a qualified biologist (i.e., a wildlife biologist with previous San Joaquin kit fox and American badger survey experience) to ensure potential impacts to San Joaquin kit fox and American badger resulting from project-related construction activities (including site preparation, clearing, and grubbing) are avoided and/or minimized to less-than-significant levels. The survey shall follow the USFWS's Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance. If any evidence of occupation of that portion of the Plan Area by the San Joaquin kit fox or American badger is observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the US Fish and Wildlife Services (USFWS) and California Department of Fish and Wildlife (CDFW) shall be contacted for further guidance and consultation on additional measures. The project proponent shall obtain any required permits from the appropriate wildlife agency. The following buffer distances shall be established prior the commencement of any development activity within the Plan Area:

- San Joaquin kit fox or American badger potential den: 50 feet.
- San Joaquin kit fox or American badger known den: 100 feet.
- San Joaquin kit fox or American badger pupping den: contact USFWS and CDFW.

BIO-3 Prior to and during construction activities of any development within the development area covered by the Jackson Ranch Specific Plan (Plan Area), the project applicant shall ensure that the proposed development complies with the following measures to avoid impacts to San Joaquin kit fox:

- All pipes, culverts, or similar structures with a diameter of four inches or more that are stored within the Plan Area for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the US Fish and Wildlife Services (USFWS) has been consulted. If necessary, under the direct supervision of the qualified biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.
- If any San Joaquin kit fox dens are found during preconstruction surveys, the status of the dens shall be evaluated no more than 14 days prior to the proposed ground disturbance. Provided that no evidence of kit fox operation is observed, potential dens shall be marked, and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following the USFWS's Standardized Recommendations for Protection of the Endangered San

Joaquin Kit Fox Prior to or During Ground Disturbance by the qualified biologist. If kit fox activity is observed at the den, the den status shall change to “known” per USFWS Guidelines, and the buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known, or pupping dens shall occur without prior authorization from USFWS and the California Department of Fish and Wildlife (CDFW).

- During construction, to enable kit foxes that may occur onsite, the perimeter security fence shall leave a five-inch opening between the fence mesh and the ground or the fence shall be raised five inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.
- To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes and trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the USFWS and CDFW shall be contacted.
- Project-related vehicles shall observe a 15-mile-per-hour speed limit in all portion of the Plan Area, except County roads and federal and state highways. Construction after sundown shall be prohibited. Off-road traffic outside of designated project areas shall be prohibited.
- 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 construction sites in the Plan Area.
- No domestic pets shall be allowed in Plan Area, except for trained canine animals related to security and operation of the facility.
- All uses of herbicidal and rodenticide compounds shall observe label and other restrictions mandated by the US Environmental Protection Agency, California Department of Food and Agriculture, and federal and state legislation as well as additional project-related restrictions deemed necessary by CDFW and/or the USFWS.
- No plants or wildlife shall be collected, taken, or removed from the construction areas or areas of off-site improvements, except as necessary for project-related vegetation removal or wildlife relocation. Salvage of native vegetation to be removed from construction areas is encouraged but shall only be performed by a qualified biologist and with written approval from CDFW.

- BIO-4 San Joaquin antelope squirrel may be present within the southern half of the development area covered by the Jackson Ranch Specific Plan (Plan Area), along the western border and within areas adjacent to the grassland habitat located along the aqueduct. Prior to development of the Plan Area land adjacent to the grassland habitat, focused surveys for San Joaquin antelope squirrel shall be conducted by a qualified biologist (i.e., a wildlife biologist with previous San Joaquin kit fox and American badger survey experience) according to the California Department of Fish and Wildlife (CDFW) Region 4 Approved Methodologies for Sensitive Species. Surveys for San Joaquin antelope squirrel shall be conducted using daytime line transects at 10- to 30-meter (30- to 100-foot) intervals so that the areas is covered in a systematic manner. While walking the transects, the qualified biologist shall scan the area (including using binoculars) looking for the species and listening for the species vocalizations. Transect surveys shall be conducted only when air temperatures are between 20° C to 30° C (68° F to 86° F). These parameters shall be checked before walking each transect. Visual and audible observations of San Joaquin antelope squirrel shall be recorded and mapped along with the location of suitable burrows. Representative burrows shall be photographed. Surveys for San Joaquin antelope squirrel shall coincide with their most active season, April 1 to September 30. Less active times of year are associated with low temperatures. Surveys conducted outside of these parameters, which confirm the presence of the species, will also be accepted. If San Joaquin antelope squirrels are determined to be present on or immediately adjacent to the Plan Area, the project applicant shall consult with CDFW to determine appropriate avoidance measures, which could include but is not limited to installing small mammal exclusion fencing, biological monitoring, and/or burrow excavation.
- BIO-5 If construction or other project activities are scheduled to occur during the bird breeding season (February through August for raptors and March through August for the majority or migratory birds species), a pre-construction nesting bird survey shall be conducted by a qualified biologist to ensure that active bird nests, including those for the loggerhead shrike, will not be disturbed or destroyed. The survey shall be completed no more than 14 days prior to initial ground disturbance. The nesting bird survey shall include the development area covered by the Jackson Ranch Specific Plan (Plan Area) and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, a qualified biologist shall establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact 5.3-2: Implementation of the Specific Plan would not interfere with an established wildlife corridor; however, removal of vegetation onsite during site clearance could impact nesting migratory birds. [Threshold B-4]

Following is a discussion of the potential impacts to wildlife corridors and migratory birds as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

The Plan Area is not considered to be a linkage or corridor between conserved natural habitat areas (ECORP 2019). However, as discussed above under Impact 5.3-2, loggerhead shrike, tricolored blackbird, and other migratory bird species protected under the MBTA and California Fish and Game are expected to occur in the Plan Area due to the presence of suitable nesting habitat within the orchards in the Plan Area. Direct impacts to loggerhead shrike, tricolored blackbird, and other migratory bird species and their nests could occur through mortality and habitat loss during ground disturbance and indirect impacts could occur from construction noise, construction vibrations, and increased light pollution. Therefore, potentially significant impacts could occur.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, potential impacts to migratory birds could occur as a result of implementation of the Specific Plan.

Specific Plan – Offsite Water Infrastructure Improvements

Given the existing disturbed character of the 25th Avenue right-of-way (consists of pavement and some areas of compacted soil), there is no potential for this project improvement to result in any impact to wildlife corridors or migratory birds. Additionally, no land or uses on private property abutting the entire stretch of 25th Avenue would be affected by the proposed water main improvements as the improvements would occur within the confines of the roadway right-of-way. Therefore, no impact to wildlife corridors or migratory birds are anticipated to occur.

Mitigation Measure:

The following mitigation measures were included in the DEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

Refer to Mitigation Measure BIO-5.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the

form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measure is feasible, and the measures are therefore adopted.

3. Cultural Resources

Impact 5.4-1: Implementation of the Specific Plan could result in an impact on unknown subsurface archaeological resources. [Threshold C-2]

Following is a discussion of the potential impacts to archeological resources as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

The Plan Area and surrounding area consists of active and fallow agricultural land or rangeland (grazing land). Historically, the Plan Area has been used primarily for farming. Therefore, the Plan Area has already been disturbed due to farming activities (i.e., grazing of animals, minimal soil disturbance for orchard planting) that have occurred over the years. Based on ECORP’s review of historical maps and aerial photographs and records searches, there is no evidence of pre-contact or historic-era use of the Plan Area for anything other than agriculture.

Additionally, as a part of the Cultural Resources Inventory undertaken by ECORP for the Plan Area, ECORP staff conducted an intense systematic surface-level pedestrian survey (no digging was conducted) of the Plan Area in March 2019. The Plan Area was examined for the presence of cultural artifacts and features by walking the entire Plan Area, using parallel east-west transects 10 to 15 meters apart. No newly-identified pre-contact or historic-era cultural resources were identified as a result of the field survey. ECORP concluded that the archaeological sensitivity of the Plan Area is believed to be low (ECORP 2019).

Furthermore, the results of the CHRIS records search conducted by ECORP indicated that seven cultural resources investigations were conducted within a one-mile radius of the Plan Area between 1987 and 2017. Details of all seven investigations are presented in Table 5.4-1, *Previous Cultural Studies In or Within One Mile of the Plan Area*, of the DEIR. Four of these investigations overlap a small section of the northeast corner of the Plan Area. However, the overlap comprises a negligible portion of the overall Plan Area.

Finally, a search of the Sacred Lands File by the NAHC was negative, indicating no recorded presence of Native American cultural resources within or near the Plan Area. NAHC did however, note that the absence of specific site information in the Sacred Lands File does not indicate the absence of Native American cultural resources in the area. Refer to Section 5.12, *Tribal Cultural Resources*, of the DEIR for an analysis of the Specific Plan’s impacts on tribal cultural resources.

However, given the relative undisturbed condition of the Plan Area (mostly shallow soil disturbance), the potential exists for development that would be accommodated by the Specific Plan to impact unidentified archeological resources that may underly the Plan Area. Although the archaeological sensitivity of the Plan Area can be considered low, there is the potential for ground-disturbing activities

to expose previously unidentified archeological resources. For example, deep excavations in the Plan Area may encounter significant archeological resources. Since ground disturbance has the potential to uncover unidentified subsurface archeological resources, this is considered a potentially significant impact.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, potential impacts to unidentified subsurface archeological resources could occur as a result of project-related grading activities.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County’s right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Given the existing disturbed character of the 25th Avenue right-of-way (consists of pavement and some areas of compacted soil), there is a low likelihood for subsurface archeological resources to be discovered. Additionally, the entire roadway right-of-way has been subject to ground-disturbing activities similar to those that would occur under the proposed water main improvements. However, deeper excavations (up to a depth of approximately five feet for installation of the water main) along the roadway right-of-way may encounter significant archeological resources. Therefore, potential impacts to unidentified subsurface archeological resources could occur as a result of water main-related grading activities.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

- CUL-1 Prior to any ground disturbance for any development phase of the Jackson Ranch Specific Plan, the project applicant/developer shall offer interested Native American Tribes (that is, Tribes with traditional territories in the project region) the opportunity to provide a Native American Monitor during construction-related ground disturbing activities and have retained a qualified archaeologist in order to provide pre-construction cultural resources awareness training to all construction personnel. Tribal participation would be dependent on the availability and interest of a Tribe. Training shall consist of a description of potential pre-contact and historic-era archaeological discoveries associated with the region and education on appropriate protocol following the unanticipated discovery of any archaeological deposits during construction. Furthermore, a qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained in an on-call capacity to

evaluate any unanticipated finds by construction crew or other project personnel. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist shall be called on to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Kings County Community Development Agency (County), and applicable landowner. The County shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historic Resources (CRHR). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for or CRHR; or 2) that the treatment measures have been completed to their satisfaction.
- If the professional archeologist believes that a cultural resource encountered onsite is of Native American origin, the archaeologist shall notify representatives of Native American Tribes with traditional territories in the project region (e.g., Santa Rosa Tachi Yokut Tribe). If requested by the Native American tribe(s), the developer or archaeologist shall, in good faith, consult on the discovery and its disposition (e.g., avoidance, preservation, return of artifacts to tribe). If the resources are determined to be Native American in origin, a tribal monitor from the consulting tribe shall be present during the remaining site-grading activities.
- Upon coordination with the County, any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded long-term preservation. Documentation for the archeological work shall be provided in accordance with applicable cultural resource laws and guidelines.
- If the find includes human remains, or remains that are potentially human, in coordination with the project applicant/construction contractor, the archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Kings County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), who then will designate a Native American Most Likely Descendant (MLD) for the Specific Plan (§5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner

does not agree with the recommendations of the MLD, NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains onsite where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies (County and NAHC), through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

4. Cultural Resources

Impact 5.5-1: Implementation of the Specific Plan could result in a direct or indirect impact on unknown subsurface paleontological resources. [Threshold G-5]

Following is a discussion of the potential impacts to paleontological resources as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

The Plan Area and surrounding area consists of active and fallow agricultural land or rangeland (grazing land). Historically, the Plan Area has been used primarily for farming. Therefore, the Plan Area has already been disturbed due to farming activities (i.e., grazing of animals, minimal soil disturbance for orchard planting) that have occurred over the years.

Additionally, as a part of the Cultural Resources Inventory undertaken by ECORP Consulting, Inc. for the Plan Area, ECORP staff conducted an intense systematic surface-level pedestrian survey (no digging was conducted) of the Plan Area in March 2019. The Plan Area was examined for the presence of cultural artifacts and features by walking the entire Plan Area, using parallel east-west transects 10 to 15 meters apart. No paleontological resources were recorded during the field survey (ECORP 2019).

Furthermore, as stated above, in March 2019, NHMLAC conducted a thorough search of their paleontology collection records within and around the Plan Area. The purpose of the assessment was to determine the presence or absence of and potential impact to paleontological resources as a result of implementation of the Specific Plan. Based on their findings, NHMLAC found no fossil vertebrate localities from the Quaternary Alluvium deposits in the Plan Area. NHMLAC concluded that shallow excavations in the younger Quaternary alluvial fan deposits exposed throughout the Plan Area are unlikely to produce significant vertebrate fossils.

Finally, there are no unique geological features on or adjacent to the Plan Area. The Plan Area exhibits generally flat topography with an overall gentle inclination.

However, fossil localities were identified in the region, as described in detail in the *Paleontological Resources* discussion of Section 5.5.1.2, *Existing Conditions* of the DEIR. Additionally, given the relative undisturbed condition of the Plan Area (mostly shallow soil disturbance), the potential exists for development that would be accommodated by the Specific Plan to impact unidentified paleontological resources that may underly the Plan Area. For example, deep excavations in the Plan Area that extend down into older Quaternary deposits or deposits of the Tulare Formation may encounter significant paleontological resources. In their letter, NHMLAC noted that substantial excavations in the Plan Area should be monitored closely to ensure that any potential paleontological finds are handled quickly and professionally. Therefore, potential impacts to unidentified subsurface paleontological resources could occur as a result of project-related grading activities.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, potential impacts to unidentified subsurface paleontological resources could occur as a result of project-related grading activities.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, Project Description, of the DEIR, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Given the existing disturbed character of the 25th Avenue right-of-way (consists of pavement and some areas of compacted soil), there is a low likelihood for subsurface fossil remains to be discovered. Additionally, the entire roadway right-of-way has been subject to ground-disturbing activities similar to those that would occur under the proposed water main improvements. However, as noted above, fossil localities were identified in the region, as described in detail in the Paleontological Resources discussion of Section 5.5.1.2, *Existing Conditions*, of the DEIR. Additionally, deeper excavations (up to a depth of approximately five feet for installation of the water main) along the roadway right-of-way that extend down into older Quaternary deposits or deposits of the Tulare Formation may encounter significant paleontological resources. Therefore, potential impacts to unidentified subsurface paleontological resources could occur as a result of water main-related grading activities.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

GEO-1 Prior to any ground disturbance for any development phase of the Jackson Ranch Specific Plan, the project applicant/developer shall provide a letter to the Kings County Community Development Agency from a qualified paleontologist. The letter shall state that the project applicant/developer has retained such an individual, which shall be selected in consultation with the County, and that the consultant will be on call during all grading and other significant ground-disturbing activities. The paleontologist shall also provide pre-construction awareness training to all construction personnel. Training shall consist of a description of potential paleontological resource discoveries associated within the region and education on appropriate protocol following the unanticipated discovery of any paleontological resource which occurs during construction.

- In the event that potential paleontological resources are discovered during ground-disturbing activities, all such activity shall cease in the immediate area of the find, and the retained professional paleontologist shall be contacted immediately to examine the find. The paleontologist shall have the authority to halt any activities adversely impacting potentially significant paleontological resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discovery shall not be lifted until the paleontologist has evaluated the discovery. Work may continue in other areas of the project site and for other project elements while the encountered find is evaluated.
- If upon examination the resource is determined to be a significant paleontological resource, the qualified paleontologist shall make recommendations on the treatment and disposition of the resource. The paleontologist shall prepare a final report describing all identified and curated resources (if any are found) and submit the report to the Kings County Community Development Agency.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

5. Hydrology and Water Quality

Impact 5.7-1: Development pursuant to the Specific Plan could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. [Threshold HYD-1]

Following is a discussion of the potential water quality impacts resulting from urban runoff that would be generated during the construction and operational phases of development projects that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area (Phase One Buildout), which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Construction Phase

Construction-related runoff pollutants are typically generated from ground-disturbance activities (e.g., clearing, grading, excavation) and from waste and hazardous materials handling or storage areas, outdoor work areas, material storage areas, and general maintenance areas (e.g., vehicle or equipment fueling and maintenance, including washing). Clearing, grading, excavation, and construction activities associated with the development of the Plan Area that would be accommodated by the Specific Plan have the potential to impact water quality through soil erosion and increasing the amount of silt and debris carried in runoff. Additionally, the use of construction materials, such as fuels, solvents, and paints may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment onsite during construction may result in oil, grease, or related pollutant leaks and spills.

Construction-related activities that are primarily responsible for sediment releases are related to exposing previously stabilized soils to potential mobilization by rainfall/runoff and wind. Such activities include removing vegetation from the site, grading the site, and trenching for infrastructure improvements. Environmental factors that affect erosion include topographic, soil, and rainfall characteristics. Non-sediment-related pollutants that are also of concern during construction relate to non-stormwater flows and generally include construction materials (e.g., paint and stucco); chemicals, liquid products, and petroleum products used in building construction or the maintenance of heavy equipment; and concrete and related cutting or curing residues. Construction-related activities of development projects accommodated by the Specific Plan would generate pollutants that could adversely affect water quality if appropriate and effective stormwater and non-stormwater management measures are not used to keep pollutants out of and remove pollutants from urban runoff.

To minimize these potential impacts, individual development projects would require compliance with the Construction General Permit (CGP) Water Quality Order 2009-0009-DWQ (as amended by Order No. 2010-0014-DWQ and 2012-006-DWQ), which requires the preparation and implementation of a SWPPP. A SWPPP requires the incorporation of BMPs to control sediment, erosion, and hazardous materials contamination of runoff during construction and prevent contaminants from reaching receiving water bodies. SWRCB mandates that projects that disturb one or more acres of land must obtain coverage under the statewide CGP. The CGP also requires that prior to the start of construction activities, project applicants are required to file PRDs with SWRCB, which includes the preparation of a Notice of Intent, risk assessment, site map, annual fee, signed certification statement, SWPPP, and post-construction water balance calculations. The construction contractor is always required to maintain a copy of the SWPPP at the site and implement all construction BMPs identified in the SWPPP during construction activities. Prior to the commencement of any ground disturbance, the project applicant is required to provide proof of filing of the PRDs with SWRCB and the County. Categories of potential BMPs that would be implemented for development projects accommodated by the Specific Plan are described in Table 5.7-1 of the DEIR.

Submittal of the PRDs and implementation of the SWPPP throughout the construction phase of individual development projects will address anticipated and expected pollutants of concern as a result of construction activities. Individual development projects would comply with all applicable state, regional and local water quality standards and waste discharge requirements. Therefore, water quality

impacts associated with construction activities that would be realized under the Specific Plan would not to be significant.

Operation Phase

Once development projects pursuant to the Specific Plan have been constructed and are in operation, urban runoff could include a variety of contaminants that could impact water quality. Runoff from buildings and parking lots typically contain oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals), as well as fertilizers, herbicides, pesticides, and other pollutants. Precipitation at the beginning of the rainy season may result in an initial stormwater runoff (first flush) with high pollutant concentrations. Operational-related activities of the individual development projects would generate pollutants that could adversely affect water quality if effective measures are not used to keep pollutants out of and remove pollutants from urban runoff.

Stormwater generated in the Plan Area will be collected via surface flow into a master plan system of storm drain open channels, inlets and pipes throughout the Plan Area that will convey the stormwater into a large master plan retention basin (basin) that is designed to store 100 percent of the runoff from a 10-year, 10-day rainfall event, per the Kings County Improvement Standards. The basin will be located in the eastern portion of the Plan Area, just west of I-5 and within the Specialty Agriculture-designated area of the Specific Plan. The basin will occupy approximately six acres of the Plan Area.

Each individual development parcel will have the option to direct their drainage to the streets via surface flow or by installing an onsite storm drain system that will tie into the master storm drain system, depending on the individual constraints of the parcel and/or the proposed user. For example, an industrial user that would be constructing a building with depressed loading docks may not be able to surface drain to the streets due to the amount of fill that would be required to allow the property to surface drain. Instead of surface draining, they will have the ability to design an onsite collection system that will tie into the master plan storm drainage system in order to get their stormwater to the basin.

The phasing of the Specific Plan will control the amount of the basin volume and detention area that is required. The basin will not need to be built to its ultimate capacity in the initial phases of development. As new areas of the Jackson Ranch are developed, the basin will be expanded to meet the required stormwater volume. Furthermore, the CGP contains post-construction requirements for projects that are not covered by a Phase I or Phase II MS4 permit. The CGP requirements state that dischargers replicate the pre-project runoff amount up to the 85th percentile storm event, or the smallest storm event that generates runoff, whichever is larger. The CGP requirements emphasize runoff reduction through onsite storm water reuse, interception, evapotranspiration and infiltration through non-structural controls and conservation design measures (e.g., downspout disconnection, soil quality preservation, soil, interceptor trees).

However, to ensure that post-project runoff of development projects accommodated by the Specific Plan replicates pre-project runoff, Mitigation Measure HYD-1 is proposed as operation-related impacts of the Specific Plan are potentially significant.

Wastewater Treatment Plant

A wastewater collection and treatment system would be developed for the Plan Area and would consist of a wastewater treatment facility (WWTF) that would provide primary and secondary treatment.

Grease interceptors (where necessary) and influent screeners will be installed as part of the wastewater collection system to intercept debris and fats, oils, and grease prior to entering the WWTF. The WWTF's treatment process will include primary and secondary septic tanks, flow equalization, recirculating media filter systems, denitrification, and sand filter dispersal systems. Wastewater will trickle down in unsaturated thin-film flow through the sand media in a time-dose mode and then percolate directly into the native soil under the filter. Since treated wastewater would involve disposal to land, the WWTP would require a Waste Discharge Requirements (WDR) permit pursuant to California Water Code Section 13260(a).

A ROWD was prepared for the WWTF and submitted to the Central Valley RWQCB pursuant to the provisions of California Water Code Section 13260(a) (NexGen 2020). The ROWD found that groundwater in the Plan Area ranges between 6 to 35 feet below ground surface (bgs) with the seasonally highest recorded level at 6 feet. No wells were identified within 500 feet of the Plan Area. Groundwater in the Tulare Lake Subbasin is not suitable for beneficial uses, as outlined in the Water Quality Control Plan for the Tulare Lake Basin, and the Central Valley RWQCB has determined in 2017 that the basin is no longer designated for municipal and agricultural beneficial uses in portions of the basin. Additionally, no ephemeral, perennial streams, or surface waters are near the Plan Area and any discharge of wastewater effluent will be far from any surface water bodies so there would be no potential degradation of surface waters.

The ROWD concluded that the level of water quality provided by the new treatment system and the design of the system would not adversely impact native soils and groundwater beneath the Plan Area. Additionally, the location of surface water bodies from the Plan Area are too far to be affected by discharges to the land (NexGen 2020).

Furthermore, the WWTF would provide several features that will minimize the potential for spills and the need for emergency response. These include but are not limited to a gravity flow collection system and spare parts and redundancy for the pumps that pump treated effluent to the dispersal area. The onsite treatment and disposal system will also be periodically inspected and maintained.

Therefore, impacts associated with discharge from the WWTF to land in the Plan Area would not be significant.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, water quality impacts associated with construction activities and waste discharge from the WWTF realized under the Specific Plan would not be significant. As also substantiated above, to ensure that post-project runoff replicates pre-project runoff, Mitigation Measure HYD-1 is proposed as operation-related impacts of the Specific Plan are potentially significant.

Specific Plan – Offsite Water Infrastructure Improvements

In order to provide potable water to future uses of the Plan Area, an offsite water main would be installed within the County's right-of-way along 25th Avenue. This roadway is fully paved and

maintained by the County. The water main would stretch for approximately 4.2 miles from the Plan Area to the new Kettleman City Surface Water Treatment Plant and would disrupt more than one acre of land. Therefore, the water main construction would require compliance with the CGP, which requires the preparation and implementation of a SWPPP. Furthermore, the operation phase of the proposed water main would not generate any pollutants and would have no impacts on water quality. In summary, no constriction or operational related impacts to water quality would occur as a result of the offsite water main improvements.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

HYD-1 A drainage plan for development pursuant to any phase of the Jackson Ranch Specific Plan (Specific Plan) shall be prepared on a project-by-project basis that specifies how runoff on the proposed development site will be managed in order to protect water quality and capture and retain runoff. The drainage plan of each development project shall include detailed runoff calculations to appropriately size the master plan retention basin (basin) and other required drainage improvements (e.g., storm drain open channels, inlets, and pipes) to meet the statewide Construction General Permit (GCP) requirements of the development area covered by the Specific Plan (Plan Area). Changes in volume and design capacity may be required to the basins as development occurs pursuant to the phases of the Specific Plan. The detention basin shall be designed and constructed to prevent localized on- or offsite flooding and prevent any negative water quality effects. The basin shall also be designed to capture surface runoff and retain flows such that the rate and amount of surface runoff does not exceed existing flow rates and amounts, pursuant to the CGP. The drainage plan shall be designed in accordance with the Kings County Improvement Standards and shall be submitted to the Engineering Development Division of the Kings County Public Works Department prior to any ground disturbance for review and approval.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact 5.7-3: Development pursuant to the Specific Plan would increase the amount of impervious surfaces in in the Plan Area, which in turn could substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site, potential flooding on- or offsite, runoff water that would exceed the capacity of storm drain systems, or substantial additional sources of polluted runoff. [Thresholds HYD-3 (i), (ii), and (iii)]

Following is a discussion of the potential impacts as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific

Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Stormwater from individual development projects accommodated by the Specific Plan would be collected via surface flow into a master plan system of storm drain open channels, inlets, and pipes throughout the Plan Area. Stormwater would be conveyed into a master plan retention basin (basin) that is designed to store 100 percent of the runoff from a 10-year, 10-day rainfall event, per the Kings County Improvement Standards. As individual parcels are developed during future buildout of the Plan Area and direct their drainage to the onsite basin, the basin would be expanded to ensure adequate volume and detention area.

Implementation of the Specific Plan would alter the drainage patterns of the Plan Area with the development of the buildings, roadways, and associated site improvements. All development projects that disturb one acre or more of land would be required to comply with the CGP and implement measures to minimize the potential for erosion or siltation during construction, which would be ensured through preparation and implementation of a SWPPP. In addition, individual development projects are required to meet the requirements of the Kings County Improvement Standards.

Further, new development accommodated by the Specific Plan would trigger the CGP requirements for post-construction storm water management, which requires post-construction runoff amounts to not exceed pre-construction runoff amounts. However, to ensure that post-project stormwater volumes do not exceed pre-project development volumes, Mitigation Measure HYD-1 is proposed as operation-related impacts of the Specific Plan are potentially significant.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, Mitigation Measure HYD-1 is proposed as operation-related impacts of the Specific Plan are potentially significant.

Specific Plan – Offsite Water Infrastructure Improvements

As described above, an offsite water main would be installed within the County's right-of-way along 25th Avenue in order to provide potable water to future uses of the Plan Area. The water main would stretch for approximately 4.2 miles from the Plan Area to the new Kettleman City Surface Water Treatment Plant. Adherence to the CGP requirements, which includes preparation of a SWPPP, would ensure that no impacts from the offsite water main improvements construction phase would occur. Additionally, development of the offsite water main improvements would not result in an increase in the amount of impervious surfaces nor in an increase in the rate or amount of surface runoff. Therefore, no impact would occur as a result of the water main improvements.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

Refer to Mitigation Measure HYDRO-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Impact 5.7-4: **Development pursuant to the Specific Plan could obstruct or conflict with the implementation of a water quality control plan but would not obstruct or conflict with the implementation of a sustainable groundwater management plan. [Thresholds HYD-5]**

Following is a discussion of the potential impacts as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Adherence to the CGP and preparation and implementation of a SWPPP would ensure that surface and groundwater quality are not adversely impacted during the construction phase of individual development projects accommodated by the Specific Plan. For the operational phase, Mitigation Measure HYD-1 is proposed to reduce the potential operational water quality impacts that would occur as a result of development projects accommodated by the Specific Plan. With implementation of the mitigation measure, implementation of the Specific Plan would not obstruct or conflict with the implementation of the Basin Plan for the Tulare Lake Basin.

Upon development, the Plan Area will be connected to KCCSD’s water supply. KCCSD uses groundwater as a backup supply and has sufficient supply to meet the projects water demand without adversely affecting the groundwater basin. Therefore, implementation of the Specific Plan would not obstruct or conflict with Kings County’s SMP and no impacts to groundwater supplies or plans would occur.

Specific Plan – Phase One Buildout

The discussion above includes the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. Therefore, impacts would be less than significant. The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, water quality impacts associated with construction activities realized under the Specific Plan would not significant. As also substantiated

above, Mitigation Measure HYD-1 is proposed as operation-related water quality impacts of the Specific Plan are potentially significant. Furthermore, implementation of the Specific Plan would not obstruct or conflict with Kings County’s SMP and no impacts to groundwater supplies or plans would occur.

Specific Plan – Offsite Water Infrastructure Improvements

In order to provide potable water to future uses of the Plan Area, an offsite water main would be installed within the County’s right-of-way along 25th Avenue. The water main would stretch for approximately 4.2 miles from the Plan Area to the new Kettleman City Surface Water Treatment Plant. Construction of the water main would require compliance with the CGP, which would reduce impacts to water quality during the construction phase. Furthermore, the water main would have no impact on surface or groundwater quality during the operational phase. The water main would also have no impact on the sustainable management of the groundwater resource. Therefore, no impact would occur.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

Refer to Mitigation Measure HYDRO-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

6. Tribal Cultural Resources

Impact 5.12-1: Implementation of the Specific Plan could result in an impact on unknown subsurface tribal cultural resources. [Threshold TCR-1.ii]

As stated earlier, TCR’s are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that is either eligible or listed in the California Register of Historical Resources or local register of historical resources (Public Resources Code Section 21074). Or the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. As also stated above, TTCP’s are Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places with cultural value to a California Native American tribe.

Following is a discussion of the potential impacts to Native American cultural resources, including TCRs and TTCP’s, as a result of development that would be accommodated by the Specific Plan. The analysis considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in Figure 3-4; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

AB 52 Consultation

Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the lead agency (in this case, Kings County) during the project planning process to identify and protect TCRs.

The provisions of CEQA, Public Resources Code Sections 21080.3.1 et seq. (also known as AB 52), requires meaningful consultation with California Native American Tribes on potential impacts to TCRs, as defined in Public Resources Code Section 21074. As part of the AB 52 process, Native American tribes must submit a written request to the relevant lead agency if it wishes to be notified of projects that require CEQA public noticing and are within its traditionally and culturally affiliated geographical area. The lead agency must provide written, formal notification to the tribes that have requested it within 14 days of determining that a project application is complete or deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Consultation concludes when either 1) the parties agree to mitigation measures to avoid a significant effect, if one exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. AB 52 also addresses confidentiality during tribal consultation per Public Resources Code Section 21082.3(c).

Since adoption of AB 52 in 2015, no Californian Native American Tribes have requested in writing to be listed on the County's AB 52 project notification list. Therefore, no tribes were consulted and the County complied with its obligations under AB 52. The AB 52 consultation process was deemed complete.

However, the County has coordinated with the Santa Rosa Rancheria Tachi Yokut Tribe during the County's environmental review process for Specific Plan as is standard practice for all development projects conducted in the County. The County has incorporated the comments/input from the Santa Rosa Rancheria Tachi Yokut Tribe into the DEIR.

SB 18 Consultation

Although not a CEQA issue or requirement, the County notified local tribes identified by NAHC about the Specific Plan on May 16, 2019, pursuant to the requirements of SB 18. The purpose of the notification letter was to invite local tribes to consult pursuant to SB 18 and to provide an opportunity for the County and interested tribes to work together in the project planning process in order to protect TTCP's that might not be known to the County or recorded at the SSJVIC. The letter included a brief description of the Specific Plan and Plan Area location. The following tribes were notified:

- Tule River Indian Tribe
- Table Mountain Rancheria
- Santa Rosa Rancheria Tachi Yokut Tribe

- Kings River Choinumni Farm Tribe
- Wuksache Indian Tribe/Eshom Valley Band

No tribes responded to the County's request for Native American consultation. Therefore, no tribes were consulted and the County complied with its obligations under SB 18. The SB 18 consultation process was deemed complete.

However, the County has coordinated with the Santa Rosa Rancheria Tachi Yokut Tribe during the County's environmental review process for Specific Plan as is standard practice for all development projects conducted in the County. The County has incorporated the comments/input from the Santa Rosa Rancheria Tachi Yokut Tribe into the DEIR.

Sacred Lands File Search

As noted earlier, a Sacred Lands File search was conducted by NAHC to determine if any sacred lands or traditional cultural properties had been identified on or near the Plan Area. This search was requested to determine whether there are sensitive or sacred Native American resources in the vicinity of the Plan Area that could be affected by the Specific Plan. Results of the Sacred Lands File records search were received by ECORP on March 19, 2019. The results of the Sacred Lands File records search were negative, indicating no record for the presence of Native American Sacred Lands within the Plan Area. NAHC did however, note that the absence of specific site information in the Sacred Lands File does not indicate the absence of Native American cultural resources in the area.

Cultural Resources Records Search and Field Survey

As noted earlier, A cultural resources records search of the CHRIS was conducted by ECORP in March 2019 at the SSJVIC. The purpose of the records search was to determine the extent of previous cultural resources investigations and the presence of previously-recorded archaeological sites or historic-period resources (i.e., more than 50 years in age) within a one-mile radius of the Plan Area. The records search indicated that seven cultural resources investigations were conducted within a one-mile radius of the Plan Area between 1987 and 2017. Four of these investigations overlap a small section of the northeast corner of the Plan Area, comprising a negligible portion of the overall Plan Area. Details of all seven investigations are presented in Table 5.4-1, *Previous Cultural Studies In or Within One Mile of the Plan Area*, of Section 5.4, *Cultural Resources*, of the DEIR.

Additionally, no pre-contact or historic-era cultural resources were observed during the field survey of the Plan Area conducted by ECOPR in March 2019. Although the Plan Area is known to have been the territory of Yokut Native American groups, no pre-contact or historic-era Native American cultural resources were identified during the records search and none of these resources were visible or observed within the boundaries of the Plan Area during the field survey. Additionally, a review of historic-period maps and historic aerial photographs indicates that the Plan Area was in a rural, sparsely developed area in the early twentieth century. A 1930 topographic map of the area shows no indication of land uses other than agricultural. No other historic-era cultural resources or built environment cultural resources are present within the Plan Area.

Conclusion

Based on the preceding, the potential to uncover TCR's or TTCP's in the Plan Area is considered low. However, despite actions taken to ensure that all TCRs and TTCP's are located prior to construction, including record searches and field surveying, there still remains the possibility that undiscovered, buried TCR's or TTCP's might be encountered during ground-disturbing activities, such as excavation and grading. A substantial adverse change in the significance of discovered resource(s) could occur if not mitigated.

Specific Plan – Phase One Buildout

The analysis provided above under the *Specific Plan – Plan Area Buildout* discussion applies to the Phase One development area of the Specific Plan, which consists of the portion of the Plan Area designated as Commercial Thoroughfare. As concluded above, a substantial adverse change in the significance of discovered resource(s) could occur if not mitigated.

Specific Plan – Offsite Water Infrastructure Improvements

In to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Given the existing disturbed character of the 25th Avenue right-of-way (consists of pavement and some areas of compacted soil), there is a low likelihood for subsurface TCR's or TTCP's to be discovered. Additionally, the entire roadway right-of-way has been subject to ground-disturbing activities similar to those that would occur under the proposed water main improvements. However, deeper excavations (up to a depth of approximately five feet for installation of the water main) along the roadway right-of-way may encounter significant archeological resources. Therefore, potential impacts to unidentified subsurface TCR's or TTCP's could occur as a result of water main-related grading activities.

Mitigation Measure:

The following mitigation measures were included in the DEIR and the FEIR and are applicable to the Specific Plan. The measures as provided include any revisions incorporated in the FEIR.

Refer to Mitigation Measure CUL-1.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

E. Findings on Significant and Unavoidable Impacts

The following summary describes the unavoidable adverse impact of the Specific Plan where either mitigation measures were found to be infeasible, or mitigation would lessen impacts to less than significant. The following impact would remain significant and unavoidable:

1. Air Quality

Impact 5.2-1: Construction activities associated with the Specific Plan would result in emissions that exceed the SJVAPCD's significant criteria and would cumulatively contribute to the nonattainment designation and health impact in the SJVAB. [Threshold AQ 2]

Construction activities associated with the Specific Plan (under the Plan Area Buildout and Phase One Buildout) would temporarily increase PM₁₀, PM_{2.5}, VOC, NO_x, SO_x, and CO regional emissions in the SJVAB. The primary source of NO_x, CO, and SO_x emissions is the operation of construction equipment. The primary sources of particulate matter (PM₁₀ and PM_{2.5}) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary source of VOC emissions is the application of architectural coating and off-gas emissions associated with asphalt paving. A discussion of health impacts associated with air pollutant emissions generated by construction activities is included in section 5.2.1, *Environmental Setting, Air Pollutants of Concern* of the DEIR.

Construction air pollutant emissions are based on the preliminary construction information and CalEEMod defaults and are subject to changes during final design of individual development projects accommodated by the Specific Plan and as dictated by field conditions. Construction would entail demolition of existing asphalt, onsite reprocessing of demolition debris, export of demolition debris, site preparation, grading, utility trenching, construction of the proposed buildings, architectural coating, and asphalt paving. An estimate of maximum daily construction emissions for the Specific Plan is provided in Table 5.2-9 of the DEIR.

Specific Plan – Plan Area Buildout

Construction activities associated with buildout of the Specific Plan would not exceed the SJVAPCD regional threshold for SO_x, CO, PM₁₀, or PM_{2.5}. In fact, the emission levels from these air quality pollutants are shown to be significantly below the SJVAPCD regional thresholds. Additionally, construction activities associated with buildout of the Specific Plan would be temporary and would cease upon completion of individual development projects accommodated by the Specific Plan, as would the generation of construction-related emissions of SO_x, CO, PM₁₀, PM_{2.5}, VOC, and NO_x.

However, buildout of the Specific Plan could potentially exceed the SJVAPCD regional threshold for VOC and NO_x. The primary source of NO_x emissions is vehicle and construction equipment exhaust while the primary source of VOC is from paints and coatings. Emissions of VOC and NO_x are precursors to the formation of O₃. In addition, NO_x is a precursor to the formation of particulate matter (PM₁₀ and PM_{2.5}). Thus, emissions of VOC and NO_x that exceed the SJVAPCD regional significance thresholds would contribute to the O₃ and particulate matter (PM₁₀ and PM_{2.5}) nonattainment designation of the SJVAB. Therefore, implementation of the Specific Plan buildout

would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SJVAB

Specific Plan – Phase One Buildout

Construction activities associated with buildout of Phase One would not result in short-term emissions that would exceed the SJVAPCD regional thresholds for any of the air quality pollutants. Thus, buildout of Phase One would not result in emissions that cumulatively contribute to the nonattainment designations of the SJVAB. Additionally, construction activities associated with buildout of Phase One would be temporary and would cease upon completion of individual development projects accommodated by the Specific Plan, as would the generation of construction-related emissions of SO_x, CO, PM₁₀, PM_{2.5}, VOC, and NO_x.

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, of the DEIR, implementation of the Specific Plan would include on- and offsite construction-related activities. Onsite activities are discussed above. Offsite improvements include the installation of a water main system to provide potable water to future uses of the Plan Area. The water main would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Installation of the offsite water main improvements would result in construction-related emissions. For purposes of this analysis, construction of the water main improvements is evaluated as part of Phase One buildout. As discussed above, construction activities associated with development of Phase One would not result in generating emissions that exceed the SJVAPCD significance thresholds. Therefore, installation of the offsite water main improvements would similarly not result in emissions that cumulatively contribute to the nonattainment designations of the SJVAB.

Summary

Rule 9510

As part of the development process, individual, site-specific projects accommodated under the Specific Plan (under both the Plan Area and Phase One buildout) that meet the criteria of Rule 9510 would be required to prepare a detailed air quality impact assessment (AIA). To the extent applicable under Rule 9510 for individual development projects, SJVAPCD would require calculation of the construction emissions from the development. The purpose of the AIA is to confirm a development's construction exhaust emissions, and therefore be able to identify appropriate mitigation, either through implementation of specific mitigation measures (e.g., use of construction equipment with Tier 4-rated engines) or payment of applicable offsite fees. As stated, under Rule 9510, each project that is subject to this rule would be required to reduce construction exhaust emissions by 20 percent for NO_x or pay offset mitigation fees for emissions that do not achieve the mitigation requirements. While adherence to Rule 9510 would contribute to reducing exhaust NO_x emissions, it would not be applicable to reducing VOC emissions generated from operation of equipment and from off-gassing from asphalt

and paints. Therefore, project-related construction activities associated with the Specific Plan buildout would result in potentially significant regional air quality impacts.

Health Impacts

Emissions exceeding the SJVAPCD thresholds would cumulatively contribute to the nonattainment status of the SJVAB and would contribute in elevating health effects associated to these criteria air pollutants. Known health effects related to ozone include worsening of bronchitis, asthma, and emphysema and a decrease in lung function. Health effects associated with particulate matter include premature death of people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, decreased lung function, and increased respiratory symptoms. Reducing emissions would further contribute to reducing possible health effects related to criteria air pollutants. Because attainment plans and supporting air model tools are regional in nature, they are not typically used to evaluate the impacts to ambient concentrations of criteria air pollutants, or to correlate those impacts to the potential resultant impacts to public health effects, from an individual project.¹ As a result, although construction emissions associated with buildout of the Specific Plan would temporarily exceed the SJVAPCD threshold for VOC and NO_x, it is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or how many additional individuals in the air basin would be affected by the health effects cited above.

SJVAPCD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the SJVAB and at the present time, it has not provided a methodology to assess the specific correlation between mass emissions generated and the effect on health in order to address the issue raised in *Sierra Club v. County of Fresno (Friant Ranch, L.P.) (2018) 6 Cal.5th 502, Case No. S21978* (Friant Ranch). Ozone concentrations are dependent on a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level ozone concentrations in relation to the National and California AAQS, the usefulness of applying the available models accurately link health risks to the magnitude of emissions exceeding the significance thresholds for project-level analyses is limited.² To achieve the health-based standards established by the US EPA, the air districts prepare air quality management plans that details regional programs to attain the AAQS. Nonetheless, the Specific Plan (Plan Area buildout) would contribute to an increase in health effects in the basin until such time the attainment standards are met in the SJVAB.

¹ Generally, models that correlate criteria air pollutant concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the regionwide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any one project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin.

² For regional pollutants, it is difficult to trace a particular project's criteria air pollutant emissions to a specific health effect. Moreover, the modeled results may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level.

Mitigation Measure:

AQ-1 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall require their construction contractors to use equipment that meets the United States Environmental Protection Agency's (US EPA) Tier 4 Final emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the Kings County that such equipment is not available. Where equipment is not available, the next available engine Tier (e.g., US EPA Tier 4 Interim equipment) shall be used. Any emissions-control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations.

Prior to construction, the project engineer shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for EPA Tier 4 emissions standards for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the Kings County Community Development Agency. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. The reporting and maintenance records shall be available for inspection during construction and remain available for at least two years after completion of construction. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

AQ-2 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall require their construction contractors to use low volatile organic compound (VOC) paints (i.e., paints with a VOC content of 50 grams per liter or less) for all interior and exterior coatings. This requirement shall be noted on all construction management plans verified by the Kings County prior to issuance of any construction permits and during interior coating activities and verified by the Kings County Community Development Agency during construction activities.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of

these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Specific Plan outweigh its significant effects on the environment.

Impact 5.2-2: Long-term operation of the Specific Plan would result in emissions that exceed the SJVAPCD's significant criteria and would cumulatively contribute to the nonattainment designation and health impact in the SJVAB. [Threshold AQ-2]

Implementation of the Specific Plan (under the Plan Area Buildout and Phase One Buildout) would result in direct and indirect criteria air pollutant emissions from transportation, energy (e.g., natural gas use), and area sources (e.g., aerosols and landscaping equipment) on 41 percent of the Plan Area associated with the proposed travel-oriented services.³ Operation activities associated with the Specific Plan would increase PM₁₀, PM_{2.5}, VOC, NO_x, SO_x, and CO regional emissions in the SJVAB.

Specific Plan – Plan Area Buildout

Table 5.2-10 of the DEIR identifies the maximum daily criteria air pollutant emissions that would result from implementation of the Specific Plan at buildout year (2040). As shown in the tables, air pollutant emissions associated the Specific Plan would not exceed the SJVAPCD regional threshold for SO_x. In fact, the emission level from this air quality pollutant is shown to be significantly below the SJVAPCD regional thresholds. However, air pollutant emissions associated the Specific Plan would exceed the SJVAPCD regional emissions thresholds for VOC, NO_x, CO, PM₁₀, and PM_{2.5}. Emissions of VOC and NO_x that exceed the SJVAPCD regional threshold would cumulatively contribute to the O₃ nonattainment designation of the SJVAB. Emissions of PM₁₀ and PM_{2.5} in addition to NO_x that exceed SJVAPCD's regional significance thresholds would also cumulatively contribute to the particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SJVAB. Therefore, implementation of the Specific Plan buildout would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SJVAB.

Specific Plan – Phase One Buildout

Table 5.2-11 of the DEIR identifies the maximum daily criteria air pollutant emissions that would result from implementation of Phase One at opening year (2023). As shown in the tables air pollutant emissions associated with the Phase One would not exceed the SJVAPCD regional threshold for VOC CO, or SO_x. In fact, the emission levels from these air quality pollutants are shown to be significantly below the SJVAPCD regional thresholds. However, air pollutant emissions associated with the Phase One would exceed the SJVAPCD regional emissions thresholds for NO_x, PM₁₀, and PM_{2.5}. Emissions of NO_x that exceed the SJVAPCD regional threshold would cumulatively contribute to the O₃ nonattainment designation of the SJVAB. Emissions of PM₁₀ and PM_{2.5} in addition to NO_x that exceed SJVAPCD's regional significance thresholds would also cumulatively contribute to the particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SJVAB. Therefore, implementation of

³ The remaining 59 percent of the Plan Area would remain under agricultural production and would not result in a net increase in emissions.

Phase One of the Specific Plan would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SJVAB.

Specific Plan – Offsite Water Infrastructure Improvements

The proposed offsite water main improvements would not generate operation phase criteria air pollutant emissions. Therefore, no impacts are anticipated to occur.

Summary

Rule 9510

Similar to construction-related emissions, application of SJVAPCD Rule 9510 to future individual projects would contribute in reducing NO_x and particulate matter emissions. In addition, application of SJVAPCD Rule 9410 would contribute in reducing mobile-source emissions. However, while SJVAPCD rules may contribute in reducing operation-related regional air quality impacts of individual projects accommodated under the Specific Plan (under both the Plan Area and Phase One buildout) activities to less than significant, the projected cumulative emissions associated with future development projects would be in exceedance. Therefore, implementation of the Specific Plan would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SJVAB.

Health Impacts

Emissions exceeding the SJVAPCD thresholds would cumulatively contribute to the nonattainment status of the SJVAB and would contribute in elevating health effects associated to these criteria air pollutants. Known health effects related to ozone include worsening of bronchitis, asthma, and emphysema and a decrease in lung function. Health effects associated with particulate matter include premature death of people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, decreased lung function, and increased respiratory symptoms. Reducing emissions would further contribute to reducing possible health effects related to criteria air pollutants. Because attainment plans and supporting air model tools are regional in nature, they are not typically used to evaluate the impacts to ambient concentrations of criteria air pollutants, or to correlate those impacts to the potential resultant impacts to public health effects, from an individual project.⁴ As a result, although operation emissions would exceed the SJVAPCD thresholds for VOC, NO_x, CO, PM₁₀, and PM_{2.5}, it is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or how many additional individuals in the air basin would be affected by the health effects cited above.

The SJVAPCD is the primary agencies responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the SJVAB and at the present time, it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on health in order to address the issue raised in *Sierra Club v. County of Fresno (Friant Ranch, L.P.)*

⁴ Generally, models that correlate criteria air pollutant concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the regionwide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any one project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin.

(2018) 6 Cal.5th 502, Case No. S21978 (Friant Ranch). Ozone concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level ozone concentrations in relation to the National and California AAQS, the usefulness of applying the available models accurately link health risks to the magnitude of emissions exceeding the significance thresholds for project-level analyses is limited.⁵ To achieve the health-based standards established by the US EPA, the air districts prepare air quality management plans that details regional programs to attain the AAQS. Nonetheless, the Specific Plan (under both the Plan Area and Phase One buildout) would contribute to an increase in health effects in the basin until such time the attainment standards are met in the SJVAB.

Mitigation Measure:

- AQ-3 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall require that off-road equipment (e.g., yard trucks/hostlers and forklifts) utilized onsite for daily warehouse and business operations be non-diesel and powered by a clean energy source such as natural gas, electricity, hydrogen, etc. If the property is leased, then the property/facility owner shall disclose this requirement to all tenants/business entities and the requirement shall be included in any lease agreement.
- AQ-4 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall design all truck/dock bays that serve cold storage facilities within the proposed buildings to be electrified to facilitate plug-in capability and support use of electric standby and/or hybrid electric transport refrigeration units. All site and architectural plans submitted to the Kings County Community Development Agency shall note all the truck/dock bays designated for electrification.
- AQ-5 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall require electric standby and/or hybrid electric transport refrigeration units (E/S TRUs) be utilized onsite for daily warehouse and business operations for all tenants/business entities that own or would own their own fleet to be used as part of the business operations. Additionally, all E/S TRUs shall comply with the California Air Resources Board’s “Alternative Technology” requirements under Section 2477(e)(1)(A)(3) of the California Code of Regulations, Title 13, Article 8, Chapter 9, Division 3. If the property is leased, then the property/facility owner shall disclose these requirements to all tenants/business entities and the requirement shall be included in any lease agreement.
- AQ-6 To reduce idling emissions from transport trucks, signage shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations (e.g., Rule 2485). At minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict non-essential idling to no more than five

⁵ For regional pollutants, it is difficult to trace a particular project’s criteria air pollutant emissions to a specific health effect. Moreover, the modeled results may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level.

(5) consecutive minutes; and 3) telephone numbers of the building facilities manager and CARB to report violations. All signage shall be made of weather-proof materials. All site and architectural plans submitted to the Kings County (County) Community Development Agency shall note the locations of these signs. Prior to issuance of occupancy permits, the County shall verify the installation of these signs.

Transportation

AQ-7 Applicants for development projects in the area covered by the Jackson Ranch Specific Plan shall plan for the necessary infrastructure (e.g., conduit in parking lots) to support the future transition to zero emissions and near zero emission trucks. These requirements shall be noted on all site plans and verified by the Kings County Community Development Agency.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Specific Plan outweigh its significant effects on the environment.

Impact 5.2-5: The Specific Plan has the potential to conflict with the SJVAPCD's air quality management plans. [Threshold AQ-4]

The following describes potential air quality impacts and consistency with the Specific Plan (under the Plan Area Buildout and Phase One Buildout) with the air quality management plans (AQMPs) developed by the SJVAPCD.

Specific Plan – Plan Area Buildout

The SJVAPCD is responsible for reducing emissions from area, stationary, and mobile sources in the SJVAB to achieve the National and California AAQS. A consistency determination with the AQMPs play an important role in local agency project review by linking local planning and individual projects to the AQMPs. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the AQMPs.

KCAG is one of SJVAPCD's partners in the preparation of the AQMPs, providing the latest economic and demographic forecasts and developing transportation measures in Kings County. Regional population, housing, and employment projects developed by KCAG are based, in part, on the County's General Plan land use designations. These projections form the foundation for the emissions inventory of the AQMPs and are incorporated into the regional transportation plan/sustainable communities strategy (RTP/SCS) prepared by KCAG to determine priority transportation projects and vehicle miles traveled in the KCAG region. Because the AQMPs strategies are based on projections from local general plans, projects that are consistent with the local general plan are considered consistent with the air quality-related regional plan. Additionally, only large projects have the potential to substantially affect the demographic forecasts in the AQMPs.

The Specific Plan does not include housing units and would not generate additional population growth. However, as shown in Table 3-2, *Jackson Ranch Specific Plan Land Use Statistical Summary*, of Chapter 3, *Project Description*, of the DEIR, the Specific Plan would generate 1,464 employees; however, the employment growth would be within the County's growth forecast. Thus, implementation of the Specific Plan would not have the potential to substantially affect demographic projections beyond what is accounted for in the current growth projections.

While the Specific Plan would not exceed regional growth forecasts, the Plan Area is intended to serve as a commercial hub for travelers along Interstate 5 (I-5). As a result, the Specific Plan is anticipated to draw a larger percentage of truck traffic as the Plan Area is the midway point between Los Angeles and San Francisco. As identified in Impact 5.2-1 (construction) and Impact 5.2-2 (operation), implementation of the Specific Plan would generate emissions of criteria air pollutants that would exceed SJVAPCD's significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the SJVAB's nonattainment designations. Thus, implementation of the Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS. Therefore, overall, the Specific Plan would be considered inconsistent with the AQMPs.

The vast majority of the Specific Plan's NO_x emissions are from the transportation sector, and over 88 percent of the emissions are associated with VMT generated by trucks. In general, the state strategy for the transportation sector for medium and heavy-duty trucks is focused on making trucks more efficient and expediting truck turnover rather than reducing VMT from trucks. This is in contrast with the passenger vehicle component of the transportation sector where both per-capita VMT reductions and an increase in vehicle efficiency are forecasted to be needed to achieve the overall state emissions reductions goals.

Emissions associated with heavy duty trucks involved in goods movements are generally controlled on the technology side and through fleet turnover of older trucks and engines to newer and cleaner trucks and engines. The following state strategies reduce criteria air pollutants and GHG emissions from the medium and heavy duty trucks:

- CARB's Mobile Source Strategy focuses on reducing emissions through the transition to zero and low emission vehicles and from medium-duty and heavy-duty trucks (CARB 2017).
- CARB's Sustainable Freight Action Plan establishes a goal to improve freight efficiency by 25 percent by 2030, deploy over 100,000 freight vehicles and equipment capable of zero emission

operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030 (CARB 2017).

- CARB's Emissions Reduction Plan for Ports and Goods Movement (Goods Movement Plan) in California focuses on reducing heavy-duty truck-related emissions focus on establishment of emissions standards for trucks, fleet turnover, truck retrofits, and restriction on truck idling (CARB 2006). While the focus of Goods Movement Plan is to reduce criteria air pollutant and air toxic emissions, the strategies to reduce these pollutants would also generally have a beneficial effect in reducing GHG emissions.

In addition, the US EPA and CARB are currently in the rule development processes for the follow strategies:

- Under the US EPA Cleaner Truck Initiative, the US EPA has committed to updating its truck engine standard to reduce NOx emissions.
- CARB's Transport Refrigeration Unit Regulation reduces residual risk from TRUs by transitioning to zero-emission technologies.
- CARB's Advanced Clean Truck Rule requires truck manufacturers to sell an increasing percentage of zero-emission trucks by 2030 (up to 15 percent or 50 percent, depending on truck type). Also, this proposed rule would require one-time fleet reporting for large businesses.
- CARB's Zero-Emission Fleet Rule would require some fleets to transition to zero-emissions.
- CARB's Heavy-Duty Low NOx Program would set new statewide engine standards, test cycles, and warranty and durability requirements to reduce NOx from trucks.
- CARB's Heavy-Duty Inspection/Maintenance Program would set new inspection and maintenance requirements to ensure emissions controls are functioning properly.

Thus, these strategies would contribute in controlling heavy duty truck emissions associated with the Specific Plan. The Specific Plan would not conflict with these strategies. Trucks onsite are also required to comply with CARB's Heavy-Duty (Tractor-Trailer) GHG Regulation, which requires SmartWay tractor trailers that include idle-reduction technologies, aerodynamic technologies, and low-rolling resistant tires that would reduce fuel consumption and associated emissions.

Summary

Despite the anticipated regulations implemented by the US EPA and CARB to improve truck efficiency, the Specific Plan would represent a substantial increase in emissions compared to existing conditions. The estimated long-term emissions generated under buildout of the Specific Plan would exceed the SJVAPCD's regional construction (Impact 5.2-1) and operational (Impact 5.2-2) significance thresholds and would cumulatively contribute to the nonattainment designations in the SJVAB. Therefore, the Specific Plan would be considered inconsistent with the SJVAPCD's AQMPs, resulting in a significant impact in this regard.

Specific Plan – Phase One Buildout

Impacts identified for the Specific Plan buildout are the same as for Phase One buildout. Despite the anticipated regulations implemented by the US EPA and CARB to improve truck efficiency, Phase One of the Specific Plan would represent a substantial increase in emissions compared to existing conditions. The estimated long-term emissions generated by Phase One would exceed the SJVAPCD’s regional construction (Impact 5.2-1) and operational (Impact 5.2-2) significance thresholds and would cumulatively contribute to the nonattainment designations in the SJVAB. Therefore, buildout of Phase One would be considered inconsistent with the SJVAPCD’s AQMPs, resulting in a significant impact in this regard.

Specific Plan – Offsite Water Infrastructure Improvements

The proposed water main improvements are infrastructure improvements that do not have the potential to conflict with the SJVAPCD’s AQMPs. Therefore, no impacts are anticipated to occur.

Mitigation Measure:

Mitigation Measures AQ-1 through AQ-7 are applicable to Impact 5.2-5 and would lessen impacts associated with inconsistency of the Specific Plan with the applicable air quality management plans.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Specific Plan outweigh its significant effects on the environment.

2. Greenhouse Gas Emissions

Impact 5.6-1	Operation of the Specific Plan would result in a substantial increase in GHG emissions. [Threshold GHG-1]
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Implementation of development projects accommodated by the Specific Plan (under the Plan Area Buildout and Phase One Buildout) could contribute to global climate change through direct emissions of GHGs from onsite area sources and vehicle trips generated by the project, and indirectly through offsite energy production required for onsite activities, water use, and waste disposal on 41 percent of

the Plan Area associated with the proposed travel-oriented services.⁶ Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a project are considered on a cumulative basis.

Annual GHG emissions were calculated for construction and operation of the Specific Plan and are shown in Table 5.6-6 of the DEIR. The project operational phase emissions are from operation of the proposed land uses, off-road equipment used for daily operations, and from project-related vehicle trips. Construction emissions were amortized into the operational phase.

Specific Plan – Plan Area Buildout

As shown in Table 5.6-6 of the DEIR, the primary sources of project-related emissions would be from mobile-source emissions generated from passenger vehicles and trucks. The next largest sources of emissions would be from energy usage followed by solid waste. Overall, development of the Specific Plan would generate annual GHG emissions of 175,077 MTCO₂e per year and would exceed the bright-line threshold of 900 MTCO₂e per year. Therefore, GHG emissions generated by the Specific Plan buildout would be considered to cumulatively contribute to statewide GHG emissions and impacts are potentially significant.

Specific Plan – Phase One Buildout

As shown in Table 5.6-6 of the DEIR, development of Phase One would generate annual GHG emissions of 133,301 MTCO₂e during opening year 2023 and would exceed the bright-line threshold of 900 MTCO₂e per year. Therefore, GHG emissions generated by Phase One of the Specific Plan would be considered to cumulatively contribute to statewide GHG emissions and impacts are potentially significant.

Specific Plan – Offsite Water Infrastructure Improvements

Implementation of the Specific Plan would include installation of an offsite water main system to provide potable water to future uses of the Plan Area. The water main would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. The proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Installation of the offsite water main improvements would result in construction-related emissions. For purposes of this analysis, construction of the water main improvements is evaluated as part of Phase One. As discussed above, development of Phase One and implementation of the Specific Plan would result in overall emissions exceeding the bright-line threshold of 900 MTCO₂e per year. Thus, construction-related GHG emissions associated with the proposed offsite water main improvements would be considered to cumulatively contribute to statewide GHG emissions and impacts are potentially significant.

⁶ The remaining 59 percent of the Plan Area would remain under agricultural production and would not result in a net increase in emissions.

Mitigation Measure:

GHG-1 Applicants for development projects within the area covered by the Jackson Ranch Specific Plan shall design the proposed surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces shall be equal to the Tier 2 Nonresidential Voluntary Measures of California’s Green Building Standards Code Section A5.106.5.1.2.

GHG-2 Applicants for development projects within the area covered by the Jackson Ranch Specific Plan shall design the proposed surface parking lots to provide electric vehicle (EV) charging stations. At minimum, the number of EV charging stations shall be equal to the Tier 2 Nonresidential Voluntary Measures of California’s Green Building Standards Code Section A5.106.5.3.2.

Mitigation Measures AQ-3 through AQ-7 from Section 5.2, *Air Quality*, apply and would reduce GHG emissions of the Specific Plan.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Specific Plan outweigh its significant effects on the environment.

3. Transportation and Traffic

Impact 5.11-1: Implementation of the Specific Plan would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. [Threshold T-1]

Following is a discussion of the potential transportation impacts as a result of development that would be accommodated by the Specific Plan. This section evaluates the Specific Plan’s traffic for two future scenarios—Phase One Buildout (2023) and Plan Area Buildout (2040). Signal warrant analysis, site access and transit, pedestrian and bicycle facilities are also evaluated.

The following analysis also considers impacts that would result from Specific Plan buildout of the overall Plan Area (Plan Area Buildout); buildout of the Phase One development area, which consists of the portion of the Plan Area designated as Commercial Thoroughfare in Figure 3-4, *Specific Plan Land Use Plan*; and buildout of the major offsite water main improvements.

Specific Plan – Plan Area Buildout

Estimating Future Baseline Traffic Conditions

Ambient growth was added to existing traffic volumes at study area facilities to estimate no Specific Plan conditions under the Phase One Buildout (2023) and Plan Area Buildout (2040) traffic scenarios. Kings County was consulted to review potential cumulative projects within a five-mile radius of the Plan Area; however, at the time of the release of the Notice of Preparation and preparation of this TIA, no cumulative projects were identified.

Traffic forecasts for the Phase One Buildout (2023) traffic conditions were based upon four years of ambient growth at 2 percent per year, for a total increase of approximately 8.2 percent from existing traffic counts. Traffic forecasts for the Plan Area Buildout (2040) traffic conditions were based on 21 years of ambient growth at 2 percent per year, for a total increase of approximately 51.6 percent from existing traffic counts.

Plan Area Buildout (2040) Traffic Conditions without the Specific Plan

Intersections

The intersection operations for the Plan Area Buildout (2040) traffic conditions without the Specific Plan are provided in Table 5.11-8. It should be noted that the baseline assumptions for this future traffic condition includes conversion of the Bernard Drive at SR-41 intersection to a two-lane roundabout by Caltrans, which is expected to be in place prior to 2040. As shown in the table, all study area intersections would operate at acceptable levels of service during the peak hours for Plan Area Buildout (2040) traffic conditions without the Specific Plan.

Freeway Mainline and Merge/Diverge

Table 5.11-9 summarizes the densities and corresponding LOS used for the traffic analysis. The freeway LOS calculation worksheets performed with HCS are presented in Appendix I of the TIA (Appendix G1). As shown in Table 5.11-9, the freeway mainlines would operate at an acceptable level of service under the Plan Area Buildout (2040) traffic conditions without the Specific Plan, with exception of the following four freeway mainlines, which are forecast to operate at LOS D during the Friday peak hour: (1) I-5 Northbound at Utica Avenue On-Ramp, merge; (2) I-5 Northbound at SR-41 Off-Ramp, diverge; (3) I-5 Southbound at Utica Avenue Off-Ramp, diverge; and (4) I-5 Southbound at SR-41 On-Ramp, merge.

Off-Ramp Queues

Under the Plan Area Buildout (2040) traffic conditions without the Specific Plan, all ramps would operate at an acceptable LOS and there are no exiting queues exceeding capacity, with all exiting 95th percentile queues below four vehicles during all peak hours.

Plan Area Buildout (2040) Traffic Conditions with the Specific Plan

Intersections

To assess future traffic conditions for the Plan Area Buildout (2040) traffic conditions with the Specific Plan, traffic related to the Specific Plan was added to the Plan Area Buildout (2040) traffic conditions without the Specific Plan. The intersection operations for the Plan Area Buildout (2040) traffic conditions with the Specific Plan are listed in Table 5.11-10. As noted above, the baseline assumptions for this future traffic condition includes conversion of the Bernard Drive at SR-41 intersection to a two-lane roundabout by Caltrans, which is expected to be in place prior to 2040.

As shown in the table, all study area intersections would operate at acceptable levels of service during the peak hours for Plan Area Buildout (2040) traffic conditions with the Specific Plan, except for the following intersections:

- Southbound I-5 at SR-41 Ramps (AM peak hour)
- Utica Avenue at Southbound I-5 Ramp (AM peak hour)
- Utica Avenue at Northbound I-5 Ramp (AM peak hour, PM peak hour, and Friday peak hour)

Impacts under this traffic scenario are as follows:

- The increase in delay for Southbound I-5 at SR-41 Ramps in the AM peak hour would be 66.0 seconds, causing operations to degrade from LOS B to LOS F.
- The increase in delay for Utica Avenue at Southbound I-5 Ramp in the AM peak hour would be 29.5 seconds, causing operations to degrade from LOS A to LOS E.
- The increase in delay for Utica Avenue at Northbound I-5 Ramp in the AM peak hour would be 134.7 seconds, in the PM peak hour would be 487.7 seconds, and in the Friday peak hour would be greater than 200 seconds, degrading operations from LOS A to LOS F during all three periods.

Therefore, potentially significant impacts would occur to the four aforementioned intersections under the Plan Area Buildout traffic conditions with the Specific Plan.

Freeway Mainline and Merge/Diverge

Table 5.11-11 summarizes the densities and corresponding LOS used for this analysis. The Freeway LOS calculation worksheets performed with HCS are presented in Appendix I of the TIA (Appendix G). As shown in Table 5.11-11, a total of nine freeway facilities would operate at an LOS below (worse) Caltrans' target of LOS C under the Plan Area Buildout traffic conditions with the Specific Plan.

Off-Ramp Queues

Under the Plan Area Buildout (2040) traffic conditions with the Specific Plan, freeway ramps would continue to operate at an acceptable LOS with the exception of the southbound I-5 at SR-41 Ramps (AM peak hour), Utica Avenue at southbound I-5 Ramp (AM peak hour), and Utica Avenue at northbound I-5 Ramp (AM, PM, and Friday peak hours). At the southbound I-5 at SR-41 ramps, the off-ramp 95th percentile queue during the AM peak hour would be less than six vehicles and would

not exceed capacity. At Utica Avenue at the southbound I-5 ramp, the off-ramp 95th percentile queue during the AM peak hour is less than 11 vehicles (approximately 275 feet). While this queue does not exceed capacity, it is addressed as part of the operations mitigation measures for this intersection at the end of this section. At Utica Avenue and the northbound I-5 ramp, the off-ramp's 95th percentile queue is less than 12 vehicles (approximately 285 feet) during the AM peak hour, less than 14 vehicles (approximately 350 feet) during the PM peak hour, and less than 24 vehicles (approximately 598 feet) during the Friday peak hour. These queues are addressed as part of the operations mitigation measures for this intersection at the end of this section.

Signal Warrants

Signal warrants are a set of criteria used to evaluate the potential need for a traffic signal at an unsignalized or stop-controlled intersection. The methodology for the signal warrant analysis is included in the 2014 California Manual on Uniform Traffic Control Devices. The manual states that if one or more of the criteria for signal warrants is met, an engineering study is required to evaluate other factors to determine if an intersection must be signalized. The TIA used Warrant 3 criteria, which are based on traffic volumes entering the intersection during the peak hour. The signal warrant calculations are included in Appendix J of the TIA (Appendix G1). Table 5.11-12 provides the peak hour signal warrant analysis for the Plan Area Buildout (2040) traffic conditions with the Specific Plan. As shown in the table, signal warrants would be met at three intersections during the AM, PM, and Friday peak hours.

Site Access Driveways and Queues

Site access would be provided via the intersection of Utica Avenue at 25th Avenue. The location where 25th intersects Utica Avenue would be relocated approximately 1,000 feet from the I-5 southbound ramps interchange. An analysis consistent with the HCM methodology was performed for the 95th percentile queue for the Plan Area's major access intersection at Utica Avenue at 25th Avenue. The site access into the Plan Area would be developed as a roundabout (see Figure 3-4, *Specific Plan Land Use Plan*). The roundabout would operate at acceptable LOS B (14.1 seconds of delay). The 95th percentile queue is the queue length that has only a 5 percent probability of being exceeded during the analysis period. The 95th percentile queues would be approximately 240 feet in the northbound direction, two feet in the eastbound direction, and 91 feet in the westbound direction. The anticipated queues would not adversely affect traffic on Utica Avenue in the vicinity of the off-ramps with I-5. Therefore, no significant impact would occur.

Roadway Segment Capacity Evaluation

The roadway network along the Plan Area frontage and in the vicinity of the Plan Area is primarily comprised by two-lane undivided roadways, except for Utica Avenue, which under the Specific Plan would be widened to provide an additional lane in each direction between the 25th Avenue/Utica Avenue and I-5 southbound ramp/Utica Avenue intersections. A roadway segment capacity analysis was conducted at the segments in the vicinity of the Plan Area and is provided in Table 5.11-13. As shown in the table, all studied roadway segments would operate at acceptable levels of service (LOS D or better). Therefore, no significant impact would occur.

Transit, Bicycle and Pedestrian Facilities

The Kings Area Rural Transit (KART) provides regular transit service via Route 12 in Kettleman City, an unincorporated community of the County approximately 6 miles to the northwest (see Figure 3-1, *Regional Location*). The nearest bus stop to the Plan Area is located on Becky Pease Street at Standard Oil Avenue, approximate two miles from Intersection #2 of the study area and over six miles northwest of the Plan Area. As shown in Figure 3-4, *Aerial Photograph*, there are currently no pedestrian or bicycle facilities or improvements in or near the Plan Area.

The mobility plan for Jackson Ranch (see Figure 3-5, *Vehicular Circulation Plan*) addresses all aspects of the public realm within street rights-of-way, including landscaping, sidewalks, and travel lanes. The mobility plan does not include any bicycle or public transportation facilities or improvements, as none are needed to serve the Plan Area due to its intended use and location in the County where no such facilities or improvements exist.

The pedestrian access and circulation improvements for the Plan Area include a system of safe and convenient sidewalks along all internal roads, and along the southern boundary of Utica Avenue. The rights-of-way for the various roadways will include parkway-separated sidewalks. Individual development project will provide pedestrian walkways internal to the development sites that will connect to the sidewalks proposed along the roadways, as well as to provide a means for pedestrians to circulate within the development sites. The proposed pedestrian circulation plan would only serve to connect uses in the Plan Area; it would not provide any offsite connections to adjacent or surrounding agricultural properties as there is nothing to connect to. Additionally, the Specific Plan would support and would not conflict with the County's Circulation Element goals, objectives, and policies relating to transit, bicycle or pedestrian facilities.

Based on the preceding, implementation of the Specific Plan would not result in any significant impacts on transit, bicycle, or pedestrian facilities.

Specific Plan – Phase One Buildout

Phase One Buildout (2023) Traffic Conditions without the Specific Plan

Intersections

The study area intersection operations for the Phase One Buildout (2023) traffic conditions without the Specific Plan are provided in Table 5.11-14. As shown in the table, all study area intersections would operate at acceptable levels of service during the peak hours under these traffic conditions.

Freeway Mainline and Merge/Diverge

The freeway LOS calculation worksheets performed with HCS are presented in Appendix G of the TIA (Appendix G1). As shown on Table 5.11-15, all freeway facilities would operate acceptably under the Phase One Buildout (2023) traffic conditions with the Specific Plan.

Off-Ramp Queues

All ramps operate at acceptable LOS and there are no exiting queues exceeding capacity under the Phase One Buildout (2023) traffic conditions without the Specific Plan, with all 95th percentile queues at study off-ramps below three vehicles during all peak hours.

Phase One Buildout (2023) Traffic Conditions with the Specific Plan

Intersections

To assess future traffic conditions with the Specific Plan, Specific Plan traffic was added to the Phase One Buildout (2023) conditions without the Specific Plan. The intersection operations for the Phase One Buildout (2023) traffic conditions with the Specific Plan are listed in Table 5.11-16.

As shown in the table, all study area intersections would operate at acceptable levels of service during the peak hours for the Phase One Buildout (2023) traffic conditions with the Specific Plan, except for the Utica Avenue and northbound I-5 ramp intersection in the Friday peak hour.

The increase in delay related to the Specific Plan for Utica Avenue at northbound I-5 ramp in the Friday peak hour would be 91.1 seconds, causing operations to degrade from LOS A to LOS F. Therefore, the Specific Plan would result in a potentially significant impact to this intersection during the Friday Peak Hour under the Phase One Buildout (2023) traffic conditions with the Specific Plan.

Freeway Mainline and Merge/Diverge

Table 5.11-17 summarizes the densities and corresponding LOS used for the freeway mainline merge-diverge analysis. The freeway LOS calculation worksheets performed with HCS are presented in Appendix G of the TIA (Appendix G1). As shown on Table 5.11-17, all freeway facilities would operate at or below target LOS C, which is considered acceptable by Caltrans, under the Phase One Buildout (2023) traffic conditions with the Specific Plan.

Off-Ramp Queues

As shown in Table 5.11-16, under the Phase One Buildout (2023) traffic conditions with the Specific Plan, all ramps would continue to operate at acceptable LOS with the addition of Specific Plan traffic with the exception of the Utica Avenue at northbound I-5 ramp during the Friday peak hour. The longest queue would occur on Friday peak hours when the off-ramp's 95th percentile queue would be 8 vehicles, or 200 feet in length. However, the off-ramp length is approximately 1,000 feet in length and would be able to accommodate the queue. Therefore, no significant impact would occur.

Signal Warrants

As with the signal warrants discussion under the Plan Area Buildout (2040) with Specific Plan traffic conditions with the Specific Plan section above, the TIA used Warrant 3 criteria for the Phase One Buildout (2023) traffic conditions with the Specific Plan, which are based on traffic volumes entering the intersection during the peak hour. The signal warrant calculations are included in Appendix J of the TIA (Appendix G1). Table 5.11-18 provides the peak hour signal warrant analysis for the Phase One Buildout (2023) traffic conditions with the Specific Plan. As shown in the table, signal warrants would be met at two intersections during the AM, PM, and Friday peak hours.

Site Access Driveways and Queues

As with the Plan Area Buildout (2040) traffic conditions with Specific Plan analysis above, site access to the Plan Area would be provided at Utica Avenue and 25th Avenue intersection. The site access into the Plan Area would be developed as a roundabout (see Figure 3-4, *Specific Plan Land Use Plan*). Under the Phase One Buildout (2023) traffic conditions with the Specific Plan, this intersection would

operate at an acceptable LOS A as shown in Table 5.11-16. Therefore, no significant impact would occur.

Transit, Bicycle, and Pedestrian Facilities

The analysis provided above under the Plan Area Buildout (2040) traffic conditions with the Specific Plan apply here as well. As concluded, implementation of the Specific Plan would not result in any significant impacts on transit, bicycle, or pedestrian facilities

Specific Plan – Offsite Water Infrastructure Improvements

As discussed in Section 3.3.3.2, *Potable Water Management Plan*, of Chapter 3, *Project Description*, in order to provide potable water to future uses of the Plan Area, an offsite water main system would be installed underground within the County's right-of-way along 25th Avenue, which is a fully-paved roadway that is maintained by the County. The roadway is a north-south, two-lane road that is surrounded by agricultural uses on both sides and runs from the Plan Area to Kettleman City. The water main would stretch along this roadway for approximately 4.2 miles. As shown in Figure 3-6, *Proposed Offsite Water Main Route*, the proposed water main would run from the Plan Area to the new Kettleman City Surface Water Treatment Plant.

Implementation of the offsite water main improvements would not directly or indirectly conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The roadway would continue to operate as it exists today, as a two-lane arterial road connection the Plan Area to other developed areas of the County, including Kettleman City to the northwest. Therefore, implementation of the offsite water infrastructure improvements would not result in adverse environmental impacts.

Mitigation Measure:

TRAF-1 Prior to issuance of building permits for structures that would be accommodated by the Jackson Ranch Specific Plan under the Plan Area Buildout [2040] Traffic Conditions with the Specific Plan analyzed in the Traffic Impact Analysis Report dated March 2020 (incorporate herein as reference), the project applicant shall enter into an agreement with Caltrans, which outlines a schedule for installation of traffic improvements listed below, conduct an intersection control evaluation to be reviewed and approved by Caltrans, and make payment to Caltrans toward the construction of the traffic improvements:

Southbound I-5 at SR-41 Ramps (AM peak hour): Optimize the traffic signal timing (timing splits and cycle).

- **Utica Avenue at Southbound I-5 Ramp (AM peak hour):** Convert the intersection from a two-way stop-controlled intersection to a roundabout.
- **Utica Avenue at Northbound I-5 Ramp (AM peak hour, PM peak hour, and Friday peak hour):** Convert the intersection from a two-way stop-controlled intersection to a roundabout.

TRAF-2 Prior to issuance of building permits for structures that would be accommodated by the Jackson Ranch Specific Plan under the Phase One Buildout [2023] Traffic Conditions with the Specific Plan analyzed in the Traffic Impact Analysis Report dated March 2020 (incorporate herein as reference), the project applicant shall enter into an agreement with Caltrans, which outlines a schedule for installation of traffic improvements listed below, conduct an intersection control evaluation to be reviewed and approved by Caltrans, and make payment to Caltrans toward the construction of the traffic improvements:

Utica Avenue at Northbound I-5 Ramp (Friday peak hour): Convert the intersection from a two-way stop-controlled intersection to an all-way stop-controlled (stop signs) intersection.

Mitigation Measures Considered and Rejected

As shown in Table 5.11-11, *Freeway Mainline and Merge/Diverge Peak Hour LOS—Plan Area Buildout (2040) Traffic Conditions with the Specific Plan*, of the DEIR, the following Caltrans facilities would operate at an LOS below (worse) Caltrans’ target of LOS C under the Plan Area Buildout (2040) Traffic Conditions with the Specific Plan:

- I-5 Northbound at Utica Avenue on-ramp, merge (AM, PM, Friday peak hours)
- I-5 Northbound between Utica Avenue and SR-41, mainline segment (AM, PM, Friday peak hours)
- I-5 Northbound at Utica Avenue off-ramp, diverge (AM, PM, Friday peak hours)
- I-5 Northbound north of SR-41, mainline segment (AM, PM, Friday peak hours)
- I-5 Southbound south of Utica Avenue, mainline segment (AM, PM, Friday peak hours)
- I-5 Southbound at Utica Avenue Off-Ramp, diverge (AM, PM, Friday peak hours)
- I-5 Southbound between Utica Avenue and SR-41, mainline segment (AM, PM, Friday peak hours)
- I-5 Southbound at SR-41 On-Ramp, merge (AM, PM, Friday peak hours)
- I-5 Southbound north of Utica Avenue, mainline segment (AM and PM peak hours)

The freeway segments listed would perform unacceptably during the peak hours without mitigation. Mitigating the identified impacts to these freeway segments would require a complete reconstruction of the freeway and additional travel lanes. Since freeways are an interconnected system, it would not be possible, nor effective, to provide isolated spot improvements of one segment of the freeway where deficient operations are observed. Additionally, the facilities are under the jurisdiction of Caltrans and not Kings County. Furthermore, at this time, funding has not been allocated by Caltrans to expand the freeway to its ultimate buildout configuration of six lanes. Therefore, there are no feasible mitigation measures to reduce impacts to these freeway facilities to a level of less than significant.

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. Kings County hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a

less-than-significant level, and, further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the EIR, as discussed in Section G of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Specific Plan outweigh its significant effects on the environment.

F. Findings on Project Alternatives

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, the DEIR identified significant impacts in a number of categories. The following impacts could be mitigated below a level of significance: agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, utilities and service systems. The following impacts cannot be mitigated below a level of significance: certain air quality, greenhouse gas emissions, and transportation and traffic impacts.

The DEIR analyzed three alternatives to the Specific Plan that could reduce some, if not all, of the impacts.

1. No Project/No Development Alternative

Section 15126.6(e) of the CEQA Guidelines requires analysis of the No Project Alternative. In accordance with the CEQA Guidelines, the No Project/No Development Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed as provided by Section 15126.6(e)(3)(B) of the CEQA Guidelines. Section 15126.6(e)(3)(B) provides that, “In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” Under this alternative, the Specific Plan would not be implemented and no new development would occur, however, the existing conditions would remain in operation.

This No Project/No Development Alternative assumes the Specific Plan would not be implemented and no new development would occur. The existing agricultural uses and operations of the Plan Area would remain under this alternative, and no offsite infrastructure improvements would be implemented. None of the impacts of the Specific Plan, adverse or beneficial, would result. Accordingly, the No Project/No Development Alternative provides a comparison between the environmental impacts of the Specific Plan as compared to the environmental conditions, resulting from not approving or denying the Specific Plan.

Finding:

The No Project/No Development Alternative would eliminate the significant and unavoidable impacts related to air quality, greenhouse gas emissions, and transportation that would occur from implementation of the Specific Plan. This alternative would also reduce impacts related to agricultural and forestry resources, biological resources, cultural resources, public services, tribal cultural resources,

and utility and service systems. Impacts related to hydrology and water quality would be slightly greater under this alternative; impacts to noise and land use and planning would be similar compared to the Specific Plan.

Implementation of the No Project/No Development Alternative means that no new development would occur in the Plan Area, and none of the project objectives would be achieved under this alternative. This alternative would not create a landmark commercial/industrial hub (first objective); honor the agricultural heritage of Kings County (second objective); enhance economic well-being (third objective); optimize opportunity through diversity (fourth objective); and encourage a healthy environment (fifth objective).

The Board of Supervisors rejects the No Project/No Development Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the FEIR.

2. No Project/Existing General Plan Alternative

Under the No Project/Existing General Plan Alternative, the current general plan land uses and zoning district of the Plan Area (General Agriculture-40 Acre and General Agriculture-40 [AG-40] District, respectively) would remain in effect. Development in accordance with the existing general plan and zoning would occur in the Plan Area. The General Agriculture-40 Acre land use designation applies to rural areas of the County and allows intensive agricultural uses that, by their nature, may be incompatible with urban uses. The General Agriculture-40 District is intended primarily for application to rural areas of the County, which are generally characterized by extensive and intensive agricultural uses of land.

Under this alternative, the existing agricultural uses and operations, or more intensive agricultural uses (e.g., field crops that unlike fruit trees, require more intense and frequent disturbance of soils and use of heavy farm equipment; agricultural produce processing, packing, and shipping facilities; animal keeping and sales; dairy farms), would occur in the Plan Area. The exact type and quantity of agricultural uses and operations that could in the Plan Area could range from the existing agricultural uses and operations remaining or development of a more intensive agricultural use. For this analysis it is assumed that the existing agricultural uses and operations would remain, as determining the impacts of a more intensive agricultural use would be hypothetical and difficult to analyze, since the range is so wide. For example, the environmental impacts of developing field crops over a dairy farm are very different, with one use having greater impacts than the other.

Finding:

The No Project/Existing General Plan Alternative would eliminate the significant and unavoidable impacts related to air quality, greenhouse gas emissions, and transportation that would occur from implementation of the Specific Plan. This alternative would also reduce impacts related to agricultural and forestry resources, biological resources, cultural resources, public services, tribal cultural resources,

and utility and service systems. Impacts related to hydrology and water quality would be slightly greater under this alternative; impacts to noise and land use and planning would be similar compared to the Specific Plan.

Implementation of the No Project/Existing General Plan Alternative means that no new development would occur in the Plan Area, and none of the project objectives would be achieved under this alternative. This alternative would not create a landmark commercial/industrial hub (first objective); honor the agricultural heritage of Kings County (second objective); enhance economic well-being (third objective); optimize opportunity through diversity (fourth objective); and encourage a healthy environment (fifth objective).

The Board of Supervisors rejects the No Project/Existing General Plan Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the FEIR.

3. Reduced Intensity Alternative

Under the Reduced Intensity Alternative, only Phase One of the Specific Plan—which consists of buildout of the portion of the Plan Area designated as Commercial Thoroughfare—would be developed. This alternative would accommodate up to 161,125 square feet of travel-related commercial space on approximately 27 acres of the overall 415-acre Plan Area and would generate approximately 470 employees. Phase Two, which would accommodate up to 2,230,708 square feet, would not be developed. The development impact area under this alternative would also be reduced compared to the Specific Plan—27 acres versus 141 acres, respectively.

Proposed commercial uses in the 27 acres of this alternative include a 10-acre truck stop, potentially offering a restaurant, service station, and short term resting place for large transport vehicles. The existing agricultural uses and operations of the remaining acreage of the Plan Area would continue under this alternative. Additionally, as with the Specific Plan, this alternative would require construction of the offsite water pipeline, roadway improvements along Utica Avenue and 25th Avenue, and wastewater treatment facility.

Finding:

The Reduced Intensity Alternative would reduce impacts related to agricultural and forestry resources, biological resources, cultural resources, noise, public services, tribal cultural resources, and utility and service systems. Impacts related to hydrology and water quality would be slightly greater under this alternative and impacts to land use and planning would be similar compared to the Specific Plan. However, the Reduced Intensity Alternative would not eliminate the significant and unavoidable impacts related to air quality, greenhouse gas emissions, and transportation that would occur from implementation of the Specific Plan.

Implementation of the Reduced Intensity Alternative would achieve a few of the project objectives—it would honor the agricultural heritage of Kings County (second objective) and encourage a healthy

environment (fifth objective). Implementation of this alternative would also achieve the following project objectives, but not to the extent as would be achieved by the Specific Plan: enhance economic well-being (third objective) and optimize opportunity through diversity (fourth objective). For example, the reduction of 2,230,708 square feet of commercial and industrial uses would attract fewer or smaller businesses and less employment opportunities to County. In addition, the smaller development would provide less flexibility to meet the needs of an ever-changing business market. Furthermore, this alternative would not fully meet the objective that calls for the creation of a landmark commercial/industrial hub (first objective). Specifically, this alternative would allow for the creation of a portion of the commercial element of this objective, but the industrial element would not be realized. Although the commercial uses of this alternative would serve the needs of today's travelers by offering a fully amenitized rest stop, it would not provide development areas for industrial enterprises. Therefore, this alternative would eliminate the Plan Area's opportunity to capitalize on the development of an industrial hub.

The Board of Supervisors rejects the Reduce Intensity Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible this project alternative identified in the FEIR.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the Specific Plan, Kings County has determined that the unavoidable adverse environmental impacts identified above may be considered "acceptable" due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the Specific Plan.

Implements Guiding Principles and Objectives Established for the Project

The Jackson Ranch Specific Plan implements a vision to guide future development and improvements that will occur in and outside the Plan Area, as well as help support the underlying purpose of the Specific Plan. These guiding principles will aid decision makers in their review of the Specific Plan and associated environmental impacts:

1. **Create a Landmark Commercial/Industrial Hub.** Serve the needs of today's travelers by offering a fully amenitized rest stop as well as an ideal location for industrial enterprises. Capitalize on the unique qualities of the region through carefully crafted site planning, architecture, and landscape design. The Specific Plan provides a framework for the implementation of a cohesive project with a readily identifiable visual motif that conveys a pleasing aesthetic quality.
2. **Honor the Agricultural Heritage of Kings County.** Establish a center where the agricultural heritage of the site is valued and serves as inspiration for the physical design of the project.

3. **Enhance Economic Well-Being.** Encourage new employment opportunities across a variety of industries by providing flexibility in the type of tenants allowed in the Specific Plan. An emphasis on support of new businesses and job creation will enhance the regional and local economy.
4. **Optimize Opportunity Through Diversity.** Capitalize on the scale and highly visible location of Jackson Ranch as an opportunity to offer a complementary range of uses including retail, service, hospitality, office, and industrial to appeal to a range of business types.
5. **Encourage a Healthy Environment.** In the commercial area, pedestrian access and outdoor spaces will be provided.

Jackson Ranch Specific Plan Implements a Mobility Plan that Improves Access and Circulation

The mobility plan for Jackson Ranch addresses all aspects of the public realm within street rights-of-way, including landscaping, sidewalks, and travel lanes. The mobility plan does not include any bicycle or public transportation facilities or improvements, as none are needed to serve the Plan Area due to its intended use and location in the County where no such facilities or improvements exist.

The pedestrian access and circulation improvements for the Plan Area include a system of safe and convenient sidewalks along all internal roads, and along the southern boundary of Utica Avenue. The rights-of-way for the various roadways will include parkway-separated sidewalks. Individual development project will provide pedestrian walkways internal to the development sites that will connect to the sidewalks proposed along the roadways, as well as to provide a means for pedestrians to circulate within the development sites. The proposed pedestrian circulation plan would only serve to connect uses in the Plan Area; it would not provide any offsite connections to adjacent or surrounding agricultural properties as there is nothing to connect to. Additionally, the Specific Plan would support and would not conflict with the County's Circulation Element goals, objectives, and policies relating to transit, bicycle or pedestrian facilities.

Consistency with the General Plan's Circulation Element

The 2035 Kings County General Plan discusses goals, policies, and implementation actions that determine development and mobility within the region; the General Plan's Circulation Element provides LOS thresholds for roadway types in the county. During peak hours, LOS standard "D" is the threshold for acceptable traffic operations for the county's roadways.

The Circulation Element further provides goals and policies regarding pedestrian facilities. The following is an objective relating to pedestrian facilities that would apply to the Specific Plan:

- **C Objective B1.2:** Enhance pedestrian/bicycle access and safety through traffic calming street design measures and bicycle rack integration into new commercial structures.

Study-area roadways serving the Plan Area are described in the Circulation Element of the 2035 Kings County General Plan shows the roadway extents and classifications that are needed to adequately implement the roadway network depicted in the General Plan Circulation Element and the KCAG 2018 RTP/SCS for the County's long-range buildout conditions.

The roadways in the study area and shown in Figure 5.11-1 are described below and considered “Routes of Regional Significance” in the 2018 Kings County Regional Transportation Plan and KCAG’s 2018 RTP/SCS.

- **Interstate 5 (Kern Co. to Fresno Co.).** Currently, Interstate 5 (I-5) is a four-lane divided freeway with two travel lanes in each direction. I-5 is the most traveled roadway in the County. Approximately 30 percent of traffic are trucks. The City of Avenal and the community of Kettleman City are located near I-5 and are directly impacted by this freeway with highway-commercial type land uses.
- **State Route 41 (Kern County to Fresno County).** State Route (SR) 41 operates as a rural highway; in the vicinity of the Plan Area, the highway is a two-lane divided route with one lane traveling in each direction. Once SR-41 approaches I-5, the highway converts into a four-lane highway with two travel lanes in each direction. SR-41 has approximately 6,700 daily trips near I-5.
- **Utica Avenue.** This east-west roadway currently has two lanes and is classified as a Major Collector in the Kings County Circulation Element. It is currently developed from 6th Avenue to I-5 and SR 41 to SR 33. The roadway has no bikeways or pedestrian infrastructure. Traffic is stop controlled.
- **25th Avenue.** This north-south roadway currently has two lanes and is classified as a Major Collector in the Kings County Circulation Element. The roadway is developed from I-5 to Kern County. The roadway has no bikeways or pedestrian infrastructure. Traffic is stop controlled.

The Specific Plan would support and would not conflict with the County’s Circulation Element goals, objectives, and policies relating to transit, bicycle or pedestrian facilities.

Achieves Consistency with KCAG’s 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Goals

The analysis in Table 5.8-1 of the DEIR demonstrates that the Specific Plan would be consistent with the applicable RTP/SCS goals. In addition to the mobility policies referenced above, several other goals and policies are directed toward enhancing and implementing KCAG’s RTP/SCS goals related to the following policies: environmental policies; public participation policies; aviation policies, active transportation policies, Transportation Systems Management (TSM) policies. The Specific Plan would be consistent with implementing the goals and measures of the KCAG’s RTP/SCS including: highway system goal; and sustainable communities strategy performance measures, including:

- Preservation of agricultural and resource lands
- Environmental, economic opportunities, and equity in access
- Reduce emissions
- Improve public health
- System preservation

- Economic development

Consistency with King’s County General Plan Land Use Element

This Specific Plan allows for greater specificity and flexibility in carrying out the King County General Plan—it acts as a bridge between the general plan and development activities and improvements that will occur within the Plan Area. The Specific Plan establishes the necessary land use plan, development standards, design guidelines, infrastructure systems, and implementation strategies on which subsequent, project-related development activities will be founded. It is intended that design review plans, detailed site plans, grading and building permits, or any other County action requiring ministerial or discretionary approval applicable to the Plan Area be consistent with the intent and vision of the Specific Plan.

Table 5.8-2 of the DEIR provides an analysis as to why the Specific Plan is consistent (i.e., “compatible”) or inconsistent with the Kings County General Plan Land Use Element, and how it would help implement and further various goals, objectives and policies of this element. Furthermore, future development projects that would be accommodated by the Specific Plan would be subject to the County’s development review process upon a formal request for a development permit. The County’s development review process would include verification of land use compatibility compliance in accordance with the development standards of the Specific Plan and the Kings County’s Development Code. Additionally, the Specific Plan provides a list of allowable uses that are customized for the Plan Area, thereby minimizing the exposure of future workers, visitors, and customers to potential impacts.

Jackson Ranch would be consistent with the following goals, policies and objectives pertaining to land use under the general plan:

- Land Use Element Goals LU: B1, B2, B3, B4, B5, B6, B7, C1, D1
- Land Use Element Objective LU: B1.1, B1.2, B2.1, B2.2, B2.3, B3.1, B4.1, B5.1, B5.2, B6.1, B6.2, C1.1, D1.2, D1.4
- Land Use Element Policies LU: B1.1.1, B1.1.2, B1.1.4, B1.2.1, B1.2.2, B1.2.3, B2.1.1, B2.1.2, B2.1.3, B2.2.1, B2.2.2, B2.3.1, B2.3.2, B3.1.1, B3.1.2, B4.1.1, B4.1.2, B5.1.3, B6.2.1, B7.1.1, B7.1.3, C1.1.1, C1.1.2, C1.1.4, D1.1.2, D1.2.3, D1.2.4, D1.3.2, D1.3.3, D1.3.4, D1.4.9, D1.5.1, D1.5.2, D1.5.3, D1.5.4, D1.6.8

Promotes the County’s Economic Vision

Jackson Ranch will serve as an innovative service industrial and commercial center that will encourage economic growth while preserving the agricultural heritage of the region. As the halfway point between San Francisco and Los Angeles, Jackson Ranch offers a visible and viable high commercial-oriented rest stop to the high volume of motorists who pass by annually. Upon completion, Jackson Ranch will be the only stop to offer food, lodging, a truck stop, and service stations within a 31-mile stretch of I-5, stretching from Kettleman City to the north to State Route 46 to the south. Jackson Ranch also provides an ideal location for trucks to transfer goods and truck drivers to rest and fuel up via a truck

stop. Furthermore, Jackson Ranch will serve as an industrial hub, providing an ideal location for industrial enterprises.

Provides for Public Improvements and Infrastructure

Any proposed development activities within the Plan Area will be required to comply with the development standards contained in Chapter 4 of the Specific Plan. This chapter sets forth the development standards and regulations that apply to development projects, plans and activities (i.e., new development, building enhancements, landscape and signage improvements, and site and infrastructure improvements) within the Plan Area. The standards and regulations address site development issues (e.g., permitted uses, development intensity, parking requirements, building setbacks and heights) and provide the basic criteria that govern all development within the Plan Area.

The Specific Plan also includes design guidelines. The design guidelines are intended to promote quality design, consistent with the overall vision, while providing a level of flexibility to encourage creative design. The design guidelines direct the physical design of building sites, architecture, landscape elements, signage, and roadways within the Plan Area. This comprehensive approach represents a more understandable and predictable way to shape the physical future of the Plan Area by emphasizing building form and landscape design that reinforce the Specific Plan's vision for the Plan Area.

Together, the development standards and design guidelines set forth the standards intended to carry out the Specific Plan's vision for the Plan Area and form the foundation upon which all planning and implementation decisions will be based.

Jackson Ranch includes on- and offsite infrastructure plans and utility systems that are necessary to serve development that will be accommodated by the Specific Plan, including plans for mobility, drainage, potable water, wastewater, dry utilities (electricity, natural gas, and telecommunication services), and solid waste collection and disposal. Following is a description of the infrastructure plans and utility systems needed to serve the Plan Area. Development under each phase of Jackson Ranch will be provided with the infrastructure plans and utilities systems needed to adequately serve the land uses of the phase in question.

Other Considerations

There are unavoidable, significant impacts in three categories: air and quality, greenhouse gas, and transportation.

Conclusion

The Board of Supervisors of Kings County has balanced the project's benefits, as revised by the Planning Commission, against the significant unavoidable impacts. The Board of Supervisors finds that the project's benefits of updating the current General Plan and adopting the Jackson Ranch Specific Plan outweigh the project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project's benefits. The Board of Supervisors finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the project's significant unavoidable impacts. The Board of Supervisors additionally finds that the fact that these significant impacts would occur, even

under the current General Plan, further weighs in favor of adopting an updated General Plan that better meets the County's needs and complies with legal requirements.

IV. REFERENCES

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Kings County. 2010, January. 2035 Kings County General Plan Circulation Element.

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RESOLUTION NO. 2021-09

**RESOLUTION OF THE BOARD OF DIRECTORS
OF DUDLEY RIDGE WATER DISTRICT
APPROVING THE STANDING APPOINTMENT OF DIRECTORS TO THE
WESTSIDE WATER QUALITY COALITION**

WHEREAS, landowners within DUDLEY RIDGE WATER DISTRICT (**District**), together with landowners within neighboring Westside districts, formed the WESTSIDE WATER QUALITY COALITION, a California non-profit mutual benefit corporation (**Coalition**), in 2013 to serve as a third party group under the Central Valley Regional Water Quality Control Board's Waste Discharge Requirements General Order R5-213-0120, which the Regional Board adopted as part of the State Water Resource Control Board's Irrigated Lands Regulatory Program; and

WHEREAS, Article IV(B) of the Coalition's First Amended and Restated Bylaws (**Bylaws**) allows the District to appoint two of the nine Directors on the Coalition's Board of Directors, with each serving a four-year term of office; and

WHEREAS, Article IV(C) of the Bylaws provides the District with the sole authority to replace or reappoint its two appointed Directors on the Coalition's Board of Directors; and

WHEREAS, the District previously appointed Dale Melville to the Coalition's Board of Directors; and

WHEREAS, the District desires to establish a procedure whereby the District's Board of Directors can make a standing appointment of Directors to serve on the Coalition's Board of Directors enabling the District's appointed Coalition Directors to continue to serve for multiple terms on the Coalition's Board of Directors without requiring the formality of reappointment every four years; and

WHEREAS, the District reserves the right to replace at any time its appointed Director on the Coalition's Board of Directors, notwithstanding this standing appointment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of DUDLEY RIDGE WATER DISTRICT as follows:

1. Each of the matters set forth above is true and correct and the Board so finds and determines.
2. Each Coalition Director appointed by the Board under this Resolution, or hereafter appointed by Resolution or minute order, will serve continuously on the Coalition's Board of Directors and be deemed to be reappointed by the Board immediately upon expiration of any term without any further action by the Board or the District.
3. The Board reserves the right to replace at any time its appointed Director on the Coalition's Board of Directors, notwithstanding this standing appointment.
4. Morgan Mitchel is hereby appointed to serve as the District's appointees to the Coalition's Board of Directors.

PASSED, APPROVED and ADOPTED by the Board of Directors of DUDLEY RIDGE WATER DISTRICT this 13th day of October, 2021.

Kimberly M. Brown
President

ATTEST:

Dale K. Melville
Assistant Secretary