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JUN 13 2016

June 10, 2016

BOARD OF SUPERVISORS

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KINGS COUNTY COMMUNITY
DEVELOPMENT AGENCY

Via OVERNIGHT MAIL

Chair Doug Verboon and Honorable
Members of the Kings County Board of
Supervisors
1400 W. Lacey Blvd., Building #6
Hanford, CA 93230

Sandy Roper, Principal Planner
Kings County Community Development
Agency
1400 W. Lacey Blvd., Building #6
Hanford, CA 93230

**Re: Appeal of Planning Commission Approval of Amendment to
Conditional Use Permit No. 10-05 (American Kings Solar, LLC)**

Dear Chair Verboon, Ms. Welch, Mr. Roper:

We are writing on behalf of Kings County Citizens for Responsible Development ("Citizens") to appeal the June 6, 2016 decision of the Kings County ("County") Planning Commission ("Commission") to approve the Amendment to Conditional Use Permit ("CUP") No. 10-05 (American Kings Solar, LLC), (collectively, "Project" or "American Kings Project"), including the decisions to approve Resolution 16-05, *"In the Matter of An Amendment to Conditional Use Permit No. 10-05 (American Kings, LLC) Re: 15671 25th Avenue, Lemoore"* ("Resolution"); an amendment and/or extension of CUP 10-05 to establish a photovoltaic ("PV") solar facility of up to 125 megawatts ("MW") to be located at 15671 25th Avenue, Lemoore; the Addendum to Mitigated Negative Declaration for the American Kings Solar Project ("Addendum"); to modify the requirement to mitigate for the loss of Swainson's Hawk foraging habitat; and to remove the requirement to cancel the existing Farmland Security Zone contract; and all other related Project approvals.

Citizens is an unincorporated association of individuals and labor organizations that that may be affected by the potential health and safety hazards and environmental impacts of the Project. Citizens is concerned about impacts from industrial development in the region where the association's members and their families live, work and recreate. The association includes Kings County residents Howard Hite, Brandon Perez, Tikiyie Brooks, Deborah Parrent, Edgardo Orapa and

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Phonie Orapa, and California Unions for Reliable Energy ("CURE") and its local affiliates, and the affiliates' members and their families, as well as other individuals who live, work and recreate in Kings County. Citizens' members would be directly affected by the Project's unmitigated environmental and health and safety impacts.

This letter supplements Citizen's Appeal Application, filed concurrently herewith. In accordance with County requirements, this appeal is accompanied by a check for the appeal filing fee of \$320.00.

This appeal is based on the County's failure to comply with the requirements of the California Environmental Quality Act ("CEQA") to prepare a legally adequate Environmental Impact Report ("EIR") for the Project, and for its failure to comply with the County Code, General Plan requirements, and other State and Federal environmental laws in its approval of the Project. This appeal is based on each of the reasons set forth in the attached and referenced exhibits, which include Citizens' March 7, 2016 and June 6, 2016 comment letters, expert comments, and attachments; and the March 4, 2016 comment of the Department of the Navy, Naval Air Station, Lemoore.

The Addendum and the County's responses to comments on the Addendum mischaracterized, mis-analyzed, underestimated, or failed entirely to identify many of the Project's significant impacts. The Commission failed to require that the County prepare a legally adequate EIR for the Project, and failed to require that the Applicant adopt adequate mitigation measures to reduce these impacts to less than significant levels. As a result, the Commission lacked substantial evidence on which to make the legally required findings to approve the Project, in particular that the Project's potentially significant impacts will be mitigated to less than significant levels.

The attached comments demonstrate that the County committed significant factual and legal errors and omissions in its environmental review of the Project; that the Commission abused its discretion and proceeded in a manner not by authorized by law in approving the Project and making findings that are not supported by the Project record; and that the Commission's decision to approve the Project is not supported by the evidence in the record.¹

¹ See Dev. Code Section 1711.A.