



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-049

March 16, 2021

Introduced: 2/25/2021

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

- a. Approve Agreement No. 4CA05187 between the County and California Department of Forestry and Fire Protection (Cal Fire) to provide fire protection and emergency services in South County in the non-peak fire season in connection with the California Flats Solar Project, in a maximum amount not to exceed \$374,655, retroactive to February 1, 2021 through June 30, 2021 and to take effect only upon execution of the agreement by the parties;
- b. Approve a Funding Agreement with California Flats Solar, LLC (Cal Flats) to provide funding to County, for the services provided by Cal Fire under Agreement No. 4CA05187 and associated contract administration costs, in a maximum amount not to exceed \$378,402, for a term from February 1, 2021 to June 30, 2021; and
- c. Authorize the County Housing and Community Development Director, or designee, to approve Cal Fire Agreement Number 4CA05187 and execute the Funding Agreement with Cal Flats and future amendments or extensions to the agreements where the amendments or extensions do not significantly alter the scope of work, change the approved agreement amounts, or affect the County's obligation.

RECOMMENDATIONS

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Approve Agreement No. 4CA05187 between the County and California Department of Forestry and Fire Protection (Cal Fire) to provide fire protection and emergency services in South County in the non-peak fire season in connection with the California Flats Solar Project, in a maximum amount not to exceed \$374,655, retroactive to February 1, 2021 through June 30, 2021 and to take effect only upon execution of the agreement by the parties;
- b. Approve a Funding Agreement with California Flats Solar, LLC (Cal Flats) to provide funding to County, for the services provided by Cal Fire under Agreement No. 4CA05187 and associated contract administration costs, in a maximum amount not to exceed \$378,402, for a term from February 1, 2021 to June 30, 2021; and
- c. Authorize the County Housing and Community Development Director, or designee, to approve Cal Fire Agreement Number 4CA05187 and execute the Funding Agreement with Cal Flats and future amendments or extensions to the agreements where the amendments or extensions do not significantly alter the scope of work, change the approved agreement amounts, or affect the County's obligation.

PROJECT INFORMATION

Planning File Number: PLN120294-AMD1

Provider of Services: California Department of Forestry and Fire Protection

Project Applicant: California Flats Solar, LLC

Project Location/Description: Parkfield, South County of Monterey
Planner: Erik V. Lundquist, AICP, Chief of Planning
Plan Area: South County

SUMMARY/DISCUSSION

On June 16, 2020, the Board of Supervisors considered an addendum together with the previously certified Environmental Impact Report for the California Flats Solar Project (SCH#2013041031), pursuant to CEQA Guidelines section 15164 and adopted an amendment the California Flats Solar Project's use permit (approved on February 10, 2015, Resolution No. 15-027; Planning File No. PLN120294) to construct an up to 85-unit Tesla Megapack battery energy storage system and associated infrastructure improvements, including approximately 7,243 cubic yards of cut and 1,489 cubic yards of fill, with remaining soil to be balanced or stockpiled onsite. The proposed modification is entirely within the California Flats Project's existing footprint, encompassing approximately 3 acres specifically on Assessor's Parcel Numbers 424-181-014 and 424-181-015 and within the "solar development area" footprint. The Board also adopted a Condition Compliance and Mitigation Monitoring Reporting Program to reflect new/amended conditions.

Mitigation Measure PS-1(c) requires fire protection during construction, as follows:

"PS-1(c) Fire Protection during Construction. Prior to the issuance of a construction permit, the applicant shall enter into an agreement with Cal Fire South Monterey County FPD/CAL FIRE to provide sufficient fire protection services during the non-peak fire season for the duration of project construction via provision of sufficient funding (supplied by the applicant) and other measures necessary to keep the Cal Fire South Monterey County FPD/CAL FIRE Parkfield substation operational during the non-peak fire season. The measures to assure sufficient fire protection services in accordance with existing standards shall be subject to the review and approval of Cal Fire South Monterey County FPD/CAL FIRE and may include but not be limited to the following: funding (by the applicant) for provision for fire personnel, increasing engine availability in the area, and/or provision of a helicopter landing space in consultation with Cal Fire South Monterey County FPD/CAL FIRE, the use of which will be restricted to emergency use only. A copy of the final, executed agreement shall be submitted to the County prior to the issuance of a construction permit."

Cal Fire and the County of Monterey (County) determined that the best way to comply would be 1) for the County and Cal Fire to enter into an agreement to allow Cal Fire to provide non-peak fire season fire protection and emergency services; and 2) for the County and Cal Flats to enter into an agreement to for Cal Flats to fund these services. This approach, together with the applicable contracts, was executed for the 2015 through 2019 fire seasons.

As the project has since been amended and the contracts have expired, new contracts are warranted. The new Funding Agreement with Cal Flats, in association with Cal Fire Agreement No. 4CA05187, will allow funding for CalFire services during the 2021 non-peak fire season, February 1, 2021 to

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June 30, 2021, in an amount not to exceed \$378,402 (\$374,655 for Cal Fire services and \$3,747 for the County’s contract administration fee).

OTHER AGENCY INVOLVEMENT

The Office of the County Counsel, Auditor-Controller’s Office, and Risk Management Office have reviewed and approved Cal Fire Agreement No. 4CA05187 as to form and legality, and fiscal and insurance provisions, respectively.

The Office of the County Counsel and Auditor-Controller’s Office have reviewed and approved the Funding Agreement as to form and legality, and fiscal provisions, respectively.

FINANCING

There will be no cost to the County General Fund for providing non-peak fire season fire protection services to the area served by the Parkfield Fire Station. All costs of Cal Fire Agreement No. 4CA05187 between Cal Fire and the County will be funded through the Funding Agreement between Cal Flats and the County.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

Cal Fire Agreement No. 4CA05187 between Cal Fire and the County and the Funding Agreement between Cal Flats and the County will allow for fire protection and emergency services during the non-peak fire season of 2021, or beyond with extension, in South County which could potentially impact the quality of life within the County. All services will be fully funded by Cal Flats.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health and Human Services
- Infrastructure
- Public Safety

Prepared by: Erik V. Lundquist, AICP, HCD-Chief of Planning
Approved by: Mike Novo, HCD-Interim Director

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Erik Lundquist
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The following attachments are on file with the Clerk of the Board:

- Attachment A - Board Resolution Adopting Cal Fire Agreement No. 4CA05187
- Attachment B - Cal Fire Agreement No. 4CA05187
- Attachment C - Funding Agreement with Cal Flats