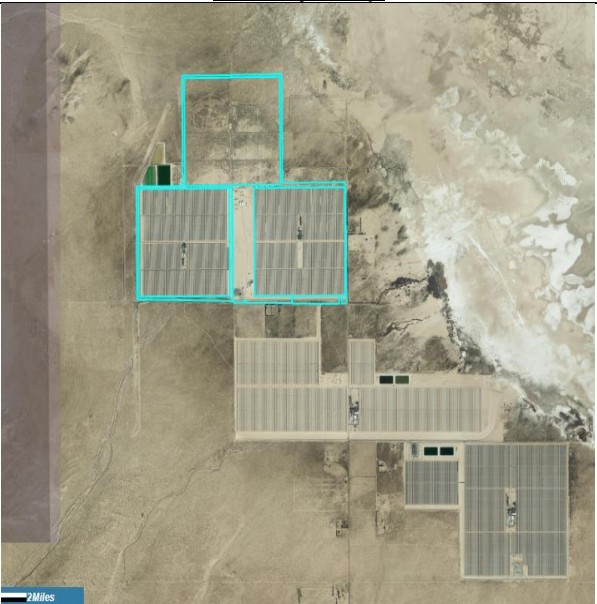




# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: October 3, 2019	AGENDA ITEM #4
Project Description	Vicinity Map
<p><b>APN:</b> 0490-101-55 (Multiple Parcel Associations)</p> <p><b>Applicant:</b> SIMON DAY/LOCKHART SOLAR PV, LLC</p> <p><b>Community/Supervisory District:</b> HINKLEY 1<sup>ST</sup> SUPERVISORIAL DISTRICT</p> <p><b>Location:</b> 43880 HARPER LAKE ROAD HINKLEY, CA 92347</p> <p><b>Project No:</b> P201900125</p> <p><b>Staff:</b> ANTHONY DELUCA/SENIOR PLANNER</p> <p><b>Rep:</b> NOELLE STEELE/MICHAEL BAKER INTERNATIONAL</p> <p><b>Proposal:</b> A CONDITIONAL USE PERMIT TO DECOMMISSION AN EXISTING 160 MW SEGS VIII AND IX CONCENTRATED THERMAL SOLAR FACILITY AND REDEVELOP AS A PHOTOVOLTAIC (PV) SOLAR FACILITY AND ASSOCIATED INFRASTRUCTURE WITH NO EXPANSION OF THE 1,073 ACRE SITE OR CAPACITY</p>	

Hearing Notices Sent On: September 20, 2019

Report Prepared By: Anthony DeLuca

## SITE INFORMATION

**Parcel Size:** 1,073 Acres  
**Terrain:** Gently sloping  
**Vegetation:** Developed site

## SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Developed Thermal Solar Facility	Rural Living (RL)
North	Vacant	Rural Living (RL)
South	Vacant/Water Well Site	Rural Living (RL)
East	Vacant	Rural Living (RL)
West	Vacant	Rural Living (RL)

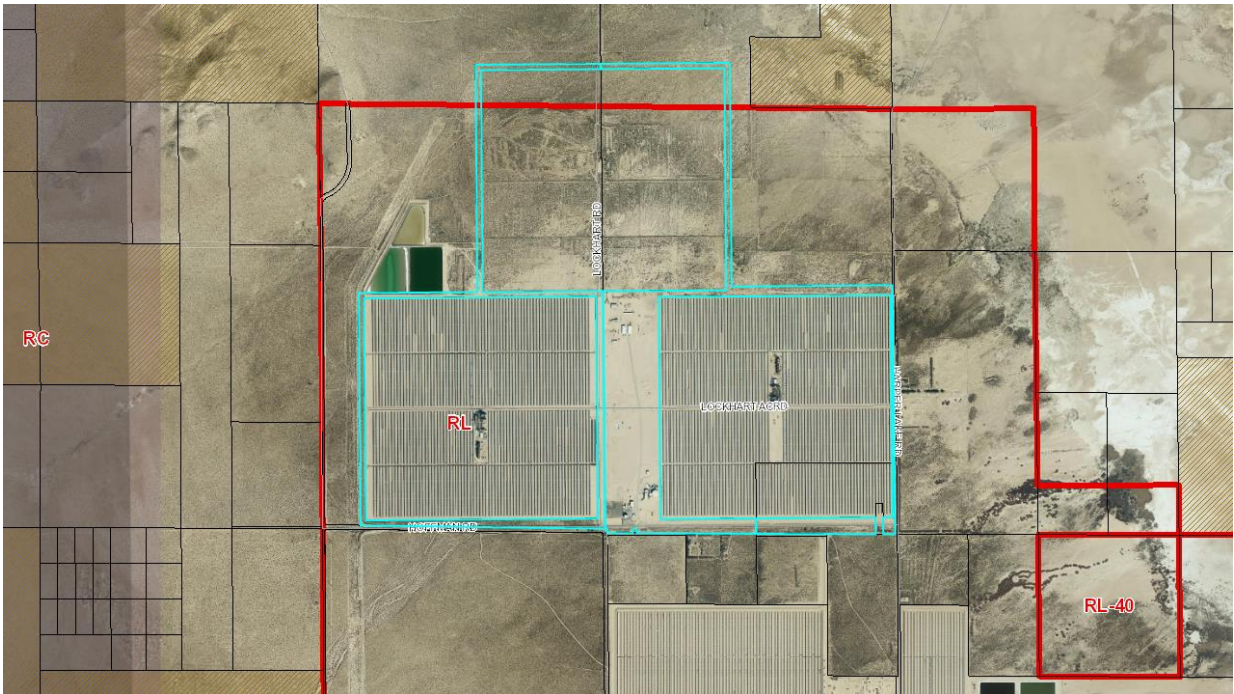
	AGENCY	COMMENT
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	Existing On site well
Sewer Service:	N/A	Existing Septic System

## STAFF RECOMMENDATION:

That the Planning Commission **ADOPT** the Notice of Exemption, **ADOPT** the Findings, **APPROVE** the Conditional Use Permit based on the recommended findings and subject to the Conditions of Approval, and **DIRECT** Staff to File a Notice of Exemption<sup>1</sup>.

<sup>1</sup> In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Board of Supervisors.

**VICINITY MAP AND  
OFFICIAL LAND USE DISTRICT MAP**



*Figure 1 Land Use Designations*



*Figure 2 Area of Proposed Reconstruction*



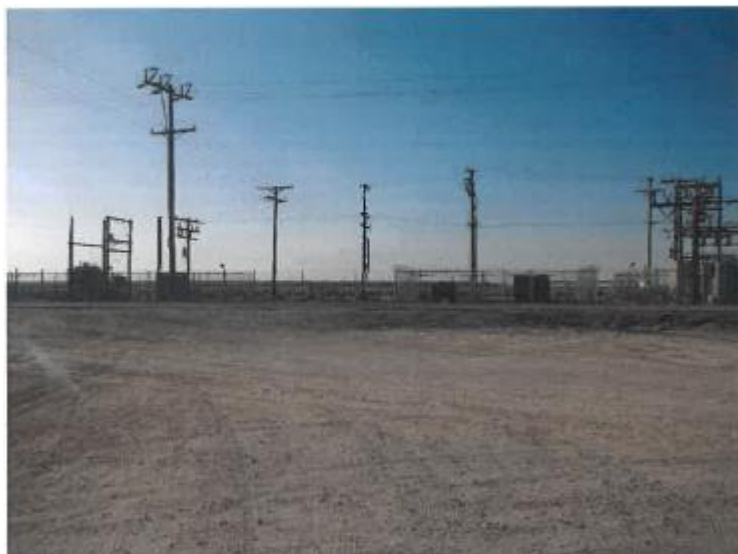




## SITE PHOTOS



*Figure 3 View from Project Site toward the North*



*Figure 4 View from Project Site toward the South*





***Figure 5 View of Project Site toward the East***



***Figure 6 View of Project Site toward the West***



## **PROJECT DESCRIPTION AND BACKGROUND:**

The applicant is requesting approval of a Conditional Use Permit (CUP) involving the decommissioning and demolition of a previously permitted 160-megawatt (MW) SEGS VIII and IX concentrated solar thermal power facility on 1,073 acres and the redevelopment, at the same location, of a new photovoltaic (PV) solar facility including a 160 MW Battery Energy Storage System (BESS), and associated infrastructure necessary to generate up to a combined 160 megawatts (MW) AC of renewable electrical energy and/or energy storage capacity (Project). This is the same amount of electricity generated by the current facility being replaced.

Power generated by the proposed Project would be transferred to the Kramer Junction substation utilizing the existing 13.8-mile 220 kV gen-tie line. The new solar PV facilities would consist of solar arrays mounted on either fixed or single-axis tracking structures mounted to vertical posts. The solar facilities would operate year-round during the daylight hours.

Depending on the type of technology (modules) used, the panels would measure between four and seven feet in length, and the total height of the panel system measured from ground surface would be approximately seven to 12 feet. The length of each row of panels would be approximately 300 feet and would be oriented in the east-west direction in the case of a fixed-mount array being used, and oriented in the north-south direction in the case of single-axis trackers being used.

Access roads would be located throughout the Project area. Spacing between each solar panel row would be approximately eight to 22 feet. Single-axis tracking systems would employ a motor mechanism that would allow the arrays to track the path of the sun (from east to west) throughout the day. The motors would be installed after the horizontal cross-members are in place. In the morning, the panels would face the east. Throughout the day, the panels would slowly move to the upright position at noon and on to the west at sundown. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise.

The County Planning Division sent out the Notice of Hearing on September 20, 2019, advertising the Planning Commission Hearing to be held on October 3, 2019.

## **PROJECT ANALYSIS:**

Renewable Energy Regulation: Over the last decade or more, the state has mandated that public utilities acquire more renewable energy, including solar-generated electricity. The resulting influx of applications to the County for commercial solar energy generation projects, coupled with concerns about the adequacy of the County's land use regulation of such projects, prompted the Board of Supervisors (Board) to enact a temporary moratorium on June 12, 2013 (Item 12). On December 17, 2013 (Item No. 103), the Board adopted an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities, of the Development Code and terminating the moratorium. These amendments established 31 specific findings that must be made for approval of a commercial solar energy generation project.

On August 8, 2017 (Item 51), the Board adopted the Renewable Energy and Conservation Element of the General Plan (RECE), defining County goals and policies related to renewable energy and energy conservation, including policies governing siting and development of renewable energy generation projects. As proposed by staff, RECE contained Policy 4.10, which prohibited utility-oriented renewable energy (RE) project (10 MW and greater) in areas zoned Rural Living (RL) or areas within defined community plans. The Board adoption of the RECE excluded Policy 4.10, but staff was directed to return the siting issue to the Planning Commission for further study.

The Planning Commission conducted a public hearing on May 24, 2018, recommending that the Board (1) amend the RECE by adopting Policy 4.10<sup>1</sup>, (2) amend Policy 5.2 to add existing energy generation

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<sup>1</sup> With the suggestion that the Board, under its purview, consider moderating the policy so as to avoid a blanket prohibition of utility-oriented renewable energy generation projects in Rural Living zoning districts.

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sites to those identified as suitable for utility-oriented renewable energy generation projects, and (3) add Policy 5.9 (collaborating with utilities, the California Energy Commission, and the Bureau of Land Management to plan for renewable energy generation facilities to be located on public lands, apart from existing unincorporated communities). Thereafter, on February 28, 2019 (Item 1), the Board considered and adopted the Planning Commission recommendation.

With the adoption of Policy 4.10, a newly proposed utility-oriented RE project is prohibited in RL Land Use Districts. The Project site in this case is located within a RL Land Use District but remains consistent with the RECE because the Project is an upgrade to an existing commercial solar energy facility. The Project includes the decommissioning and demolition of the existing thermal power facility and the redevelopment of the proposed PV solar facility within the existing solar site and with no expansion of the existing footprint. The Project is consistent with RE Policy 5.2(x), adopted at the same time as Policy 4.10, which includes existing energy generation sites, like the Project site, as a suitable location for utility-oriented RE generation projects.

In order to ensure future consistency with the County's RECE goals and policies, a proposed zoning change from RL to Resource Conservation (RC) is being recommended with the land use changes in the upcoming Countywide Plan update. This action will be part of a larger effort aimed at existing RE project sites, which would allow existing solar facilities to remain in compliance with County Development Code Standards.

In order to approve a commercial solar facility, in addition to making the findings required under Section 85.06.040(a) of the County Development Code relative to a CUP, the Project must meet the Required Findings for Approval of a Commercial Solar Energy Facility Section 84.29.035. Considering the recently adopted RECE, and proposed revisions to the Countywide Plan update, the Planning Commission will be able to make these additional findings. Exhibit A "Findings" discusses in detail the Project's consistency with Development Code Section 84.29.065 pertaining to the development of commercial solar facilities.

Fencing: Existing security fencing and electronic gates will be used for the Project. Desert tortoise fencing is already in place and will continue to be maintained for the life of the Project (see **Figure 7** below).



***Figure 7 Existing Tortoise Fencing***



Interconnection to the Grid: The Project would also require telecommunication facilities to meet the communication requirements for interconnecting with the Kramer Junction Substation and to support remote Project operations monitoring. To provide for communication, a fiber-optic cable would be placed on the gen-tie line poles and a microwave system or an underground fiber optic cable installed within the existing transmission line roadway would be used to provide redundant communications required by Southern California Edison (SCE). The Project would use local exchange carrier services with Frontier, already in use, for telecommunication to support remote monitoring requirements.

The Project will also utilize a Supervisory Control and Data Acquisition (SCADA) system. The SCADA system is critical to the California Independent System Operator (CAISO) and SCE utility interconnection, and for the proper operation and maintenance, which uses proprietary software; a fiber-optic transmission system; a telephone, radio, and/or microwave communication network; and other means of communication such as radio links and phase loop communication systems. The SCADA system functions as a remote start, stop, reset, and tag out for the facility, thus minimizing the manpower and site diagnostic information generated from the panels. The SCADA system would also control the substations, allowing for fully centralized Project operation to meet all CAISO and utility interconnection requirements.

Operations and Maintenance: Typical operations and maintenance activities that would occur on the Project site during operation include, but are not limited to, liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; repair and maintenance of solar facilities, substations, electrical transmission lines, and other Project facilities; and periodic panel washing.

Solid and Non-Hazardous Waste: The Project would produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid waste, including the typical refuse generated by workers. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

Hazardous Waste: Limited amounts of hazardous materials would be stored or used on the site during operations, including diesel fuel, gasoline and motor oil for vehicles, mineral oil to be sealed within the transformers, and lead-acid-based and/or lithium-ion batteries for emergency backup. Appropriate spill containment and cleanup kits would be maintained during operation of the Project.

Parking: Chapter 83.11, section 83.11.040 table 83-15 requires eleven (11) spaces including one (1) ADA accessible space for a commercial building with the Project's proposed square footage. A total of fifty-seven (57) parking spaces are proposed including three (3) ADA van accessible space.

Setbacks: Setback requirements as described in Chapter 82.05, section 82.05.060 table 82-13B for the RL Land Use District Desert Region are as follows: Front (25'), Side-Street Side (25'), Side-Interior (20'), Rear (20'). The proposed Project meets all required setbacks for the proposed land use and the existing zoning.

Hours of Operation: The facility is intended to operate year round and would generate electricity during the daylight hours. The facility would be designed to produce up to a combined 160MW of solar power and/or energy storage capacity at the point of interconnection to the transmission grid.

Water Service: Existing water wells will be utilized for non-potable water, while potable water will be delivered via contract with Sparkletts or a similar provider.

Sewer System: An existing Onsite Water Treatment System (OWTS) will continue to be utilized.

## **ENVIRONMENTAL REVIEW:**



Planning Staff has determined that the Project proposal is exempt from the California Environmental Quality Act (CEQA) as a Class 2 Categorical Exemption under Section 15302(c) of the CEQA Guidelines related to replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The new structures will be located on the same site and within the same footprint and will have the same solar utility purpose and capacity as the structures being replaced. In addition, the proposed facility reduces water usage and visual impacts through reduced panel heights, and reduces GHG emissions by shutting down the existing gas fired heaters.

In compliance with CEQA, the proposed Project is exempt pursuant to CEQA Guideline Section 15302(c); "Replacement or Reconstruction" (c) *replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity*. Therefore, the filing of a Notice of Exemption is recommended. The exemption adopted for this Project reflects the County's independent judgment in making this determination.

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**RECOMENDATION: That the Planning Commission:**

1. **ADOPT** the Notice of Exemption;
2. **ADOPT** the Findings as contained in the staff report;
3. **APPROVE** the Conditional Use Permit involving the decommissioning of the previously permitted 160-megawatt (MW) SEGS VIII and IX concentrated solar thermal power projects and the redevelopment, at the same location, of a new photovoltaic (PV) solar facility and associated infrastructure necessary to generate up to a combined 160 megawatts (MW) AC of renewable electrical energy and/or energy storage capacity subject to the Conditions of Approval; and
4. **DIRECT** staff to file the Notice of Exemption

**ATTACHMENTS:**

**EXHIBIT A:** Findings  
**EXHIBIT B:** Conditions of Approval  
**EXHIBIT C:** Site Plan  
**EXHIBIT D:** Letter of Intent



## **EXHIBIT A**

### **Findings**



## **FINDINGS: CONDITIONAL USE PERMIT**

A Conditional Use Permit (CUP) involving the decommissioning of a previously permitted 160-megawatt (MW) SEGS VIII and IX concentrated solar thermal power facility and the redevelopment, at the same location, of a new photovoltaic (PV) solar facility and associated infrastructure necessary to generate up to a combined 160 megawatts (MW) AC of renewable electrical energy and/or energy storage capacity on 1,073 acres in the Rural Living (RL) land use district: Hinkley (Project).

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for the Project:

**1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The proposed Project would include the development of solar facilities and associated infrastructure with the capacity to generate up to 160 MW of renewable electric energy and/or energy storage capacity utilizing the same footprint as the existing thermal solar facility to be decommissioned. Power generated by the proposed Project would be transferred to the Kramer Junction substation utilizing the existing 13.8-mile 220 KV gen-tie line. The solar facilities would use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facilities would operate year-round and would generate electricity during the daylight hours. All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning. Existing security fencing and electronic gate will be used for the Project. Desert tortoise fencing is already in place and will continue to be maintained for the life of the project. Chapter 83.11, section 83.11.040 table 83-15 requires eleven (11) spaces including one (1) ADA accessible space for a commercial building with this proposed square footage. A total of fifty-seven (57) parking spaces are proposed, including three (3) ADA van accessible space, for the Project.

**2. The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

The Project site is 1,073 acres including three (3) parcels located at 43880 Harper Lake Road in an unincorporated area of San Bernardino County in the community of Hinkley. The site for the proposed use has adequate access. Access roads would be located throughout the Project area. Spacing between each solar panel row would be approximately eight to 22 feet. Single-axis tracking systems would employ a motor mechanism that would allow the arrays to track the path of the sun (from east to west) throughout the day.

**3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.**

The Project is conditioned to comply with the Development Code with respect to noise, vibration, lighting and glare. The Project will comply with Chapter 83.01 General Performance Standards for glare and lighting, noise, vibration, and other disturbances pursuant to the Development Code. The Project is also a replacement or reconstruction of an existing utility system and/or facility involving negligible or no expansion of capacity. The new structures associated with the Project will be located on the same site and within the same footprint and will have the same solar utility purpose and capacity as the structures being replaced. The proposed facility reduces water usage and visual impacts through reduced panel heights, and reduces GHG emissions by shutting down the existing gas fired heaters.



**4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan, Renewable Energy and Conservation Element (RECE) and any applicable Community or Specific Plan.**

The proposed Project, together with the provisions for its design and improvement, is consistent with the County General Plan and RECE. The Project specifically implements the following goals, policies and objectives from the RECE adopted August 8, 2017 (amended February 2019):

Goal LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

**Consistency:** The Project site is in the same location as the thermal solar facility on SEGS VIII and IX to be decommissioned and will utilize existing infrastructure to the greatest extent possible. The facility is adjacent (north) to 1,750 acre Mojave Solar site. The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The Project is not located within a quarter of a mile of any residential developments or single residences. The project design includes setbacks from roads as well as fencing to shield the facility from public view. Decommissioning of the site will occur in compliance with Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the project.

Goal CO 8: The County will minimize energy consumption and promote safe energy extraction, uses and systems to benefit local regional and global environmental goals.

**Consistency:** The Project is located on the site of an existing energy generation site. The Project will include a new photovoltaic (PV) solar facility and associated infrastructure necessary to generate up to a combined 160 megawatts (MW) AC of renewable electrical energy and/or energy storage capacity on 1,073 acres. The use of clean air technologies on the Project site will ensure good air quality for the County residents, businesses, and visitors by way of safe energy extraction, uses and systems.

RE Goal 5: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.

**Consistency:** The Project is located on the site of an existing energy generation site. The proposal is to convert from Thermal Solar generation to Photovoltaic (PV) Solar within the same footprint of the existing energy generation site in the unincorporated community of Hinkley. Considering features of the site design and the proximity to other solar generation facilities, the Project is appropriately sited and compatible with County standards, local values, community needs and environmental and cultural resource protection priorities.

RE Objective 5.2: Utility-oriented Renewable Energy (RE) facilities will be subject to site selection criteria consistent with County priorities expressed in the RECE.

**Consistency:** The Project is located on the site of an existing energy generation site.

RE Policy 5.2(x): Utility-oriented RE generation projects on private land in the unincorporated County will be limited to the site-type below, in addition to meeting criteria established in the RECE and Development Code: ... (x). Existing energy generation sites.

**Consistency:** The Project is located on the site of an existing energy generation site. The proposal is to convert from Thermal Solar generation to PV Solar within the same footprint of the existing energy generation site in the unincorporated community of Hinkley. Considering features of the site design, the RECE, the Development Code, and the proximity to other solar generation facilities, the Project is appropriately sited and compatible with the surrounding area.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels.**

During construction, the primary community infrastructure utilized by the Project will be the road system. Existing roadways that serve the Project site include Harper Lake Road, and Hoffman Road. A Construction Management Plan is required prior to any grading activities which will ensure that all public roadways utilized during construction will be maintained. Sewer service will utilize the existing approved septic system.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.**

The Project conditions of approval include measures that require the developer to comply with the performance measures outlined in the Development Code. The Project has been evaluated by County departments and as part of the environmental review process to respond to specific development needs and reduce potential environmental impacts.

7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.**

The sole purpose of the proposed Project is to decommission an existing thermal solar facility, and construct and operate a photovoltaic solar generating facility that will contribute significant quantities of renewable energy for use by the larger public.

#### **FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Planning Staff determined that the Project proposal is exempt from the California Environmental Quality Act (CEQA) as a Class 2 Categorical Exemption under CEQA Guidelines Section 15302(c): Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The new structures will be located on the same site and within the same footprint and will have the same solar utility purpose and capacity as the structures being replaced. In addition, the proposed facility reduces water usage and visual impacts through reduced panel heights, and reduces GHG emissions by shutting down the existing gas fired heaters.

Therefore, the filing of a Notice of Exemption is recommended. The exemption adopted for this Project reflects the County's independent judgment in making this determination.



## **FINDINGS: COMMERCIAL SOLAR FACILITY**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 84.29.035, and supporting facts for approval of the Project as a Commercial Solar Facility. In making this findings, the review authority has considered (1) the characteristics of the Project's commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the Project in relation to nearby communities, neighborhoods, and rural residential uses; and (2) the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether within a city or unincorporated territory, or on State or Federal land. The findings of fact for Development Code Section 84.29.035, subdivision (c), are as follows:

**Finding (c)(1): The proposed commercial solar energy facility is either (A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (B) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.**

***Consistency.** The Project site is in the same location as the thermal solar facility on SEGS VIII and IX to be decommissioned and will utilize existing infrastructure to the greatest extent possible. The facility is adjacent (north) to 1,750 acre Mojave Solar site. The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The Project design includes setbacks from roads as well as fencing to shield the facility from public view.*

**Finding (c)(2): Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility will minimize the visual impact of the Project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.**

***Consistency.** Existing security fencing and electronic gate will be used for the Project. Desert tortoise fencing is already in place and will continue to be maintained for the life of the Project. Permanent motion sensitive directional security lights will be installed to provide illumination around the substation areas and points of ingress/egress. All lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. There will be less visual impacts with lower profile PV panels (current solar mirror troughs are at least 20 feet tall and new PV will be about 12 feet in height), there will be no power block and no cooling tower plume.*

**Finding (c)(3): The siting and design of the proposed commercial solar energy generation facility will be either: (A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.**

***Consistency.** The site is located on a previous solar development, with existing electric transmission lines and transportation uses. The Project is adjacent to an existing solar site, with additional solar facilities within the general area. The facility will be compatible with the overall character of the area.*

**Finding (c)(4): The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site.**

**Consistency.** *A minimum 26-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width. There will be no additional visual impact to the surrounding area due to the Project being developed on an existing solar site.*

**Finding (c)(5):** The proposed commercial solar energy generation facility will not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or will be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).

**Consistency.** *No element of the proposed project is expected to impact the feasibility of financing infrastructure development for the local area. The site will continue to be served by onsite wells for non-potable water and delivered water for drinking. No additional infrastructure for sewer is proposed.*

**Finding (c)(6):** The proposed commercial solar energy generation facility will not adversely affect to a significant degree the availability of groundwater supplies for existing communities and existing and developing rural residential areas.

**Consistency.** *The Project will be using water from existing on-site wells. The Project's demand for water is not expected to exceed the water allotted to the landowners who are part of the project. There would be less water usage and wastewater generated with the shut-down of steam turbine generators and would not adversely affect availability of groundwater supplies to a significant degree.*

**Finding (c)(7):** The proposed commercial energy generation facility will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.

**Consistency.** *Minimal site grading is proposed for the majority of the site with finished topographical grades being similar to existing conditions, and less than five percent on average.*

**Finding (c)(8):** The proposed commercial solar energy generation facility will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that: (A) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the project site and the location and capacity of the transmission grid, (B) new electrical generation tie lines will be co-located on existing power poles whenever possible, and (C) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.

**Consistency.** *The Project is designed to include use of existing transmission and access infrastructure in the area developed for the existing solar site, including transmission lines, utility corridors and roads. The Project will connect and deliver its output to the existing Kramer Junction Substation.*

**Finding (c)(9):** The proposed commercial solar energy generation facility will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.

**Consistency.** *The Project site has been mostly disturbed by previous industrial or agricultural activities. A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the*



*potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. No special-status plant or wildlife species or vegetation communities were observed within or surrounding the survey area. In addition, based on 9-quadrangle database record searches it was determined that ten special-status plant species and sixteen special-status wildlife species known to occur within the vicinity of the survey area are either not expected or have a low potential to occur within the survey area. Due to the highly disturbed areas of bare ground, open water and developed areas (i.e. solar fields and associated infrastructure, evaporation ponds and open areas) bird nesting opportunities and wildlife movements are limited and restricted. No U.S. Fish and Wildlife Service designated critical habitat has been mapped within the survey area.*

**Finding (c)(10): Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.**

***Consistency.** The Project includes measures to minimize the growth of invasive weeds during and following construction.*

**Finding (c)(11): The proposed commercial solar energy generation facility will be located so as to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes.**

***Consistency.** As a previously developed utility scale solar site the Project falls under CEQA exemption 15302 (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. Any cultural resources discovered during decommissioning and construction activities are addressed in the final conditions of approval for the Project which includes cultural, historic, and Native American sacred discoveries.*

**Finding (c)(12): The proposed commercial solar energy generation facility will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.**

***Consistency.** The Project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction.*

**Finding (c)(13): The proposed commercial solar energy generation facility will not be located within a floodway designated by the Federal Emergency Management Agency (FEMA), has been evaluated for flood hazard impacts pursuant to Chapter 82.14 of the Development Code, and will not result in increased flood hazards to upstream or downstream properties.**

***Consistency.** The Project is located within Flood Zone D according to FEMA Panel Number 06071C3250H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit.*

**Finding (c)(14): All on-site solar panels, switches, inverters, transformers, and substations shall be located at least one foot above the base flood elevation as shown on the Flood Insurance Rate Maps.**

***Consistency.** Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. Mitigation measures that will be implemented by the Developer will minimize impacts.*

**Finding (c)(15): For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential**

**channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.**

***Consistency.** The Project site is located approximately 0.5 miles west of Harper Dry Lake and sited to avoid potential channel migration zones and associated erosion impacts.*

**Finding (c)(16): For proposed facilities located on prime agricultural soils or land designated by the California Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, where use of the land for agricultural purposes is feasible, the proposed commercial solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.**

***Consistency.** The proposed Project will be located on an existing solar site using the same footprint. There will be no expansion of the existing footprint. The existing developed site does not contain agricultural land and would not have an adverse effect on the agricultural viability of surrounding lands.*

**Finding (c)(17): If the proposed site is subject to a Williamson Act contract, the proposed commercial solar energy generation facility is consistent with the principals of compatibility set forth in California Government Code Section 51238.1.**

***Consistency.** The Project site is not subject to Williamson Act contracts.*

**Finding (c)(18): The proposed commercial solar energy generation facility will not preclude access to significant mineral resources.**

***Consistency.** The Project site is not located in an area of known, significant mineral resources. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.*

**Finding (c)(19): The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.**

***Consistency.** The Project would avoid any further modification of scenic natural formations, as no designated scenic natural formations as identified by the County are located at the Project site.*

**Finding (c)(20): The proposed commercial solar energy generation facility will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure.**

***Consistency.** The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust.*

**Finding (c)(21): All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.**

***Consistency.** The Project will apply dust control measures in compliance with permit conditions and MDAQMD regulations.*



**Finding (c)(22):** For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility.

*Consistency.* The Project is not located within a quarter of a mile of any residential developments or single residences.

**Finding (c)(23):** Any unpaved roads and access ways will be treated and maintained with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust, and paving requirements will be applied pursuant to Chapter 83.09 of the Development Code.

*Consistency.* The applicant will prepare a Dust Control Plan for review and approval by the County and Mojave Desert Air Quality Management District. Included in the plan will be treatments and measures designed to the specific conditions of the project site so as to provide effective dust control.

**Finding (c)(24):** On-site vehicle speed will be limited to 15 miles per hour.

*Consistency.* The applicant will post and enforce speed limit of 15 miles per hour for on-site vehicles.

**Finding (c)(25):** For proposed commercial solar energy generation facilities within two (2) miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature along the main access roads to the park (Park Boulevard and Utah Trail), nor will it substantially impair views from hiking/nature trails, campgrounds, and backcountry camping areas within the National Park.

*Consistency.* The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 90 miles to the southeast.

**Finding (c)(26):** For proposed facilities within two (2) miles of the Mojave National Preserve boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Preserve.

*Consistency.* The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 70 miles to the east.

**Finding (c)(27):** For proposed facilities within two (2) miles of Death Valley National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Park.

*Consistent.* The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 50 miles to the north.

**Finding (c)(28):** For proposed facilities within two (2) miles of the boundaries of a County, state or federal agency designated wilderness area, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, the designated wilderness area.

*Consistency.* The Project is not located within 2 miles of County, state or federal agency designated wilderness area.

**Finding (c)(29):** For proposed facilities within two (2) miles of the boundaries of any active military base, the location, design, and operation of the proposed commercial solar energy facility will not substantially impair the mission of the facility.

**Consistency.** *The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 25 miles to the southeast. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

**Finding (c)(30):** When located within a city's sphere of influence, in addition to other County requirements, the proposed commercial solar energy facility will also be consistent with relevant city zoning requirements that would be applied to similar facilities within the city.

**Consistency.** *The Project site is not located within the Sphere of Influence of a city. The City of Barstow is located approximately 20 miles southeast of the Project site.*

**Finding (c)(31):** On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of commercial solar energy generation facility sites should energy production cease for a continuous period of 180 days and/or if the site is abandoned.

**Consistency.** *Decommissioning of the site will occur in compliance with Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the project.*



## **EXHIBIT B**

### **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

Lockhart Solar PV, LLC  
Conditional Use Permit

### **GENERAL REQUIREMENTS** Ongoing and Operational Conditions

#### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. **Project Approval Description.** A Conditional Use Permit to decommission an existing 160 megawatt (MW) concentrated solar thermal facility and redevelop the site with a new 160 MW photovoltaic (PV) solar facility, with a 160 MW PV/Battery Energy Storage System (BESS), including associated infrastructure with no future expansion of capacity. Located at 43880 Harper Lake Road, in the Community of Hinkley; (APNs: 0490-101-55, 0490-101-56, 0490-111-14, and 0490-223-32), Project No. P201900125.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Service Commercial (CS) land use designation, the California Building Codes (CBC), the California Fire Code (CFC), the Conditions of Approval, contained herein, and the approved site plan dated September 19, 2019.

2. **Project Location.** The Project site is a total of approximately 1,073-acres located at 43880 Harper Lake Road in an unincorporated area of San Bernardino County in the community of Hinkley.
3. **Revisions.** Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer’s indemnification obligation applies to the indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

5. **Expiration.** This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:

- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
- b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
  - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
  - The land use is determined by the County to be abandoned or non-conforming.
  - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Project account number is P201900125. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
  - Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.



10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- FEDERAL: N/A;
  - STATE: Lahontan RWQCB, Mojave Desert AQMD
  - COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
  - LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible;

these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.

- I. Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - a. All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - b. All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - c. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
  - a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
  - b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this

project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

- c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
- d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

#### **LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311**

- 21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
- 22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

- 23. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
- 24. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
- 25. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
- 26. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

#### **PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

- 27. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.
- 28. Septic System Maintenance. The septic system shall be properly maintained, not create a public nuisance, and be serviced by a DEHS permitted sewage pumper.
- 29. Noise. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080

#### **COUNTY FIRE DEPARTMENT–Community Safety Division (909)386-8465**

- 30. Constriction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance,



or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

31. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
32. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01AJ]

#### **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

33. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
34. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
36. Mandatory Commercial Organics Recycling. As of January 2017, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate four (4) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.
37. Demolition Debris – San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste

Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or [solid.wastemail@dpw.sbcounty.gov](mailto:solid.wastemail@dpw.sbcounty.gov).

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**PRIOR TO ISSUANCE OF GRADING PERMITS  
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

38. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a. Implement the approved Coating Restriction Plans.
  - b. Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
  - c. Grading contractor shall provide and implement the following when possible:
    1. Training operators to use equipment more efficiently.
    2. Identifying the proper size of equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
    3. Replacing older, less efficient equipment with newer models.
    4. Use GPS for grading to maximize efficiency.
  - d. Grading plans shall include the following statements:
    - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
    - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
  - e. Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
  - f. Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
  - g. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
39. Air Quality. Although the Project does not exceed Mojave Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Air Basin is in non-attainment status for ozone and suspended particulates [PM<sub>10</sub> and PM<sub>2.5</sub> (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
    1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
    2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
    3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
  - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Project will not exceed Mojave Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
    1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
    2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
40. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

41. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
42. Geotechnical (Soil) Report: When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
43. Geology Report: If cut slopes steeper than 2:1 (horizontal to vertical) or grading involving 5,000 cubic yards or more are proposed a geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist.
44. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

45. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties.
46. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3250H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.



47. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
48. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
49. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
50. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
51. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

**PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

52. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

**DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149**

53. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Survey or Section 8771(b) Business and Professions Code.
54. Record of Survey. Pursuant to Sections 8762 (b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- a. Monuments set to mark property lines or corners.
  - b. Performance of a field survey to establish property boundary lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel.
  - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a record of survey.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

55. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. [FOS]

**DEPARTMENT OF PUBLIC WORKS –Traffic Division – (909) 387-8186**

56. Construction Management Plan. The applicant's engineer shall provide a construction management plan to the Department of Public Works, Transportation Operations Division to determine if a maintenance agreement (during construction) with the County will be required. The construction management plan shall show the number of trucks, type of trucks (size), the total number of Equivalent Single Axle Loads (ESALs), and the truck routes to the site for construction. If it is determined that a maintenance agreement is required, the developer shall enter into a maintenance agreement with the County Department of Public Works to

insure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. Prior to issuance of grading permits, the developer/contractor shall contact the Transportation Operations Division at (909) 387-7995 in order to process the maintenance agreement with the County. Please allow a minimum of 12 weeks for the processing of an agreement and obtain approval from the Board of Supervisors. For additional information regarding the maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995. For additional information about the construction management plan, please contact the Department of Public Works - Traffic Division at (909) 387-8186.

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### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

#### **LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311**

57. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
58. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
59. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
  - a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
    - Incorporate dual paned or other energy efficient windows,
    - Incorporate energy efficient space heating and cooling equipment,
    - Incorporate energy efficient light fixtures, photocells, and motion detectors,
    - Incorporate energy efficient appliances,
    - Incorporate energy efficient domestic hot water systems,
    - Incorporate solar panels into the electrical system,
    - Incorporate cool roofs/light colored roofing,
    - Incorporate other measures that will increase energy efficiency.
    - Increase insulation to reduce heat transfer and thermal bridging.
    - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
  - b. Plumbing. All plumbing shall incorporate the following:

- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
  - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
  - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
  - Natural day lighting through site orientation and the use of reflected light.
  - Skylight/roof window systems.
  - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
  - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
  - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
  - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
  - Roofing materials shall have a solar reflectance index of 78 or greater.
  - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
  - Energy Star or equivalent appliances shall be installed.
  - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for



the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

60. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - All sign lighting shall not exceed 0.5 foot-candle.
  - No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
  - Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
61. Special Use Permit. The developer shall submit for review and gain approval for a Special Use Permit (SUP) from County Code Enforcement. Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the developer. Such actions may cause a hearing or an action that could result in revocation of this approval and imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection. As part of this, the developer shall pay an annual public safety services impact fee in accordance with Code §84.29.040(d).
62. Decommissioning Requirements. In accordance with SBCC 84.29.070, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements:
- Closure Plan. Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.
  - Closure Compliance. Following the operational life of the project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would

assure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans shall include the following as applicable:

- Water Quality Management Plan
- Erosion and Sediment Control Plan
- Drainage Report
- Notice of Intent and Stormwater Pollution Prevention Plan
- Air Quality Permits
- Biological Resources Report
- Incidental Take Permit, Section 2081 of the Fish and Game Code
- Cultural Records Report
- The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

#### **LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311**

63. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
64. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for an office trailer (if necessary) will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.
65. Permits: Obtain permits for all structures located on site and all work done without a permit.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

66. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

67. Access. The development shall have a minimum one (1) point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

##### *Single Story Road Access Width:*

All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

##### *Multi-Story Road Access Width:*

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. (F41]

68. Interior perimeter roads shall be 26 foot wide
69. Interior roads between arrays shall be 20 feet wide and located no further than 600 feet apart. Dead end roads shall not exceed 150 feet without an approved fire department turn around.
70. All road ways leading to structures shall be paved or an all-weather surface approved by the fire department.
71. Roadways between arrays and perimeter road around rays are permitted to be compacted native material.
72. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface shall be installed as specified in the General Requirements conditions (Fire #F-9), including width, vertical clearance and turnouts, if required. [F89]
73. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall

not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]

74. Solar I Photovoltaic System Plans. No less than three (3) complete sets of Solar/ Photovoltaic Plans shall be submitted to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building. [F39]
75. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
76. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials. [F94]
77. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]
78. Access - 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. Standard 902.2.1 [F45]
79. Access - 30% slope. Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department. Standard 902.2.1 [F46]
80. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.
  - Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance# 3586 [F52]
81. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

**PUBLIC HEALTH – Environmental Health Services (800) 442-2283**

82. Water Purveyor. Water purveyor shall be EHS approved.
83. A water system permit may/shall be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.

Technical report should include the following:

- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.
- b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent

public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.

- c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.
- d) All sources of domestic water supply for the proposed new public water system.
- e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
- f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
- g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
- h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
- i) Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

84. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to EHS for approval.

85. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).

86. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.

87. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

88. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day.

- Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

89. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

90. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.



**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

91. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201900125.
92. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
93. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
94. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
95. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
96. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.
97. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:
  - Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
  - Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

98. Drainage Improvements. All required drainage improvements if any shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

99. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
100. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

101. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]
102. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
103. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
104. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored onsite. All fire hydrants shall be spaced no more than 300 feet apart (as measured along vehicular travel ways) and no more than 300 feet from any portion of a structure. [F54]
105. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]
106. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan. Standard 704. [F95]
107. Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909) 386-8401**

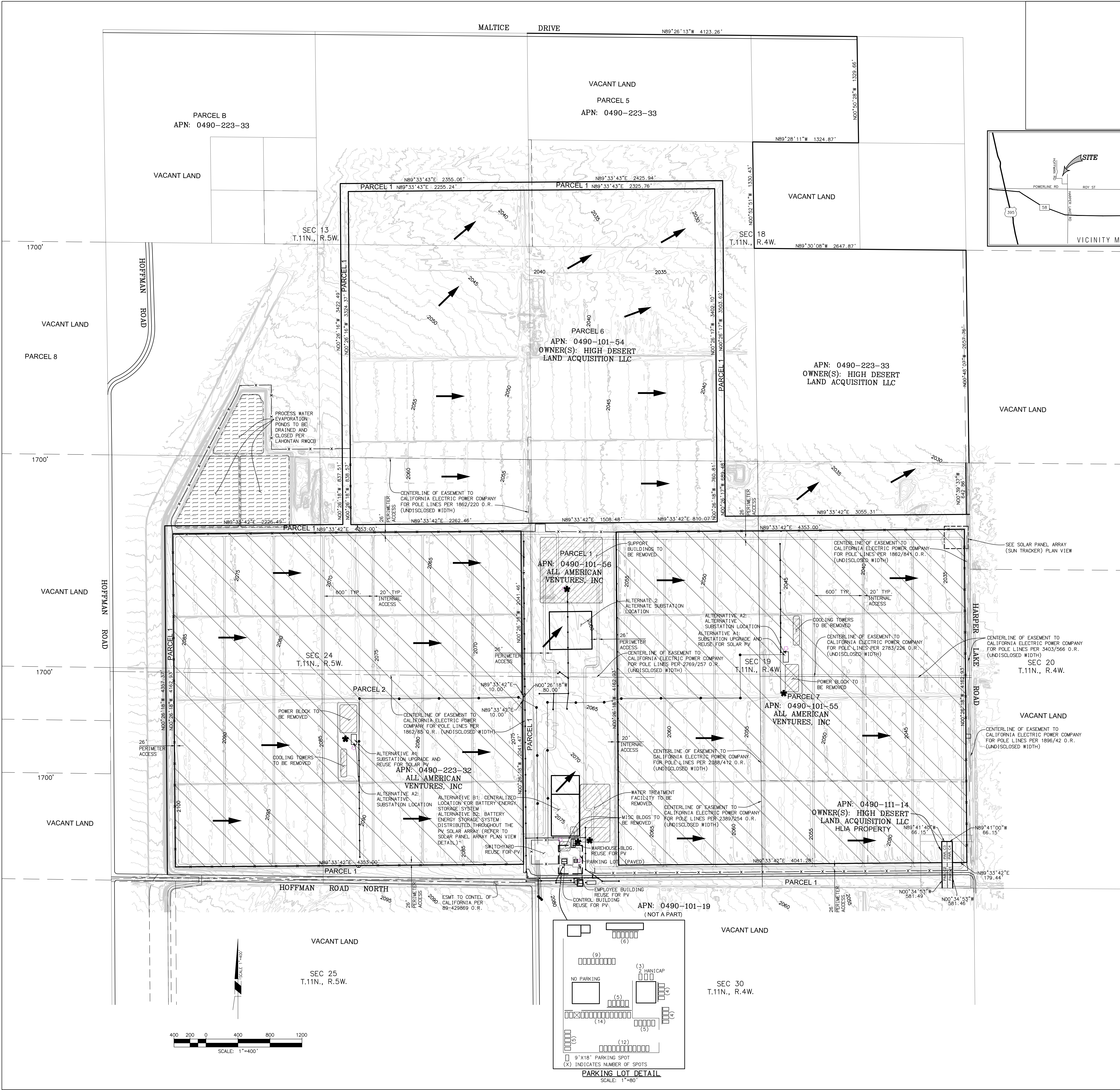
108. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous material permitting requirements: Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>.
109. Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a). Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

**END OF CONDITIONS**

## **EXHIBIT C**

### **Site Plan**





OFFICIAL USE ONLY

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO AND DESCRIBED AS FOLLOWS:

PARCEL A:  
PARCEL NO. 1 OF PARCEL MAP NO. 12194, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 142, PAGE(S) 44 THROUGH 53, RECORDS OF SAID COUNTY.  
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 122 OF PATENTS.  
EXCEPTING ALL OIL AND GAS AND TO IT OR PERSONS AUTHORIZED BY IT THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA TO JAY HUBERT MARSHALL, RECORDED MAY 11, 1927, IN BOOK 231, PAGE(S) 86 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.  
EXCEPT ONE-HALF IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M. BECKER, HUSBAND AND WIFE, TO L.M. LOOKHART, RECORDED OCTOBER 20, 1950 IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.  
APN: 0490-101-56

PARCEL B:  
PARCEL NO. 2 OF PARCEL MAP NO. 12194, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 142, PAGE(S) 44 THROUGH 53, RECORDS OF SAID COUNTY.  
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 122 OF PATENTS.  
EXCEPT ONE-HALF INTEREST IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M. BECKER, HUSBAND AND WIFE, TO L.M. LOOKHART, RECORDED OCTOBER 20, 1950, IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.  
APN: 0490-223-32  
PARCEL NO. 7 OF PARCEL MAP NO. 12194, AS PER MAP RECORDED IN BOOK 142, PAGE(S) 44 THROUGH 53, RECORDS OF SAID COUNTY.  
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 122 OF PATENTS.  
ALSO EXCEPT ONE-HALF IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M. BECKER, HUSBAND AND WIFE, TO L.M. LOOKHART, RECORDED OCTOBER 20, 1950 IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.  
APN: 0490-101-55

PARCEL C:  
PARCEL C-1  
THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.  
EXCEPTING THEREFROM THE EASTERLY 2 ACRES.  
PARCEL C-2  
THE EASTERLY ONE-FIFTH OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.  
PARCEL C-3  
THE SOUTHERLY THREE-QUARTERS OF THE EASTERLY ONE-FIFTH OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.  
PARCEL C-4  
THE SOUTHERLY THREE-QUARTERS OF THE WESTERLY ONE-FIFTH OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.  
APN: 0490-111-14

UTILITIES:

WATER:  
POTABLE WATER TRUCKED IN BY SPARKLETS,  
ADDRESS: PO BOX 800, ROSMEAD, CA 91770  
PHONE #: 1-800-655-4555  
SEWAGE:  
SEPTIC SEWER SYSTEM  
GAS:  
PACIFIC GAS & ELECTRIC  
ADDRESS: PO BOX 997300, SACRAMENTO, CA 95899-7300  
PHONE #: 1-800-743-5000  
ELECTRICITY:  
SOUTHERN CALIFORNIA EDISON  
ADDRESS: PO BOX 800, ROSMEAD, CA 91770  
PHONE #: 1-800-655-4555  
PHONE:  
FRONTIER COMMUNICATIONS  
ADDRESS: 401 MERRIT 7, NORWALK, CT 06851  
PHONE #: 1-877-730-7106  
CABLE TV:  
NO CABLE SERVICE REQUIRED

PARKING SUMMARY:

BUILDING: 10,320 SF  
REQUIRED: 1 SPACE / 1,000 SF = 11 SPACES  
PROVIDED: 54 STANDARD SPACES  
3 ADA SPACES  
57 TOTAL

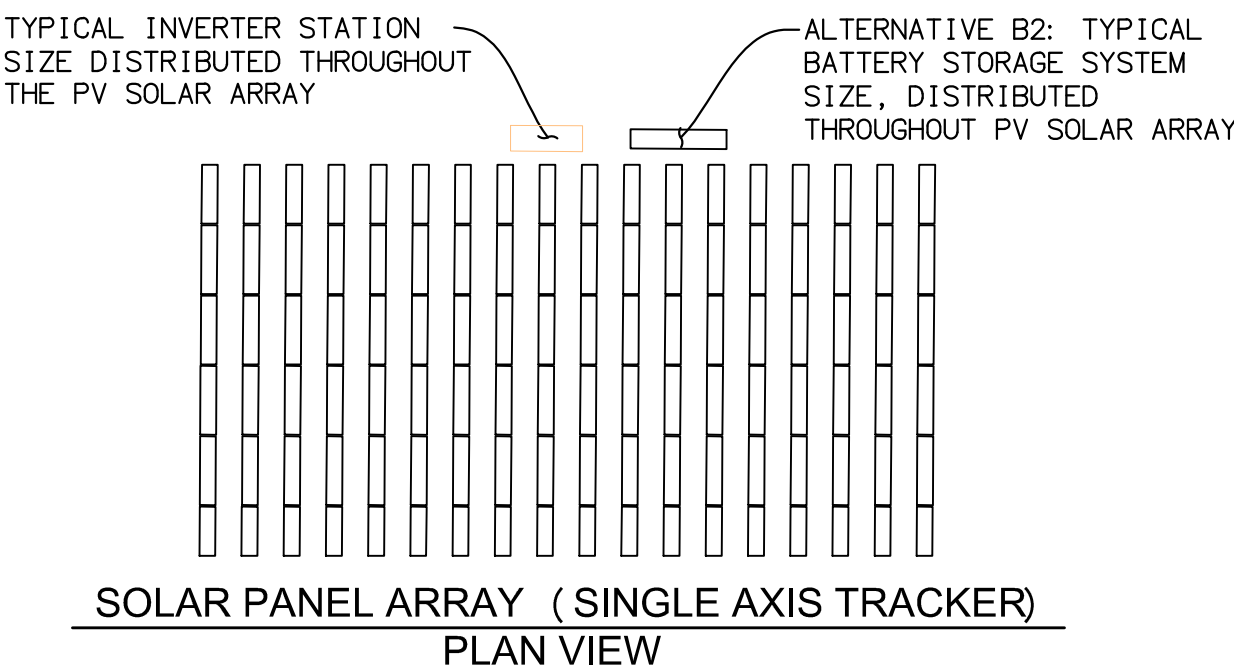
LEGEND

FLOW ARROW  
PROPOSED PV SOLAR FIELDS  
PROPOSED REMOVAL AREA  
OVERHEAD POWER LINES  
STANDARD TRASH & RECYCLE DUMPSTERS 6' X 5'

- \* NO SIGNS PROPOSED
- \* NO PROTECTED PLANTS
- \* NO NEW DEDICATED ROADWAYS

NOTE:

THE FINAL LAYOUT OF PV ARRAYS ARE SUBJECT TO MODIFICATION PURSUANT TO FINAL DESIGN ENGINEERING. HOWEVER, ALL ROADWAYS WILL COMPLY WITH THE 20' FOR INTERIOR AND 26' FOR PERIMETER ROADWAY WIDTHS PER SB COUNTY FIRE AUTHORITY REQUIREMENTS. SHOULD THE LOCATION AND/OR REQUIRED ACCESS ROUTES CHANGE, THEY SHALL BE FOUND IN SUBSTANTIAL CONFORMANCE PROVIDED THE ABOVE CRITERIA IS MET AND WITHIN THE EXISTING AREA OF DEVELOPMENT.



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LOCKHART SOLAR PV  
PLOT PLAN:  
FORMERLY SEGS VII & IX  
CSP POWER PLANTS  
COUNTY OF SAN BERNARDINO  
SHEET 1 OF 1  
DATE: 8/01/2019



## **EXHIBIT D**

### **Letter of Intent**

## **LOCKHART SOLAR LETTER OF INTENT**

This Project description is for the approximately 1,073-acre Lockhart Solar Photovoltaic Project (Project) proposed by the applicant, Lockhart Solar PV, LLC. The proposed Project will involve the decommissioning of the previously CEC permitted 160-megawatt (MW) SEGS VIII and IX concentrated solar thermal power projects and the redevelopment, at the same location, of a new photovoltaic (PV) solar facility and associated infrastructure necessary to generate up to a combined 160 megawatts (MW) AC of renewable electrical energy and/or energy storage capacity.

The applicant for this CUP requests a CEQA Class 2 Categorical Exemption under Section 15302 for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The new structures will be located on the same site and within the same footprint and will have the same solar utility purpose and capacity as the structures replaced. Additionally, operating conditions of the proposed project will have fewer environmental impacts (particularly regarding air emissions, aesthetics and hazardous materials) when compared to the existing conditions.

### **Project Objectives**

The proposed Project would provide San Bernardino County and the State of California with a renewable energy source, that is on previously permitted and disturbed land that would assist the state in complying with the Renewables Portfolio Standard under Senate Bill 350, which requires that by December 31, 2030, 50% of all electricity sold in the state shall be generated from renewable energy sources. The following are the Project objectives:

- Develop a previously disturbed power-generating site that utilizes existing transmission infrastructure in order to minimize environmental impacts.
- Develop a solar PV facility that has the same or less environmental impacts than is currently in operation at the property.
  - Same development footprint
  - Fewer visual impacts with lower profile PV panels (current solar mirror troughs are at least 20 ft tall and new PV will be about 12 ft), no power block and no cooling tower plume
  - Fewer air quality impacts with shut down of gas-fired backup heaters, exhaust towers and cooling towers
  - Less water use and wastewater generated with shut down of steam turbine generator
  - Less hazardous waste generated with no heat transfer fluid needed for solar PV technology
  - Less potential of spills of hazardous materials due to the lack of heat transfer fluid

- Less GHG generated with the shut down of the gas-fired heaters.
- Establish solar PV power-generating facilities of sufficient size and configuration to produce reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power utility companies.
- Use proven and established PV and energy storage technology that is efficient, requires low maintenance, and is recyclable.
- Assist California in meeting its greenhouse gas emissions reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 in 2016.

## **Project Site**

The Project site is in Lockhart, CA, approximately 7 miles north of the intersection of Harper Lake Road and Mojave-Barstow Highway 58. The Project site consists of four parcels, each of which may contain solar, energy storage facilities, or O&M facilities, which together would compose the Project site. Parcel A (APN 0490-223-32) is approximately 416 acres, Parcel B (APN 0490-101-55) is approximately 415 acres, Parcel C (APN 0490-101-56) is approximately 240.7 acres and Parcel D (APN 0490-111-14) is approximately 1.74 acres. The Project site is bordered by Hoffman Road to the south and Harper Lake Road to the East. Its westerly edge follows an unnamed dirt road and its northern edge follows an unnamed dirt road. The Project site is accessed via Harper Lake Road.

An existing 13.8 mile 220 kV generator tie-in line (gen-tie) line currently connects the site to the Kramer Junction substation, which is owned and operated by Southern California Edison (SCE). The solar PV Project would utilize this transmission line. Pending engineering review of remaining equipment life, the Project intends to use and/or upgrade the two existing on-site substations which currently connect to an on-site switchyard and finally to the gen-tie line.

## **Project Overview and Design**

The proposed Project would include the development of solar facilities and associated infrastructure with the capacity to generate up to 160 MW of renewable electric energy and/or energy storage capacity – the same approximate amount of electricity generated with the current project with less environmental impact. Power generated by the proposed Project would be transferred to the Kramer Junction substation utilizing the existing 13.8 mile 220 kV gen-tie line. The solar facilities would use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facilities would operate year-round and would generate electricity during the daylight hours.

The proposed Project consists of two development areas that compose the Project site and may be built in phases pending power purchase agreements. Combined, the solar facilities would generate a total of up to 160 MW of renewable electrical energy and/or energy storage capacity.

Each of the Project's facilities would include solar panels/modules, inverters, internal service roads, and telecommunication equipment, including underground and overhead electrical collection systems and fiber optics. Electrical collection systems would be installed in conjunction with panel arrays within the Project site, connecting each solar panel to a feeder circuit; each feeder circuit would in turn be connected to the collector substation. The solar panel circuits would gather into 13.8 kV or 34.5 kV circuits and step-up to 220 kV at the on-site substations. The power would then be delivered via 220 kV circuits to a grid interconnection point at the Kramer Junction Substation which is owned by Southern California Edison.

The Project would consist of the following components:

- **Solar PV Generating Facilities and Solar Modules:** Installation of solar facilities capable of up to a combined 160 MW of renewable electrical energy and/or energy storage via PV modules made of thin film or polycrystalline silicon material covered by glass, mounted on a galvanized metal fixed-tilt or single-axis racking system and connected to inverters, and/or a commercially viable energy storage facility
- **Collector Substation:** Collector substation(s) including circuit breakers, disconnect switches, metering and protection equipment, and main step-up transformer(s)
  - Alternative A1: This alternative would upgrade the two existing substations located within the central portions of each existing thermal solar array for reuse within the same footprint for the solar PV plant.
  - Alternative A2: This alternative would remove the two existing substations located within the central portions of the thermal solar array and consolidate all substation equipment into a central location between the two sections of the solar PV plant. The substation facility would be located to the north of the California Electric Power Company easement centerline. and would be approximately six acres in size.
- **Battery Energy Storage Station (BESS):** Installation of an energy storage facility and appurtenances that would provide energy storage capacity for the electric grid.
  - Alternative B1: This alternative would construct a consolidated BESS north of the existing switchyard, warehouse building and parking lot. The BESS would be approximately six acres in size.
  - Alternative B2: This alternative would distribute the BESS throughout the solar array. Individual approximately 3MW battery storage facilities would be located adjacent and connected to individual inverter stations.
- **Operations and Maintenance (O&M) building, warehouse and employee building:** An existing O&M/Control building, a warehouse building, and an employee training building will continue to be used on site for operations and maintenance of the solar PV plant

- **Electrical Collector System and Inverters:** Overhead and underground collection systems throughout the solar facilities (the collection systems would be aggregated at multiple circuit breakers or medium-voltage switchgear positions within the Project facilities, leading to the collector substation)
- **Gen-Tie Power Line and Interconnection with the Statewide Grid:** An existing 13.8 mile gen-tie transmission line will be used for the Project
- **Telecommunication Facilities:** Telecommunication equipment, including underground and overhead fiber optics, microwave, and meteorological data collection systems or supervisory control and data acquisition (SCADA)
- **Site Access and Security:** On-site access roads and existing perimeter security fencing and nighttime directional lighting

The facilities are intended to operate year-round and would be designed to produce up to a combined 160 MW of solar power and/or energy storage capacity at the point of interconnection to the transmission grid.

#### Solar PV Generating Facilities and Solar Modules

Solar modules for the proposed Project would be provided on either a fixed-mount array system or a single-axis tracker system. Depending on the type of technology (modules) used, the panels would measure between 4 and 7 feet in length, and the total height of the panel system measured from ground surface would be approximately 7 to 12 feet. The length of each row of panels would be approximately 300 feet and would be oriented in the east–west direction in the case of a fixed-mount array being used, and oriented in the north–south direction in the case of single-axis trackers being used.

Access roads would be located throughout the Project area. Spacing between each solar panel row would be approximately 8 to 22 feet. Single-axis tracking systems would employ a motor mechanism that would allow the arrays to track the path of the sun (from east to west) throughout the day. The motors would be installed after the horizontal cross-members are in place. In the morning, the panels would face the east. Throughout the day, the panels would slowly move to the upright position at noon and on to the west at sundown. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise.

#### Energy Storage Facility

Adjacent to the on-site switchyard and/or throughout the solar arrays, energy storage systems are proposed. The energy storage batteries would be housed within air-conditioned connex-type structures. The batteries are housed in open-air-style racking 10 to 12 feet high. The associated inverters, transformers, and switchgear would be located immediately adjacent to the structure on concrete pads or on pre-assembled skids mounted on pile foundations.



The energy storage structure(s) would also have a fire rating in conformance with County standards and specialized fire suppression systems installed for the battery rooms. The structure(s) would also have HVAC cooling to maintain energy efficiency. Power to the HVAC, lighting, etc. would be provided via a connection to the on-site substation service transformer with connection lines installed aboveground and/or belowground. The energy storage system would be unmanned, with remote operational control and periodic inspections and maintenance performed as necessary.

### Telecommunication Facilities

The Project would also require telecommunication facilities to meet the communication requirements for interconnecting with the Kramer Junction Substation and to support remote Project operations monitoring. To provide for communication, a fiber-optic cable would be placed on the gen-tie line poles and a microwave system or an underground fiber optic cable installed within the existing transmission line roadway would be used to provide redundant communications required by SCE. The Project would use local exchange carrier services with Frontier, already in use, for telecommunication to support remote monitoring requirements.

The Supervisory Control and Data Acquisition (SCADA) system is critical to the California Independent System Operator (CAISO) and SCE utility interconnection, and for the proper operation and maintenance, which uses proprietary software; a fiber-optic transmission system; a telephone, radio, and/or microwave communication network; and other means of communication such as radio links and phase loop communication systems. The SCADA system functions as a remote start, stop, reset, and tag out for the facility, thus minimizing the manpower and site diagnostic information generated from the arrays. The SCADA system would also control the substations, allowing for fully centralized Project operation to meet all CAISO and utility interconnection requirements.

Existing security fencing and electronic gate will be used for the Project. Desert tortoise fencing is already in place and will continue to be maintained for the life of the Project.

Permanent motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation areas and points of ingress/egress. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. All lighting would also conform to applicable San Bernardino County night-sky ordinance requirements. Lighting would be used from dusk to dawn once the facilities are operational. Motion-sensitive cameras would also be installed throughout each solar facility at the inverters for added security. The cameras would be mounted on poles of approximately 20 feet in height.

### Operations and Maintenance Activities

Typical O&M activities that would occur on the Project site during operation include, but are not limited to, liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; repair and maintenance of solar facilities, substations, electrical transmission lines, and other Project facilities; and periodic panel washing.

### Solid and Nonhazardous Waste

The Project would produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid waste, including the typical refuse generated by workers. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

### Hazardous Materials

Limited amounts of hazardous materials would be stored or used on the site during operations, including diesel fuel, gasoline and motor oil for vehicles, mineral oil to be sealed within the transformers, and lead-acid-based and/or lithium-ion batteries for emergency backup. Appropriate spill containment and cleanup kits would be maintained during operation of the Project.