
CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

[Not subject to Condition Compliance Release Form (CCRF) signatures]

LAND USE SERVICES – Planning Division (760) 995-8140

1. Project Approval Description. This Conditional Use Permit (CUP) project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the following conditions of approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). This CUP project is approved to establish a 3.2-megawatt (MW) commercial solar power generation facility on 25 acres. The arrays of PV panels will be mounted on fixed tilt or single-axis tracking systems and will have a maximum height of 12 feet. ~~Substantial on-site grading (i.e. disking or scarification) or vegetation removal shall not occur during the installation of the proposed project.~~ Each solar module shall be fastened to the ground surface via driven piles resulting in minimal disturbance to topsoil and allowing retention of much of the on-site vegetation. The project site will be surrounded by an eight-foot high chain link fence. No barbed wire or other sharp pointed material shall be allowed. Any proposed change to this Project Description including maximum height and/or tracking systems shall require a Revision to an Approved Action application to be filed with County Planning.

The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 3098-311-11 and Project Number: P201300252.

2. Project Location. The project site is in the unincorporated community of Phelan in the First Supervisorial District of the County of San Bernardino (County) on the north side of Duncan Road, east of Greystone Road.
3. Zoning Standards. The project site is located in the Desert Region, Phelan/Pinon Hills Community Plan Area within the Institutional (IN) Land Use Zoning District. Development Standards are listed in SBCC Chapter 82.03 and 82.04.
4. Facility Design. The facility design shall incorporate the following guidelines:
 - The applicant shall arrange the arrays in a logical, orderly manner and pattern.
 - The applicant shall maintain the panels, inverters, and transformers so that electrical interference will not affect adjacent properties.
 - The applicant shall perform any repairs or upgrades to the components of the solar power facility at such times and in such a manner that noise and glare will not be significantly disruptive to adjacent properties, roads, or traffic.

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5. Continuous Maintenance. The project property owner shall continually maintain the property so that it is not dangerous to the health, safety, and general welfare of both on-site users (e.g. employees) and surrounding properties. The developer shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. The elements to be maintained, include but are not limited to:
- Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - Graffiti and debris shall be removed within 48 hours of notification.
 - Dust control measures shall be maintained on any undeveloped areas where landscaping has not been provided.
 - Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
 - Signage. All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequent County Planning-approved sign plan.
 - Fire Lanes. All markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations shall be clearly defined and shall be maintained in good condition at all times.
6. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the SBCC 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
7. Revisions. Any proposed change to the approved use/activity on the site (e.g. from solar facility to other uses); or any increase in the developed area of the site or expansion to the approved facilities, including changes to structures, tracking system, equipment, elevations, heights, signs, parking allocation, lighting, or a proposed change in the conditions of approval, including operational restrictions from those

shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an approved Action) be approved 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)

8. Continuous Effect/Revocation. All of the conditions of approval applied to this project shall be effective continuously 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.
9. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
10. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify, and hold harmless the County or its “indemnities” (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 the 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’s fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

At its sole discretion, the County may 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

11. Local Labor. *The developer shall give preference to and employ San Bernardino County residents as much as practicable during construction and operation of the facility.*
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201300252. 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 expenses 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 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy, and/or operation of each approved use in each approved structure or land use activity area. There shall be sufficient funds (\$500.00 minimum) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. landscape performance).
14. Expiration/CUP. This project permit approval shall expire and become void if it is not exercised within three years of the effective date of this approval, unless an extension of time is approved. The permit is deemed exercised when either:
 - The permittee has commenced actual construction or alteration under a validly issued Building Permit or
 - 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)

Occupancy of completed structures and operation of the approved 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 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

15. Extension of Time/CUP. 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 30 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)
16. 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 County Planning in accordance with the directions stated in the Approval letter. County Planning 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 Inspection – a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
17. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations, and any other requirements of Federal, State, County, and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
 - a) FEDERAL: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service

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- b) STATE: California Department of Fish and Wildlife, Mojave Desert Air Quality Management District, Colorado Regional Water Quality Control Board, California Energy Commission
 - c) COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works
 - d) LOCAL: Phelan/Pinon Hills CSD
18. Lighting. Any lighting shall be maintained so that all lights are operating properly for safety purposes and shall not project onto adjoining properties or roadways. Lighting shall adhere to San Bernardino County Desert and Mountain night light regulations.
19. 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.
20. Resource Evaluation and Disposition. If archaeological resources are encountered during implementation of the project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The archaeologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find and determine appropriate treatment that may include the development and implementation of a data recovery investigation or preservation in place. All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS) San Bernardino Archaeological Information Center (SBAIC) at the San Bernardino County Museum in Redlands, California. The archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS-SBAIC. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. The Applicant, in consultation with the Lead Agency and archaeologist, will designate repositories in the event that resources are recovered. [MM CR-2]
21. Human Remains. If human remains are encountered unexpectedly during construction excavations and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance will occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native

American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action will be taken in dealing with the remains. The landowner will then undertake additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e) and PRC Section 5097.98. [MM CR-3]

22. **AQ/Construction and Operational Mitigation.** Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)] including but not limited to:
- a) Equipment/vehicles shall not be left idling for period in excess of five minutes
 - b) Engines shall be maintained in good working order to reduce emissions
 - c) Onsite electrical power connections shall be made available where feasible
 - d) Ultra low-sulfur diesel fuel shall be utilized
 - e) Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible
 - f) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
 - g) All transportation refrigeration units (TRU's) shall be provided electric connections. [MM AQ-1]
23. **Noise Mitigation.** The developer will submit for review and obtain approval of an agreement letter that stipulates that all construction contracts/subcontracts contain as a requirement that the following noise attenuation measures be implemented:
- a) Noise levels of any project use or activity will be maintained at or below adopted County noise standards (SBCC 83.01.080). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
 - b) Exterior construction activities will be limited between 7 a.m. and 7 p.m. There will be no exterior construction activities on Sundays or National Holidays.
 - c) Construction equipment will be muffled per manufacturer's specifications. Electrically powered equipment will be used instead of pneumatic or internal combustion powered equipment, where feasible.
 - d) All stationary construction equipment will be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site. [MM N-1]
24. **Lighting Requirements.** The area of illumination from any lighting will be confined to within the site boundaries to minimize impacts to night sky views from surrounding properties. On-site lighting will be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that

might affect nocturnal animals. No light will project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting will be limited to that necessary for maintenance activities, security, and safety purposes. All signs proposed by this project will only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign or by direct stationary neon lighting. [MM AES-1]

LAND USE SERVICES – Code Enforcement (760) 995-8140

25. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
26. Weed Abatement. In conjunction with required permits, the applicant shall comply with San Bernardino County Desert Area Fire Hazard Abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES – Building and Safety (760) 995-8140

27. Walls. Submit plans and obtain separate building permits for any required walls, retaining walls, or trash enclosures.

PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283

28. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

29. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Protection District, 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.
30. Expiration. 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. Additional Requirements. In addition to the Fire requirements stated herein, other requirements from the Solar Photovoltaic Installation Guideline from the California State Fire Marshal may arise at the time of field inspection.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

32. FEMA Flood Zone. The Project is located within Flood Zone X Shaded according to FEMA Panel Number ~~6450H dated 08/28/08 and will require the first floor to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with SBC regulations.6475H dated 8/28/08. Flood Hazards are undetermined in this area but possible.~~
33. Tributary Drainage. Adequate provisions should be made to manage the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties.
34. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
35. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.
36. Continuous BMP Maintenance. The property owner/“developer” is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
37. BMP Enforcement. In the event the property owner/“developer” (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or “developer”,

including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

LAND USE SERVICES - Land Development– Roads (909) 387-8311

38. Road Standards. All required street improvements shall comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.

PUBLIC WORKS – Solid Waste Management Division (909) 386-8701

39. 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 solid 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 business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

PRIOR TO ANY LAND DISTURBANCE OR ISSUANCE OF ANY GRADING PERMITS,
Completion of the following must occur, with CCRF signatures

LAND USE SERVICES – Building and Safety (760) 995-8140

40. Runoff. Applicant must hold all runoff to pre-development levels per Section 82.13.080 of the San Bernardino County Development Code.
41. Erosion and Sediment Control Plan. Applicant shall submit an erosion and sediment control plan and permit application to Building and Safety for review and approval prior to any land disturbance.
- ~~42. Preconstruction Inspection. A preconstruction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.~~
- ~~43.~~42. Grading Plans. If grading exceeds 50 cubic yards, plans are required to be submitted to and approved by Building Safety.
- ~~44.~~43. NPDES Permit. A National Pollutant Discharge Elimination System (NPDES) permit – Notice of Intent (NOI) is required on all grading of one acre or more prior to issuance of a grading/construction permit. Contact the Regional Water Quality Control Board (RWQCB), Lahontan Region, for specifics.
- ~~45.~~44. RWQCB Permit. Prior to permit issuance, CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID#. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one acre of land total.

LAND USE SERVICES – Planning (760) 995-8140

- ~~46.~~45. **Native Land** andscape Buffers/Translocation Plan. The Developer shall leave in place existing native landscaping buffers between the solar panel field and the adjacent properties. To the greatest extent feasible, native~~Native~~ vegetation that is removed due to construction shall be transplanted into the required setback areas in accordance with best nursery practices. **L**
- ~~47.~~46. **Wind** adequate Wind Barrier. An adequate wind barrier of fence slats shall be installed along any property boundary within ¼ mile of a residential structure. Provide verification of compliance (i.e. material specification sheets, site photos showing installation, etc.) to the Planning Division prior to land disturbance. **A**

48-47. AQ/Dust Control Plan. The developer will prepare, submit and obtain approval from County Planning of a Dust Control Plan (DCP) consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP will include the following elements to reduce dust production:

- a) Exposed soils and haul roads will be watered three (3) times per day to reduce fugitive dust during all grading/construction activities. Inactive areas will be treated with soil stabilizers such as hay bales or aggregate cover.
- b) Street sweeping will be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
- c) Site access driveways and adjacent streets will be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
- d) Construction vehicle tires will be washed prior to leaving the project site.
- e) All trucks hauling dirt away from the site will be covered, and speeds on unpaved roads will be reduced below 15 miles per hour. [MM AQ-2]

49-48. Burrowing Owl Mitigation – Pre-Construction Surveys. Within 14 days prior to ground disturbance, the Applicant will retain a qualified biologist to conduct burrowing owl surveys within the area to be disturbed. The survey will be performed by walking parallel transects spaced no more than 20 meters apart, and will be focused on detecting burrows that are occupied, or are suitable for occupation, by the burrowing owl. The results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, will be submitted to the County of San Bernardino and the California Department of Fish & Wildlife within 14 days following completion of the surveys. If active burrows are detected, the following take avoidance measures will be implemented:

- If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
- If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with California Burrowing Owl Consortium (1993) protocols. Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the

burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.

- Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season. [MM BIO-1]

50-49. Burrowing Owl Mitigation – Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure BIO-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.
- All active on-site burrows excavated as described in Mitigation Measure BIO-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project. [MM BIO-2]

51-50. Nesting Bird Mitigation – Pre-Construction Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance

will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds. [MM BIO-3]

52-51.

C

Construction Monitoring. A qualified archaeologist will be retained by the Applicant/landowner and approved by the reviewing agencies prior to the commencement of the project. The archaeologist will be on-call to monitor ground-disturbing activities and excavations on the project site following identification of potential cultural resources by project personnel. [MM CR-1]

53-52. **Pre-Construction Responsibilities.** A qualified paleontologist will be retained by the Applicant and approved by the County of San Bernardino prior to the implementation of the Proposed Project to execute a paleontological monitoring plan. A qualified paleontologist is defined here as a paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists. The paleontologist will:

1. Review the grading study and coordinate with project engineers to become familiar with the proposed depths and patterns of grading across the project site.
2. Enter into a repository agreement with an accredited institution (such as the San Bernardino County Museum) before grading operations commence to ensure that an appropriate facility has been selected to curate any fossils encountered during the monitoring program. [MM PR-1]

54-53.

C

Construction Monitoring. A paleontological monitor, supervised by the paleontologist, will monitor all project-related ground-disturbing activities that reach two meters (5.5 to 6 feet) or more in depth. Pile driving is not considered a ground-disturbing activity for the purposes of this mitigation measure. If fossils are found during ground-disturbing activities, the paleontological monitor will be empowered to halt those activities within 25 feet of the find to allow evaluation of the find and determination of appropriate treatment. [MM PR-2]

55-54.

Resource Collection and Disposition. The paleontological monitor and/or the paleontologist will collect all significant fossils encountered. All significant fossils will be stabilized and prepared to a point of identification and permanent preservation. The paleontologist will prepare a final report on the monitoring. If fossils were identified, the report will contain an appropriate description of the fossils, treatment, and curation. A copy of the report will be filed with the Applicant, the County of San Bernardino, and the San Bernardino County Museum, and will accompany any curated fossils. [MM PR-3]

PUBLIC WORKS – Surveyor (909) 387-8149

56-55.

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 Surveyor (Section 8771(b) Business and Professions Code).

57-56.

ROS. The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

A Record of Survey/Corner Record shall be filed in the following instances:

- Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
- Monuments set to mark the property lines.
- Pursuant to applicable sections of the Business and Professions Code.

LAND USE SERVICES - Land Development– Drainage (909) 387-8311

58-57.

Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-

site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.

58. Drairage Easement. Adequate San Bernardino County Drainage Easements (minimum 15 feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site to dewater into private property.

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59. FEMA Flood Zone. The Project is located within Flood Zone X Shaded according to FEMA Panel Number 6450H dated 08/28/08 and will require the first floor to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with SBC regulations.6475H dated 8/28/08. Flood Hazards are undetermined in this area but possible.

60. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

61. Grading Plans. Grading plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.

62. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

63. Permit. A permit, or authorized clearance, shall be obtained from the Land Development Division prior to issuance of a grading permit by County Building and Safety.

64. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at:

(http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp)(<http://www.sbcounty.gov/dpw/land/npdes.asp>)

PUBLIC WORKS – Solid Waste Management Division (909) 386-8701

65. C&D Plan – Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a “Construction Waste Management Recycling Plan (C&D Plan), Part I”. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume.

Upon completion of construction, the developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification regarding reuse of materials on site.

PUBLIC WORKS – Traffic Division (909) 387-8186

66. Maintenance Agreement. The developer shall enter into a maintenance agreement with the Department of Public Works, Transportation Operations Division to insure all County maintained roads utilized by construction traffic shall remain in acceptable condition during construction.

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

67. Access. The development shall have a minimum of TWO 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 26 foot unobstructed width and vertically to 14 feet 6 inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

Multi-Story Road Access Width: Buildings 3 stories in height or more shall have a minimum access of 30 feet unobstructed width and vertically to 14 feet 6 inches in height. [F41]

68. 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]

PRIOR TO ISSUANCE OF BUILDING PERMITS,
Completion of the following must occur, with CCRF signatures

LAND USE SERVICES / Land Development– Roads (909) 387-8311

69. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department of the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Use Services Department (LUSD), located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8311.

Duncan Road (Major Arterial – 120')

- Street Improvements. Design A.C. dike with match up paving 52 feet from centerline.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130.

Nielson Road (1/4 Section Line – 88')

- Road Dedication. A 14 foot grant of easement is required to provide a half-width right-of-way of 44'.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of Nielson Road and White Road.

White Road (Section Line – 88')

- Road Dedication. A 14 foot grant of easement is required to provide a half-width right-of-way of 44'.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of White Road and Muscatel Street.
- Street Improvements. Design a 26' paved road section from the primary access point of the site to the nearest maintained paved road.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130.

Muscatel Street (Section Line – 88')

- Road Dedication (South Property Line). A 44 foot grant of easement is required to provide a half-width right-of-way of 44'.

Trinidad Road (1/16 Section Line – 60')

- Road Dedication. A 30 foot grant of easement is required to provide a half-width right-of-way of 30'.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of Trinidad and White Road

70. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Desert Road Standards of San Bernardino County, and

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to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.

71. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
72. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
73. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.
74. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
75. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
76. 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.
77. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

LAND USE SERVICES – Building and Safety (760) 995-8140

78. Erosion Control Devices. Prior to issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
79. Erosion Control Devices Installed. All erosion control planting, landscaping and devices shall be installed upon completion of rough grading.

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80. Compaction Report. Upon completion of rough grading and prior to footing excavations, a compaction report shall be submitted to Building and Safety for review and approval.
 81. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
 82. Drainage Approval. Approval from the Drainage Section - Land Development is required for all new construction in the FP Zone.

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

83. Building Plans. No less than three 3 complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
84. Road Standards. All roads must be an all-weather driving surface or an aggregate base compacted to 85% and hold 75,000 pounds. Roads must have a 45' outside turning radius. Access roads must be a maximum of 600' apart. Perimeter roads must be no less than 26' wide and interior roads no less than 20' wide.
85. 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 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]

LAND USE SERVICES – Planning (760) 995-8140

86. 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 ~~of \$157 per acre of the parcel (25 acres x \$157 = \$3925)~~ in accordance with Code §84.29.040(d).

87. Decommissioning Requirements. In accordance with SBCC 84.29.060, 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:

- a) 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.
- b) 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.

88. Anti-Reflective/Diffusion Coatings. **Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident**

sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting. The developer shall submit for review and gain approval of technical specifications for the proposed coatings or other proposed methods to reduce glare and spectral highlighting prior to issuance of building permits.
[MM AES-2]

PRIOR TO FINAL INSPECTION OR OCCUPANCY,
Completion of the following must occur, with CCRF signatures

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

89. 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]
90. 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

91. Emergency/Contingency Plan. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshall, Hazardous Materials Division at (909) 386-8401.
92. Permits. Prior to occupancy, the applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshall, Hazardous Materials Division at (909) 386-8401.

PUBLIC WORKS – Solid Waste Management Division (909) 386-8701

93. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume of all construction waste.

This summary shall provide documentation of diversion of materials including but not limited to receipts or letters documenting material types and weights from diversion facilities or certification reuse of materials on site.

PUBLIC WORKS – Traffic Division (909) 387-8186

94. Local Fee. This project falls within the High Desert Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The High Desert Local Area Transportation Facilities Plan can be found at the following website:
http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp
95. Maintenance Agreement. The developer shall comply with the maintenance agreement during construction if applicable and/or assure that all County maintained roads affected by the project during construction shall be restored to pre-construction condition. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387-7995 for inspection prior to occupancy.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

96. Drainage and WQMP Improvements. All required drainage and WQMP improvements shall be completed by the applicant, then inspected and approved by County Public Works.
97. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

LAND USE SERVICES - Land Development – Roads (909) 387-8311

98. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected and approved by County Public Works.
99. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.

LAND USE SERVICES – Building and Safety (760) 995-8140

100. Final Occupancy. Prior to occupancy, all Planning Division requirements and sign-offs shall be completed.

LAND USE SERVICES – Planning (760) 995-8140

101. 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 affected agency.
102. Dust Control – Operation. Prior to final inspection, the Applicant shall develop an Operational Dust Control Plan that shall be approved and implemented prior to

energization of the solar facility. The Operational Dust Control Plan shall include Dust Control Strategies sufficient to ensure that areas within the project site shall not generate visible fugitive dust (as defined in Mojave Desert Air Quality Management District's [MDAQMD's] Rule 403.2) such that dust remains visible in the atmosphere beyond the property boundary. During high wind events, Dust Control Strategies shall be implemented so as to minimize the Project site's contribution to visible fugitive dust beyond that observed at the upwind boundary.

103. 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:

- a) 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% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
- b) 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% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.

104. Install On-site Improvements. All required on-site improvements shall be installed.

105. 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 P201300252.

END OF CONDITIONS