



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

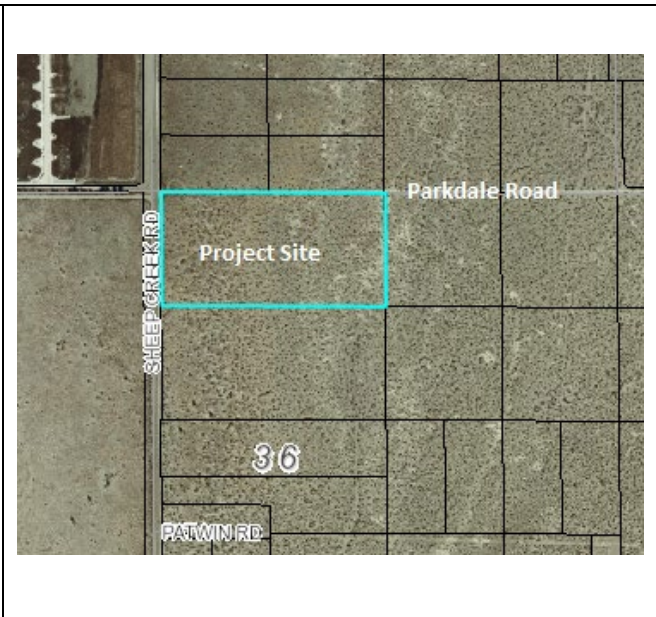
**HEARING DATE: May 6, 2021**

**AGENDA ITEM #2**

Project Description

Vicinity Map

**APN:** 0457-174-01  
**Applicant:** Phelan Solar, LLC  
**Community/Supervisory District:** EL MIRAGE  
**District:** 1<sup>ST</sup> Supervisorial District  
**Location:** Southeast corner of Sheep Creek Road and Parkdale Road  
**Project No:** P201900158  
**Staff:** Anthony DeLuca  
**Rep:** Elevated Entitlements/Kevin Kohan  
**Proposal:** Conditional Use Permit (CUP) to develop a 3MW community solar project on a 20-acre parcel on the southeast corner of Sheep Creek Road and Parkdale Road in the Community of El Mirage



**7 Hearing Notices Sent On: April 21, 2021**

**Report Prepared By: Anthony DeLuca**

**SITE INFORMATION**

**Parcel Size:** 20 acres total  
**Terrain:** Flat to gently rolling hills  
**Vegetation:** Natural desert vegetation

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE DISTRICT	ZONING DISTRICT
Site	Vacant Land	Rural Living (RL)	Rural Living (RL-5)
North	Vacant Land	Rural Living (RL)	Rural Living (RL-5)
South	Vacant Land	Rural Living (RL)	Rural Living (RL-5)
East	Vacant Land	Rural Living (RL)	Rural Living (RL-5)
West	Vacant Land	Rural Living (RL)	Rural Living (RL-5)

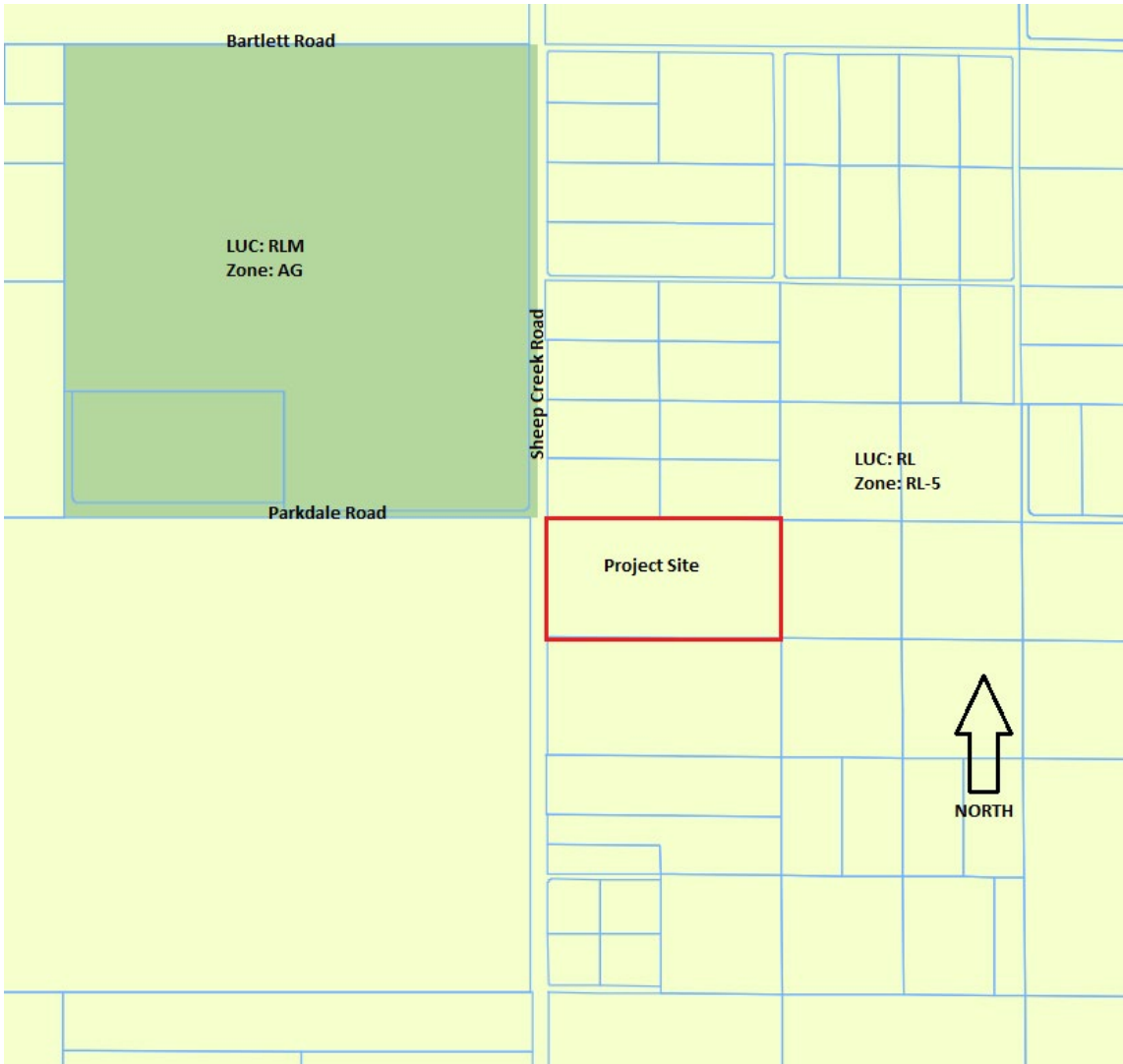
	<b>AGENCY</b>	<b>COMMENT</b>
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	N/A
Sewer Service:	N/A	N/A

**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Determination.

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



**OFFICIAL LAND USE CATEGORY MAP**



**Figure 2 Land Use Category Map: Site Outlined in Red**



Figure 3 Current Zoning Map

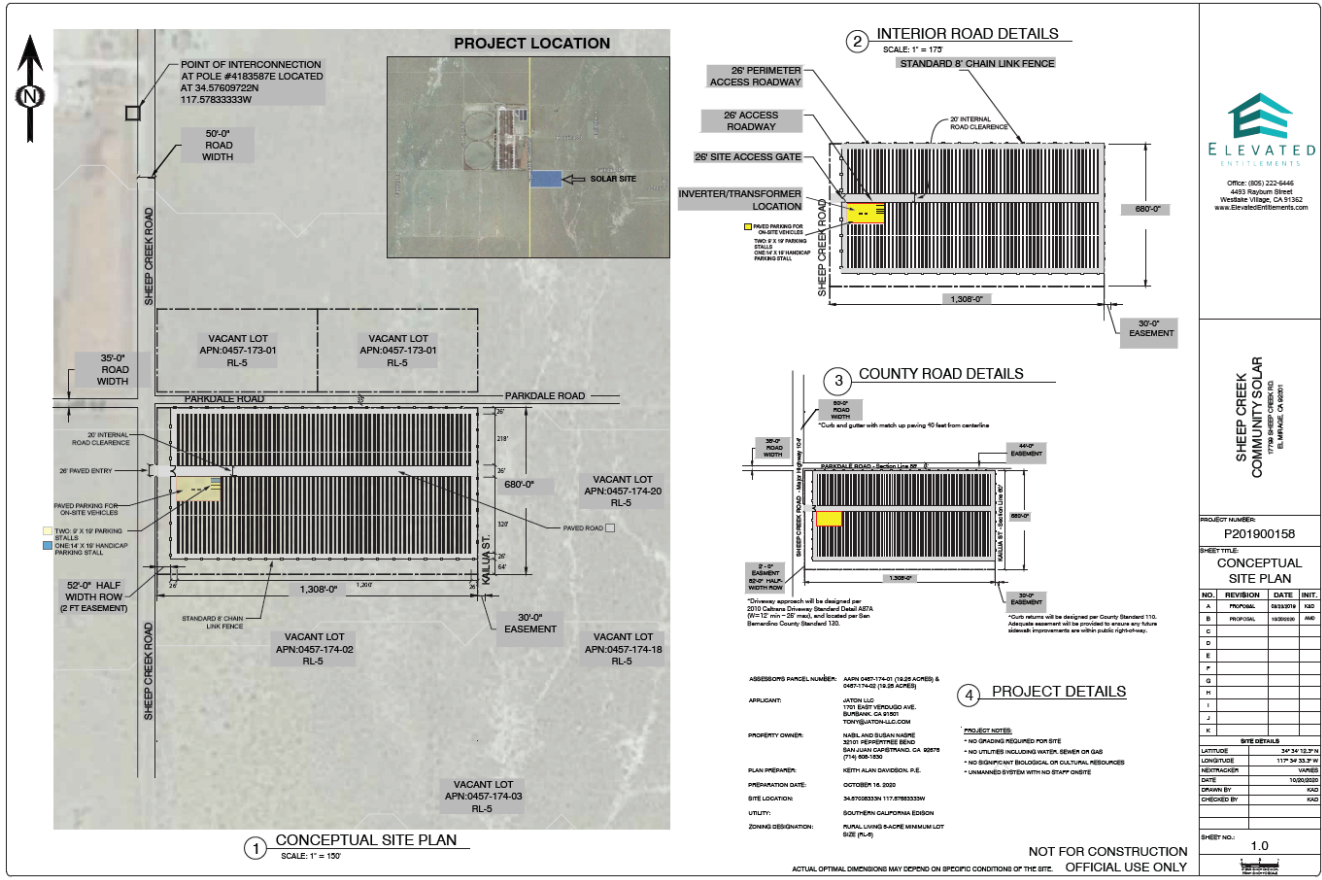


Figure 1 Site Plan



**Figure 2 Sheep Creek Road looking south - Project site on left**



**Figure 3 Parkdale Road looking east - Project site on right**



**Figure 4 Sheep Creek Road looking north - Project site on right**



*Figure 5 Photo of Similar Facility*



*Figure 6 Photo of Similar Facility*



## **PROJECT DESCRIPTION AND BACKGROUND:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to construct and operate a community solar project (Sheep Creek Community Solar) with a total capacity of three (3) Megawatts (MW) Alternating Current (AC) utilizing approximately 11,000 photovoltaic solar modules on a 20-acre parcel in the Rural Living (RL) zoning district in the Community of El Mirage (Project).

The Project is designed to include use of existing transmission and access infrastructure in the area, including transmission lines, utility corridors and roads. The project proposes a 12kV interconnection to the Kenworth 12 kV distribution line. The generated power would be delivered to the California Independent System Operator (CAISO) grid at the 115 kV bus of Southern California Edison's (SCE) Roadway Substation.

The Project has been approved as a community solar project by SCE under SCE's Green Tariff Shared Renewables program (Community Solar Program). SCE's Community Solar Program is the result of Senate Bill 43, which allows participating utility customers to meet up to 100 percent of their energy usage from local renewable energy resources. Under the SCE Community Solar Program, SCE customers are allowed to subscribe up to 100 percent of their energy need from a local renewable energy project and receive bill credits from SCE based on their energy subscription directly from the local renewable energy project.

The Project would produce clean sustainable electricity to approximately 2,600 local contracted customers. The proposed Project has received over 1,300 signatures from local customers who have expressed interest in contracting with the community solar Project. These customers would be the direct consumers of the 100 percent community solar initiative from the proposed Sheep Creek Community Solar Project. Local customers support local solar power because it provides clean energy for their long-term future and reduces greenhouse gas emissions, which contributes to a cleaner, healthier environment.

## **PROJECT ANALYSIS:**

**Site Planning:** The proposed Project would have a capacity of 3 MW and would utilize approximately 10,000 Poly or Mono Crystalline photovoltaic solar modules, which would be mounted on single axis trackers, and use four (4) 750 kilowatt (kW) central inverters. The number of modules and inverters is subject to change depending on the final design and availability. The Applicant (Phelan Solar, LLC) proposes to construct 1,300 feet (0.3 miles) of distribution lines northerly along Sheep Creek Road to connect to an existing distribution line nearby the proposed Project site. The electricity generated by this small-scale solar photovoltaic (PV) generating facility would ultimately be purchased by residential, agricultural, and commercial off-takers under SCE's Community Solar Program.

Access to the site is provided from Sheep Creek Road. The Project site plan provides adequate area to accommodate all parking, access requirements, to comply with development standards of the County Development Code (Development Code).

**Development Code Compliance Summary:** As noted above, the Project satisfies all applicable standards of the Development Code for development in the Rural Living (RL) Land Use District, as illustrated in the following Table 1:

**Table 1: PROJECT CODE COMPLIANCE**

Project Component	Development Code Standard		Project Plans
Sheep Creek Community Solar	CUP		CUP
Parking	1 space per facility vehicle 1 ADA spaces		2 total spaces which includes 1 ADA space
		<b>RL</b>	<b>RL</b>
Building Setbacks	Front: Side Street: Side Interior: Rear:	25' 25' 20' 20'	25'+ 25'+ 20'+ 20'+
Building Height	35' Maximum		15'
Drive Aisles	26' Perimeter 20' Internal between arrays		Provided Provided

Fencing: Walls, existing and proposed on all property lines are consistent and comply with Development Code Section 83.02.060 – Screening and Buffering requirements.

Parking: Chapter 83.11, Section 83.11.040 Table 83-15 requires one space per facility vehicle.

Water Service: As an unmanned facility, no water service is proposed. Cleaning of panels during routine maintenance will be achieved by the use of water trucks.

Septic Service: As an unmanned facility, no sewer service is proposed. The use of portable facilities will be per Environmental Health review and approval.

**PUBLIC COMMENTS:**

The Project notice was sent on July 5, 2019 to all surrounding property owners within 300 feet of the proposed project. One phone call was received from a nearby property owner asking for more information about the project. One comment was received from an adjacent property owner expressing concerns related to obstruction of views, and the residentially zoned parcel. The height of the panels is well below the maximum allowed height for the zone.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

In compliance with the California Environmental Quality Act (CEQA), an independent Initial Study/Mitigated Negative Declaration (IS/MND) has been completed for the Project and staff has determined that the proposal will not have any adverse impacts that will remain potentially significant, with implementation of the proposed mitigation measures. The Initial Study (Exhibit A) was posted for a 20-day public comment period on August 4, 2020 with the review period ending on August 24, 2020.

The mitigation measures included in the IS/MND will ensure construction and operation impacts will not have a significant impact on the environment. Therefore, a Mitigated Negative Declaration is recommended along with approval of the Project.

Public Comments: Project notices were sent to surrounding property owners within 300 feet of the project site, as required by Development Code Section 85.03.080. No State agencies submitted comments by the closing date and no public comments were received challenging the determination as outlined in the IS/MND. A notice of hearing has been circulated/posted 10-days prior to the scheduled hearing date, and those that wish to comment further will have an opportunity to do so at that time. The construction, and ongoing operation of the project is subject to compliance with the San Bernardino County Development Code, as stated in the project Conditions of Approval document. These conditions are in place to mitigate any adverse effect the project may create.

**RECOMMENDATION: That the Planning Commission:**

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A);
2. **APPROVE** the Conditional Use Permit (CUP) to develop a community solar project with a total capacity of three (3) Megawatts (MW) AC utilizing approximately 11,000 photovoltaic solar modules 20-acres in El Mirage, subject to the recommended Conditions of Approval (Exhibit B);
3. **ADOPT** the Findings as contained in the staff report (Exhibit C); and
4. **DIRECT** staff to file the Notice of Determination.

**ATTACHMENTS:**

- EXHIBIT A: Initial Study/Mitigated Negative Declaration  
EXHIBIT B: Findings  
EXHIBIT C: Conditions of Approval  
EXHIBIT D: Site Plan

# EXHIBIT A

## Initial Study/Mitigated Negative Declaration

**SAN BERNARDINO COUNTY  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
ENVIRONMENTAL CHECKLIST FORM**

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This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

**PROJECT LABEL:**

<b>APN(s):</b> 0457-174-01	<b>USGS Quad:</b> Shadow Mountain SE
<b>Applicant:</b> Sheep Creek Community Solar Project JATON, LLC 1071 East Verdugo Avenue Burbank, CA 91501	<b>Lat/Long:</b> 34°34'19.53"N, - <b>T, R,</b> 117°34'33.53"W <b>Section:</b> T 06N R 07W SEC 36
<b>Project No:</b> P201900158	<b>Community Plan:</b> El Mirage
<b>Staff:</b> Anthony DeLuca, Senior Planner	<b>LUZD:</b> RL-5
<b>Rep</b> Elevated Entitlements, LLC	<b>Overlays:</b> Biotic – Desert Tortoise, Mohave Ground Squirrel; FEMA-D
<b>Proposal:</b> Conditional Use Permit (CUP) to establish a 3 Megawatt community photovoltaic solar facility on 19.25 acres on the southeast corner of Sheep Creek Road and Parkdale Road in the Community of El Mirage.	

**PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

**Contact person:** Anthony DeLuca, Senior Planner

**Phone No:** (909) 387-3067      **Fax No:** (909) 387-3223

**E-mail:** [Anthony.DeLuca@lus.sbcounty.gov](mailto:Anthony.DeLuca@lus.sbcounty.gov)

## **PROJECT DESCRIPTION:**

### ***Summary***

Request for a Conditional Use Permit (CUP) to establish a community photovoltaic solar facility on 19.25 acres on the southeast corner of Sheep Creek Road and Parkdale Road in the community of El Mirage. The property is assigned the Assessor Parcel Number: 0457-174-01.

The proposed community solar project would have a capacity of 3 Megawatts (MW) and would utilize approximately 10,000 Poly or Mono Crystalline photovoltaic solar modules, which would be mounted on single axis trackers, and use four (4) 750 kilowatt (kW) central inverters. The number of modules and inverters is subject to change depending on the final design and availability. The Applicant (JATON LLC) proposes to construct 1,300 feet (0.3 miles) of distribution lines northerly along Sheep Creek Road to connect to an existing distribution line nearby the proposed project site. The electricity generated by this small-scale solar photovoltaic (PV) generating facility would ultimately be purchased by residential, agricultural, and commercial off-takers under Southern California Edison's (SCE) Green Tariff Shared Renewables program (GTSR Tariff).

Sheep Creek Community Solar (Project) has been approved as a community solar project by SCE under SCE's GTSR Tariff program ("Community Solar Program"). SCE's Community Solar Program is the result of Senate Bill 43, which allows participating utility customers to meet up to 100 percent of their energy usage from local renewable energy resources. Under the SCE Community Solar Program, SCE customers are allowed to subscribe up to 100 percent of their energy need from a local renewable energy project and receive bill credits from SCE based on their energy subscription directly from the local renewable energy project.

Sheep Creek Community Solar would produce clean sustainable electricity to approximately 2,600 local contracted customers. The proposed Project has received over 1,300 signatures from local customers who have expressed interest in contracting with the community solar project. These customers would be the direct consumers of the 100 percent community solar initiative from the proposed Sheep Creek Community Solar project. Local customers support local solar power because it provides clean energy for their long-term future and reduces greenhouse gas emissions, which contributes to a cleaner, healthier environment.

### ***Operation and Maintenance***

The Project would be operated on an autonomous, unstaffed basis and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements will be minimal as the proposed Project's PV arrays will operate with limited moving parts. No full-time staffing would be required to operate the facility; however one or two employees are expected to visit the site five days per week for routine maintenance and check-ups. Operational activities are limited to monitoring plant performance and responding to utility needs for plant adjustment along with preventative and unscheduled maintenance. The Project will operate during daylight hours only. Periodic module cleanings and quarterly maintenance activities might utilize six to eight full-time workers for one to two weeks per quarter, or up to 40 days per year. No heavy equipment will be used during routine Project operation. Operation and maintenance vehicles will include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site infrequently for equipment repair or replacement.

Any required maintenance will be scheduled so as to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event. Preventative maintenance kits and certain critical spare components will be stored at the Project site, while all other

necessary maintenance components will be available at an offsite location. On an as-needed basis, SCE will make necessary inspections, maintenance and improvements to their facilities that are on-site connecting the project to the distribution grid.

Vegetation is sparse with little potential for vegetative fuel buildup. The applicant will prepare a weed abatement plan for the Project in compliance with applicable County regulations. The Project would produce a small amount of waste associated with maintenance activities. PV solar farm wastes typically include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid materials including typical household type refuse generated by workers. These materials will be collected and recycled to the extent possible.

**Decommissioning**

At the end of the Project site’s operational term, the applicant may determine that the site should be decommissioned and deconstructed, or it may seek an extension of its PPA and/or revision to its CUP, as applicable. When the solar arrays, panels, fencing, etc. are removed after the Project’s lifetime, the land will be largely restored to its pre-project condition. The Project would utilize BMPs to ensure the collection and recycling of the solar arrays, panels, fencing, etc. to the extent feasible.

All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding agricultural landscape. End uses would be consistent with the existing zoning. The funding requirements for the implementation of the decommissioning plan will be provided in the form of a bond estimate by the project proponent prior to construction of the Project.

**Surrounding Land Uses and Setting**

Land uses on the Project site and surrounding parcels are governed by the San Bernardino County General Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned Rural Living/5-acre minimum lot size (RL-5). The surrounding properties in all directions share the same land use zoning designation (RL-5).

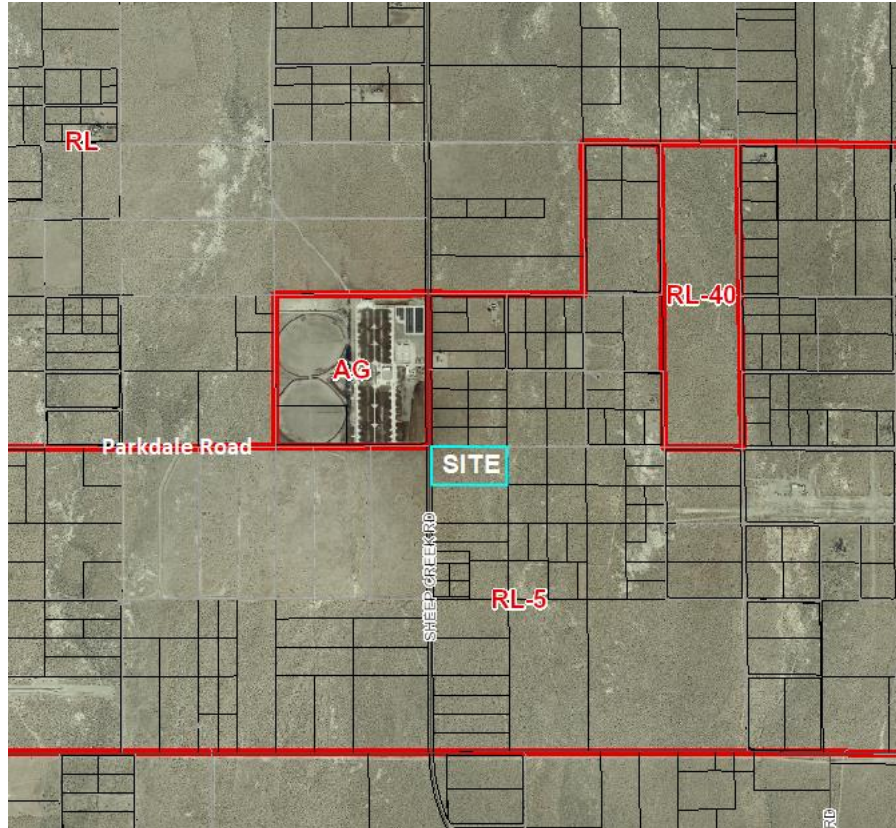
<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Vacant Land	Rural Living/5-acre minimum lot size (RL-5)
North	Vacant Land	Rural Living/5-acre minimum lot size (RL-5)
South	Vacant Land	Rural Living/5-acre minimum lot size (RL-5)
East	Vacant Land	Rural Living/5-acre minimum lot size (RL-5)
West	Vacant Land	Rural Living/5-acre minimum lot size (RL-5)

**Project Site Location, Existing Site Land Uses and Conditions**

The Sheep Creek Community Solar project is proposed at 4301-4681 Parkdale Road at the southeast corner of Parkdale Road and Sheep Creek Road in El Mirage, California.

The 19.25-acre parcel is zoned Rural Living/5-acre minimum (RL-5) per the County of San Bernardino Development Code. The Project site is generally flat with slopes less than 5% with

minimal native vegetation, and no known animal habitats, or historical features. There are no defined watercourses on the site.



**Figure 1 Project Site – Land Use Designation**





### **Site Photographs**



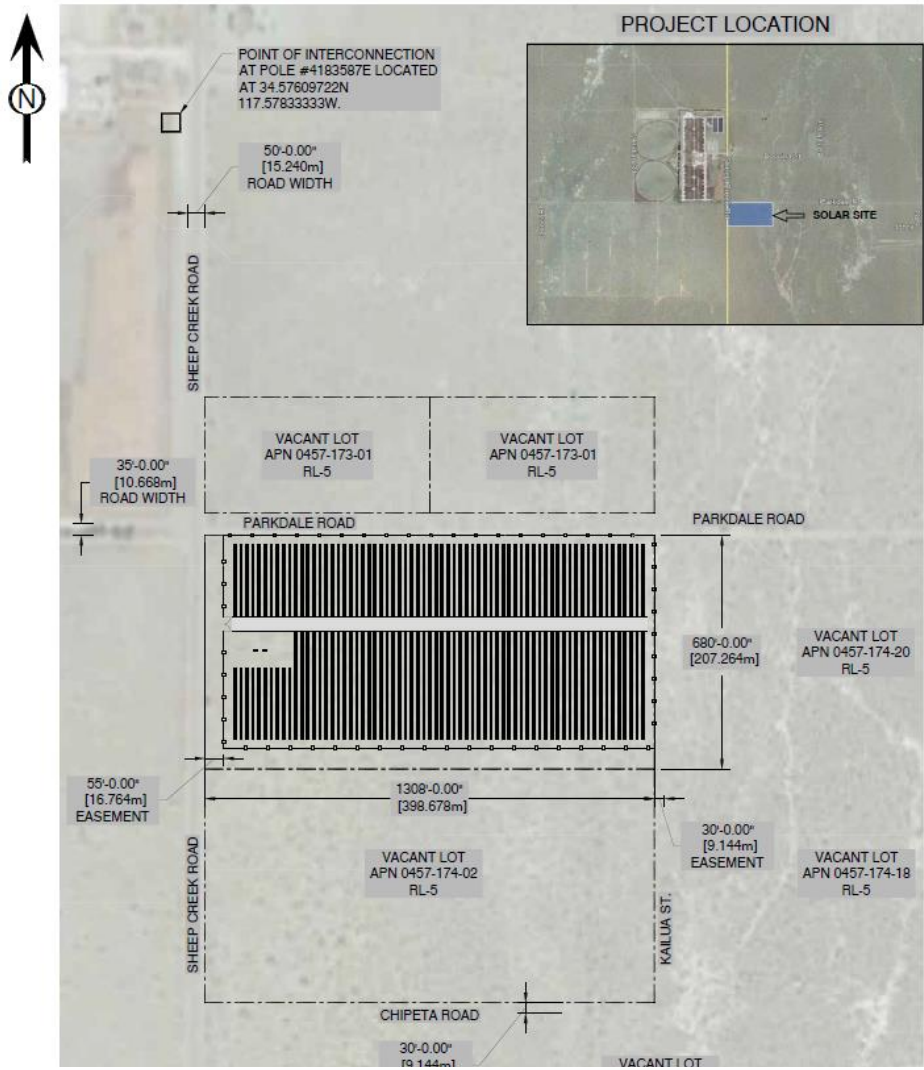
**Figure 3 Project Site View East**



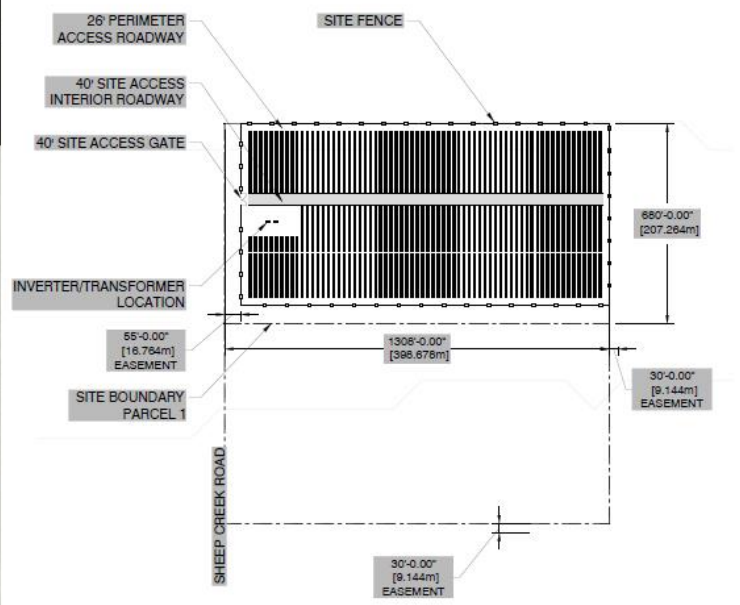
**Figure 4 Project Site View North**



**Figure 5 Project Site View South**



**1 CONCEPTUAL SITE PLAN**  
SCALE: 1" = 100'



**2 INTERIOR ROAD DETAILS**  
SCALE: 1" = 175'

NOTE:  
NO GRADING REQUIRED FOR SITE  
NO UTILITIES INCLUDING WATER, SEWER OR GAS  
NO SIGNIFICANT BIOLOGICAL OR CULTURAL RESOURCES

ASSESSOR'S PARCEL NUMBER:	AAPN 0457-174-01 (19.25 ACRES) & 0457-174-02 (19.25 ACRES)
APPLICANT:	PHÉLAN SOLAR LLC 8383 WILSHIRE BOULEVARD SUITE 600 REDWOOD HILLS, CA 90011 (310) 867-7760
PROPERTY OWNER:	NABIL AND SUSAN NASRE 32101 PEPPER TREE BLVD SAN JUAN CAPISTRANO, CA 90875 (714) 808-1830
PLAN PREPARER:	KEITH ALAN DAVIDSON, P.E.
PREPARATION DATE:	23AUG2019
SITE LOCATION:	34.57609722N 117.57833333W

ACTUAL OPTIMAL DIMENSIONS MAY DEPEND ON SPECIFIC CONDITIONS OF THE SITE.  
**NOT FOR CONSTRUCTION  
OFFICIAL USE ONLY**

### **ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.):

- Federal: N/A
- State of California: California Fish & Wildlife, Mojave Desert Air Quality Management District (MDAQMD)
- County of San Bernardino: Land Use Services – Building and Safety, Traffic, Land Development Engineering – Roads/Drainage; Public Health – Environmental Health Services; Public Works, Surveyor; and County Fire
- Local: N/A

### **CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), Soboba Band of Luiseno Indians, and Twenty-Nine Palms Band of Mission Indians. Response letters were received from FMIT, SMBMI, and Morongo. The FMIT indicated that the Project as described shows that there is no substantial evidence that there would be a significant effect on FMIT tribal cultural resources. Formal consultation was requested by the SMBMI which took place on November 17, 2019, and also by the Morongo which took place on January 16, 2020. The resulting recommended mitigation and monitoring measures have been added to *Section V Cultural Resources* and *Section XVIII Tribal Cultural Resources* of this document.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

### **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The format of this Initial Study is presented as follows. The Project is evaluated based on its potential effect on twenty major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the Project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the Project on the factor and its elements. The effect of the Project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

- No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
- Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
- Less than Significant Impact with Mitigation:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
- Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below will be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	<a href="#">Aesthetics</a>	<input type="checkbox"/>	<a href="#">Agriculture and Forestry Resources</a>	<input type="checkbox"/>	<a href="#">Air Quality</a>
<input type="checkbox"/>	<a href="#">Biological Resources</a>	<input type="checkbox"/>	<a href="#">Cultural Resources</a>	<input type="checkbox"/>	<a href="#">Energy</a>
<input type="checkbox"/>	<a href="#">Geology/Soils</a>	<input type="checkbox"/>	<a href="#">Greenhouse Gas Emissions</a>	<input type="checkbox"/>	<a href="#">Hazards &amp; Hazardous Materials</a>
<input type="checkbox"/>	<a href="#">Hydrology/Water Quality</a>	<input type="checkbox"/>	<a href="#">Land Use/Planning</a>	<input type="checkbox"/>	<a href="#">Mineral Resources</a>
<input type="checkbox"/>	<a href="#">Noise</a>	<input type="checkbox"/>	<a href="#">Population/Housing</a>	<input type="checkbox"/>	<a href="#">Public Services</a>
<input type="checkbox"/>	<a href="#">Recreation</a>	<input type="checkbox"/>	<a href="#">Transportation</a>	<input type="checkbox"/>	<a href="#">Tribal Cultural Resources</a>
<input type="checkbox"/>	<a href="#">Utilities/Service Systems</a>	<input type="checkbox"/>	<a href="#">Wildfire</a>	<input type="checkbox"/>	<a href="#">Mandatory Findings of Significance</a>



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located within the view-shed of any Scenic Route listed in the General Plan): **San Bernardino General Plan, 2007; Submitted Project Materials**

- a) **Less than Significant Impact.** The proposed Project is located within an area where most of the surrounding parcels are vacant and undeveloped. The former Meadowbrook Dairy is at the northwest corner of Sheep Creek Road, and Parkdale Road and contains a similar sized solar facility, with a proposed cogeneration facility that is currently in review. Given the nature and proposed height of the Project, there would be minimal obstruction to the north and west from the surrounding parcels. The Project would have a less than significant impact.
- b) **No Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the Project site. Therefore, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **Less than Significant Impact.** The proposed Project would not substantially degrade the existing visual character of the site and its surroundings. The proposed Project is similar in scale and character as the existing commercial uses in the immediate vicinity of the site and is not in conflict with existing zoning. The conditions of approval would include requirements for the development to comply with all County Development Codes and ordinances. The proposed Project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

- d) **Less than Significant Impact.** All proposed development must comply with San Bernardino County Code (SBCC) Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 “Glare and Outdoor Lighting – Desert Region”, which includes light trespass onto abutting residential properties, shielding, direction, and type. Additionally, solar projects would be required to comply with solar development standards as outlined in Chapter 84.29 *Renewable Energy Generation Facilities*. Adherence would result in a less than significant impact.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**SUBSTANTIATION:** (Check  if project is located in the Important Farmlands Overlay):  
**San Bernardino County General Plan, 2007 and Policy Map NR-5  
 Agricultural Resources; California Department of Conservation  
 Farmland Mapping and Monitoring Program; Submitted Project  
 Materials**

- a) **No Impact.** According to the San Bernardino County General Plan Policy Map: NR-5 *Agricultural Resources*, and the California Department of Conservation, Farmland Mapping and Monitoring Program, the proposed site is not within an area identified as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As proposed the Project would not convert Farmland to non-agricultural use. Therefore no impacts would occur.
- b) **No Impact.** The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The proposed Project site is not under a Williamson Act contract. There would be no impact and no further analysis is warranted.
- c) **No Impact.** The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed Project area has never been designated as forest land or timberland because the site is within the desert region which does not contain forested lands. Therefore no impacts would occur.
- d) **No Impact.** The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed Project site is within the desert region of the County and does not contain forested lands. Therefore no impacts would occur.
- e) **No Impact.** The proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. The proposed Project site does not contain forested lands. Therefore no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)

**SUBSTANTIATION:** (Discuss conformity with the South Coast Air Quality Management Plan, if applicable): **Air Quality/Greenhouse Gas Study for Sheep Creek Community Solar Project, Elevated Entitlements, July 14, 2020; California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MDAQMD); San Bernardino County General Plan, 2007; Submitted Project Materials**

The Project site falls under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD) and is located in the Mojave Desert Air Basin (MDAB). The Air Quality Management Plan (AQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on existing and future air pollution emissions resulting from employment and residential growth projections. The Air Quality Management Plan (AQMP) is developed using input from various agencies' General Plans and other projections for population and employment growth. Emissions with regional effects during Project construction, calculated with the California Emissions Estimator Model (CalEEMod); Version 2016.3.2, would not exceed criteria pollutant thresholds established by the MDAQMD.

The proposed Project is expected to have a minimal impact on the air quality of the area and would produce relatively few emissions during construction (three-month period) and negligible emissions during operation. In addition, the development of renewable energy sources is expected to produce cumulative and regional environmental benefits. Therefore, impacts are considered less than significant. **Table 1** below presents the regional air quality significance thresholds.

Table 1: MDAQMD Air Quality Significance Thresholds & Project Maximum Daily Emissions – Temporary Construction							
Regional (lbs/day)	Thresholds	VOC <sup>1</sup>	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
<b>Construction</b>							
Construction Emissions		4.55	50.26	32.81	20.41	11.99	0.10
MDAQMD Significance Thresholds		137	137	548	82	65	137
<b>Exceeds Threshold</b>		<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
1. Volatile Organic Compound (also referred to as ROC or ROG) 2. Source: <a href="https://www.mdaqmd.ca.gov/home/showdocument?id=538">https://www.mdaqmd.ca.gov/home/showdocument?id=538</a>							

- a) **Less than Significant Impact.** As shown in **Table 1**, emissions from construction of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Based on this, the proposed Project would not be expected to conflict with or obstruct implementation of the AQMP. There would be no expected conflict or obstruction of any air quality plans. Most of the polluting emissions would be produced during the

construction period where earthmovers, delivery trucks, and personal vehicles would be used during the construction phase. These emissions would be in the form of exhaust and dust. The amount of exhaust associated with the proposed project would be negligible compared to the yearly exhaust levels of San Bernardino County.

The proposed Project is located within the MDAQMD which is non-attainment for ozone and PM<sub>10</sub>. The MDAQMD has adopted federal attainment plans (1995 for PM<sub>10</sub> and 2004 for ozone) for these two pollutants. The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. However, these would be less than or roughly equal to pollutants generated by other land uses for this property such as farming (farrowing, plowing, etc.). Best Management Practices for the proposed Project shall include use of water trucks to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

- b) **Less than Significant Impact.** MDAQMD has established daily emissions thresholds for construction and operation of a proposed project in the MDAB. The emissions thresholds were established based on the attainment status of the MDAB with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health within an adequate margin of safety, these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks.

As shown in **Table 1**, emissions from construction of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Specifically, the proposed Project would not exceed MDAQMD significance thresholds for ozone precursor pollutants, VOC and NO<sub>x</sub>, as well as PM<sub>10</sub> and PM<sub>2.5</sub> for which the MDAB is in non-attainment.

Projects in the Basin with construction or operation related emissions that exceed any of their respective emission thresholds would be considered significant under MDAQMD guidelines. These thresholds, which MDAQMD developed and that apply throughout the Basin, apply as both Project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact.

- c) **Less than Significant Impact.** The California Air Quality Management District's recommend that all air quality analyses include an assessment of both construction and operational impacts on the air quality of nearby sensitive receptors. Sensitive receptors are defined as populations that are more susceptible to the effects of pollution than the population at large. The MDAQMD identifies the following as sensitive receptors: residences, schools, daycare centers, playgrounds, and medical facilities. The proposed Project is not bordered by any sensitive receptors. The Project site is located near vacant land uses that are zoned Rural Living.

The proposed Project is not expected to produce cumulatively significant emissions for ozone or PM<sub>10</sub>. During construction activities, dust would be produced by general activity on-site, especially earth-moving activities. The MDAQMD Rule 403.2 requires that mitigation measures be implemented in order to reduce the amount of dust produced during construction periods. These standard mitigations measures include periodic watering via water truck to minimize any visible fugitive dust emissions, taking actions to prevent the tracking of bulk material onto public roads, and reducing non-essential earth-moving activities when wind exceeds gusts of 25 miles per hour or an hourly average wind

speed of 15 miles per hour. Any project-related spills or tracking of bulk material on public surfaces must be cleaned up within 24 hours as required by the Mojave Desert Air Quality Management District. After construction has been completed, the amount of air pollutants is expected to be reduced considerably since photovoltaic energy production systems do not generate emissions that would cause reduction of air quality or produce objectionable odors. Air emissions would also occur during occasional maintenance. However, these emissions would be at insignificant levels (generally twice per year). However, it is recommended that maintenance vehicles be kept in good condition and not be allowed to idle for extended periods of time.

Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. The Air Quality Management District (AQMD) Localized Significance Threshold (LST) Methodology specifies, "Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters." There are no residences within a quarter mile of the Project, therefore further analysis is not necessary.

d) **Less than Significant Impact.**

Electricity generation via the use of photovoltaic systems does not generate chemical emissions that would negatively contribute to air quality or produce objectionable odors. Potential odor generation associated with the proposed Project would be limited to construction sources such as diesel exhaust and dust. No significant odor impacts related to Project implementation are anticipated due to the nature and short-term extent of potential sources, as well as the intervening distance to sensitive receptors. Therefore, the operation of the Project would have a less than significant impact associated with the creation of objectionable odors affecting a substantial number of people.

Construction: Heavy-duty equipment in the Project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after construction is completed. No other sources of objectionable odors have been identified for the proposed Project, and no mitigation measures are required. MDAQMD Rule 402 regarding nuisances states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." The proposed Project is not anticipated to emit any objectionable odors. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed Project.

Operation and Maintenance: The Project would be operated on an autonomous, unstaffed basis and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements would be minimal as the proposed Project's PV arrays would operate with limited moving parts. No full-time staffing would be required to operate the facility. Operational activities are limited to monitoring facility performance and responding to facility needs for adjustments along with preventative and unscheduled maintenance. The Project would operate 24/7. No heavy equipment would be used during routine Project operation. Operation and maintenance vehicles would include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site

infrequently for equipment repair or replacement. Any required maintenance would be scheduled so as to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event.

The Project would produce a small amount of waste associated with maintenance activities. PV solar farm wastes typically include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid materials including typical household type refuse generated by workers. These materials would be collected and recycled to the extent possible.

Decommissioning:

At the end of the Project site’s operational term, the applicant may determine that the site should be decommissioned and deconstructed, or it may seek an extension of its Power Purchase Agreement (PPA) and/or revision to its CUP, as applicable. When the solar arrays, panels, and fencing are removed after the Project’s lifetime, the land would largely be restored to its pre-project condition. The Project would utilize BMPs to ensure the collection and recycling of all components to the extent feasible.

All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable Federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding agricultural landscape. End uses would be consistent with the existing zoning. The funding requirements for the implementation of the decommissioning plan would be provided in the form of a bond estimate by the Project proponent prior to construction of the Project.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands as (including, but	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- |    |   |                          |                          |                                     |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

*(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ): **Focused Burrowing Owl and Desert Tortoise Surveys for Sheep Creek Solar Project, Panorama Environmental, Inc., August 2018; Mojave Ground Squirrel Trapping Results for Sheep Creek Solar Project, Panorama Environmental, Inc., August 2018; Botanical Survey and Search for Sensitive Plants at Jatton Sheep Creek Solar Power Generation Project, Panorama Environmental, Inc., August 2018; San Bernardino County General Plan, 2007; Submitted Project Materials;***

- a) **Less than Significant Impact.** City and County General Plans and development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas. The Project site does not have trees or shrubs that could provide nesting habitat for birds; nor does it contain evidence of the presence of Mojave Ground Squirrel (MGS), Burrowing Owl (BUOW), or Desert Tortoise. The results of the visual survey and trapping sessions performed by Phoenix Biological Consulting for Panorama Environmental, Inc. were negative for MGS and thus the Project would not have a significant impact. Phoenix Biological Consulting also conducted field surveys for BUOW and Desert Tortoise during the Spring and Summer of 2018, and came to the following conclusions. The field results were negative for BUOW. Numerous small burrows were observed during the field survey. The largest burrow on site measured 3-inches wide and was unsuitable for BUOW. The burrows all appeared to be inactive and appear to have been ground squirrel burrows. No BUOW were observed during the survey effort and no BUOW sign was observed. The field results were negative for Desert Tortoise as well. Numerous small burrows were observed during the field effort. The burrows were absent of signs of Desert Tortoise. The burrows all appeared to be inactive and appear to have been ground squirrel

burrows. No Desert Tortoises were observed during the survey effort and no Desert Tortoise scat was observed.

An inventory of vegetation types and species present within the entire study area was completed using transect-style field surveys conducted on April 6 and April 20-21, 2018. The study area for botanical resources that may be affected by the Project totals 30 acres. This area includes the 20-acre project footprint where the direct impacts of soil disturbance and loss of vegetative cover would occur, as well as a buffer of 100 feet in all directions.

No populations of sensitive plant species were found during the April 2018 search. Only species that are regionally common were found. There was no evidence that grazing of range cattle had occurred on site during months prior to the survey, and Off-Highway Vehicles (OHV) related disturbances that may have affected the inventory outcome were very limited. The timing of the survey dates coincided with the flowering and fruiting periods for all of the potentially occurring sensitive species; however, precipitation in 2018 did not favor seedbank germination. Construction-related disturbance would occur entirely within areas that were mapped in 2018 as Creosote Bush Shrublands. This vegetation community type is regionally widespread and common. The loss of approximately 20 acres of this community in highly degraded condition would not substantially alter the environment with respect to the amount of the plant community type that is regionally available. As development of the High Desert Corridor Project is implemented throughout the local landscape, it can be expected that these plants and their habitat would become increasingly disturbed and isolated, even if the Project does not occur.

With the exception of the long-lived native creosote shrubs, plant presence within the study area is currently almost entirely limited to naturalized non-native plants such as Mediterranean grass, redstem filaree, Russian thistle (*Salsola tragus*), red brome (*Bromus madritensis* ssp. *rubra*), and cheat grass (*Bromus tectorum*). It is unlikely that any potentially occurring sensitive annual plant populations would be affected. It is very unlikely that any potentially occurring sensitive perennial species including cacti would be affected. There is one Joshua tree located adjacent to Parkdale Road that may be affected. Project-related devegetation, while removing only common and weedy non-native plants, nevertheless could in the absence of mitigation, lead to greater site soil mobility and fugitive dust emissions. Windspeeds and associated saltation of sand particles would be increased at the soil surface with the removal of the current shrub cover, potentially exacerbating the ongoing habitat degradation that is already occurring at neighboring properties.

The Project would not conflict with local policies or ordinances related to biological resources. The Project is not within an adopted Habitat Conservation Plan area. The Project would not have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, less than significant impacts would occur.

- b) **No Impact.** This Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or United States Fish and

Wildlife Service because no such habitat has been identified or is known to exist on the Project site. There are no defined watercourses on the site. Therefore, no impacts would occur.

- c) **No Impact.** This Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the Project is not within an identified protected wetland. There are no defined watercourses on the site. Therefore, no impacts would occur.
- d) **No Impact.** Due to the absence of sensitive biological species as described in the biological reports prepared by Phoenix Biological Consulting The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the Project site. Therefore, no impacts would occur.
- e) **Less than Significant Impact.** Existing vegetation is sparsely distributed throughout the parcel and is nearly monotypic in vegetation diversity; very few other shrubs types are present. The undisturbed area consists of creosote bush scrub with very low density Joshua trees (*Yucca brevifolia*). Joshua tree is a Regulated Plant as defined under Section 88.01 of the San Bernardino County Development Code, thus requiring a permit for removal. One live individual was found within the project area boundaries and thus may be affected by implementation. If this individual is to be removed, mandatory conditions for permit approval (Code Section 88.01.050(f)(3)) would include transplanting in compliance with the provisions of the California Desert Native Plants Act. The occurring individual is not large enough to be considered "specimen size" as defined in this same Code section. There are no true trees in or bordering the sites. Evidence of creosote rings are noticeable in aerial photos of the Project area as are intermittent dry desert drainages along the eastern border of the parcel. This Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore impacts would be less than significant.
- f) **No Impact.** This Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the Project site. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Cultural  or Paleontological  Resources overlays or cite results of cultural resource review):  
**Archaeological Survey of Approximately 38.5 Acres of Land on Behalf of Universal Solar Partners for the Proposed Sheep Creek Community Solar Project, Stantec, September, 2019; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; San Bernardino County General Plan, 2007; Submitted Project Materials**

- a) **Less than Significant Impact.** The South Central Coastal Information Center received the Project’s records search request for the Project’s development footprint area located on the Shadow Mountain SE USGS 7.5’ quadrangle. The Archaeological Study prepared by Universal Solar Partners by Stantec Consulting Services, Inc. (Stantec) reflects the results of the records search for the Project area and a 1-mile radius. The search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest, the California Historical Landmarks (CHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Historic Properties Directory (HPD) listings were reviewed for the above referenced Project site and a 1-mile radius. Based on the findings in the Archaeological Study, the proposed Project would not cause a substantial adverse change to the significance of historical resources as defined in Section 15064.5. Therefore, less than significant impacts would occur.
- b) **Less than Significant Impact.** As part of the current Archaeological Study prepared by Stantec, 38.5 acres of land was inventoried to determine whether significant cultural resources would be affected by the proposed Project. The survey resulted in the identification and documentation of a single, historic period refuse labeled as Sheep Creek-1. Based on archival research and data gathered during the study, it appears that the documented resource shall not be considered historically or culturally significant as it does not meet the minimum criteria for eligibility set forth in the California Register of Historical Resources (CRHR) (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852). Based on the findings in the Archaeological Study, the proposed Project would not

cause a substantial adverse change to the significance of historical resources as defined in Section 15064.5. Therefore, less than significant impacts would occur.

During an intensive pedestrian survey conducted by Stantec on August 27-28, 2019 several small modern-era refuse deposits were observed along Parkdale Street and along the northern portion of the Project Area, including bedframes, milled wood, broken bottles, wires, electronic components, plastic buckets, and plastic bottles. A small and narrow, OHV trail was observed in the western portion of the Project Area and running parallel to Sheep Creek Road. During the course of the survey a large, but very sparse, historic-era refuse deposit was identified and documented within eastern portion of the Project Area.

The methods and techniques used by Stantec are considered sufficient for the identification and evaluation of cultural resources visible at the ground surface. However, there is always a possibility that buried archaeological deposits could be found during construction and earth disturbing activities. In the event that cultural resources are encountered during construction activities, all work must stop, and a qualified archaeologist should be contacted immediately. Further, if human remains are encountered during construction, State Health and Safety Code Section 7050.5 requires that no further work shall continue at the location of the find until the County Coroner has made all the necessary findings as to the origin and distribution of such remains pursuant to Public Code Resources Code Section 5097.98.

- c) **Less than Significant Impact with Mitigation.** The Project area is located in the vicinity of Native American ancestral lands. Therefore, sensitivity for undocumented subsurface resources related to Native American Tribal cultural heritage within the Project area may be inferred. Compliance with mitigation measure **CUL-1C** described below, and monitoring recommendations would reduce impacts to the inadvertent discovery of human remains to less than significant.

**Mitigation Measures:**

**CUL 1C:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

**Monitoring Measures:**

1. Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.
2. Due to the heightened cultural sensitivity of the proposed Project area, an archaeological monitor with at least three years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed Project area (which includes, but is not limited to, tree/shrub removal and planting,

clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work).

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VI. ENERGY – Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Renewable Energy and Conservation Element of the General Plan 2017; California Energy Commission Title 24***

- a) **Less than Significant Impact.** Construction shall 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. The proposed Project would be conditioned to comply with Greenhouse Gas (GHG) operational standards during temporary construction. Adherence would ensure that there would not be a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.
- b) **Less than Significant Impact.** The County of San Bernardino adopted a Renewable Energy and Conservation Element (RECE) as part of the County’s General Plan dated August 8, 2017. The proposed Project would be required to meet Title 24 Energy Efficiency requirements. Adherence would ensure that the Project would not conflict with or obstruct the recently adopted RECE or any other state or local plan for renewable energy or energy efficiency.

**Therefore, no impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv. Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** (Check  if project is located in the Geologic Hazards Overlay District): **San Bernardino County General Plan, 2007 Hazards Policy Map: HZ-1 Earthquake Fault Zones, Map: HZ-2 Liquefaction and Landslides, Map: HZ-11 Wind Erosion Hazards; Submitted Project Materials; California Building Code; Public Resources Code.**

- a) i) **Less than Significant Impact.** The Project site is not located within an official earthquake fault zone based on the County of San Bernardino General Plan Hazards Policy Map: HZ-1 *Earthquake Fault Zones*, or within a quarter of a mile of a mapped fault. However, all of Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact would be considered less than significant.
- ii) **Less than Significant Impact.** The subject property is within an area that is subject to severe ground shaking as is most of Southern California. There would be a less than significant impact to the unmanned facility as no buildings are proposed, however the solar arrays could sustain damage from a moderate earthquake.

- iii) **No Impact.** The Project site is not located in an area of high liquefaction susceptibility. However, adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* would further assure a less than significant impact due to liquefaction. However, as an unmanned facility with no proposed buildings, there would be no impact.
- iv) **No Impact.** The Project site is in a generally level desert area and is not in close proximity to hillsides, foothills or mountains that could have the potential to slide during a ground disturbing event such as an earthquake. Therefore there would be no impact.
- b) **Less than Significant Impact.** The proposed Project is within a High Erodibility zone according to the County of San Bernardino General Plan Hazards Policy Map: HZ-11 *Wind Erosion Hazards*. The near surface sandy soils may be subject to water erosion. Positive drainage should be provided around the perimeter of all structures and all foundations toward streets or approved drainage devices to minimize water infiltrating into the underlying natural and engineered fill soils. Erosion control plans and grading plans would be required to be submitted, approved, and implemented for the proposed development. Addition of the solar arrays to the vacant parcel would help contain much of the erosion of the soil beneath. Therefore, a less than significant impact would occur.
- c) **Less than Significant Impact.** The Project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off- site landslide, lateral spreading, subsidence, liquefaction, or collapse based on the Project location and San Bernardino General Plan Hazards Policy Map: HZ-2 *Liquefaction and Landslides*. Therefore, a less than significant impact would occur.
- d) **Less than Significant Impact.** The Project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Therefore, a less than significant impact would occur.
- e) **No Impact.** As an unmanned facility there would be no septic or alternative wastewater treatment systems onsite. No further study of onsite soils for this purpose is necessary therefore, no significant adverse impacts would occur.

**No significant impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *Air Quality/Greenhouse Gas Study for Sheep Creek Community Solar Project, Elevated Entitlements, July 14, 2020; California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MDAQMD); County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011; San Bernardino County General Plan, 2007; Submitted Project Materials*

Construction is estimated to start in 2020 and would take approximately three months to complete. Elevated Entitlements quantified greenhouse gas (GHG) emissions resulting from the construction and operation of the Project using construction and operational data provided by the Project applicant. Emission factors and other data are from the CalEEMod California Emissions Estimator Model. This software was used as the GHG quantification tool for this Project. The applicant estimated the Project construction activities would occur over a three-month period, while the operational Project life is estimated at 30 years. The total Project related average annual GHG emissions were determined to not exceed 3,000 metric tons carbon dioxide equivalent per year (MTCO<sub>2</sub>e/yr), or 548,000 lbs/day. As shown in **Table 2** below the temporary construction activities for the Project would not exceed the MDAQMD thresholds. These Project GHG emissions are consistent with the County of San Bernardino’s September 2011 Greenhouse Gas Reduction Plan and would present a less than significant impact for GHG emission.

<b>Table 2: Greenhouse Gas (CO<sub>2</sub>) lbs/day</b>	
Project Construction Emissions	9,807.55
MDAQMD Threshold <sup>1</sup>	548,000
Exceeds Threshold	<b>No</b>
<sup>1</sup> Source: <a href="https://www.mdaqmd.ca.gov/home/showdocument?id=538">https://www.mdaqmd.ca.gov/home/showdocument?id=538</a>	

- a) **Less than Significant Impact.** Construction of the Project would generate GHG emissions and maximum daily emissions are shown in Table 2 above. The Project’s construction emissions would be below the MDAQMD’s daily GHG threshold, therefore, the project would not generate GHG emissions that would have a significant impact on the environment and impacts would be less than significant.

Construction Activities: During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O). Furthermore, Methane (CH<sub>4</sub>) is emitted during the fueling of heavy equipment.

Gas, Electricity, and Water Use: Natural gas use results in the emission of two GHGs: CH<sub>4</sub> (the major component of natural gas) and CO<sub>2</sub> (from the combustion of natural gas). Electricity use can result in GHG production if the electricity is generated by combustion of fossil fuel. California’s water conveyance system is energy-intensive. Water-related electricity use is 48 terawatt hours per year and accounts for nearly 20 percent of California’s total electricity consumption. Gas, electricity and water use would be minimal during temporary construction and operation of the unmanned facility.

**Solid Waste Disposal:** Solid waste generated by the Project would contribute to minimal GHG emissions during temporary construction of the facility only. During operation, the unmanned solar facility would require the disposal of solid waste.

**Motor Vehicle Use:** During construction, transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips. During operation, as an unmanned facility, these emissions would be minimal.

**Operational Activities:** Mobile source emissions of GHGs would include Project-generated vehicle trips associated with on-site facilities and customers/visitors to the Project site. As proposed the Project would be an unmanned solar facility, with no customer visits to the site. Any operation and maintenance employees that would be required to visit the site would be minimal, resulting in a negligible amount of mobile source emissions of GHG.

- b) **No Impact.** A project’s incremental contribution to a cumulative Greenhouse Gas (GHG) effect is not cumulatively considerable if the Project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances. In 2011, the County adopted the GHG Emissions Reduction Plan, and in 2016, the County adopted the GHG Development Review Process (DRP). The GHG Emissions Reduction Plan qualifies as a plan for the reduction of GHG emissions pursuant to the State CEQA Guidelines, and the DRP is a guideline for the GHG Emissions Reduction Plan. The DRP identifies local GHG performance standards that need to be applied to the Project.

The proposed Project would be a net generator of clean, renewable energy that would reduce GHG emissions associated with generation of electricity from fossil fuels at other power plants. As a renewable energy generator, the proposed Project would be consistent with state goals in AB 32 and 2017 Scoping Plan for reducing GHG emissions from fossil fuel sources, as well as support meeting Renewable Portfolio Standard requirements. The proposed Project would not conflict with an applicable, plan, policy or regulation adopted for the purpose of reducing GHG emissions, therefore, impacts would be less than significant. As an unmanned solar facility that would produce negligible emissions, the Project would be consistent with the GHG Emissions Reduction Plan.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

***SUBSTANTIATION: San Bernardino County General Plan, 2007, Hazards Policy Maps; San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, July 13, 2017; Submitted Project Materials***

- a) **Less than Significant Impact.** Compliance with federal, state, and local closure requirements, the Project would have a less than significant impact to the public or the environment. A decommissioning plan when the facility reaches its end of life per San Bernardino County Development Code Section 84.29.070 *Decommissioning Requirements* would be required. Therefore, less than significant impacts would occur.
- b) **Less than Significant Impact.** Through mitigation, the Project would have a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The use and storage of all hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Therefore, less than significant impacts would occur.
- c) **Less than Significant Impact.** Emissions and handling of hazardous or acutely hazardous materials, or substances, would have a less than significant impact on any existing or proposed schools that are within a quarter mile from the Project site. The nearest schools are more than eight (8) miles to the east in the City of Adelanto. Therefore, less than significant impacts would occur.
- d) **No Impact.** The Project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5. Therefore, the Project would not create a significant hazard to the public or environment.



- e) **No Impact.** The Project site is located approximately ten (10) miles to the west of the Southern California Logistics Airport and is not located within an Airport Land Use Plan or within two miles of a public use airport. Therefore, the proposed Project would not result in a safety hazard for people residing or working in the Project area. As a result, no impacts would occur.
- f) **No Impact.** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project has adequate access from two or more directions. Therefore, no impacts would occur.
- g) **No Impact.** Being an unmanned facility in a sparsely populated desert location, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** *Preliminary Drainage Study, Sheep Creek Community Solar, Stantec, August 26, 2019; San Bernardino County General Plan, 2007; Submitted Project Materials*

- a) **No Impact.** The Project would not violate any water quality standards or waste discharge requirements. This is an unmanned facility with no requirement for water service or an on-site waste water treatment system. Therefore, no impacts would occur.
- b) **No Impact.** The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the Project is not proposing onsite water usage. Therefore, no impacts would occur.
- c) **Less than Significant Impact.** The proposed Project site is located within the high desert region of San Bernardino County and is on the southwest end of the expansive Mojave Desert. The nearby City of Adelanto adopted a Drainage Master Plan Update prepared by So & Associates Engineers, Inc. in May of 2012. The Project site is located to the west of the study watershed limits and is not a part of the latest City's Master Plan update. Mapping and topography were developed from 2,000 scale (7.5 minute) USC&GS quadrangle maps of the entire tributary area to the project site.

The Preliminary Drainage Study utilizes preliminary Geographical Information System (GIS) level site topography along with a conceptual site layout as the basis of design. The Project site is not impacted by United States Geological Survey (USGS) mapped blue line streams. The Project site is located in an undefined floodplain with an extensive tributary area. Since no on-site grading is proposed, the proposed Project would not increase the pre-development runoff flowrate.

The proposed Project layout maintains the low flow of the main natural drainage course traversing the Project site unoccupied and obstructed. Based on the approved drainage study prepared by Stantec the Project would not:

- i. Result in substantial erosion or siltation on- or off-site.
  - ii. Increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite as the solar panels are elevated above the surface of the ground allowing movement of any run-off below.
  - iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff.
  - iv. Impede or redirect flood flows.
- d) **No Impact.** Based on existing site conditions, and proposed Project activities the Project would not substantially alter any existing drainage pattern of the site or area,

which includes through the alteration of the course of a stream or river, or a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on or off-site. Therefore, no impacts would occur.

- e) **No Impact.** The proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. No grading is proposed as part of Project activities, as such there would be little to no alteration in the natural drainage of flows on site. There would be adequate capacity in the local and regional drainage systems, so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the Project. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials</i></b>				

- a) **No Impact.** The Project would not physically divide an established community, because the Project is in an area of large vacant parcels with no anticipated residential development proposed for the foreseeable future. There are scattered single family residences within a mile of the proposed Project, but the Project would not cause a physical division of an established community. Therefore, no impacts would occur.
- b) **No Impact.** The Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect because the Project is consistent with all applicable land use policies and regulations of the County Development Code, and General Plan. The Project complies with all hazard protection, resource preservation, and land-use-modifying Overlay District regulations. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located within the Mineral Resource Zone Overlay): **San Bernardino County General Plan, 2007, Policy Map NR-4 Mineral Resource Zones; Submitted Project Materials; California Department of Conservation: Mineral Land Classification Maps**

- a) **No Impact.** According to the Policy Map NR-4 *Mineral Resource Zones* map, the Project site is not located within a Mineral Resources Zone within San Bernardino County. The closest mineral resources and/or mines are approximately ten (10) to twenty (20) miles to the north and east respectively. The proposed Project would not interfere with current mining operations. Therefore, no impacts would occur.
- b) **No Impact.** The proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The Project site lies between ten (10) and twenty (20) miles from any sites where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. NOISE - Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**SUBSTANTIATION:** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the General Plan Noise Element ): **San Bernardino County General Plan, 2007; Submitted Project Materials**

- a) **No Impact.** The Project site consists of an unmanned community PV solar facility and would not generate ambient noise levels in the area that would violate the San Bernardino Development Code, or General Plan Noise Element. Therefore, no impacts would occur.
- b) **No Impact.** As an unmanned facility, the Project would not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The Project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated by the proposed uses. Therefore, no impacts would occur.
- c) **No Impact.** The proposed Project is not within the Airport Safety Review Area. The Project is located one (1) mile west of Krey Field private airstrip, and five (5) miles southeast of El Mirage private airstrip. Photovoltaic solar does not use reflective mirrored panels, thus the Project would not cause a significant impact to aircraft utilizing these airstrips in terms of glint or glare. The Project is not within two (2) miles of a public or public use airport. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** **San Bernardino County General Plan, 2007; Submitted Project Materials.**

- a) **Less than Significant Impact.** The Project would not induce substantial population growth in an area either directly or indirectly. As an unmanned photovoltaic solar facility,

the Project is not expected to induce population growth or the development of new homes or roads.

- b) **No Impact.** The proposed Project would not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XV. PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) **Less than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, or the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks, or other public facilities. The proposed Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this Project. Therefore, less than significant impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) **Less than Significant Impact.** The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, less than significant impacts would occur.
- b) **Less than Significant Impact.** The Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the type of Project proposed would not result in an increased demand for recreational facilities. Therefore, less than significant impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) **Less than Significant Impact.** As an unmanned solar facility, the Project would not cause an increase in traffic. Local roads would only be impacted during temporary construction and bi-annual maintenance activities. Therefore, impacts would be less than significant.
- b) **Less than Significant Impact.** As an unmanned solar facility the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b). The scheduled maintenance activities would result in a negligible increase to vehicle miles traveled (VMT). Therefore, impacts would be less than significant.
- c) **No Impact.** The Project would not substantially increase hazards due to a design feature or incompatible uses because the Project site is adjacent to an established road that is accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the Project that would impact surrounding land uses. Therefore, no impacts would occur.
- d) **Less than Significant Impact.** The site is designed to allow emergency vehicles responding to a possible event. Adequate access to ingress and egress points including turnaround areas, perimeter roads, and interior roads between panel rows that are of adequate width and approved by County Fire during their review of the Project would be provided. Therefore, less than significant impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XVIII. TRIBAL CULTURAL RESOURCES**

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- |     |  |                          |                                     |                          |                          |
|-----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i)  | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

***SUBSTANTIATION: Archaeological Survey of Approximately 38.5 Acres of Land on Behalf of Universal Solar Partners for the Proposed Sheep Creek Community Solar Project, Stantec, September, 2019; San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials***

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and Project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed project in the geographic area that is traditionally and through formal notification of proposed projects in the geographic area that is traditionally and culturally

affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), Soboba Band of Luiseno Indians, and Twenty-Nine Palms Band of Mission Indians. Response letters were received from FMIT, SMBMI, and Morongo. The FMIT indicated that the Project as described shows that there is no substantial evidence that there would be a significant effect on FMIT tribal cultural resources. Formal consultation with the SMBMI took place on November 17, 2019, and the Morongo on January 16, 2020. The consultations resulted in concerns for the inadvertent discovery of human remains and other archaeological/tribal cultural resources on-site, and provided mitigation measures in the form of standard language which is included in *Sections V. Cultural Resources*, and *XVIII. Tribal Cultural Resources* of this document as well as the conditions of approval for the Project. Archaeological/tribal monitoring was also requested by both the San Manuel and Morongo tribes. The CRIT, Soboba, and Twenty-Nine Palms Band of Mission Indians did not respond to the County's consultation letters.

- a) **Less than Significant Impact with Mitigation.** The South Central Coastal Information Center received a records search request for the Project area located on the Shadow Mountain SE USGS 7.5' quadrangle. Records search for the Project area and a 1-mile radius were provided and included a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest, the California Historical Landmarks (CHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Historic Properties Directory (HPD) listings were reviewed for the Project site and a 1-mile radius.

A portion of the Project site has been previously surveyed. While there are no recorded archaeological sites within the Project area, buried resources could potentially be unearthed during Project activities. Therefore, customary caution and a halt-work condition shall be in place for all ground-disturbing activities. In the event that any evidence of cultural resources is discovered, all work within the vicinity of the find shall stop until a qualified archaeological consultant can assess the find and make recommendations. Excavation of cultural resources shall not be attempted by Project personnel. It is also recommended that the Native American Heritage Commission (NAHC) be consulted to identify if any additional traditional cultural properties or other sacred sites are known to be in the area. The NAHC may also refer the Project proponent to local tribes with particular knowledge of potential sensitivity. The NAHC and local tribes may offer additional recommendations to what is provided here and may request an archaeological monitor.

- b) **Less than Significant Impact with Mitigation.** The Project proponent shall consider the significance of any possible resource to a California Native American tribe. With required mitigation and monitoring requested by tribes with ancestral interest in the Project area, the impact would be reduced to a less than significant level.

## **Mitigation Measures**

### **TCR-1: Treatment of Tribal Cultural Resources**

If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead

Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

### **TCR-2: Inadvertent Discoveries of Human Remains/Funerary Objects**

In the event that any human remains are discovered within the Project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

### **Monitoring Measures**

1. A sufficient number archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan (MTP) that is reflective of the Project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Any and all findings would be subject to the protocol detailed within the MTP, as well as the protocol outlined in TCR-1. The MTP shall also state the frequency by which the archaeological monitor would submit monitoring logs to the Lead Agency and SMBMI. Once all parties review and

approve the MTP, it shall be adopted by the Lead Agency, which shall occur prior to permitting for the Project. At the conclusion of monitoring for the Project, a draft monitoring report would be submitted to the Lead Agency and SMBMI for review, and the final monitoring report would be submitted to all parties for their records.

2. Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.
3. The Morongo tribe requested a tribal monitor be present if an archaeological monitor was onsite during ground disturbing activities.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: County of San Bernardino General Plan 2007; Submitted Project Materials***

- a) **No Impact.** As an unmanned solar facility, the proposed Project does not propose the use or implementation of a wastewater treatment facility. Therefore, no impacts would occur.
- b-c) **No Impact.** The proposed Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed

Project is an unmanned solar facility with no water or wastewater facilities proposed. Therefore, no impacts would occur.

- d) **No Impact.** The proposed Project does not require a permanent water source and would use water trucks for the occasional cleaning/washing of the panel arrays. There would be no impact to wet utilities in this regard. Therefore, no impacts would occur.
- e) **Less than Significant Impact.** The Project 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. A Construction Waste Management Plan would be prepared in two parts to show adequate handling of waste materials; disposal, reuse, or recycling as required by the County Department of Public Works Solid Waste Management Department. Therefore, impacts would be less than significant.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *County of San Bernardino General Plan 2007, Hazards Policy Map HZ-5 Fire Hazard Severity Zones; Submitted Project Materials*

- a) **No Impact.** The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, no impacts would occur.

- b) **Less than Significant Impact.** The proposed Project is within a moderate Local Response Area (LRA) Fire Hazard Severity Zone. According to the Countywide Plan Policy Map HZ-5 *Fire Hazard Severity Zones*, the subject parcel is within a sparsely populated area of the desert surrounded by vacant land. Implementation of the proposed Project would not cause a significant impact due to slope, prevailing winds, and other factors, exacerbate wildfire risks, thereby exposing Project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire. Therefore, less than significant impacts would occur.
- c) **No Impact.** The proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities). The Project is not expected to exacerbate fire risk that may result in temporary or ongoing impacts to the environment. Therefore, no impacts would occur.
- d) **No Impact.** The proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant Impact with Mitigation.** The Project does not have the potential to significantly degrade the overall quality of the region’s environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

There are no identified historic or prehistoric resources identified on this site based on field surveys conducted by Stantec in August 2019. No archaeological or paleontological resources have been identified in the Project area. Impacts to Cultural or Tribal Cultural Resources due to inadvertent discoveries during Project development would be reduced to a less than significant level with the implementation of mitigation measures recommended in the Cultural Resources (**CUL-1C**), and Tribal Cultural Resources (**TCR-1, and TCR-2**).

b) **No Impact.** The Project does not have impacts that are individually limited, but cumulatively considerable. The sites of projects in the area to which this Project would add cumulative impacts have either planned or existing infrastructure that is sufficient for all planned uses.



- c) **No Impact.** The Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this Project or identified by review of other sources or by other agencies.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the Project would be required to meet the conditions of approval for the Project to be implemented. It is anticipated that all such conditions of approval would further insure that no potential for adverse impacts would be introduced by construction activities, initial or future land uses authorized by the Project approval.

## **GENERAL REFERENCES**

California Department of Conservation, California Geological Survey, Mineral Resources and Mineral Hazards

County of San Bernardino 2007 Development Code

County of San Bernardino Geologic Hazards Overlays Map

County of San Bernardino Hazard Overlay Map

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995.

County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards.

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map.

San Bernardino County General Plan, 2007.

San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, July 13, 2017

San Bernardino County General Plan, 2007; Environmental Impact Report

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/>

## **PROJECT-SPECIFIC REFERENCES**

Air Quality/Greenhouse Gas Study for Sheep Creek Community Solar Project, Elevated Entitlements, July 14, 2020.

Archaeological Survey of Approximately 38.5 Acres of Land on Behalf of Universal Solar Partners for the Proposed Sheep Creek Community Solar Project, Stantec, September, 2019.

Botanical Survey and Search for Sensitive Plants at Jatón Sheep Creek Solar Power Generation Project, Panorama Environmental, Inc., August 2018.

California Historical Resources Information System, South Central Coast Information Center, California State University, Fullerton, Department of Anthropology MH-426, January 9, 2020.

Focused Burrowing Owl and Desert Tortoise Surveys for Sheep Creek Solar Project, Panorama Environmental, Inc., August 2018.

Mojave Ground Squirrel Trapping Results for Sheep Creek Solar Project, Panorama Environmental, Inc., August 2018.

Preliminary Drainage Study for Sheep Creek Community Solar, Stantec, August 26, 2019.

# EXHIBIT B

## Findings

**FINDINGS: CONDITIONAL USE PERMIT:**

**A Conditional Use Permit to construct and operate the Sheep Creek Community Solar Project with a total capacity of three (3) Megawatts (MW) Alternating Current (AC) utilizing approximately 11,000 photovoltaic solar modules on a 20-acre parcel in the Community of El Mirage (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 requested Conditional Use Permit:

- 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 community solar project would have a capacity of 3 Megawatts (MW) and would utilize approximately 10,000 Poly or Mono Crystalline photovoltaic solar modules, which would be mounted on single axis trackers, and use four (4) 750 kilowatt (kW) central inverters. The number of modules and inverters is subject to change depending on the final design and availability. The Applicant (PHELAN SOLAR, LLC) proposes to construct 1,300 feet (0.3 miles) of distribution lines northerly along Sheep Creek Road to connect to an existing distribution line nearby the proposed project site. The electricity generated by this small-scale solar photovoltaic (PV) generating facility would ultimately be purchased by residential, agricultural, and commercial off-takers under Southern California Edison's (SCE) Green Tariff Shared Renewables program (GTSR Tariff). 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. Security fencing and electronic gate will be installed for the project. Chapter 83.11, Section 83.11.040 Table 83-15 requires one (1) space per facility vehicle, and one (1) ADA accessible space. A vehicle will be present on site for scheduled maintenance two times per year.

- 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 approximately twenty acres located at the southeast corner of Sheep Creek Road and Parkdale Road in unincorporated San Bernardino County in the community of El Mirage. Main access to the site will be made from Sheep Creek Road. Onsite roads will be provided throughout the Project area, including a 26 foot perimeter around the site with 20 foot access roads every 600 feet per county fire code.

- 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 proposed use is required to comply with all requirements of the County Development Code with respect to noise, vibration, lighting and glare. The Project has been conditioned to comply with Chapter 83.01 General Performance Standards for glare and lighting, noise, vibration, and other disturbances pursuant to the County Development Code. Additionally, the Project is required to comply with solar development standards as outlined in Chapter 84.29. Adherence to all the above regulations would prevent the Project from having a substantial adverse effect on abutting properties.

**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 Project, together with the provisions for its design and improvements, are consistent with the Countywide Plan. The Project specifically implements the following goals, objectives and policies from the RECE adopted August 8, 2017, (amended February 2019):

RE Goal 2: The County will be home to diverse and innovative renewable energy systems that provide reliable and affordable energy to our unique Valley, Mountain, and Desert regions.

- RE Objective 2.1: By 2030, access to community-oriented renewable energy generation will be available throughout San Bernardino County.
- RE Policy 2.1: Support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan.

Policy Implementation: Sheep Creek Community Solar is designed to provide reliable and affordable energy to the El Mirage community and surrounding high desert communities. The small scale 20 acre 3MW facility meets the requirements of RE Goal 2 in that it is of a scale that can be appropriately sited within the community while offering local residents the ability to enjoy the advantages of the renewable energy generated, lending towards the objective to provide such access throughout San Bernardino County by 2030.

RE Goal 3: Community-oriented renewable energy facilities will be prioritized to complement local values and support a high quality of life in unincorporated communities.

- RE Objective 3.1: By 2030, 30% of total households and businesses in the county will be served by on-site rooftop or ground-mounted accessory renewable energy production; and 30% of neighborhoods in unincorporated communities will have access to community-oriented renewable energy.
- RE Policy 3.2: Encourage community-oriented renewable energy (CORE) generation that primarily serves local uses in the county.
- RE 3.2.1: Specific standards shall be established and maintained for community-oriented RE generation facilities appropriate to the Valley, Desert, and Mountain regions.
- RE 3.2.2: Encourage through the regulatory system the establishment of local and regional organizations to pursue community-oriented RE production and storage.

Policy Implementation: Sheep Creek Community Solar has been approved as a community solar project by SCE under SCE's GTSR Tariff program (Community Solar Program). SCE's Community Solar Program is the result of Senate Bill 43, which allows participating utility customers to meet up to 100 percent of their energy usage from local renewable energy resources. Under the SCE Community Solar Program, SCE customers are allowed to subscribe up to 100 percent of their energy need from a local renewable energy project and receive bill credits from SCE based on their energy subscription directly from the local renewable energy project. Sheep Creek Community Solar will produce clean sustainable electricity to approximately 2,600 local contracted customers. The proposed Project has received over 1,300 signatures from local customers who have expressed interest in contracting with the community solar project. These customers will be the direct consumers of the 100 percent community solar initiative, and the proposed Sheep Creek Community Solar project. Local customers support local solar power because it provides clean energy for their long-term future and reduces greenhouse gas emissions, which contributes to a cleaner, healthier environment.

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 Sheep Creek Road and Parkdale 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.

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 County 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 construct and operate a photovoltaic solar generating facility that will contribute significant quantities of renewable energy for use by the local community.

**FINDINGS: COMMUNITY 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 a Community Solar Facility. In making these findings, the review authority considered the characteristics of the commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to the nearby communities, neighborhood and rural residential uses and the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity.

1. **Finding (c)(1): The proposed community 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 3mw community solar facility is proposed on a 20-acre parcel in the Rural Living (RL) zoning district and is of a sufficiently small size to be considered a community solar facility that will not adversely affect the desirability and future development of the community, neighborhood and rural residential use. The project design includes setbacks from roads as well as fencing to shield the facility from public view.

2. **Finding (c)(2): Proposed fencing, walls, landscaping, and other perimeter features of the proposed 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.* Security fencing and electronic gate will be used for the Project. All lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. There will be fewer visual impacts with lower profile PV panels and there will be no power block and no cooling tower plume.

3. **Finding (c)(3):** The siting and design of the proposed community 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 rural parcel, with existing electric transmission lines and transportation uses. The Project is in close proximity to the former Meadowbrook Dairy containing a similarly scaled solar facility and a proposal for a composting facility currently under review. The community solar facility will be compatible with the overall character of the area.

4. **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.

5. **Finding (c)(5)** The proposed community 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.

6. **Finding (c)(6)** The proposed community 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 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. Water usage will be for cleaning of the PV panels. The facility will be unmanned and will not require the installation of a water system for potable water or sewer services. There would be less water usage would not adversely affect availability of groundwater supplies to a significant degree.

7. **Finding (c)(7)** The proposed community 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.

8. **Finding (c)(8) The proposed community 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 proposes a 12kV interconnection to the Kenworth 12 kV distribution line. The generated power would be delivered to the California Independent System Operator (CAISO) grid at the 115 kV bus of SCE's Roadway Substation.

9. **Finding (c)(9) The proposed community 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.* 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. No U.S. Fish and Wildlife Service designated critical habitat has been mapped within the survey area.

10. **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.

11. **Finding (c)(11) The proposed community 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.* Any cultural resources discovered during construction, operation and decommissioning activities are addressed in the final conditions of approval for the project this includes cultural, historic, and Native American sacred discoveries.

12. **Finding (c)(12) The proposed community 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, will prevent stormwater flow. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction.



- 13. Finding (c)(13) The proposed community 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 06071C5775H 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.*

- 14. 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.*

- 15. Finding (c)(15) For development sites proposed on or adjacent to undeveloped alluvial fans, the community 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 not located adjacent to an undeveloped alluvial fan. There would be no risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.*

- 16. 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 community solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.**

*Consistency. According to the San Bernardino County General Plan Policy Map: NR-5 Agricultural Resources, and the California Department of Conservation, Farmland Mapping and Monitoring Program, the proposed site is not within an area identified as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. The project will not substantially affect the agricultural viability of surrounding lands.*

- 17. Finding (c)(17) If the proposed site is subject to a Williamson Act contract, the proposed community 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.*

- 18. Finding (c)(18) The proposed community 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.*

- 19. Finding (c)(19) The proposed community 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.

- 20. Finding (c)(20) The proposed community 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.

- 21. 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.

- 22. Finding (c)(22) For sites where the boundary of a new 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 community solar energy generation facility.**

*Consistency.* The Project is not located within a quarter of a mile of a residential development or single residence.

- 23. 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.

- 24. 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.

- 25. Finding (c)(25) For proposed community solar energy generation facilities within two (2) miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed community 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 85 miles to the southeast.

- 26. Finding (c)(26) For proposed facilities within two (2) miles of the Mojave National Preserve boundaries, the location, design, and operation of the proposed community 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.

- 27. Finding (c)(27) For proposed facilities within two (2) miles of Death Valley National Park boundaries, the location, design, and operation of the proposed community 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 130 miles to the north.

- 28. 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 community 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.

- 29. 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 community solar energy facility will not substantially impair the mission of the facility.**

*Consistency.* The nearest active military facility is the US Army Reserve Aviation Center in Adelanto, located approximately 17 miles to the east. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.

- 30. Finding (c)(30) When located within a city's sphere of influence, in addition to other County requirements, the proposed community 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 Adelanto is located approximately 3.7 miles east of the Project site.

- 31. Finding (c)(31) On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of community 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.

**ENVIRONMENTAL FINDING**

An Initial Study/Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and posted on the County's environmental website for a 20-day public review and comment period. The review period closed on August 24, 2020. No Public, or Agency comments were received. Based on the review of the Mitigated Negative Declaration, the Planning Commission finds that the Project will not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. The Mitigated Negative Declaration adopted for this project reflects the County's independent judgment in making this determination.

# EXHIBIT C

## Conditions of Approval

## **CONDITIONS OF APPROVAL**

Sheep Creek Community Solar  
PHELAN SOLAR, 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 (CUP) to develop Sheep Creek Community Solar Project with a total capacity of three (3) Megawatts (MW) AC utilizing approximately 11,000 photovoltaic solar modules on a 20-acre parcel in the Community of El Mirage.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Rural Living (RL) 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 October 20, 2020.

The developer shall provide a copy of the approved conditions and the approved 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: 0457-174-01, Project No. P201900158.

2. **Project Location.** The Project site is a total of approximately 20-acres located on the southeast corner of Sheep Creek Road and Parkdale Road in an unincorporated area of San Bernardino County in the community of El Mirage.
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:
- 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 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 P201900158. 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.
  - Building Permits: a copy of the signed CCRF for building permits.

- 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:
    - a. FEDERAL: N/A;
    - b. STATE: Lahontan RWQCB, Mojave Desert AQMD
    - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor
    - d. 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:
    - a. 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.
    - b. Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
    - c. Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
    - d. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
    - e. 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.
    - f. 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.
    - g. 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.
    - h. 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.
    - i. 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.
    - j. 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 Section 83.07.040 "Glare and Outdoor Lighting-Mountain and Desert Region" of the County's Development Code. 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.

**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.

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

27. 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.
28. 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.
29. 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.
30. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

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

The Following Shall Be Completed

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

31. ***TCR-1 Treatment of Tribal Cultural Resources:** If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.*

*Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/preservation easements, etc.).*

*Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.*

*All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.*

32. *TCR-2 Inadvertent Discovery of Human Remains or Funerary Objects:* In the event that any human remains are discovered within the Project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

### **Monitoring Measures**

1. A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan (MTP) that is reflective of the Project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Any and all findings would be subject to the protocol detailed within the MTP, as well as the protocol outlined in TCR-1. The MTP shall also state the frequency by which the archaeological monitor would submit monitoring logs to the Lead Agency and SMBMI. Once all parties review and approve the MTP, it shall be adopted by the Lead Agency, which shall occur prior to permitting for the Project. At the conclusion of monitoring for the Project, a draft monitoring report would be submitted to the Lead Agency and SMBMI for review, and the final monitoring report would be submitted to all parties for their records.
2. Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.
3. The Morongo tribe requested a tribal monitor be present if an archaeological monitor was onsite during ground disturbing activities.

33. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast 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. South Coast 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**

34. 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.

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

35. 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.
36. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
37. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C5775H 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.
38. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
39. 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.
40. 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)
41. 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.
42. 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.

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

43. 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.

44. 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:
- Monuments set to mark property lines or corners.
  - Performance of a field survey to establish property boundary lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel.
  - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a record of survey.

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### PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

45. 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.
46. 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.
47. 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.
48. 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).

49. 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.

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

50. 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.

51. 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.

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

52. 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.

53. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Sheep Creek Road (Major Highway – 104')**

- Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=12' min – 26' max) and located per San Bernardino County Standard 130.

**Parkdale Road (Section Line – 88')**

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk improvements are within Public right-of-way.

**Kailua Street (1/16<sup>th</sup> Section Line – 60')**

- Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet.
  - Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk improvements are within Public right-of-way.
54. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
  55. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
  56. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
  57. 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.
  58. Slope Easements. Slope rights shall be dedicated, where necessary.
  59. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
  60. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
  61. 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.
  62. 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.

63. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.

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

64. 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.

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

65. 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

66. Perimeter Road. Interior perimeter roads shall be 26 foot wide

67. Interior Roadways. Interior roads between arrays shall be 20 ft wide and located no further than 600 feet apart. Dead end roads shall not exceed 150 feet without an approved fire department turn around.

- All roadways leading to structures shall be paved or an all-weather surface approved by the fire department.
- Roadways If no buildings are proposed on the site and road grades do not exceed 8%, roads may be constructed with approved native materials or gravel compacted to 85%.

68. Solar I Photovoltaic System Plans. 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]

69. 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]

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

70. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.



## **PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

71. 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 P201900158.
72. 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).
73. 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.
74. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
75. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
76. 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.

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

77. 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**

78. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
79. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
80. 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.
81. 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**

82. 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]

83. 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**

84. Hazardous Materials. Any business that handles a hazardous material in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time in or generates any amount of hazardous waste must obtain hazardous material and/or hazardous waste permits. San Bernardino County Fire Protection District, Office of the Fire Marshal, Hazardous Materials Division has the following permit conditions for this project:

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/>.

“Hazardous Material” means any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous Materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment [H&SC 25501(n)(1)].

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

85. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD’s CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

**END OF CONDITIONS**

# EXHIBIT D

## Site Plan



### PROJECT LOCATION



POINT OF INTERCONNECTION  
AT POLE #4183587E LOCATED  
AT 34.57609722N  
117.57833333W

50'-0"  
ROAD  
WIDTH

SHEEP CREEK ROAD

VACANT LOT  
APN:0457-173-01  
RL-5

VACANT LOT  
APN:0457-173-01  
RL-5

PARKDALE ROAD

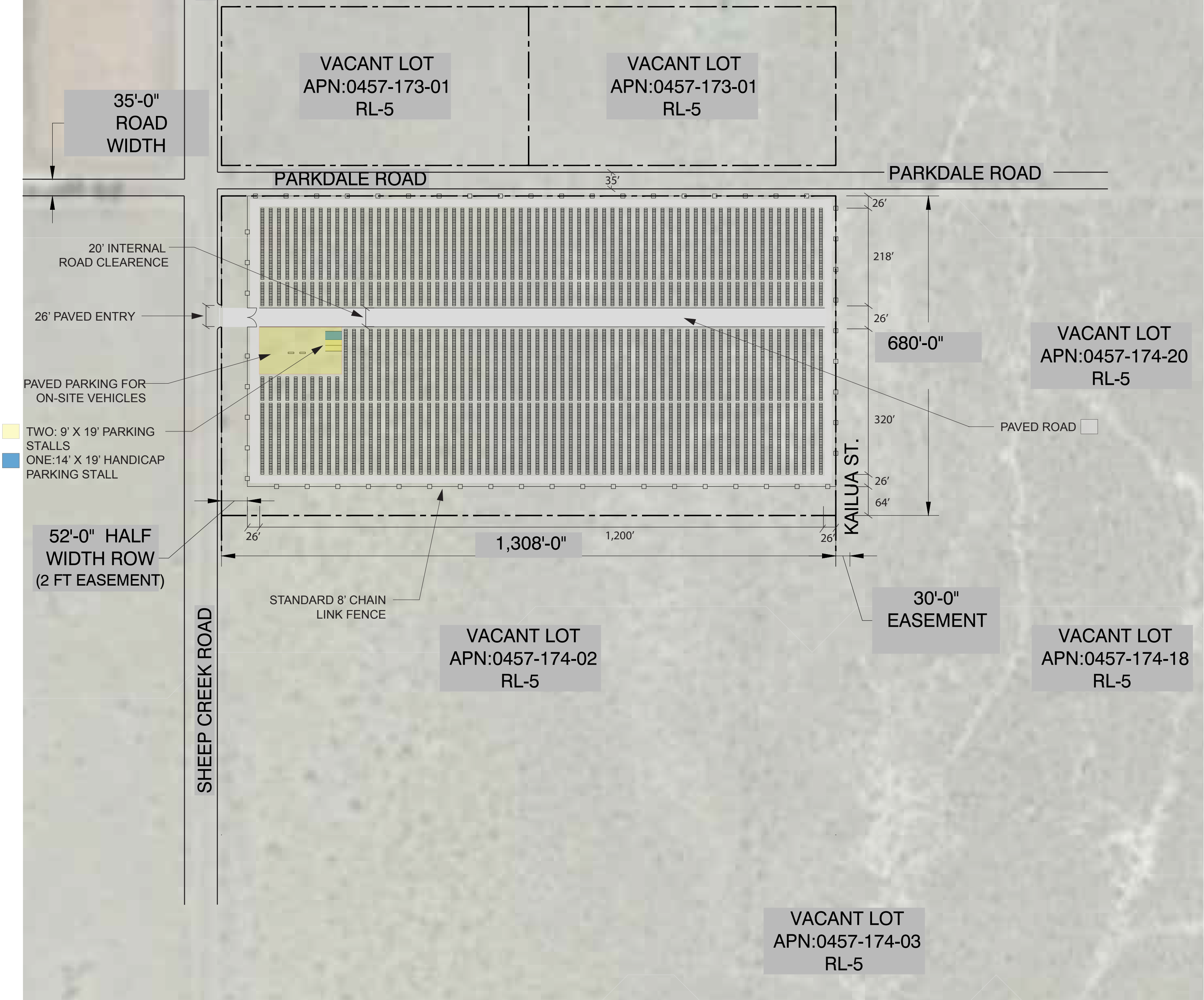
PARKDALE ROAD

SHEEP CREEK ROAD

VACANT LOT  
APN:0457-174-03  
RL-5

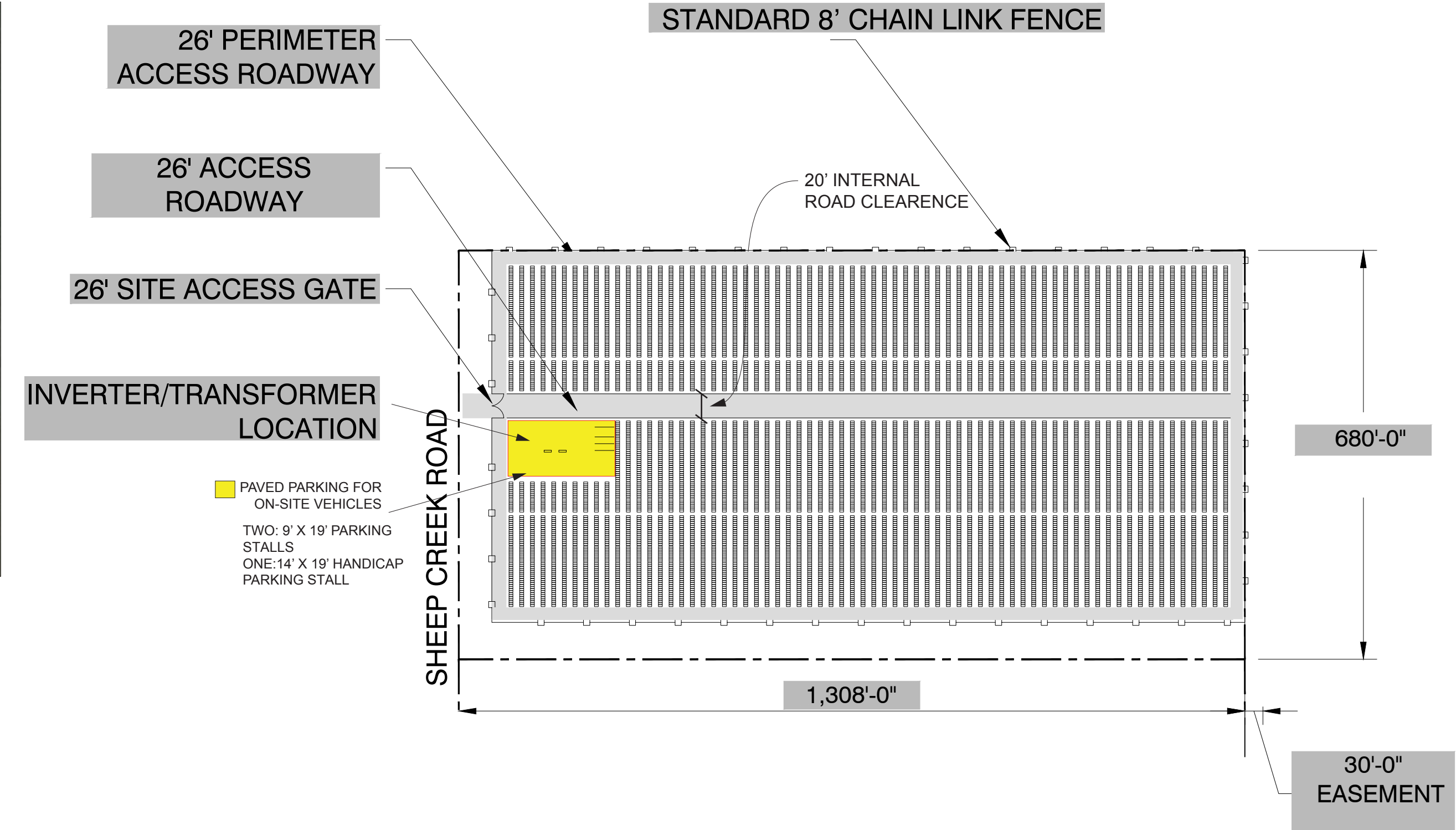
## 1 CONCEPTUAL SITE PLAN

SCALE: 1" = 150'

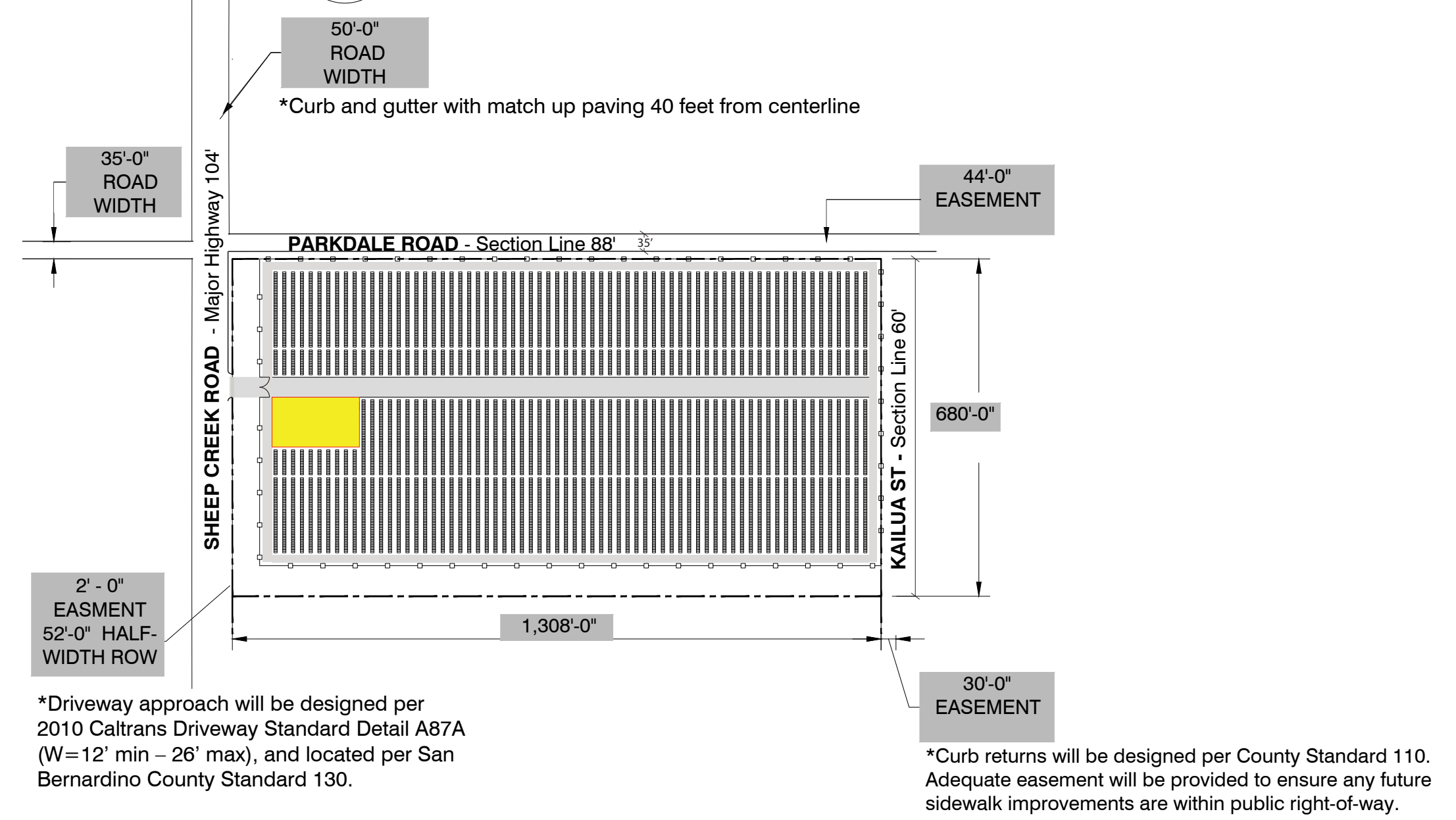


## 2 INTERIOR ROAD DETAILS

SCALE: 1" = 175'



## 3 COUNTY ROAD DETAILS



## 4 PROJECT DETAILS

ASSESSOR'S PARCEL NUMBER: AAPN 0457-174-01 (19.25 ACRES) & 0457-174-02 (19.25 ACRES)

APPLICANT: JATON LLC  
1701 EAST VERDUGO AVE.  
BURBANK, CA 91501  
TONY@JATON-LLC.COM

PROPERTY OWNER: NABIL AND SUSAN NASRE  
32101 PEPPERTREE BEND  
SAN JUAN CAPISTRANO, CA 92675  
(714) 608-1830

PLAN PREPARER: KEITH ALAN DAVIDSON, P.E.

PREPARATION DATE: OCTOBER 16, 2020

SITE LOCATION: 34.57008333N 117.57583333W

UTILITY: SOUTHERN CALIFORNIA EDISON

ZONING DESIGNATION: RURAL LIVING 5-ACRE MINIMUM LOT SIZE (RL-5)

- PROJECT NOTES:**
- \* NO GRADING REQUIRED FOR SITE
  - \* NO UTILITIES INCLUDING WATER, SEWER OR GAS
  - \* NO SIGNIFICANT BIOLOGICAL OR CULTURAL RESOURCES
  - \* UNMANNED SYSTEM WITH NO STAFF ONSITE



Office: (805) 222-6446  
4493 Rayburn Street  
Westlake Village, CA 91362  
www.ElevatedEntitlements.com

SHEEP CREEK  
COMMUNITY SOLAR  
17799 SHEEP CREEK RD.  
EL MIRAGE, CA 92301

PROJECT NUMBER:  
**P201900158**

SHEET TITLE:  
**CONCEPTUAL  
SITE PLAN**

NO.	REVISION	DATE	INIT.
A	PROPOSAL	08/23/2019	KAD
B	PROPOSAL	10/20/2020	AMD
C			
D			
E			
F			
G			
H			
I			
J			
K			

SITE DETAILS	
LATITUDE	34° 34' 12.3" N
LONGITUDE	117° 34' 33.3" W
NEXTRACKER	VARIES
DATE	10/20/2020
DRAWN BY	KAD
CHECKED BY	KAD

SHEET NO.:  
**1.0**

NOT FOR CONSTRUCTION  
OFFICIAL USE ONLY

