



**LAND USE SERVICES DEPARTMENT  
PLANNING DIVISION  
PLANNING COMMISSION STAFF REPORT**



**HEARING DATE: August 22, 2013**

**AGENDA ITEM #**

Project Description

Vicinity Map

**APN:** 0466-181-59  
**Applicant:** Sunlight Partners  
**Community:** Helendale/1<sup>st</sup> District  
**Location:** Southwest corner of Wild Road and Smithson Road  
**Project No:** P201200174/CUP  
**Staff:** Chris Conner  
**Rep:** Merrell Johnson  
**Proposal:** Conditional Use Permit to establish a 7.5-megawatt solar photovoltaic electricity generation facility on approximately 80.6 acres.



13 Hearing Notices Sent On: August 8, 2013

Report Prepared By: Chris Conner

Field Review: July 1, 2013

Reviewed By: Commissioner Coleman

**SITE INFORMATION**

**Parcel Size:** 80.6 Acres

**Terrain:** Relatively flat vacant desert terrain.

**Vegetation:** Minimal vegetation due to prior agricultural uses

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Single-Family Residence/Vacant	RL-5
North	Vacant	RL-5
South	Vacant	RS
East	Residential	RL-5
West	Equestrian Facility	RL-5

	<b><u>AGENCY</u></b>	<b><u>COMMENT</u></b>
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	Hauled water to be used for washing as necessary
Septic Service	N/A	Not required

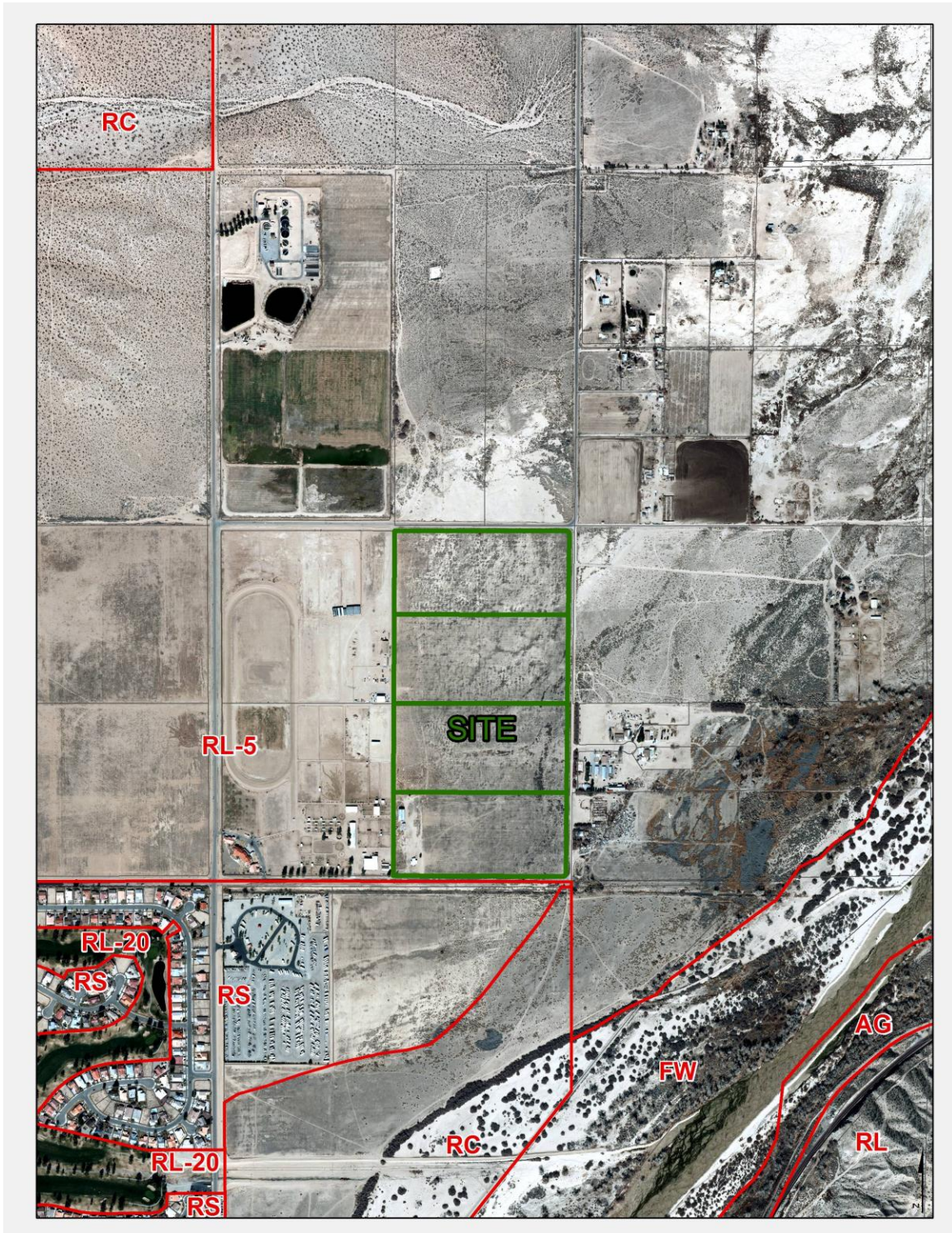
In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Board of Supervisors.

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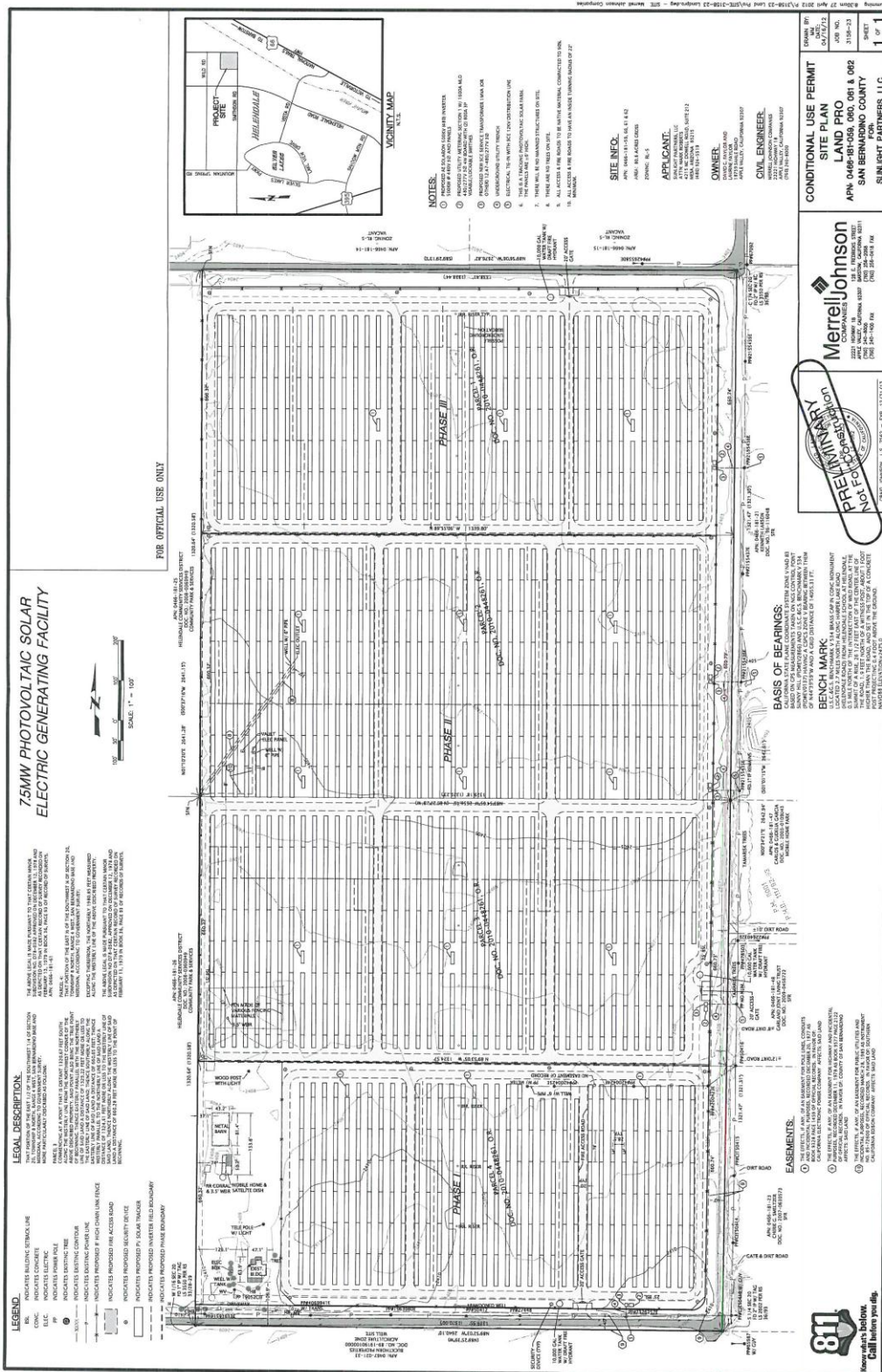
### VICINITY MAP



## OFFICIAL LAND USE DISTRICT MAP



# PLOT PLAN



## **PROJECT DESCRIPTION AND BACKGROUND:**

Project: The proposed Conditional Use Permit (CUP) is to establish a 7.5 megawatt photovoltaic (PV) solar electric power generating facility (Project) within an approximately 80.6 acre site in the unincorporated community of Helendale. Upon completion, the Project will be unmanned.

Location and Access: The proposed site is situated in the Desert Region of the County, in the unincorporated community of Helendale. The primary facility access point is proposed on Smithson Road, which runs along the southern Project boundary. A secondary access point is proposed on Wild Road along the northern Project boundary.

Environmental Setting: The site is relatively flat with elevations ranging from approximately 2,410 feet above sea level (ASL) to 2,390 ASL. The site is relatively devoid of native vegetation due to agricultural activities that have occurred onsite over the past decade. Soils consist of disturbed sandy loam with a few gravels and small rocks present. A single-family residence currently exists on the southwest corner of the Project site. The properties to the north and south are vacant with the Helendale Community Services District Park and Equestrian facility located to the west. A few single-family residences exist just east of the site.

Solar Array Operation: Project facilities are proposed to include photovoltaic panels mounted on single axis trackers, supported by steel piers driven into the ground to an appropriate depth, as determined by soil conditions. The height of the panels will not exceed 9 feet. The trackers will form rows running north and south. The design proposes five concrete pads, approximately 20 feet by 40 feet, that would support 500KV inverters and mechanical components. Electricity generated onsite will be delivered to the existing electrical transmission system at the connection point along Smithson Road. The site will be surrounded by an 8 foot high chain link fence with a video monitoring system. The electricity produced by the Project will be sold to Southern California Edison under two long-term Power Purchase Agreements. The first agreement was executed in January, 2012 and required power generation by July, 2013. An extension has been requested. A second agreement was executed in December, 2012 and requires power generation by June, 2014.

## **ANALYSIS:**

Consistency with General Plan and Zoning Regulations: The proposed Project is consistent with the County General Plan and Development Code. The current General Plan land use designation for the proposed Project area is Rural Living 5 acre minimum parcel size (RL-5), which allows development of renewable energy generation facilities on a minimum of 20 acres with a CUP. The proposed Project meets the standards outlined in San Bernardino County Development Code (Development Code) Chapter 84.29 - "Renewable Energy Generation Facilities" and will be required to comply with all CUP conditions of approval.

General Plan Policy: The County General Plan establishes goals for renewable energy for the County. Conservation Element Policy CO 4.12 states that that the County shall

promote siting of renewable energy resources. Conservation Element Goal CO 8 aims to minimize energy consumption and promote safe energy extraction, uses and systems to benefit local, regional and global environmental goals. Policies under this goal include, Policy CO 8.3, which states that the County will assist in efforts to develop alternative energy technologies that have minimum adverse effect on the environment, and explore and promote newer opportunities for the use of alternative energy sources. This Project supports the objectives of these goals and policies.

Aesthetics/Visual: The current visual character of the site and vicinity includes several single-family dwellings on large lots with numerous accessory structures and outdoor storage, an adjacent equine facility, fallow agricultural fields, and nearby undisturbed desert habitat. The proposed Project will result in only minimal removal of vegetation on the site. Photovoltaic panels and other appurtenant structures will be sited to minimize ground disturbance. An access road and eight-foot high chain link fence will also be constructed around the perimeter of the site.

The proposed Project has a low profile and will have little potential to create glare, because the PV panels are designed to absorb sunlight with no reflection. Minimal lighting will be used at night, in compliance with County Development Code standards for preservation of night skies. Therefore, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings.

Biology: The site is located in an area known to contain habitat to support the Desert Tortoise and Burrowing Owl and is approximately 300 feet southeast of areas known to contain habitat to support Mohave Ground Squirrel. A General Biological Assessment along with Focused Surveys for Desert Tortoise and Burrowing Owl were conducted by RCA Associates in 2012. The survey results found no signs of Desert Tortoise or Burrowing Owl onsite. In addition, it was concluded that the site does not contain suitable habitat to support Mohave Ground Squirrel. Even so, mitigation measures for pre-construction surveys have been included in the Conditions of Approval to avoid impacts to any species that may migrate onto the site.

Noise: Construction of the proposed Project may potentially create some elevated short-term construction noise and vibration impacts to existing residents in the area; however these activities would be limited to day time hours from 7:00 a.m. to 7:00 p.m., Monday through Saturday, and will comply with the noise and vibration standards of the Development Code. (Development Code Sections 83.01.080 and 83.01.090.)

Operation of the proposed unmanned solar facility would not generate audible levels of noise or perceptible levels of vibration in the surrounding area. Approximately 3 to 4 trips are anticipated per year to perform maintenance activities.

Traffic: Impacts to traffic in the area will be negligible upon construction of the Project. It is anticipated that onsite maintenance will result in approximately 3 to 4 trips annually. During the construction period, it is anticipated that there will be approximately 80 workers onsite per day and an anticipated 25 to 40 vehicle trips accessing the site from Wild Road. This

increase is not expected to create a significant impact on local traffic due to an existing low traffic volume along Smithson Road and Wild Road.

Renewable Energy Mandates: The California Renewable Portfolio Standard (RPS) legislation established in 2002 (Senate Bill 1078), and accelerated in 2006 (Senate Bill 107), requires retail sellers of electricity to obtain 20 percent of their supply of electricity from renewable energy sources by 2010 and 33 percent of electricity from renewable energy sources by 2020. The proposed Project will assist in the State's efforts to meet the RPS standard and increased demands for electricity.

Greenhouse Gas Emissions Reduction: In 2006, the State of California passed the California Global Warming Solutions Act (Assembly Bill 32) which requires the state to reduce emissions of carbon dioxide (CO<sub>2</sub>) and other greenhouse gases (GHG) to 1990 emission levels (a 30 percent reduction) by 2020. Senate Bill 1368, enacted in 2006, prohibits California electric utilities from constructing power plants or entering into long-term energy purchase contracts with facilities that do not meet the GHG emissions standard. In December, 2011 the County adopted a GHG reduction plan that established a review criteria for GHG emissions. The proposed Project will assist in efforts to meet the California GHG emissions legislation, consistent with the County GHG reduction plan.

### **SOLAR ENERGY PROJECT MORATORIUM**

On July 23, 2013, the Board of Supervisors adopted an extension of an interim urgency ordinance originally adopted on June 12, 2013 establishing a temporary moratorium on approval of new commercial solar energy generation projects. The moratorium was established to allow time for the County to consider potential amendments to the County Development Code that would enhance compatibility of solar energy generation projects with residential land uses. The moratorium does not apply to applications that were already in process at the time of adoption of the interim urgency ordinance. The application for the subject Project had been accepted as complete prior to June 12, 2013, and thus is not affected by the moratorium.

### **PUBLIC COMMENTS**

Project notices were distributed to surrounding property owners on September 17, 2012. A total of three letters of opposition were submitted and two general comment letters were submitted in response to the Project notice. The opposition letters cite incompatibility with the surrounding area, increased traffic, noise, and glare as reasons for opposition. The site is zoned RL which allows for renewable energy generation with approval of a CUP. Increases in traffic, noise, and glare have been evaluated as part of the environmental review and no significant impact is anticipated.

General comments submitted include requests from the Helendale CSD for road improvements, construction of a block wall along the western property line, screening and buffering along Smithson Road, reasonable setbacks, dust-control, restricted construction hours, and construction schedule information. Chain-link fencing is allowed under current development standards and meets all applicable setback requirements. As a condition of approval, the developer is required submit a dust control plan to the Mojave Desert Air



Quality District and the County for review and approval, and install an A.C. dike with match up paving along Smithson Road. In addition, a road maintenance agreement between the developer and the County must be entered into prior to any land disturbance and/or grading.

**ENVIRONMENTAL REVIEW:**

An Initial Study (IS) was prepared for the Project pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared for the Project and submitted to the State CEQA Clearinghouse on June 17, 2013. A 30-day CEQA public comment period ended on July 16, 2013. Comments were received from the Mojave Desert Air Quality Management District (MDAQMD), Lahontan Regional Water Quality Control Board (LRWQCB), and the Native American Heritage Commission (NAHC.)

The MDAQMD commented that its staff had reviewed the IS and concurred with “Less than significant” and “No impact” findings for air quality issues. With regard to the NAHC, a Cultural Resources Assessment was prepared for the Project and a Historical Resources Review was conducted by the County Museum which addresses the comments. Both assessments identified low potential for cultural resources to exist onsite. Comments from LRWQCB request adherence to best management practices to ensure reduction of impacts in the areas of water quality and storm water runoff. A Water Quality Management Plan is required to be prepared for the Project and approved by Land Development prior to any land disturbance.

In conclusion, the Initial Study determines that the proposed use with mitigation measures and other Conditions of Approval will not have a significant effect on the environment and a Mitigated Negative Declaration is recommended for adoption.

**SUMMARY:**

The proposed Project will assist in meeting the renewable resource targets for retail sellers of electricity in California and it is consistent with the State’s GHG emissions goals, policies and standards. In addition, the proposed Project is consistent with County goals and policies regarding renewable energy. Therefore, Planning Staff recommends approval of the Project.

**RECOMENDATION:** That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration and find that the Initial Study has been completed in compliance with CEQA, that it has been reviewed and considered prior to approving the Project and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of San Bernardino County;
- 2) **APPROVE** a Conditional Use Permit to establish a 7.5-MW PV solar energy generation facility on 80.6 acres subject to the recommended conditions of approval;
- 3) **ADOPT** the Findings for approval of the Conditional Use Permit; and
- 4) **FILE** a Notice of Determination.

**ATTACHMENTS:**

- Exhibit A: Findings**  
**Exhibit B: Conditions of Approval**  
**Exhibit C: Initial Study**  
**Exhibit D: Correspondence**

# EXHIBIT A

## FINDINGS

**FINDINGS: Conditional Use Permit to establish a 7.5 megawatt photovoltaic solar electric power generating facility on 80.6 acres**

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all setbacks and other required features pertaining to the application. The 80.6-acre site is sufficiently large to accommodate the 20-foot wide interior road inside the 8-foot high perimeter fence, which is set back 15 feet from the property lines, and to allow additional access to the rows of solar arrays that constitute the project. The project has been designed to minimize impacts to the existing drainage features without affecting downstream properties. The site is able to accommodate the proposed solar panels and all ancillary facilities associated with the project with proper setbacks and access.
2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use. The site abuts Smithson Road which serves as the main point of access to the site. Additionally, the conditions of project approval require match-up paving on Smithson Road. These requirements provide legal and physical access to the site. In addition, the 20-foot wide interior access roads will allow access for emergency vehicles. The fences and gates, one for primary access and the other for emergency access, are 15 feet inside the property lines so that incoming vehicles will be able to park at the gate, outside of the right-of-way.
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 as designed and conditioned will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance that would affect adjacent properties. The design of the solar arrays is required to operate within the standards of the County Development Code relating to noise, lighting, and the general performance standards including those for glare and vibration. A temporary increase in traffic will occur during construction however impacts will not be substantial. The project will generate minimal traffic once constructed and the use will not substantially interfere with the present or future ability to use solar energy systems, as this project is a solar energy project.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, as this projects specifically supports the following General Plan Goals/Policies:
  - *Conservation Element Policy CO 4.12*, which states that the County shall promote siting or use of renewable energy sources; and
  - *Conservation Element Goal CO 8*, which aims to minimize energy consumption and promote safe energy extraction, uses and systems to benefit local regional and global environmental goals. Specifically, Policy CO 8.3, states that the

County will assist in efforts to develop alternative energy technologies that have minimum adverse effect on the environment, and explore and promote newer opportunities for the use of alternative energy sources.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development to accommodate the proposed solar power facility without significantly lowering service levels. Smithson Road provides for the transportation needs of this project. Southern California Edison currently has sufficient transmission capability in close proximity to the site to provide a convenient upload to the regional power grid. An existing 33kV line exists along the southern property line following the alignment of Smithson Road.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because adequate onsite setbacks, security fencing, and access for emergency equipment have been required.
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, as the project is a photovoltaic solar energy generating facility.
8. There is no substantial evidence that the project will have a significant effect on the environment, as determined and justified in the Initial Study for the project, which has been completed in compliance with the California Environmental Quality Act. The Mitigated Negative Declaration reflects the County's independent judgment.

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# EXHIBIT B

## CONDITIONS OF APPROVAL

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## CONDITIONS OF APPROVAL

### GENERAL REQUIREMENTS

Conditions of Operation and Procedure

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

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

1. Project Approval Description. This Conditional Use Permit (CUP) project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the following conditions of approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). This CUP project is approved to establish a 7.5-megawatt (MW) solar power generation facility on 80 acres. The arrays of PV panels will be mounted on single-axis tracking systems and will have a maximum height of 9 feet. Substantial on-site grading (i.e. disking or scarification) or vegetation removal shall not occur during the installation of the proposed project. Each solar module shall be fastened to the ground surface via driven piles resulting in minimal disturbance to topsoil and allowing retention of much of the on-site vegetation. The project site will be surrounded by an eight-foot high chain link fence. No barbed wire or other sharp pointed material shall be allowed. Any proposed change to this Project Description including maximum height and/or tracking systems shall require a Revision to an Approved Action application to be filed with County Planning.

The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 04666-181-59-0000 and Project Number: P201200174.

2. Project Location. The project site is in an unincorporated area of the County of San Bernardino (County) on the southwest corner of Wild Road and Smithson Road. The project site is in the unincorporated community of Helendale in the First Supervisorial District.
3. Zoning Standards. The project site is located in the Desert Region within the Rural Living Land Use Zoning District, 5 acre minimum parcel size (RL-5.) RL Development Standards are listed in SBCC section 82.03.060. The following standards apply to the project:
  - Solar energy generating equipment and their mounting structures and devices shall be set back from the property lines either pursuant to the standards in the Land Use Zoning District, or 130 percent of maximum height of the mounted structure, whichever is greater.



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4. Facility Design. The facility design shall incorporate the following guidelines:
    - The applicant shall arrange the arrays in a logical, orderly manner and pattern.
    - The applicant shall maintain the panels, inverters, and transformers so that electrical interference will not affect adjacent properties.
    - The applicant shall perform any repairs or upgrades to the components of the solar power facility at such times and in such a manner that noise and glare will not be significantly disruptive to adjacent properties, roads, or traffic.
  
  5. Continuous Maintenance. The project property owner shall continually maintain the property so that it is not dangerous to the health, safety, and general welfare of both on-site users (e.g. employees) and surrounding properties. The developer shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. The elements to be maintained, include but are not limited to:
    - Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
    - Graffiti and debris shall be removed within 48 hours of notification.
    - Dust control measures shall be maintained on any undeveloped areas where landscaping has not been provided.
    - Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
    - Signage. All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently County Planning-approved sign plan.
    - Fire Lanes. All markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations shall be clearly defined and shall be maintained in good condition at all times.
  
  6. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
    - Odors: No offensive or objectionable odor.
    - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
    - Radiation: No dangerous amount of radioactive emissions.
    - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.

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- Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
7. Revisions. Any proposed change to the approved use/activity on the site (e.g. from solar facility to other uses); or any increase in the developed area of the site or expansion to the approved facilities, including changes to structures, tracking system, equipment, elevations, heights, signs, parking allocation, lighting, or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
  8. Continuous Effect/Revocation. All of the conditions of approval applied to this project shall be effective continuously throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time, and opportunity is provided to the property owner, developer, or other interested party to correct the non-complying situation.
  9. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
  10. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify, and hold harmless the County or its “indemnities” (herein collectively the County’s elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

11. Local Labor. *The developer shall give preference to and employ San Bernardino County residents as much as practicable during construction and operation of the facility.*
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201200174. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy, and/or operation of each approved use in each approved structure or land use activity area. There shall be sufficient funds (\$500.00 minimum) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. landscape performance).

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14. Expiration/CUP. This project permit approval shall expire and become void if it is not exercised within three years of the effective date of this approval, unless an extension of time is approved. The permit is deemed exercised when either:
- The permittee has commenced actual construction or alteration under a validly issued Building Permit or
  - The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. (SBCC 86.06.060)

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
- The land use is determined by the County to be abandoned or non-conforming.
- The land use is determined to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances, or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

15. Extension of Time/CUP. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than 30 days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

16. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits – a copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
  - Building Permits – a copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.

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- Final Inspection – a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
17. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations, and any other requirements of Federal, State, County, and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
    - a) FEDERAL: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service
    - b) STATE: California Department of Fish and Wildlife, Mojave Desert Air Quality Management District, Colorado Regional Water Quality Control Board, California Energy Commission
    - c) COUNTY: Land Use Services – Planning / Building and Safety / Code Enforcement/Land Development, County Fire, Environmental Health Services, and Public Works
    - d) LOCAL: N/A
  18. Lighting. Any lighting shall be maintained so that all lights are operating properly for safety purposes and shall not project onto adjoining properties or roadways. Lighting shall adhere to San Bernardino County Desert and Mountain night light regulations.
  19. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures, and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC 83.02.030) or as otherwise required by County Traffic.
  20. Cultural Resources. If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The “Developer” shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified. [MM CR-2]
  21. AQ/Construction and Operational Mitigation. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)] and the California Air Resources Board’s In-Use-Off-Road Diesel Vehicle Regulations, including but not limited to:
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- a) Equipment/vehicles shall not be left idling for period in excess of five minutes
  - b) Engines shall be maintained in good working order to reduce emissions
  - c) Onsite electrical power connections shall be made available where feasible
  - d) Ultra low-sulfur diesel fuel shall be utilized (State law)
  - e) Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible
  - f) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
  - g) In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site (State law).
  - h) All transportation refrigeration units (TRU's) shall be provided electric connections.

22. Noise. The following noise attenuation measures shall be implemented:

- Exterior construction activities shall be limited between 7 a.m. and 7 p.m. There shall be no exterior construction activities on Sundays or National Holidays.
- Muffling of construction equipment shall be per manufacturer's specifications.
- All stationary construction and operations equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.

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

23. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.

24. Weed Abatement. In conjunction with required permits, the applicant shall comply with San Bernardino County Desert Area Fire Hazard Abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

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

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

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

27. Septic Maintenance. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS at 800-442-2283.

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28. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 800-442-2283.

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

29. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Protection District, herein “Fire Department”. Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
30. Additional Requirements. In addition to the Fire requirements stated herein, other requirements from the Solar Photovoltaic Installation Guideline from the California State Fire Marshal may arise at the time of field inspection.

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

31. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 4500H dated 08/28/2008. Flood hazards are undetermined in this area, but possible.
32. Tributary Drainage. Adequate provisions should be made to manage the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties.
33. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
34. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
35. Continuous BMP Maintenance. The property owner/developer is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement

and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.

36. BMP Enforcement. In the event the property owner/developer (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or developer, including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

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



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

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

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

LAND USE SERVICES – Planning (909) 387-8311

44. Landscape Buffers/Translocation Plan. The Developer shall leave in place existing native landscaping buffers between the solar panel field and the adjacent properties.
45. **Pre-construction Survey.** As a standard operating procedure for projects located in native habitat, a qualified biologist shall conduct a 30-day preconstruction survey to determine if DT, MGS, and/or BUOW have migrated onto the site. If the biologist encounters any of these species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFG) to obtain the required take authorization for the project. *(MM BIO-1, Prior to Land Disturbance/Grading)*

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46. **Nesting Birds.** The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall be conducted outside of the State identified nesting season (February 15 through September 1). Alternatively, a qualified biologist shall evaluate the site prior to initiation of ground disturbance to determine the presence or absence of nesting birds. Avoidance of active bird nests **MUST** occur during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity will occur within the 300-foot buffer until the young have fledged the nest. *(MM BIO-2, Prior to Land Disturbance/Grading)*
47. **AQ – Construction Mitigation.** Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality: During construction, each contractor and subcontractor shall implement the following, whenever feasible:
- **MDAQMD-approved Dust Control Plan (DCP) submitted with the Grading Plans. The DCP shall include these elements to reduce dust production:**
  - **Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities**
  - **Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.**
  - **Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.**
  - **Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.**
  - **All trucks hauling dirt away from the site shall be covered**
  - **During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.**
  - **Storage piles that are to be left in place for more than three working days shall either be:**
    - **Sprayed with a non-toxic soil binder, or**
    - **Covered with plastic, or**
    - **Re-vegetated until placed in use.**
  - **Provide documentation prior to beginning construction demonstrating that the project proponents will comply with all MDAQMD regulations.**
  - **Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367 4710 (San Bernardino and Riverside counties).**
  - **Trucks/equipment shall not be left idling on site for periods in excess of ten minutes.**

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- **Provide temporary traffic control during all phases of construction.**
  - **Provide on-site food service for construction workers.**
  - **Use reformulated low-sulfur diesel fuel in equipment and use low-NOx engines, alternative fuels and electrification. Apply 4-6 degree injection timing retard to diesel IC engines. Use catalytic converters on gasoline-powered equipment.**
  - **Minimize concurrent use of equipment through equipment phasing.**
  - **Substitute electric and gasoline-powered equipment for diesel-powered equipment.**
  - **Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.**
  - **Maintain construction equipment engines in good order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.**
  - **Install storm water control systems to prevent mud deposition onto paved areas.**
  - **Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.**

***(MM AQ-1, Prior to Land Disturbance/Grading)***

PUBLIC WORKS – Surveyor (909) 387-8149

48. ROS. A Record of Survey per Section 8762 of the Business and Professions Code is required. The Site Plan indicates bearings and distances around the subject property, which are not of record and appear to be based upon a field survey. The Record of Survey will facilitate the construction staking for the proposed chain link fence.
49. Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

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

50. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for

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review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.

51. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
52. LDD/Grading Plans. Applicant shall submit grading plans to the Land Development Division, Drainage Section for review and approval. The Land Development Division will collect a \$520 deposit for grading review upon submittal.
53. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
54. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. The Land Development Division will collect a \$2500 deposit for WQMP review upon submittal. Copies of the WQMP guidance and template can be found at: [http://www.sbcounty.gov/dpw/land/environmental\\_mgmt.asp](http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp)
55. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of \$3600 to the Land Development Division, if a category project is established.

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

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

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

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

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

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SAN BERNARDINO COUNTY FIRE – (760) 995-8190

58. Access. The development shall have a minimum of ONE point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

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

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

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

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

59. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department of the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Use Services Department (LUSD), located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8311.
- Wild Road (1/4 Section Line – 88')
    - Road Dedication. A 4 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
    - Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of Wild Road and Smithson Road.
  - Smithson Road (1/4 Section Line – 88)
    - Road Dedication. A 4 foot grant of easement is required to provide a half-width right-of-way of 44 feet along the southerly and easterly boundaries of the project.
    - Curb Return Dedication. A 35 foot radius return grant of easement is required at the southeast corner of APN 0466-181-62.
    - Street Improvements. Design A.C. dike with match up paving 26 feet from centerline along southerly property line.
    - Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130.
    - Curb Returns. Curb Returns shall be designed per County Standard 110.
60. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
61. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
62. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
63. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division,

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Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.

64. 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.
65. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
66. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
67. 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.

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

68. Water Purveyor. Water purveyor shall be EHS approved. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 909-387-4655.
69. Water Quality. Source of water shall meet water quality and quantity standards. Test results, which show source meets, water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 800-442-2283.
70. Abandoned Wells. An abandoned well was noted on the Conditional Use Permit site plan, evidence shall be provided that all wells are (1) properly destroyed under permit from that Country OR (2) constructed to DEHS standards, properly sealed and certified to the County as inactivated OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS/Water Section for approval.

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Contact DEHS/Water Section for approval. Contact DEHS/Water Section for more information at 909-387-4666.

71. OWTS. Method of sewage disposal shall be **EHS approved onsite wastewater treatment system (OWTS)**. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
72. Acoustical Checklist. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 800-442-2283.

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

73. Erosion Control Devices. Prior to issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
74. Erosion Control Devices Installed. All erosion control planting, landscaping and devices shall be installed upon completion of rough grading.
75. Compaction Report. Upon completion of rough grading and prior to footing excavations, a compaction report shall be submitted to Building and Safety for review and approval.
76. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
77. Drainage Approval. Approval from the Drainage Section - Land Development is required for all new construction in the FP Zone.



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SAN BERNARDINO COUNTY FIRE – (760) 995-8190

78. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]

LAND USE SERVICES – Planning (909) 387-8311

79. 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
  - c) Abandoned Site. If the solar field is not operational for twelve consecutive months, it shall be deemed abandoned. The solar field shall be removed within 60 days from the date a written notice of the declaration of abandonment by the County is

sent to the developer. Within this 60-day period, the developer may provide the Land Use Services Director with a written request to modify this condition at a public hearing before the Planning Commission requesting an extension of time for an additional twelve months. In no case shall the Planning Commission authorize an extension of time beyond two years from the date the solar field was deemed abandoned without requiring financial assurances to guarantee the removal of the solar field, and that portion of the support structure lying above the natural grade level, in the form of a corporate surety bond, irrevocable letter of credit, or an irrevocable certificate of deposit wherein the County is named as the sole beneficiary. In no case shall a solar field, which has been deemed abandoned, be permitted to remain in place for more than 48 months from the date the solar field was first deemed abandoned.

- d) Environmental Site Assessment. The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

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

SAN BERNARDINO COUNTY FIRE – (760) 995-8190

80. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
81. 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]
82. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

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

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

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

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

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

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

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

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

88. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected and approved by County Public Works.
89. 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.
90. Maintenance Compliance. The developer shall comply with the maintenance agreement during construction if applicable and/or assure that all County maintained roads affected by the project during construction shall be restored to pre-construction condition. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387-7995 for inspection prior to occupancy.

PUBLIC WORKS – Traffic Division (909) 387-8186

91. Local Transportation Fees. This project falls within the Helendale/Oro Grande Local Area Transportation Facilities Fee Plan. This fee shall be paid by cashier's check to the Department of Public Works Business Office.

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

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

LAND USE SERVICES – Planning (909) 387-8311

93. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each affected agency.
94. 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

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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.

95. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:
- a) Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
  - b) Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.
96. Install On-site Improvements. All required on-site improvements shall be installed.
97. 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 P201200174.

END OF CONDITIONS

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# EXHIBIT C

## INITIAL STUDY

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# SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

## PROJECT LABEL:

<b>APN:</b>	<b>0466-181-59, 60, 61, 62</b>	<b>USGS Quad:</b>	Wild Crossing
<b>APPLICANT:</b>	Sunlight Partners LLC. (LANDPRO Solar)	<b>Latitude:</b>	34.763042
<b>COMMUNITY:</b>	Helendale/ 1 <sup>st</sup> Supervisorial District	<b>Longitude:</b>	-117.32365
<b>LOCATION:</b>	Wild Road and Smithson Road, Southwest corner	<b>T, R, Section</b>	T8N, R4W, Section 20, SW ¼
<b>PROJECT NO:</b>	P201200174/CUP	<b>Planning Area:</b>	Desert Region
<b>STAFF:</b>	Chris Conner	<b>Zoning:</b>	RL-5
<b>REP(S):</b>	Mark Roberts, Sunlight Partners	<b>Overlays:</b>	Dam Inundation Biotic Resources
<b>PROPOSAL:</b>	Conditional Use Permit to establish a 7.5 MW photovoltaic solar facility on 80.6 acres.		

## PROJECT CONTACT INFORMATION:

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

**Contact person:** Chris Conner, Senior Planner  
**Phone No:** (909) 387-4425  
**E-mail:** cconner@lusrd.sbcounty.gov

**Project Sponsor:** Sunlight Partners, Mark Roberts  
4215 East McDowell Rd. Suite 212  
Mesa, AZ 85215  
(480) 924-5519  
Mark.roberts@sunlightpartners.com

## PROJECT SUMMARY:

The proposed project is Conditional Use Permit P201200174 for a 7.5 MW photovoltaic solar generating facility on four existing parcels (APN 0466-181-59, 60, 61, 62) at the southwest corner of Wild Road and Smithson Road in the unincorporated community of Helendale in San Bernardino County, just northeast of the Silver Lakes Country Club. The proposed project is anticipated to be operated for about 35 years.

Project facilities are proposed to include photovoltaic panels mounted on single axis trackers, supported by steel piers driven into the ground to an appropriate depth, as determined by soil conditions. Each block of trackers will have a concrete pad, supporting the 500 W inverters and mechanical components. The pad will be approximately 8 feet wide and 30 feet long. The height of the panels at horizontal is not anticipated to exceed 7 feet. The trackers will form rows running north and south. The site will be surrounded by an 8 foot high chain link fence with a video monitoring system. There is a perimeter access road and two interior north-south access roads and three interior east-west access roads. The perimeter and access roads are 20 feet in width.

Construction of the facility is proposed in four phases, with each phase taking approximately 10 weeks. Initial construction activities will include grading, trenching and driving the steel piers into the ground which will take approximately three weeks. Although, these activities may generate considerable noise, up to 100 dBA at 50 feet, and potential vibration, they will be of limited duration and pursuant to County Code Section 83.01.080 are exempt, as long as they are conducted between 7:00 AM and 7:00 PM, except Sundays and Federal holidays. Up to 80 workers are expected on the site during construction. During construction, there will be a staging area, which will

include construction offices, a first aid station, temporary buildings, worker parking, truck loading and unloading facilities, and an area for assembling the solar array equipment. Vehicle travel routes will be from National Trails Highway via Vista Road, to Helendale Road to Smithson road to the site, with the main access along the south side of the project from Smithson Road.

This will be an unmanned facility with personnel expect to be on site approximately three to four times per year to perform maintenance and monitoring duties including washing the solar panels, which is anticipated to consume approximately 10,000 gallons of water during each visit.

An existing single-family residence and accessory structures will remain on the project site, separated by a fence from the photovoltaic panels.

**ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

The proposed project is within the Mojave Desert region, in unincorporated San Bernardino County, just northeast of the unincorporated community of Silver Lakes. The Helendale Community Services District Park and Equestrian facility is adjacent to the site on the west side. The site and surrounding properties, except the property to the south are zoned Rural Living-5- acre minimum lot size (RL-5). The property to the south is zoned Single Residential (RS). Electrical power generation facilities may be permitted in the RL-5 District, subject approval of a Conditional Use Permit.

AREA	EXISTING LAND USE	ZONING/OVERLAY DISTRICTS
Site	Single-family residence	Rural Living (RL-5)/Dam Inundation Overlay
North	Vacant	Rural Living (RL-5)
South	Vacant	Single Residential (RS)/Dam Inundation Overlay
East	Several single-family residences	Rural Living (RL-5)/Dam Inundation Overlay
West	Helendale Community Services District Park and Equestrian Facility	Rural Living (RL-5)/Dam Inundation Overlay

Smithson Road abuts the site on the south and east sides, which is partially paved on the south side of the project, but unpaved on the east side. Wild Road abuts the site on the north side and is partially paved.

The Mojave River bed and FEMA designated Floodway is approximately 1,000 feet to the southeast of the site. The site is designated FEMA designated Zones D and X, with the 100-year floodplain immediately adjacent to the site at the southeast corner. The site is within the Dam Inundation Area of the Mojave River Forks and Silverwood Lake Dams, which are located approximately 30 and 33 miles upstream along the Mojave River.

As indicated by the General Biological Resources Assessment performed by RCA Associates, evaluation of past aerial photos indicates that the site has been farmed for at least ten years, which has resulted in the removal of most native vegetation. Currently, the site supports a variety of plants typical of fallow agricultural field and disturbed grasslands. Dominant species include saltbush (*Atriplex canescens*), seepweed (*Sueda moquinii*), Russain Thistle (*Salsola tragus*), and brome grasses, (*Bromus* sp.). Elevations ranged from 2,390 to 2,410 feet (MSL) with a slight slope to the northeast. Soils consist of disturbed sandy loam with a few gravels and small rocks present. No sensitive wildlife species were observed during general biological surveys.

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## **DESCRIPTION OF PROJECT**

The developer has applied for a Conditional Use Permit P201200174 to allow a 7.5 MW photovoltaic solar generating facility on four existing parcels (APN 0466-181-59, 60, 61, 62) at the southwest corner of Wild Road and Smithson Road in the unincorporated community of Helendale in San Bernardino County, just northeast of the Silver Lakes Country Club. The proposed project is anticipated to be operated for about 35 years. If the project is approved, the four lots will be required to be merged into one.

The proposed Solar Generating Facility will be a phased project with a total generating capacity of 7.5 megawatts alternating current (MW-AC) once all construction has been completed. Initial construction will be located in the southern portion of the Site encompassing APN 0466-181-62. Additional phases will be constructed in the central part of the Property encompassing APN 0466-181-60 & 61) and the final phase will be located in the northern portion of the Site (APN 0466-181-59). The Project Site is 80.6 gross acres in size and includes a single family residence and accessory structures, which will remain, but be fenced off from the solar generating facility (see Figures 1 – 5 for site location and for the proposed solar facility layout). The solar generating facility will operate year-round producing electric power during the daytime hours. Proposed construction will begin with site preparation and construction of Phase I following approval from all applicable agencies. Other phases will proceed as necessary and as per agency approval. No permanent on-site operations and maintenance facility will be constructed on the Property, and no portions of the Project Site will be paved.

The Project Site will employ photovoltaic (PV) modules that convert sunlight directly into electrical energy without the use of heat transfer fluid or cooling water. Electrical energy produced by the facility will be delivered to the existing regional transmission system in the area. The connection point is located along Smithson Road. The proponent has initiated the interconnection process and the project has a 7.5 MW queue position with the California Independent System Operator. The Project will utilize a series of arrays of PV modules to convert solar energy directly to electrical power for export to the electrical grid. The Project Site will be operated over a period of about 35 years.

As noted above, the Project Site will be developed in a phased approach, and project construction for each of the proposed Phases will consist of (1) site preparation; (2) PV system installation and testing, and (3) site cleanup and restoration. The specific activities associated with the construction of each Phase are summarized below:

**Site Preparation:** The staging areas will be initially cleared and graded and the existing access roads will be improved, as necessary, to appropriate construction standards to allow for the movement of heavy construction vehicles. The staging area will include construction offices, a first aid station, temporary buildings, worker parking, truck loading and unloading facilities, and an area for assembling the solar array equipment. Road corridors on-site will be surveyed, cleared, and graded in order to move equipment, materials, and workers on the Site as needed. Flagging will be utilized to denote the location of buried electrical lines, PV array locations, and the location of various facilities. The Project Site will be fenced with a security fence (i.e., chain-link) and security gates will be installed with a controlled main access gate located at the entrances. Initial erosion and sedimentation controls will be installed as per Best Management Practices (BMPS), and water truck reloading stations will be established for dust control.

**PV Installation and Testing:** Installation of the PV system will require earthwork, grading, and erosion control. Plant substations will be constructed and the PV modules, supports, and associated electrical equipment will be installed. The mounting and support structures will be constructed of steel/concrete and the design will be finalized pending final analysis of the soil conditions. Concrete used for the footings, foundations, pads, and substation equipment will be produced at an off-site location by a local provider and transported to the Site via truck. The final specifications for the concrete will be determined during detailed design engineering; however, production will meet applicable building codes. Waste generated during the construction phase will be non-hazardous and will include cardboard, wood pallets, copper wire, scrap steel, common trash, and wood wire spool. No hazardous materials will be generated during the construction phase; although, construction equipment will contain various hazardous substances such as hydraulic oil, diesel fuel, grease, lubricants, solvents, adhesives, paints, and other petroleum based products. No permanent buildings will be constructed on the Property.

**Site Cleanup and Restoration:** Once construction has been completed, site cleanup will occur including the removal of construction wastes and materials from the Site, which will be placed at a local waste collection center. Re-seeding with native grasses and/or shrubs may be implemented, as necessary, to stabilize soils and minimize sediment runoff during major storm events. The proponent will implement BMPs during the construction phases. The proponent will utilize BMPs for erosion control, and the Project will comply with all applicable post-construction water quality standards. Construction for each phase will take approximately 10 weeks and information on manpower requirements is provided in Table 1. The first two weeks will include moving heavy machinery on-site, grading the ground and compaction of the service roads in preparation for construction. Installation of the steel beams into the ground will take place during the third week during which the beams will be vibrated into the ground.

The remaining steel components will be transported to the Site at a rate of approximately 10 truckloads a day where they will be mounted onto the beams. During this process, up to 80 workers will be on-site at any one time. Once completed, the PV panels will be transported to the Site and installed. During week seven, the electrical lines will be buried in trenches and the concrete will be laid for the inverters during this time. During the 10<sup>th</sup> week, the panels and inverters will be completely installed and the solar plant connected to the electrical grid. Once construction is completed, the solar plant will go online with power supplied to the electrical grid.

Maintenance will be performed on a regular basis with approximately two people visiting the Project Site four to five times per year. During the maintenance visits, the grasses and shrubs will be mowed and the PV panels and electrical equipment will also be maintained. This Project Site will be an unmanned facility. For additional information see Figures 1 – 3.

**TABLE 1. PROJECTED MANPOWER, DELIVERY TRUCKS, AND DUMPSTER USAGE BY WEEK.  
 (Per Phase)**

<b>Week</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>Average</b>
Manpower	4	8	16	24	32	32	32	32	18	12	0	0	17.5
Delivery Trucks	4	4	8	8	8	8	4	2	1	1	1	0	4.08
10-Yard Dumpster	0	0	1	1	1	2	3	3	1	1	0	0	1.08

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

- Federal: U.S. Army Corps of Engineers, U.S. Fish and Wildlife
- State of California: Fish and Game, Caltrans, Regional Water Quality Control Board (Lahontan Region), Mojave Desert Air Quality Management District
- County of San Bernardino: Land Use Services – Code Enforcement, Building and Safety; Public Health – Environmental Health Services; Public Works – Land Development, Solid Waste, Traffic; and Drainage

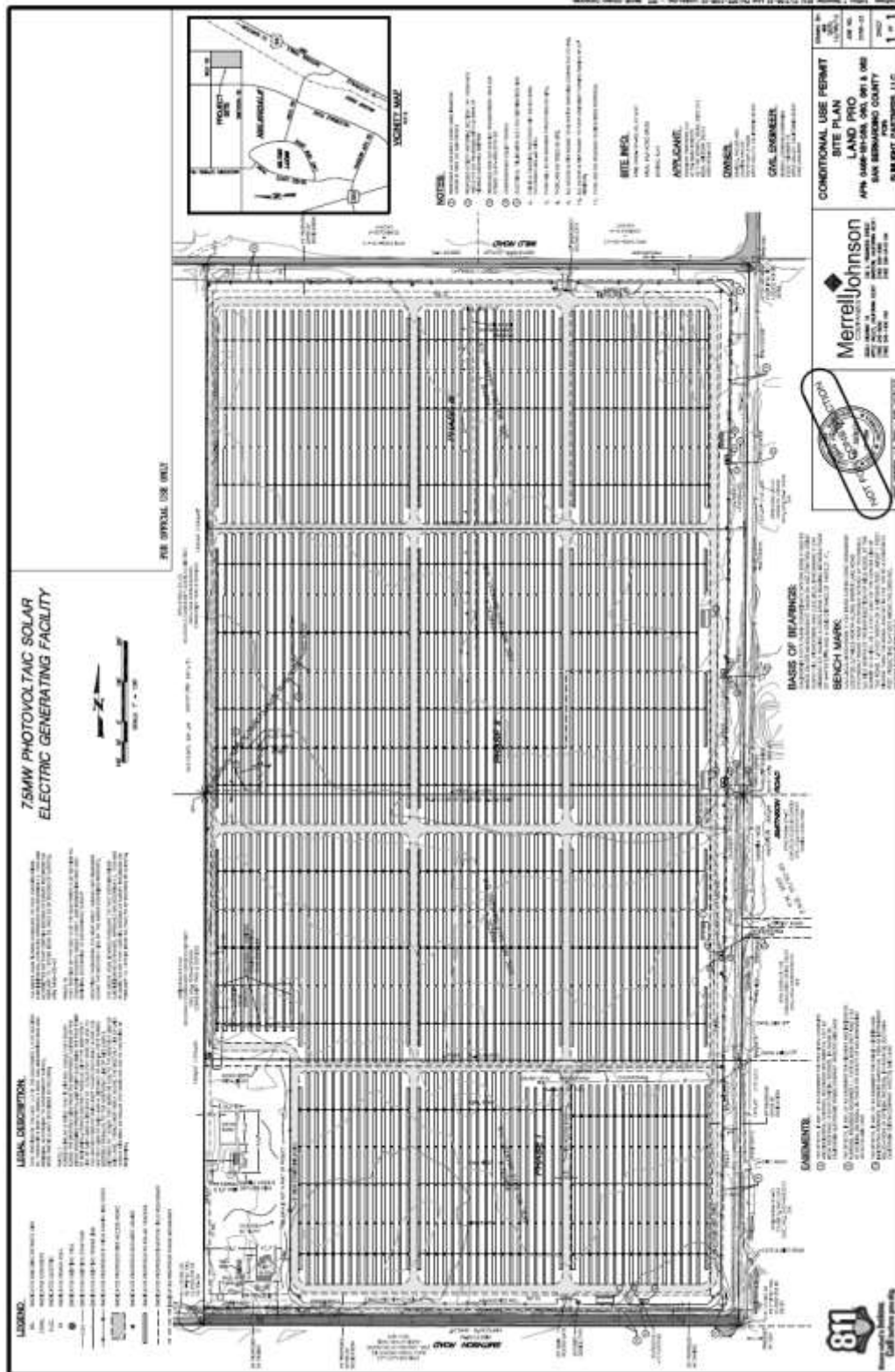
Figure 1



Figure 2



Figure 3



**EVALUATION FORMAT**

The County of San Bernardino prepared this initial study in compliance with the California Environmental Quality Act (CEQA) Guidelines. The format of the study is as follows. Staff evaluated the project based upon its effect on 18 major categories of environmental factors. Staff reviewed each factor 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. Staff categorizes the effect of the project into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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Staff provides substantiation to justify each determination and one of the four following conclusions as a summary of the analysis for each of the major environmental factors.

1. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (Listing the impacts requiring analysis within the EIR).
2. 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 mitigation measures)
3. No significant adverse impacts are identified or anticipated and no mitigation measures are required. (Optional mitigation may be added by stating: “As a precautionary measure to further reduce any potential for impacts, the following requirement shall apply”):
4. No impacts are identified or anticipated and no mitigation measures are required.

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: MITIGATED NEGATIVE DECLARATION REPORT**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

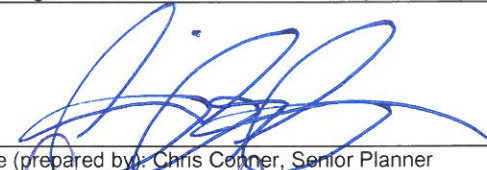
<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions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



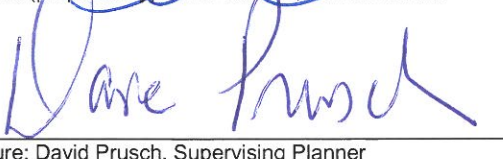
**DETERMINATION:**

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project could not have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> has been prepared with mitigation measures as discussed in this report.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
 Signature (prepared by): Chris Conner, Senior Planner

6/4/13  
 Date

  
 Signature: David Prusch, Supervising Planner

6/4/13  
 Date

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the Site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located within the view-shed of any Scenic Route listed in the General Plan):

- I a) **Less Than Significant Impact:** The proposed project is located a little less than a mile northwesterly of Historic Route 66 (National Trails Highway), which is designated a scenic route in the General Plan. In this portion, the scenic qualities are primarily the Mojave River, which is approximately 1/3 mile wide in this area and still in a natural state, and the hills to the south and east of the highway. The project site is beyond the Mojave River from the highway and would be partially visible since the highway is a higher elevation. The Property has been significantly disturbed by past agricultural activities over the last several decades and very little native vegetation is present throughout the site. The proposed project would have a low profile, with maximum heights of the solar panels less than 10 feet. Although the project site would be visible, it is relatively distant from the highway and would not significantly interfere with views of the distant mountains on the horizon to the west so the impacts are less than significant.
- I b) **Less Than Significant Impact:** The proposed project is located about one mile northwest of the Historic Route 66 (National Trails Highway) but would not substantially damage any scenic resources, including, but not limited to trees, rock outcroppings, or historic buildings visible from the highway, as the site has been farmed for a number of years and has no historic buildings, significant trees, or very little native vegetation present throughout the site, so the impacts are less than significant.
- I c) **Less Than Significant Impact:** The proposed project will have a low profile and will be fenced for security purposes. The current visual character of the site and vicinity includes several single-family dwellings on large lots with numerous accessory structures and outdoor storage, an adjacent equine facility, fallow agricultural fields, and nearby undisturbed desert habitat. The project is not expected to substantially degrade the existing visual character of the site or surrounding area.
- I d) **No Impact:** The solar panels will be designed such that they are non-reflective and appear black to the eye; therefore, the amount of glare coming from the Site is expected to be negligible. Motion-sensors will be utilized and no night-time lighting will be installed. In addition, the project must comply with San Bernardino County Ordinance No. 3900 that regulates glare, outdoor lighting, and night sky protection in the desert region. Therefore, the proposed facility would not have a significant impact on daytime or nighttime views in the area. Therefore, no substantial impacts to light or glare would occur, nor will night-time views be impacted.

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE AND FOREST 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 the 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)

The proposed project would not be located on Important Farmland, as mapped by the State of California, and is not located in an Agricultural Preserve area (California Department of Conservation, 2008). The site was previously utilized for farming for several decades and alfalfa was the main crop; although, the site has been fallow for several years.

II a-e) **No Impact:** The proposed project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation 2008). The Site is zoned RL-5 for rural living and includes renewable energy production facilities as a use subject to a Conditional Use Permit. The proposed project would not conflict with existing zoning codes or conflict with the Williamson Act. The site does not contain any prime soils or statewide soils, nor is the site under an agricultural contract. The proposed project is located in the high desert of Southern California which is characterized by high temperatures during the summer and low temperatures during the winter, with low humidity and low rainfall. No forest resources are present on the site nor is the property located in an area noted for forest resources. The proposed project will have no impact on agricultural or forest resources.

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION** (Discuss conformity with the Mojave Desert Air Quality Management Plan (MDAQMP), if applicable):

The proposed Project is expected to have a minimal impact on the air quality of the area and will produce relatively few emissions during construction (three month period for each phase) and negligible emissions during operation. In addition, the development of renewable energy sources is expected to produce cumulative and regional environmental benefits therefore an Air Quality Analysis is not required.

III a) **Less Than Significant Impact:** There will be no expected conflict or obstruction of any air quality plans. Most of the polluting emissions will be produced during the construction period where earthmovers, delivery trucks and personal vehicles will be used during the construction phase. These emissions will be in the form of exhaust and dust. The amount of exhaust associated with this Project will be negligible compared to the yearly exhaust levels of San Bernardino County. The Project is located within the Mojave Desert Air Quality Management District (District) which is non-attainment for ozone and PM<sub>10</sub>. The District currently has adopted federal attainment plans (1995 for PM<sub>10</sub> and 2004 for ozone) for these two pollutants. The project is expected to generate minor particulate and ozone precursors during the 10 week construction period, however, these will be less than or roughly equal to pollutants generated by other land uses for this property such as farming (farrowing, plowing, etc.). Mitigation will include use of water trucks to reduce particulate emissions during construction. A dust control Plan will be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

III b) **Less Than Significant Impact:** The total vehicle miles traveled directly related to the proposed project is not expected to exceed approximately 150,000 miles based on a maximum of about 60 miles per day for worker vehicles and 200 miles for delivery vehicles (calculated 138,400 miles, but will use 150,000 as worst case). This relates to less than a 0.0007 percent increase per phase in vehicle miles traveled for the Project based on an estimated 22 billion miles traveled each year in San Bernardino County (California Department of Transportation 2008). For the three phases, maximum vehicle miles traveled will be 750,000 miles (using 150,000 for each 1.5 MW project); however these will not likely occur during a one year period (more likely at least two years). The amount of vehicle emissions of criteria pollutants (NO<sub>x</sub>, SO<sub>2</sub>, CO, etc.) associated with the Project is expected to be non-significant (0.0035 percent) compared to the amount of exhaust emitted by the County on a yearly basis. Construction emissions of particulates are also expected to be negligible (comparable to plowing the Site) and will utilize a water truck at least twice daily for mitigation to control particulate emissions. Operational emissions will

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involve only 2-3 trips to the Site annually. This will involve negligible vehicle emissions and negligible dust emissions from driving on the gravel roads.

- III c) **No Impact:** The Project is not expected to produce cumulatively significant emissions for ozone or PM<sub>10</sub>. During construction activities, dust will be produced by general activity on-site, especially earth-moving activities. The Mojave Desert Air Quality Management District Rule 403.2 requires that mitigations be taken to reduce the amount of dust produced during construction periods. These mitigations 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, 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 will be cleaned up within 24 hours as required by the Mojave Desert Air Quality Management District (1996). After construction has been completed, the amount of air pollutants are 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 will also occur during occasional maintenance; however, these emissions will be at non-significant 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.
- III d) **Less than Significant Impact.** The MDAQMD defines sensitive receptors as residences, schools, daycare centers, playgrounds, and medical facilities. There are scattered residences in the area, but no other sensitive receptors in close proximity to the project area. The nearest residences to the proposed project are approximately 200 – 350 feet east. In addition, electricity generation via the use of photovoltaic systems does not generate chemical emissions that would negatively contribute to air quality. Furthermore, the County's general conditions and standards as well as project-specific design and construction features incorporated into the proposed project such as dust suppression techniques per MDAQMD's Rule 403 would reduce any potential impacts from the project. No significant adverse impacts are identified or anticipated and no additional mitigation measures are required.
- III e) **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.

**Although impacts to Air Quality are considered to be less-than-significant the following mitigation measures are required as conditions of project approval.**

**AQ – Construction Mitigation. Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality: During construction, each contractor and subcontractor shall implement the following, whenever feasible:**

- **MDAQMD-approved Dust Control Plan (DCP) submitted with the Grading Plans. The DCP shall include these elements to reduce dust production:**
- **Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities**
- **Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.**
- **Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.**
- **Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.**
- **All trucks hauling dirt away from the site shall be covered**
- **During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.**
- **Storage piles that are to be left in place for more than three working days shall either be:**

- 
- **Sprayed with a non-toxic soil binder, or**
  - **Covered with plastic, or**
  - **Re-vegetated until placed in use.**
  - **Provide documentation prior to beginning construction demonstrating that the project proponents will comply with all MDAQMD regulations.**
  - **Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367 4710 (San Bernardino and Riverside counties).**
  - **Trucks/equipment shall not be left idling on site for periods in excess of ten minutes.**
  - **Provide temporary traffic control during all phases of construction.**
  - **Provide on site food service for construction workers.**
  - **Use reformulated low-sulfur diesel fuel in equipment and use low-NOx engines, alternative fuels and electrification. Apply 4-6 degree injection timing retard to diesel IC engines. Use catalytic converters on gasoline-powered equipment.**
  - **Minimize concurrent use of equipment through equipment phasing.**
  - **Substitute electric and gasoline-powered equipment for diesel-powered equipment.**
  - **Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.**
  - **Maintain construction equipment engines in good order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.**
  - **Install storm water control systems to prevent mud deposition onto paved areas.**
  - **Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.**

*(MM AQ-1, Prior to Land Disturbance/Grading)*

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) Have a substantial adverse effect, 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 ):

IV a&b) **Less Than Significant With Mitigation:** The project site is located within areas identified by the San Bernardino County Biotic Resources Overlays as potentially having medium density desert tortoise and burrowing owl habitat and is approximately 300 feet southeasterly from the area designated for Mojave ground squirrel.

A General Biological Resources Assessment was prepared for the site, and a habitat assessment for the Mohave ground squirrel was performed (RCA Associates, 2012b). The Site was utilized for farming activities for several years and currently supports a fallow agricultural field. The vegetation is somewhat limited with saltbush (*Atriplex canescens*), wheelscale (*A. elegans*), bush seepweed (*Sueda moquinii*), yellow-green matchweed (*Gutierrezia sarothrae*), and grasses (*Bromus* sp.) the most common species. Common annuals consist primarily of erodium (*Erodium cicutarium*), fiddleneck (*Amsinckia tessellata*), Russian thistle (*Salsola tragus*), and alfalfa (*Medigo sativa*). Wildlife which utilize the Site either as permanent resident species or transients include common species such as ravens (*Corvus corax*), song sparrows (*Amphispiza melodia*), and mourning doves (*Zenaida macroura*). Reptile diversity is limited in the region; although, side-blotched lizards (*Uta stansburiana*) and western whiptail lizards (*Cnemidophorus tigris*) are common in the region and likely inhabit the Site. No mammals were observed during previous field investigations, although, desert cottontail rabbits (*Sylvilagus auduboni*), jackrabbits (*Lepus californica*), and Antelope ground squirrels (*Ammospermophilus leucurus*) could potentially occur on the Site. Coyotes (*Canis latrans*) occasionally traverse the Site as indicated by tracks and scats. No riparian habitat or other sensitive natural habitat was identified on the project site.

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Focused surveys were also performed for the desert tortoise and burrowing owl by RCA Associates in 2012 (RCA Associates 2012b,d). No tortoises or burrowing owls were identified on the site during the 2012 surveys, nor does the site support suitable habitat for the Mohave ground squirrel due to the existing conditions (RCA Associates 2012a,c). Burrowing owls could potentially utilize the site in the future if suitable burrows become available; however, a pre-construction surveys will be conducted 30-days prior to the start of construction to determine if the species is present on the site. A Mojave Monkey Flower Assessment was also conducted (Phoenix Biological Consulting 2012), which concluded that the site is not suitable Mojave Monkey Flower habitat based on the site visit and literature search.

Therefore, the proposed project will not have any significant impact on any species that has been identified as a candidate, sensitive, or special status species and a less than significant impact on burrowing owl with a pre-construction survey and mitigation if any burrowing owls are observed.

- IV c & d) **No Impact:** As discussed in IV a & b above and as identified in the General Biological Assessment and Focused Surveys (RCA Associates, 2012a-d) for this property no sensitive species were observed and the site does not support native communities. No riparian habitat or federally protected wetlands (including marshes, vernal pools, coastal, etc.) are present on the site; consequently, the proposed project will not impact these types of sensitive habitats or any regulation pertaining to these habitats. No distinct wildlife corridors were identified on the site or in the immediate surrounding area; therefore, the proposed project will not interfere with the movement of any native resident or migratory fish or wildlife or with established native resident or migratory wildlife corridors, nor will the project impede the use of any wildlife nursery sites. The site is quite flat and slopes from the southeast corner of the site toward the northeast at approximately 0.3% toward the Mojave River. No impact is anticipated.
- IV e) **Less Than Significant Impact With Mitigation:** As discussed in IVa & b above, the project site is located within areas identified by the San Bernardino County Biotic Resources Overlays as potentially having medium density desert tortoise and burrowing owl habitat and is approximately 300 feet southeasterly from the area designated for Mojave ground squirrel. Focused surveys did not identify any suitable habitat habitats for sensitive species. Burrowing owls could potentially utilize the site in the future if suitable burrows become available; however, a pre-construction surveys will be conducted 30-days prior to the start of construction to determine if the species is present on the site.
- IV f) **No Impact:** The project does not conflict with conflict with any provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is anticipated.

**Possible significant adverse impacts have been identified and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant:**

**Pre-construction Survey.** As a standard operating procedure for projects located in native habitat, a qualified biologist shall conduct a 30-day preconstruction survey to determine if DT, MGS, and/or BUOW have migrated onto the site. If the biologist encounters any of these species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFG) to obtain the required take authorization for the project. *(MM BIO-1, Prior to Land Disturbance/Grading)*

**Nesting Birds.** The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall be conducted outside of the State identified nesting season (February 15 through September 1). Alternatively, a qualified biologist shall evaluate the site prior to initiation of ground disturbance to determine the presence or absence of nesting birds. Avoidance of active bird nests **MUST** occur during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity will occur within the 300-foot buffer until the young have fledged the nest. *(MM BIO-2, Prior to Land Disturbance/Grading)*



	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check if the project is located in the Cultural  or Paleontological  Resources overlays or cite results of cultural resource review):

V a-d) **No Impacts:** CRM Tech, Inc., conducted an archaeological records search at the San Bernardino Archaeological Information Center in Redlands, California, and the California State Historic Property Data File was also reviewed (CRM Tech, Inc. 2012). The records search indicates that there are no cultural resources on the Site or on adjacent properties. However, four historic sites have been documented within about a 0.5 miles radius and two prehistoric sites have been recorded within 1.0 mile radius. Since no grading is proposed and no historical resources were encountered during the course of their study, CRM Tech recommended a determination of No Impact. However, if buried cultural materials are encountered during future construction activities, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

**No impacts have been identified or anticipated and no mitigation measures are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS:</b> Would the project:				
a) Expose people or structures to 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 risks to life or property?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<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):

VI a-i) **No Impact:** The Project is located in an area for which no Alquist Priolo Special Studies Maps have been prepared (CRA 2013). Some faults or possible faults are shown for the Kramer Hills Quadrangle, more than 10 miles to the northwest, and for the Turtle Valley Quadrangle, about the same distance to the southeast. (CRA 2013). These maps show possible minor faults, but there has been no mapping at the Project Site, likely due to the lack of known faults.

VI a-ii-iii) **Less Than Significant Impact:** Since the Project Site is located in Southern California; the Site is at moderate risk of an earthquake event which would result in ground shaking. Substantial seismic ground shaking is not expected as indicated by the Geotechnical Report (Merrell Johnson 2012a). In the event that a strong earthquake occurs, there is a low to moderate risk of liquefaction; however, any liquefaction is expected to be localized and have minimal impact on the solar facility (Merrell Johnson 2012a).

VI a-iv) **No Impact:** The Site has flat topography with a very slight slope (less than one percent) and there is no possibility of landslides. Since the Site is flat, erosion is not expected to be significant. If any erosion channels develop during construction, off-site flows of sediment should be blocked by use of silt fences, straw bales or similar erosion control measures.

VI b) **Less Than Significant Impact:** Since the Site is flat, erosion is not expected to be significant. If any erosion channels develop during construction, off-site flows of sediment should be blocked by use of silt fences, straw bales or similar erosion control measures. The surface soil will be graded and transported around the Site resulting in the potential loss of some topsoil. However, the topography of the Site is such that such losses will be minimal. Where additional planting is anticipated, soils will be stockpiled during construction and utilized in these areas.

Surface soils may be graded down to three feet in depth at certain locations in order to provide support for footings or slabs. In general, pilings or piers will be used with the solar arrays to ensure stability. Piers must be sunk to eight feet in depth and pilings to 12 feet in depth (Merrell Johnson 2012a) according to the geotechnical report on the Site. Soils are sandy silts, sand and gravelly sand and are generally deep and well drained (EDR 2012).

VI c) **Less Than Significant Impact:** The site does not have unstable soils according to the geotechnical report (Merrell Johnson 2012a). The site is nearly flat and has sandy loam soils. There is a low to moderate possibility of liquefaction in the event of an earthquake.

VI d) **Less Than Significant Impact:** The soil on the site has been significantly disturbed due to past farming activities; however, the soils are sandy loams which are expected to have low potential for being expansive (Merrell Johnson Companies 2012a).

VI e) **No Impact:** No septic systems, sewers or other wastewater systems will be used for the Project.

**No significant adverse impacts are anticipated for geology or soils and no mitigation measures are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VII. GREENHOUSE GAS EMISSIONS:</b> Would the project:				
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 an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- VII a) **Less Than Significant Impact:** The Project, once fully built and operational, will provide a “clean” source of energy that will not emit greenhouse gases (GHG). The only major source of greenhouse gas emissions that will be associated with the project are construction and maintenance vehicles. During construction, several heavy vehicles will be used which emit a variety of GHGs, including carbon dioxide. After construction, maintenance vehicles will be the primary source of GHGs, however, these will only be used about twice annually on each phase of the project.
- VII b) **Less Than Significant Impact:** The State of California has adopted standards aimed at reducing the levels of greenhouse gas emissions under an executive order from the Governor in 2005, the subsequent passage of an Assembly Bill (AB32) and a statewide emissions inventory updated in 2010. GHGs must be reduced to 1990 levels by the year 2020 under these regulations. The project will release only minor amounts of GHGs from vehicles during the relatively short construction period (10 weeks). These can be further reduced by the Mitigation Measures suggested below.

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
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 release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

VIII a) **Less Than Significant Impact:** Some hazardous materials may be present during construction including fuel, lubricants and/or hydraulics used by construction machinery. It is recommended the machinery be kept in good condition to prevent hazardous material leaks and that all construction workers have proper safety training for working with or around heavy machinery. All other equipment containing potentially hazardous material should be kept in good condition and the operators have proper safety instruction/training and follow all manufacturer recommendations before use. All other hazardous material being brought and/or installed on-site should be treated with caution to ensure that any workers or the environment are not exposed. During construction, a first aid station should be maintained in an accessible area of the Site.

VIII b) **Less Than Significant Impact:** The Solar Project will contain little operational hazardous material or waste. The potentially hazardous materials are limited to glycol-based coolant, lubricants for the tracking system, and lubricants for other moving parts. These materials are mildly toxic and will not present a major risk to the handlers or the environment.

A Phase I Site Assessment was performed for the Project Site and it was determined that no signs of contamination or dumping of any hazardous materials has occurred on the Site (Westech 2012). However, an adjacent parcel (Silverlakes Farms) has had several underground tank incidents according to the records search conducted as part of the Site assessment. These sites have been closed and/or cleaned up or are currently being recycled with off-site disposal (EDR 2012).

- VIII c) **No Impact:** The Project is not within one quarter mile of any existing or proposed school. The nearest school is 1.4 miles south of the project at Riverview and Vista Roads. The project will not use any acutely hazardous materials.
- VIII d) **No Impact:** The Site is not listed on any government list of hazardous sites (EDR 2012).
- VIII e-f) **No Impact:** The Site will not interfere with air traffic or airports. The solar panels are dark and non-reflective and will not create any daytime glare. All lights used on the Site at night will be downward directed. The Project Site is not within two miles of any airport or airstrip. The nearest airport is Southern California Logistics Airport, approximately 10 miles south of the project. The project is not expected to have any impact on air traffic.
- VIII g) **No Impact:** The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- VIII h) **Less Than Significant Impact:** The proposed project will not substantially increase the risk of wildfire in the Site. Furthermore, it may reduce the wildfire risk by removing some of the existing vegetation and by the periodic trimming of any plant growth on-site. These maintenance activities will reduce the amount of combustible fuel. Compaction of the soil will also reduce the amount of plant growth, which will further decrease the risk of wildfire on-site. The only risk of on-site wildfire ignition would be from an electrical malfunction. However, if the electrical equipment is installed properly and follows all state and county safety codes, the risk of on-site ignition is minimal

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY:</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the Site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

The levels of pollutants in stormwater runoff from the Site are not expected to be significant after construction has been completed, assuming all equipment is kept in good condition. Several BMPs are possible for the Site if any of the pollutants become of concern. There are three types of BMPs listed by the San Bernardino County Stormwater Program: 1) Site design BMPs incorporate site features to control the runoff rate, 2) Source control BMPs reduce potential for stormwater runoff and pollutants from coming into contact with each other, and 3) Treatment control, BMPs are systems that treat the adverse impacts of stormwater and runoff pollution.

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Since most of the surface area on the Project Site will be native soils and plants, there are a few site design BMPs possible. The small amount impervious area that is proposed on site (for footings and pilings) will be segmented and water will immediately drain into nearby pervious soils (Merrell Johnson 2012b).

There are more possible source control BMPs (both structural and non-structural) recommended for the Site. Non-structural BMPs include providing a “Spill Contingency Plan” in accordance with Section 6.59 of the California Health and Safety Code, employee BMP training, and annual inspections of any drainage facilities installed on-site. Structural source control BMPs include having a secondary containment structure for any liquid chemical such as rims on the concrete pads for the inverters (see section in this document on hazardous materials) and the potential use of alternate, less polluting materials or structures. All pollutants of concern will be addressed by site design or control BMPs. Potential treatment control BMPs for the Site may include retention of native vegetation along the edges of the Site, infiltration basins and filtration systems. However, it is unlikely that any site design or treatment control BMPs will be required for the Project Site given that source control BMPs can be used where needed.

- IX a) **Less Than Significant Impact:** A Water Quality Management Plan (WQMP) will be required to be prepared prior to issuance of grading permits or any ground disturbing activity. Provision of a WQMP and adherence with the County Public Works Best Management Practices (BMPs) is a standard condition of approval. The Site is roughly 0.2 miles from the Mojave River, however, the site is flat, with only about 0.3 % slope and no flow patterns or tributaries toward the river from the Site were observed. Nutrients and sediments are potential pollutants which may flow from the Site during major storm events. However, after construction is completed, these pollutant concentrations are not expected to be significantly higher (for each phase) than historical levels. In a large storm event, some debris from regular grass and shrub trimming may also flow from the Site, although most of this debris will be trapped on-site. Metals, organic compounds, and oil and grease will be associated with maintenance and construction vehicles; however, any potential issues will produce either temporary or non-significant levels of pollutants, assuming the vehicles are kept in good condition.
- IX b) **Less Than Significant Impact:** The Project will use local water supplies during construction and periodic maintenance of the site. Minimal grading of the site is anticipated since the site was previously farmed and is already flat. Water usage will be significantly less than used previously for any farming activities. Run-off from the solar panels will fall to the ground and most of the ground within the proposed project area will remain permeable (impervious surface will remain below five percent), so water percolation and groundwater recharge will remain unchanged by the implementation of the project.
- IX c-d) **Less Than Significant Impact:** The footprint of the solar arrays will be small and will not significantly change the drainage patterns since the Site will remain almost completely pervious. For most of the Site, the drainage pattern for a 100-year storm is 51 cubic feet per second sheet flow. This flow would cross the Site at a maximum depth of three inches, which will pass below the solar arrays and will be minimally impacted by the Project (Merrell Johnson 2012b) as described in the Hydrology Study of the Site. These flows will not result in alteration of drainage patterns, nor significant erosion, nor offsite flooding, since the Site is relatively flat, has drainage patterns reflecting sheet flow and little or no established channels.
- IX e) **No Impact:** There are no planned stormwater channels. Since the Project will not affect impervious surface (less than five percent change), the existing stormwater runoff channels along Smithson Road and Wild Road are not expected to be affected.
- IX f) **Less Than Significant Impact:** There are no water resources on the Site, and no blueline streams or other drainage channels are present on the Site. The Mojave River is located about 0.2 miles to the southeast; however, the project is not expected to impact the water quality of this channel.
- IX g-h) **Less Than Significant Impact:** The southeast corner of the site is adjacent to the 100-year floodplain of the Mojave River. Approximately 50 % of the southeastern portion of the project site is located within Flood Zone X according to FEMA Panel Number 4500H, dated 8/28/2008, with the remainder of the site located within Flood Zone D. No structures would be present to redirect or impede flood-flows, which will pass below the Solar Arrays.



- IX i) **Less Than Significant Impact.** Although the project site is located within the Dam Inundation Area related to potential failure of the Mojave River Forks and Silverwood Lake Dams, which are located approximately 30 and 33 miles upstream along the Mojave River, the unmanned facility will not expose people or structures to a significant risk of loss, injury, or death. The proposed project will not impact any evacuation routes. The County General Plan prohibits only critical, essential, and high-risk land uses within the inundation overlay.
- IX j) **No Impact.** The project site will not be impacted by inundation by seiche, tsunami, or mudflow, because the project is not adjacent to any body of water that has the potential of seiche or tsunami nor is the project site in the path of any potential mudflow

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING:</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- X a) **No Impact:** The project site is located just northeast of the unincorporated community of Silver Lakes and adjacent on the project's west side to the Helendale Community Services District Park and Equestrian facility. There are a few scattered residences on east side of the project on minimum 5-acre parcels. The project is surrounded on the north, east, and south by roads and will not physically divide an established community.
- X b) **Less Than Significant Impact:** The Site is currently listed in the San Bernardino County General Plan Land Use Element as Rural Living (RL-5) Land Use Zoning District. This category is oriented mainly to single-family residential use; however, this zoning does permit use for energy production facilities such as the proposed solar project, subject to approval of a Conditional Use Permit. The proposed project site is mapped within a Biotic Resources (BR) overlay, with the potential for desert tortoise, western burrowing owl, and Mohave ground squirrel in the area approximately 300 feet northwesterly of the project site. As required by the BR overlay, the proponent submitted reports with the project application that identified all biotic resources located on and adjacent to the site. The reports concluded that no sensitive species or habitat existed on the site, but did identify a mitigation measure requiring a pre-construction survey for burrowing owl, prior to commencement of construction.
- X c) **No Impact:** The project does not conflict with any provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is anticipated.

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES:</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would 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):

XI a-b) **No Impact:** There are no known mineral resources on the Site and there have been no mining activities on the Property. Therefore, the proposed solar project will not result in the loss of the availability of a known mineral resource that would be of value to the region and residents of the state, nor will the project 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. Gravel may be needed on the site for interior road surfacing; however, the amount of gravel that will be utilized is expected to be minimal and will be obtained off-site from an existing sand and gravel mine. Soil will be stockpiled for purposes of planting native vegetation once construction is completed.

**No impacts have been identified or anticipated and no mitigation measures are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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 ):

XII a –d) **Less Than Significant Impact:** During the construction period for each of the Phases, the level of noise will increase in the area due to heavy machinery and other construction related activities, especially during the early stages of construction, including grading, trenching and driving the steel piers into the ground which will take approximately three weeks. Although, these activities may generate considerable noise, up to 100 dBA at 50 feet, and potential vibration, they will be of limited duration and pursuant to County Code Section 83.01.080 are exempt, as long as they are conducted between 7:00 AM and 7:00 PM, except Sundays and Federal holidays.

After construction has been completed, occasional increases in noise levels may occur during site maintenance. However, the noise levels during construction and maintenance are expected to be less than significant since temporary construction and maintenance noise is considered exempt pursuant to County Code Section 83.01.080.

XII e-f) **No Impact:** The Project is not located within two miles of an airport or airstrip. The nearest airport is Southern California Logistics Airport approximately ten miles south of the project. The project will not expose people residing or working in the project area to excessive noise levels related to airport traffic. .

**No Significant noise impacts have been identified and no mitigation measures are necessary.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING:</b> Would the project:				
a) Induce substantial 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XIII a-c) **No Impact:** The project is located in a sparsely populated area of San Bernardino County. A maximum of about 80 workers will be on the site at any one time during the construction period. The total construction period for each phase will take approximately ten weeks, but most workers would be on site for only a few weeks of that period. There are no existing structures (i.e., houses, barns, etc.) within the proposed construction area and no structures (i.e., buildings, sheds, etc.) will be constructed on the site as part of the proposed solar project. There is a house within the southwest corner of the property, however it is outside of the proposed construction area. The project will be un-manned; therefore, it will not induce any population growth in the area nor will the project cause the displacement of any existing houses. In addition, no persons will be displaced due to construction of the solar project.

**No impacts have been identified or anticipated and no mitigation measures are required.**

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XIV. 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XIV a) **Fire Protection – Less Than Significant Impact:** Fire protection will be provided by the San Bernardino County Fire Department. The Fire District will require regular trimming of the on-site vegetation to prevent fire hazards. Interior roads will also need to be compacted to 80,000 pounds to allow fire truck access in the event a fire does occur and the road surface must be an all-weather surface. Two points of access will be required and the Fire Department may also require the installation of hammerheads to allow easy access to the Site by fire trucks. The above requirements will be conditions of approval. The project will not result in the need for additional fire protection services. The proponent will implement comprehensive safety measures that comply with federal state, and local worker safety and fire protection codes to minimize the potential for the occurrence of any brush fires during construction and during the life of the project. Because of the low probability of any fires occurring and the short-term nature of potential fire protection needs, the proposed project is not expected to generate any significant impacts.

XIV a) **Police Protection – Less Than Significant Impact:** Policing will be provided by the San Bernardino County Sheriff and the nearest office is about ten miles south of the site in Victorville, California. The proponent will install a chain-link fence for added security, and infrared cameras and remote notification will also be installed to reduce the likelihood of vandalism. Impacts to the Fire Department and Sheriff’s Department are not expected to be significant because of the low probability of any activities which may require a response from the Sheriff’s Department.

XIV a) **Schools – No Impact:** The site will be unmanned and long-term operation of the site will place no demand on school services since no residences will need to be constructed as part of the project and will not result in a temporary or permanent population increase in the local population.

XIV a) **Parks – No Impact:** Long-term operation of the project will place no demand on parks because the project will not involve the construction of residences nor will it result in a temporary or permanent increase in the local population.

XIV a) **Other Public Facilities - No Impact:** The proposed project will not result in the construction of any residences or result in an increase in the local population; therefore, the project will not generate any impacts to other public facilities.

**No significant impacts have been identified or anticipated and mitigation measures are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XV. 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 would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XV. a, b) **No Impact:** The proposed project will be an un-manned solar facility once construction is completed; therefore, increases in use of local neighborhood and regional parks are not expected to occur. No new residences will be constructed and no additional increases in the local population will occur. Therefore, the project will not cause an increase in the use of local recreational facilities. The Helendale Community Services District Park and Equestrian Center is located adjacent to the Site on its west side. Potential use of this area as a park is not anticipated to be affected by the Project.

**No impacts have been identified or anticipated and no mitigations are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC:</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XVI a-b) **Less than Significant Impact:** Vehicle travel routes to the site will be from National Trails Highway via Vista Road, to Helendale Road to Smithson road to the site, with the main access along the south side of the project from Smithson Road. Construction traffic and periodic maintenance traffic will utilize this route to the site. These are all paved roads. Smithson Road continues around the east side of the project as a dirt road and provides access to several single family residences to the east of the property. Wild Road runs along the north side of the property, and is paved extending from Helendale Road. Wild Road continues beyond the project site to the northeast as a dirt road providing access to scattered residential properties in the area. During construction up to 80 workers per day may access the site and periodic deliveries of materials with a total of up to approximately 150 deliveries during the construction period. This increase is not expected to create a significant impact on local traffic due to an existing low traffic volume along Smithson Road and Wild Road. The number of vehicles entering and exiting the Project Site during peak construction will be approximately 25-40 vehicles per day including about four to eight delivery trucks. During non-peak periods the number of vehicles is expected to be approximately four to 12 vehicles per day and up to two to four delivery trucks. Most of the vehicle traffic will occur in a half-hour to hour period each morning and in late afternoon. After construction has been completed, maintenance vehicles will arrive at the Site three to five times a year for regular site maintenance. Maintenance traffic will enter the Site from Wild Road or Smithson Road located along the northern and eastern boundaries of the Site. This amount of traffic is within the capacity of the two-lane paved road, since existing traffic on the adjacent road is very light. Impacts are considered less than significant, since these impacts would be temporary during construction. Following construction, personnel would visit the site three to four times per year to perform maintenance activities.



- XV c) **No Impact.** The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. There are no airports in the vicinity of the project. As discussed in the Noise section of this document, the nearest airport is Southern California Logistics Airport, which is approximately 10 miles to the south.
- XVI d) **Less than Significant Impact:** The project will not substantially increase hazards due to a design feature or incompatible uses. The project site is adjacent to an established road 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.
- XVI e) **Less than Significant Impact:** Emergency access can occur at both the north and south ends of the Site via existing paved roads. The Fire Department will also require that 80,000 pound loads be the design of all on-site roads and that compaction of the gravel be sufficient to sustain these loads. The Fire Department may also require hammerhead turnarounds near the Site entrances or at other locations within the Site. Therefore, no impact is expected for emergency access.
- XVI f) **No Impact:** There are currently no public transit, bicycle or pedestrian facilities at the Site. The Project would not interfere with any such facilities and dedication of adjacent roads will be required as a condition of the project approval.

**No significant impacts have been identified or anticipated and no mitigations are required.**

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION**

XVII a-b) **No Impact:** The Project will generate no wastewater. During construction, portable restroom facilities will be maintained on the Site by an independent service company. These will be periodically cleaned and pumped as needed and then removed from the Site. There will be no facilities needed during operation of the facility since there will be no on-site workers, except visiting maintenance technicians or crews to clean the arrays.

XVII c) **Less Than Significant Impact:** The Project will cause a negligible increase in stormwater runoff due to this very small change in impervious surface. No directed stormwater systems or improvements of existing ditches are deemed to be necessary along the adjacent roadways (Merrell Johnson 2012b). See Section on XI. Hydrology and Water Quality for further information on stormwater facilities.

XVII d) **No Impact:** Any water usage on-site for activities such as cleaning will be minimal and brought in via water truck from an off-site source. The amount of impervious surface area increase will be minimal due to the small footprint of the project and the small footprint of footings, piers and pilings necessary to support each array. No water entitlements are needed.

XVII e) **No Impact:** No wastewater treatment will be necessary (see XVII a-b above).

XVII f-g) **Less Than Significant Impact:** The proposed project will be an unmanned solar power generating facility, generating no process waste and only small quantities of solid waste requiring disposal. During construction, the proponent will provide trash and recycling dumpsters on site. The proponent must complete the Solid

Waste Management Division's Construction Waste Management Recycling Plan, Parts 1 and 2. The project is required to comply with federal, state, and local statutes and regulations related to solid waste disposal. Organic waste such as grass and shrub clippings during maintenance activities will be left on-site to naturally decompose.

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

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**VIII. MANDATORY FINDINGS OF SIGNIFICANCE**

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to 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 will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION**

- XVIII a) **Less Than Significant Impact with Mitigation:** Several similar solar power projects are being proposed for San Bernardino County, and more can be expected if the solar projects are considered successful sources of clean and renewable energy. However, assuming each solar project implements mitigation measures to ensure non-significance in the areas described in this document, no significant cumulative effects are expected. At some point, if large acreages in the County are committed to renewable energy this may begin to limit habitat for other biological species.
- XVIII b) **Less Than Significant 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 are capable of absorbing such uses without generating any cumulatively significant impacts.
- XVIII c) **No Impact:** The Project will not result in substantial adverse effects on humans, either directly or indirectly. It is recommended that the mitigation measures listed in Biology be taken to further ensure less than significant environmental impacts from the project including stormwater pollution and from hazardous materials.

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

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## **XIX. LIST OF MITIGATION MEASURES**

(Any mitigation measures, which are not “self-monitoring,” shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval)

**Condition Compliance Release Form (CCRF) Mitigation Measures** (Condition compliance will be verified by existing procedure)

**AQ – Construction Mitigation.** Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality: During construction, each contractor and subcontractor shall implement the following, whenever feasible:

- **MDAQMD-approved Dust Control Plan (DCP) submitted with the Grading Plans. The DCP shall include these elements to reduce dust production:**
- **Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities**
- **Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.**
- **Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.**
- **Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.**
- **All trucks hauling dirt away from the site shall be covered**
- **During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.**
- **Storage piles that are to be left in place for more than three working days shall either be:**
- **Sprayed with a non-toxic soil binder, or**
- **Covered with plastic, or**
- **Re-vegetated until placed in use.**
- **Provide documentation prior to beginning construction demonstrating that the project proponents will comply with all MDAQMD regulations.**
- **Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367 4710 (San Bernardino and Riverside counties).**
- **Trucks/equipment shall not be left idling on site for periods in excess of ten minutes.**
- **Provide temporary traffic control during all phases of construction.**
- **Provide on site food service for construction workers.**
- **Use reformulated low-sulfur diesel fuel in equipment and use low-NOx engines, alternative fuels and electrification. Apply 4-6 degree injection timing retard to diesel IC engines. Use catalytic converters on gasoline-powered equipment.**
- **Minimize concurrent use of equipment through equipment phasing.**
- **Substitute electric and gasoline-powered equipment for diesel-powered equipment.**
- **Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.**
- **Maintain construction equipment engines in good order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.**
- **Install storm water control systems to prevent mud deposition onto paved areas.**
- **Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.**

***(MM AQ-1, Prior to Land Disturbance/Grading)***

**Pre-construction Survey.** As a standard operating procedure for projects located in native habitat, a qualified biologist shall conduct a 30-day preconstruction survey to determine if DT, MGS, and/or BUOW have migrated onto the site. If the biologist encounters any of these species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFG) to obtain the required take authorization for the project. *(MM BIO-1, Prior to Land Disturbance/Grading)*

**Nesting Birds.** The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall be conducted outside of the State identified nesting season (February 15 through September 1). Alternatively, a qualified biologist shall evaluate the site prior to initiation of ground disturbance to determine the presence or absence of nesting birds. Avoidance of active bird nests **MUST** occur during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity will occur within the 300-foot buffer until the young have fledged the nest. *(MM BIO-2, Prior to Land Disturbance/Grading)*

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# EXHIBIT D

## CORRESPONDENCE

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## Conner, Christopher - LUS

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**From:** Cheryl Vermette <CVermette@helendalecsd.org>  
**Sent:** Friday, July 12, 2013 4:24 PM  
**To:** Conner, Christopher - LUS  
**Subject:** Helendale CSD Comments on Project P201200174/CUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Helendale CSD Comments for Sunlight Partners, LLC (LANDPRO Solar) Project No. P201200174/CUP

#### Project Location: Southwest Corner of Wild Road Smithson Road

Helendale CSD would like to would like to comment on the Sunlight Partners, LLC (LANDPRO Solar) project. We are requesting that Sunlight Partners, LLC:

- Make repairs to the degraded asphalt on Smithson Rd., from Helendale Rd. to the Project Site. The added traffic of 25-40 vehicles per day during the construction period will continue to further degrade this road.
- Build a block wall between the Helendale CSD Park property and the proposed 7.5 megawatt photovoltaic solar facility.
- Screen the fence line along Smithson Rd. with vegetation to mitigate negative public perception of the property.
- Mitigate the "blow sand" that consistently drifts from the proposed project location on to Helendale CSD property.
- Request a reasonable set back from the fence line that abuts the Helendale CSD property. There are fully occupied residential units within 25 feet of the proposed project.
- Request that construction noises be limited to during regular working hours.
- Keep Helendale CSD informed of the construction schedule. There is an equestrian facility adjacent to the proposed project, loud noises from construction equipment and related activities may "spook" the horses and potentially endanger both the horse and their handlers.

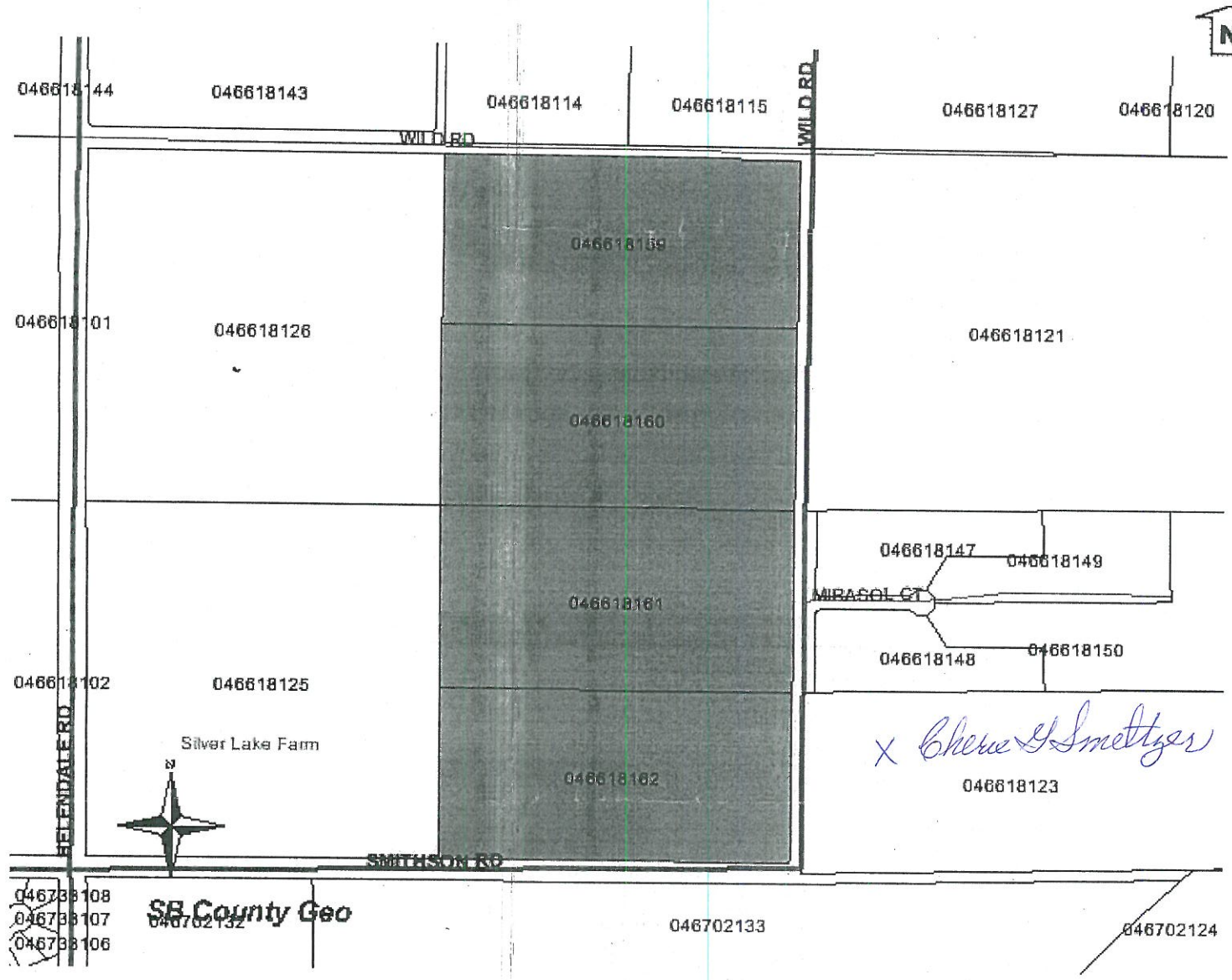
*Cheryl Vermette*

Program Coordinator  
Helendale Community Services District  
26540 Vista Rd., Suite B - P.O. Box 359  
Helendale, CA 92342  
Phone 760.951.0006  
Fax 760.951.0046





PARCEL MAP





Joseph A. Shallal  
Neb Mekani  
John J. Orow  
John N. Hindo

Law Offices Of  
**MEKANI, OROW, MEKANI,  
SHALLAL, & HINDO, P.C.**

A Professional Corporation  
255 South Old Woodward  
Suite 310  
Birmingham, MI 48009  
Telephone (248) 223-9830  
Facsimile (248) 265-4106

Of Counsel  
Jane Shallal  
John I. Kittel

Louis E. Mekani  
(1971 - 2000)

15/  
Copy Term!  
Shallal

September 26, 2012

San Bernardino County  
Land Use Services  
385 North Arrowhead, First Floor  
San Bernardino, CA 92415-0182

Via Fax 909-387-3223  
and First Class Mail

RE: Applicant Mark Roberts-Sunlight Partners, LLC  
Parcel #0466-181-59  
Project Number **P201200174/CUP**  
Proposal for conditional use permit for a 7.5 MW Photovoltaic Solar Facility on 80.6 Acres

Dear Planning Commission:

I represent Buckhyorn & Helendale, LLC. Buckhyorn & Helendale, LLC is the current owner of 45 acres and 35 acres of land neighboring the above proposed development. The parcel numbers are is 0466-181-16-0-000 and 0466-181-14-0-000.

I am in receipt of your notice regarding the above referenced proposal. I object to the approval of the application by Mark Roberts of Sunlight Partners as his proposed use is not compatible with the surrounding area which is residential use. I also have concerns that this use would create traffic issues along with reduce the overall appearance of the area. In addition, there will be reflections and noise generated by the Solar Facility which is not conducive to a residential area. Also, the use is not conforming to current use which is residential. I have expended a great deal of funds on these properties and my investment will be significantly compromised if you do not deny this application. The neighboring properties will also be compromised if this application were allowed to proceed as many developers will be discouraged from developing their properties knowing that a Solar Facility is in the area. The purpose of the zoning ordinance will be defeated if this application is not denied and it will impact the city's tax base as many developers will be not be willing to develop residential land so close to a Solar Facility. In the current state of the economy, it would be counterproductive in that this will not encourage development but will simply create more barriers and impediments for developers.

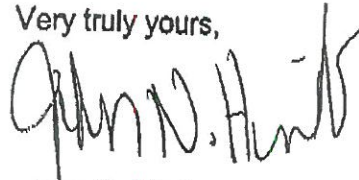
I hereby request that you deny the above referenced application for all of the foregoing reasons.

For future reference, please send me notice of all future information regarding this matter to 7367 Rafford Lane, West Bloomfield, Michigan 48322. Also, please send me copies of the project plans, drawings, and any other information you currently have on this proposed project.

Please contact my client at 248-420-9490 if you have any questions.

Also, feel free to contact my office if you have any questions.

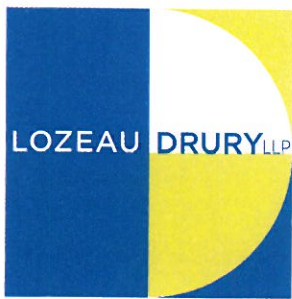
Very truly yours,

A handwritten signature in black ink, appearing to read "John N. Hindo". The signature is written in a cursive style with a large initial "J" and "H".

John N. Hindo

JNH/moi  
Enclosure





T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
christina@lozeaudrury.com

FISCAL ADMIN

2013 JUN 28 PM 1:59

*Via Email and U.S. Mail as Indicated*

June 25, 2013

Mr. Dennis Draeger  
County Clerk  
County of San Bernardino  
222 W. Hospitality Lane  
San Bernardino, CA 92415-0022  
[ddraeger@asr.sbcounty.gov](mailto:ddraeger@asr.sbcounty.gov)

Ms. Laura H. Welch  
County of San Bernardino  
Clerk of the Board of Supervisors  
385 N. Arrowhead Ave., 2nd floor  
San Bernardino, CA 92415-0130  
[COB@sbcounty.gov](mailto:COB@sbcounty.gov)

Mr. Chris Conner, Planner  
San Bernardino County - Land Use Services  
385 N. Arrowhead Avenue, 1st Floor  
San Bernardino, CA 92415-0182  
[cconner@lusd.sbcounty.gov](mailto:cconner@lusd.sbcounty.gov)

Re: **CEQA and Land Use Notice Request (Public Resources Code § 21167(f))  
and Comments on Mitigated Negative Declaration for the Sunlight  
Partners (Landpro) Project (SCH # 2013061033; P201200174/CUP)**

Dear All:

I am writing on behalf of the Laborers International Union of North America, Local Union 783 and its members living in San Bernardino County ("LiUNA") regarding the Sunlight Partners (Landpro) Project (SCH # 2013061033; P201200174/CUP), including all actions related or referring to the development of a 7.5 MW solar photovoltaic ("PV") facility on 80 acres in San Bernardino County, at Wild Road and Smithson Road in the unincorporated community of Helendale, just northeast of the Silver Lakes Country Club. Project facilities are proposed to include photovoltaic panels mounted on single axis trackers, supported by steel piers driven into the ground to an appropriate depth as determined by soil conditions, and each block of trackers will have a concrete pad (approximately 8 feet wide and 30 feet long) which will support the 500 W inverters and mechanical components. The height of the panels at horizontal is not anticipated to exceed 7 feet ("Project").

LiUNA hereby requests and urges the County of San Bernardino ("County") to comply with CEQA, and prepare an Environmental Impact Statement ("EIR") for the Project. A Mitigated Negative Declaration ("MND"), as prepared by the County, is insufficient and an EIR is required where substantial evidence in the record supports a fair argument that the Project may have significant adverse impacts. To that end, the County must, *inter alia*, adequately describe the Project, analyze all potentially significant impacts, adopt all feasible mitigation measures to address such impacts, adequately analyze project alternatives, and ensure that the Project will be comply with any and all applicable laws.

June 25, 2013

CEQA and Land Use Notice Request for Sunlight Partners (Landpro) Project and  
Comments on the Proposed MND

Page 2 of 3

LiUNA expressly reserves the right to submit additional comments on the Project in conjunction with both the Draft EIR and Final EIR for the Project or any other future actions taken with regard to the Project.

We hereby request that the County send by mail and electronic mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the County and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the County, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law.
  - Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092**, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by mail and electronic mail to:

Richard Drury

Christina Caro

Stacey Osborne

Lozeau Drury LLP

410 12<sup>th</sup> Street, Suite 250

Oakland, CA 94607

[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [christina@lozeaudrury.com](mailto:christina@lozeaudrury.com); [stacey@lozeaudrury.com](mailto:stacey@lozeaudrury.com)

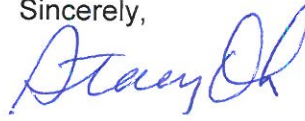
June 25, 2013

CEQA and Land Use Notice Request for Sunlight Partners (Landpro) Project and  
Comments on the Proposed MND

Page 3 of 3

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,



Stacey Osborne  
Paralegal  
Lozeau | Drury LLP

7-11-13

2013 JUL 12 PM 2:18

To: Chris Conner, Senior Planner  
County of San Bernardino  
Land Use Services Department  
Planning Division  
385 W. Arrowhead Ave., 1<sup>st</sup> Floor  
San Bernardino, CA 92415

From: Kenneth Lawson

Re: Proposed Solar Power Generating  
Facility, Project No.: P2012001749  
CUP

I am writing to strongly  
oppose the proposed solar power  
generating facility at the south-  
west corner of Wild Rd. and  
Smithson Rd. in Helendale.

Assessor Parcel Numbers: 0466-181-59, 60, 61,  
62

My address is 29355 Wild Rd.  
Helendale, CA 92342

My property is directly across  
Smithson Rd., from this proposed  
facility.

I have been a resident on my  
property

since 1986. I have chosen to live in a rural lifestyle and to enjoy the beauty and expansiveness of the High Desert.

I believe a project such as this would be a plight and detrimental to our area. I want to express my strongest opposition to such a proposal.

I will add that upon receiving my first notice of such a proposal, I responded to you, expressing my opposition. I also included a self-addressed, stamped envelope, to receive information re: the hearing. I did not receive any feed back at that time.

Sincerely,

Kenneth Larson  
28355 Wild Rd.  
Helandale, CA 92342  
Phone: 760-245-1282