

INTEROFFICE MEMO



County of San Bernardino

DATE October 31, 2013**PHONE** 909-387-8311**FROM** CHRIS CONNER, SENIOR PLANNER
Land Use Services Department**TO** HONORABLE PLANNING COMMISSION

SUBJECT ITEM #2 – Sunlight Partners Conditional Use Permit, Project Number P201200174

On October 17, 2013, the Planning Commission conducted a public hearing to consider the subject Conditional Use Permit (CUP) application to establish a 7.5 megawatt solar photovoltaic energy generation facility (Project) on 80.6 acres in the community of Helendale.

At the public hearing, the Planning Commission heard testimony from the General Manager of the Helendale Community Services District (HCSD) who expressed concerns that the Project would impact the adjacent property owned by HCSD which is currently used as a park. HCSD cited concerns regarding impacts to scenic vistas from the park and dust and blow sand originating from the Project site.

At the conclusion of the public hearing, the Planning Commission, by a vote of 3-2, directed staff to prepare findings for denial of the CUP based on the Project being inconsistent with the goals and policies of the General Plan which require land use compatibility. Staff has prepared these findings that are attached for the Planning Commission's further consideration.

In response to additional concerns and comments from the Planning Commissioners expressed during the hearing, the applicant has prepared and submitted a revised site plan that incorporates an increased setback from the park property to reduce impacts related to aesthetics and blow sand. The revised site plan shows an increase in setback from the park property to the fence line from 15 feet to 249 feet. This design change solves an inconsistency in the Initial Study/Mitigated Negative Declaration related to the minimum distance from the proposed facility to the existing off-site residences. The applicant has also agreed to install slatted chain-link fencing around the full perimeter of the site. The result of the revised layout has reduced the size of the Project from 7.5 megawatts to 6 megawatts.

Staff has reviewed the proposed revisions and, if the Project were to be approved, recommends the following revisions to the conditions of approval to address the addition of slatted chain link fencing around the perimeter of the Project site and to clarify performance standards related to glare:

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 completely surrounded by an eight-foot high chain link fence with slats installed. ~~in the fencing along the western property line.~~ 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.

6. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
 - Odors: No offensive or objectionable odor.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No ~~intense~~ glare that is not effectively screened from view at any point outside the project boundary.

The recommendation provided with the Staff Report of August 22, 2013, with the recommended changes to Condition Nos. 1 and 6, is appropriate if the Planning Commission approves the Project. Based on the attached findings for denial of the Project, the recommended motion for denial would be:

- 1) **DENY** the Conditional Use Permit,
- 2) **ADOPT** the findings for denial of the Conditional Use Permit; and,
- 3) **FILE** a Notice of Determination.

Att: Findings for Denial
Revised Site Plan and cross sections

APN: 0466-181-59

Sunlight Partners (Landpro)

P201200174/CUP

Planning Commission Hearing – November 7, 2013

FINDINGS FOR DENIAL: 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 have a substantial adverse effect on abutting properties or the allowed use of the abutting properties. The Planning Commission has determined that the proposed solar energy generating facility would create an adverse visual effect on the scenic views available to persons utilizing the adjacent community park to the west. Based on testimony provided at the Planning Commission Hearing, the Project would diminish views of the nearby Mojave River.
4. The proposed use and manner of development are not consistent with the goals, maps, policies, and standards of the General Plan. The Planning Commission has found that the project would be incompatible with the surrounding land uses which include a community park to the west along with residential development in the area. This determination is inconsistent with the following goals and policies of the General Plan:
 - Goal LU 1, which states that the County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.
 - Policy LU 1.2 which requires the design and siting of new development meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.

APN: 0466-181-59

Sunlight Partners (Landpro)

P201200174/CUP

Planning Commission Hearing – November 7, 2013

- Policy LU 1.4 which encourages the preservation of unique aspects of the rural communities and their rural character.
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.

PHASE #	SITE	SCE GFID #	SYSTEM SIZE
1	8162	5267	1.5MWAC
2	8161	5693	1.5MWAC
3	8160	5692	1.5MWAC
4	8159	5694	1.5MWAC

LEGEND

ARRAY TRACKER

SOLAR MODULE

SHADE PATH (FROM 10AM TO 2PM)

MV CONDUIT

SYSTEM SUMMARY

MODULE MODEL	8159: TSM-235PA05	8160: TSM-240PA05	8161: TSM-245PA05	8162: TSM-235PA05
MODULE STC DC RATING	235W, 240W, 245W			
MODULES PER SOURCE CIRCUIT	14			
RACKING SYSTEM MODEL	ARRAY TECHNOLOGIES SINGLE AXIS TRACKER			
MODULE COUNT	SITE 8159: 8,820	SITE 8160: 8,652	SITE 8161: 8,484	SITE 8162: 7,896
DC SYSTEM SIZE	SITE 8159: 2.072MW	SITE 8160: 2.076MW	SITE 8161: 2.078MW	SITE 8162: 1.895MW
AC SYSTEM SIZE	6 MW [1.50MW/PH]			
INVERTER MODEL NO.	SOLECTRIA SGI500-480V PE			
INVERTER CEC EFFICIENCY	97.5%			
SITE LATITUDE	34.8°N			
ARRAY AZIMUTH	0°			
MODULE TILT	± 45°			
ASHRAE AVERAGE 2% HIGH TEMPERATURE FROM JUNE 1ST THROUGH AUGUST 31*	38°C			
ASHRAE EXTREME ANNUAL MINIMUM TEMPERATURE*	-9°C			

* DATA FOR GEORGE AFB

NOTES:

- DIMENSIONS PROVIDED ARE FOR GENERAL GUIDANCE ONLY AND DO NOT REPRESENT SLOPES OR DIFFERENCES IN ELEVATIONS. CONTRACTOR SHALL FIELD VERIFY AND PLAN INSTALLATION TO AVOID ANY EXISTING OBSTRUCTIONS.

KEYED NOTES:

① NONE.

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REV. NO.	DESCRIPTION	DATE	BY
A	DESIGN DEVELOPMENT	10.23.13	JT

—FOR INTERNAL USE ONLY—

DRAWN BY: xxx	CHECKED BY: xxx	APPD BY: xxx
PROJECT # CAPO3_006_L	PRINTED ON: 10/22/13	
FILE NAME: ndPro-W-111.dwg	TIME: 7:55 PM	

BLUE OAK ENERGY

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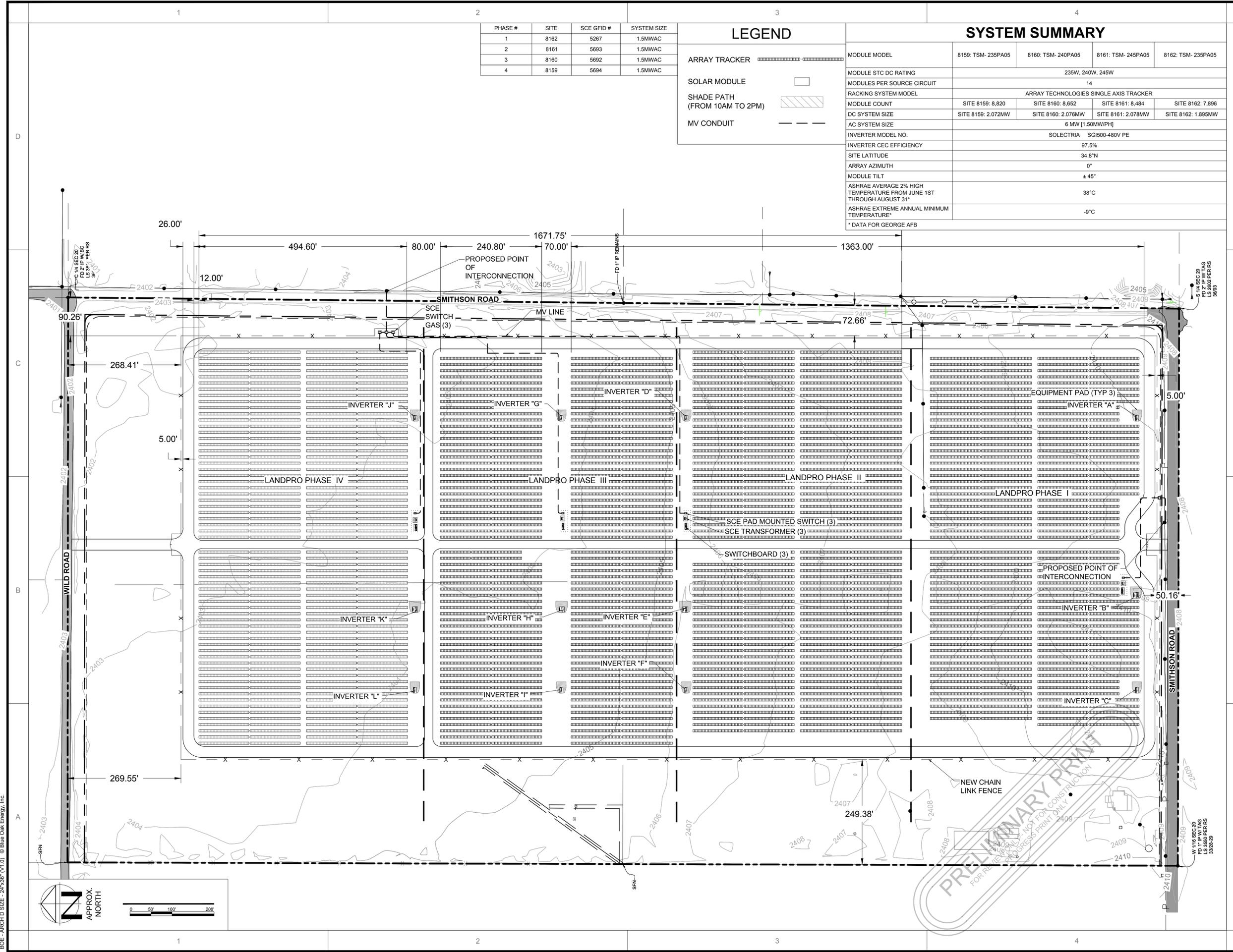
CapitalDynamics

2550 SAND HILL ROAD, SUITE 150
MENLO PARK, CA 94025

**LANDRPO
6 MW
SOLAR FARM**

APN: 0466-181-059; 060; 061 & 062
SAN BERNARDINO COUNTY

DRAWING: ARRAY PLAN
DRAWING NO. **W-111**

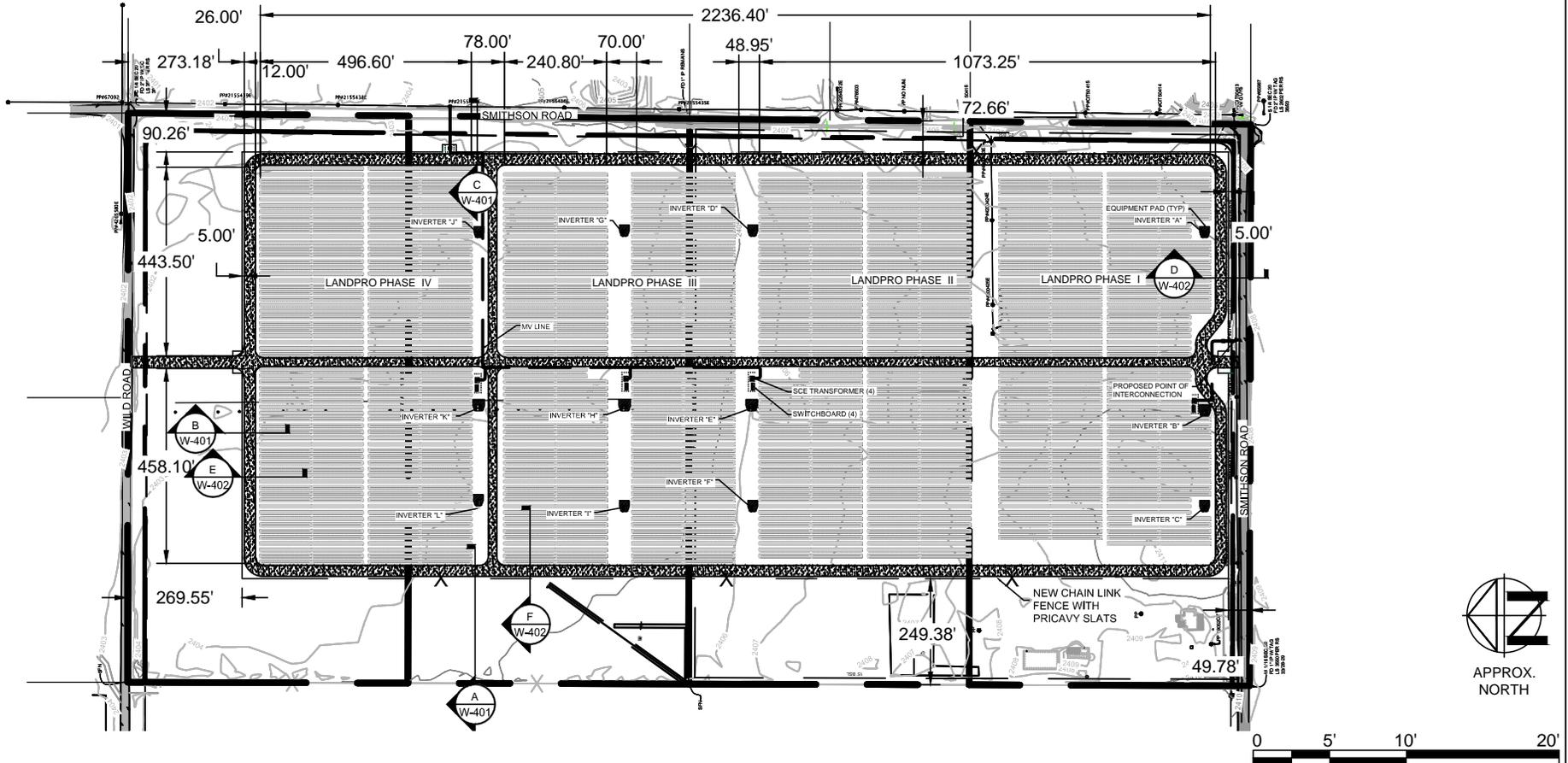


BOE - ARCH D SIZE - 24"x36" (1:1). © Blue Oak Energy, Inc.

APPROX NORTH

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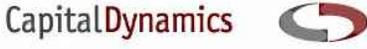


ENGINEER OF RECORD



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DEVELOPER



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MENLO PARK, CA 94025
WWW.CAPDYN.COM - PHONE: 650.388.7000

PROJECT NAME: LANDPRO

PROJECT LOCATION: SAN BERNARDINO COUNTY, CA
APN: 0466-181-059; 060; 061 & 062

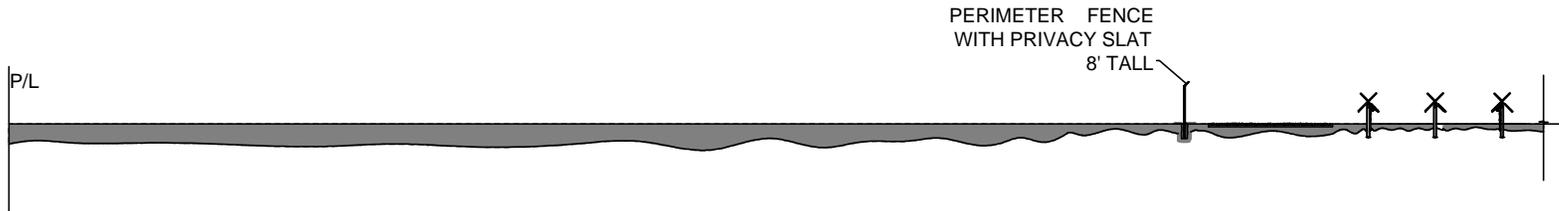
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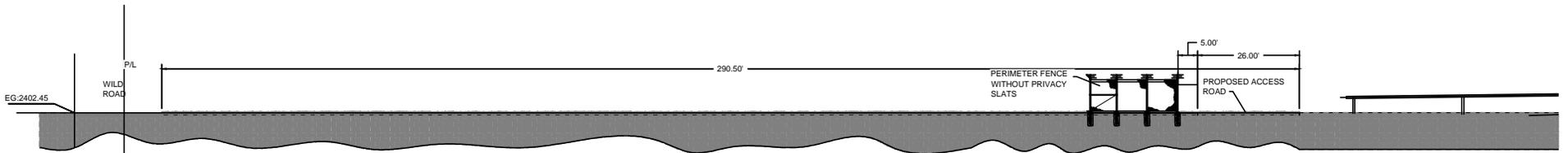
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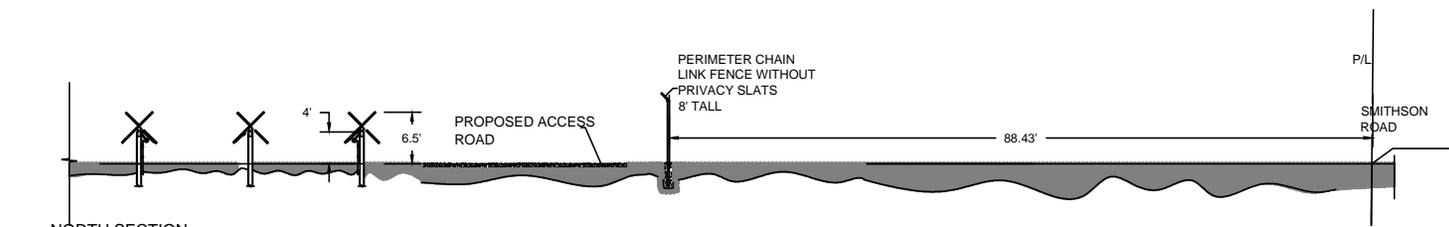
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A NORTH SECTION OF WEST PROPERTY LINE
SCALE: 1"=40'



B WEST SECTION OF NORTH PROPERTY LINE
SCALE: 1"=40'



C NORTH SECTION OF EAST PROPERTY LINE
SCALE: 1"=10'

ENGINEER OF RECORD



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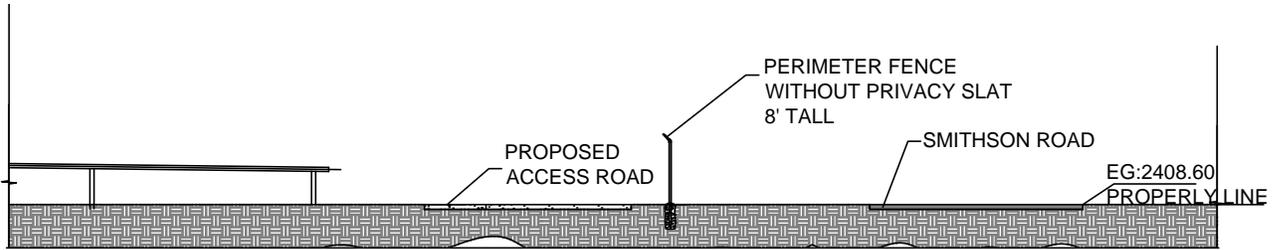
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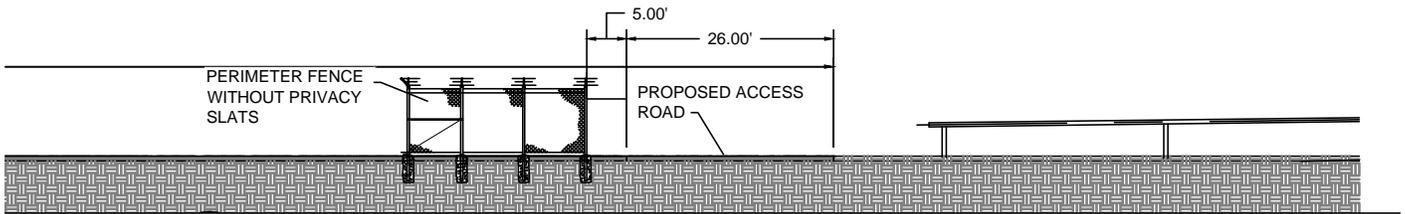
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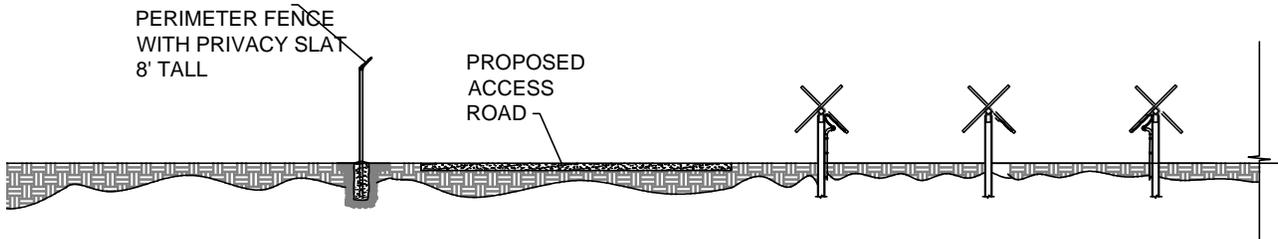
PROJECT NAME:			LANDPRO		
PROJECT LOCATION:			SAN BERNARDINO COUNTY, CA APN: 0466-181-059; 060; 061 & 062		
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PAGE:	2 OF 3				



D EAST SECTION OF SOUTH PROPERTY LINE
SCALE: 1"=1/2"



E EAST SECTION OF NORTH PROPERTY LINE
SCALE: 1"=1/2"



F NORTH SECTION OF WEST PROPERTY LINE
SCALE: 1"=3/4"

ENGINEER OF RECORD

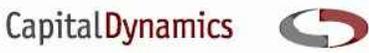


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