<u>FINDINGS</u>: CONDITIONAL USE PERMIT – MINNEOLA SOLAR PROJECT

This Conditional Use Permit and Tentative Parcel Map involves the development of a solar array facility with solar panels for a Community-Oriented Renewable Energy Project. The proposed Project will provide 3.0 megawatts (MW) of solar power that will interconnect with a 12kv distribution circuit that serves the local area on approximately 27.2 acres (Parcel 1) of the 91.9-acre Project Site. The Project Site is located within the RL (Rural Living) Zone within the Daggett area, south of the Barstow-Daggett Airport.

Pursuant to the requirements of Section 85.06.040 of the San Bernardino County Development Code, the following facts support the approval for the proposed Conditional Use Permit:

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

   The proposed Project would include the development of solar panels and associated infrastructure with the capacity to generate a combination of up to 3.0 MW of power covering approximately 30 percent of the subject property. Power generated by the proposed Project would be transferred to a 12kv interconnect at the southeast corner of the property for use in the local area. The solar facilities would operate year-round and would generate electricity during daylight hours. All proposed setbacks meet the requirements of the Development Code for the existing land use and zoning district.

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

   The subject property is 91.9 acres in size, with the portion intended for solar covering 27.2 acres on area intended to be separated from the balance of the property through the approval and ultimate recordation of a Parcel Map. Both parcels will have significant frontage upon Minneola Road, which is a paved two-lane roadway. The site for the existing use has adequate access onto and throughout the project site, utilizing an internal roadway design that extends around the perimeter of the solar field and through the central portion.

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

   The proposed use does not intend to grade that portion of the property for the solar facility. The balance of the property is to remain vacant. An Initial Study has been prepared for the proposed Project and circulated for review and included various topical sections, including those addressing Aesthetics, Noise, and Transportation related effects. Construction activities would generate noise and vehicular traffic due to the installation of the estimated 15,000 panels. Once constructed, minimal activity would occur as the facility would operate continuously, except for any necessary repairs or scheduled maintenance. Glare from the panels is expected to be negligible due to the composition of the panels and the relative flat topography of the area

preventing reflection or glare from being noticed. Any lighting utilized during construction, if necessary for any work undertaken in the later hours of the day, would need to be directed downwards and away from any residences. Based upon the completed environmental evaluation, the proposed Project will be in compliance with requirements of the Development Code with respect to noise, vibration, lighting and glare. The Project has also been conditioned to comply with general performance standards for glare and lighting, noise, vibration, and other disturbances pursuant to the Development Code.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan and any applicable Community or Specific Plan.**

The Project, including the manner of development of the Project, is consistent with the Countywide Plan/Policy Plan (CWP), which includes a Renewable Energy and Conservation Element (RECE). Specifically, the Project is consistent with, but not limited to, the following goal(s) and policies from the CWP:

Policy RE 4.7: RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation:

1. Avoid sensitive habitat, including wildlife corridors, during site selection and project design.
2. Where necessary and feasible, conduct mitigation on-site.
3. When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designed for habitat conservation.

- Policy Implementation: A *Biological Assessment* has been prepared for the proposed Project. No wildlife species were observed, although general site conditions do permit the establishment of habitat areas. Measures have been recommended to ensure species are not adversely affected by the development of the site, including completing surveys prior to Project construction and installation of fencing to prevent subsequent access to the property by various forms of wildlife.

Policy RE 5.1.1: Community-oriented RE generation facility sites may be less disturbed or degraded, but should contribute direct benefits to the communities they are intended to serve.

Policy RE 5.1.2: Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.

- Policy Implementation: The Project site is located within an area that has been affected by blowing sand and, as such, is somewhat disturbed. The *Biological Assessment* noted “The terrain is nearly flat and would be overall monotonous except for dune-like low, mounded deposits of the area’s mobile, sandy soils that occur wherever plants have become established. Shrubs and grasses in the study area that

have survived longer than one year have invariably collected blowing soil. The crowns and lower stems of dominant creosote bush, for example, are now buried to an average 2-3 feet height. It is likely that some fraction of the lower-growing vegetation has been buried." (pg. 7, Updated Biological Assessment)

The Project is located adjacent to and would connect with an existing 12 kv electrical line. Southern California Edison (SCE) has established procedures to ensure their Community Renewables program, which SCE defines as solar projects generating 0.5 to 20 MW of power, are provided to local areas through the completion of both a Customer Developer Agreement and a Power Purchase Agreement. This provision has been included as a Condition of Approval.

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

Access to the subject property will occur from Minneola Road. Interior access throughout the site is proposed on dirt roads composed of four inches of coarse aggregate base or other appropriate composition. Due to the proposed use of the property as a solar facility, service levels are expected to be minimal and would not require on-site water or waste water disposal.

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

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

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

The sole purpose of the proposed Project is to develop a solar energy facility that will contribute significant quantities of renewable energy for use by the public.

FINDINGS: REIDO SOLAR PROJECT:

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 84.29.035, and supporting facts for approval of the Project:

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

> ***Consistency.*** *The subject area is generally south of the Barstow-Daggett Airport. The solar portion of the subject property covers approximately 27.2 acres in the southeast corner of the 91.9 acre subject parcel that is relatively flat, sloping slightly upward to the west. The solar portion of the property is to be separated from the balance of the current parcel through a proposed tentative parcel map. The solar portion of the subject property is bordered by the Burlington Northern and Santa Fe Railroad Line to the south, Minneola Road to the east, and vacant land that is part of the remainder portion of the property to the north and west. The distance to the edge of the subject property to the north and west of the proposed solar area is approximately 900 feet and 1,000 feet, respectively.*
>
> *Some residences are located to the easterly side of Minneola Road on large parcels of 2.3 acres or larger. A few additional residences are located south of the railroad line and National Trails Highway, which parallels the rail line, but to further to the south. No residences exist to the north, where the airport runway and multiple solar fields are located. No residences exist to the west of the subject property. Residences along Minneola Road currently have trees along the east side of Minneola Road. As such, the Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The proposed solar panels can rise to a height of up to 8 feet from grade. Due to the location of the site and separation of larger residential areas, the potential effects of the panel height and use of the property as a solar field would not be significant.*

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

> ***Consistency.*** *Fencing will be provided around the proposed solar facility. Permanent motion sensitive directional security lights will be installed to provide illumination into the site. Any proposed lighting must be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. Generally, solar panels are designed to be highly absorptive of light that strikes the panel surfaces, generating electricity rather than reflecting light. PV panels have a lower index of refraction/reflectivity than common sources of glare in residential environments. The glare and reflectance levels of panels are further reduced with the application of anti-reflective coatings. In addition, there will be no power block and no resulting cooling tower plume.*

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

> ***Consistency.*** *The Project site is located on a generally undisturbed parcel that is located within a broader area that has a gradual slope rising to the west and north, therefore, difficult to view from surrounding areas, other than the adjoining roadway. No unique features exist on the property that the development would detract from. Distant easterly and southerly views across the property would be maintained due to the limited height of the solar panels, thereby not detracting from any natural features, open space or unique visual qualities of the area.*

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

> ***Consistency.*** *The subject property and proposed solar facility have existing access from Minneola Road. A minimum 20-foot-wide road interior drives would be constructed around the perimeter and through the solar facility. Due to the relatively low trajectory of the panels, the gradual upward slope extending west and north for properties in the area, the existing solar facilities in the area, and the dispersed surrounding residential properties, there will be no additional visual impact to the surrounding area.*

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

> ***Consistency.*** *The subject property is within an area with extensive solar facilities and Barstow-Daggett Airport. Transportation facilities include surrounding roadways, including National Trails Highway and Interstate 40, and a railroad line. The proposed Community-Oriented solar facility will connect with existing utility lines along Minneola Road. No component of the proposed Project is expected to impact the feasibility of financing infrastructure development for the local area. Water for dust control and other construction needs would be obtained from area groundwater wells or purchased from a private water purveyor and trucked to the site. The Project area is within the Daggett Community Services District that provides water service, although none is required.*

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

> ***Consistency.*** *The Project applicant has indicated the Project will not use any water, other than the need to minimize any potential construction related water needs. Any need during construction can be met through the use of potential creation of on-site wells or the off-site trucking of water to the property.*

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

> ***Consistency.*** *The Project site slopes gradually upward at less than one percent from east to west, based upon a review of the applicant's site plan and USGS Minneola, California Map. No grading is proposed for the site with finished topographical grades being similar to existing conditions and in alignment with existing topography.*

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

> ***Consistency.*** *As a community-oriented solar facility, the Project is designed to include access to an existing 16 kV transmission line at the southeasterly corner of the property.*

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

> ***Consistency.*** *A Biological Resources Report (BAR) was prepared for the Project Site that involved literature research and field surveys to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. No special-status plant or wildlife species or vegetation communities were observed within the Project site. The BAR did note the current vegetation type on-site contains suitable habitat for sensitive biological resources, and threatened and endangered species, and recommended pre-construction surveys prior to land disturbance. The Biological Report did not note*

the Project Site was not within a designated Critical Habitat area, as defined by the U.S. Fish and Wildlife Service. No wildlife linkages or wildlife corridors are known to traverse the subject property.

The CNDDB records and literature search results indicate that five sensitive plant species are known to occur within 15 miles of the project and in high desert settings that bear some resemblance to the xeric Creosote Bush Shrubland habitat available within the study area. None of the species are currently listed as state or federal Rare, Threatened, Endangered, or Candidate species.

No federally or state listed threatened or endangered wildlife species, or special status species, were identified during the biological surveys. Mitigation measures have been recommended to ensure protection measures are in place to minimize the potential impacts to sensitive wildlife species.

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

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

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

Consistency. *Several previously recorded historical resources on the property were re-identified, relocated, and updated, but were not considered eligible for listing in the National Register or unique. However, due to the potential for buried historic or archaeological resources to be unearthed during construction activities, mitigation measures have been incorporated requiring a worker awareness program and an archaeologist on-site during all ground disturbing activities.*

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

Consistency. *The Project is designed to maintain the natural drainage pattern. The site generally receives tributary flows from the south that cross through culverts under the railroad tracks that ultimately turn easterly within the BNSF railroad right of way. On-site flows traverse two different points discharging to the east near Dogwood Street and Chloride Road. None of the on-site facilities, including fences and panel posts, would prevent stormwater flow. Required construction and erosion control plans shall be submitted to the County for review and approval, prior to construction.*

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

> ***Consistency.*** *The Project is located within Flood Zone D according to FEMA Panel Number 06071C4600H dated 8/28/2008. Flood Hazards are defined as undetermined in this Flood Zone, but possible. A Drainage/Hydrology Study was prepared and accepted by the Land Development Division. A Final Study must be prepared and approved prior to issuance of a Grading Permit and the requirements contained in that document may modify the final recommendations accepted by the Land Development Division.*

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

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

Finding (c)(15): For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.

> ***Consistency.*** *The Project site is located on a broad alluvial fan and potentially affected mostly by off-site tributary drainage from the south to the north, although some drainage flows occur from off-site areas to the north. The proposed development is designed to avoid these drainage courses and a jurisdictional analysis of these courses has been undertaken. Tributary flows are broadly based, although those from the south do drain towards the property through culverts under the railroad tracks. These flows traverse to the east on the north side of the tracks. No jurisdictional drainage courses traverse the subject property. Based upon aerial photography of the dated property in 1959 and 1957 mapping, as viewed on-line using Netronline Historic Photos and Topos, the location of the drainage courses remain consistent and have not migrated, probably due to the long standing existence of the airport, railroad line, and Highway. In addition, the design of the site would allow for some migration of the drainage courses through the perimeter portions of the property.*

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

> ***Consistency.*** *The proposed Project site does not contain agricultural land or land designated by the State for farmland and, therefore, would not have an adverse effect on the agricultural viability of surrounding lands.*

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

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

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

> ***Consistency.*** *The Project site is not located in an area of known, significant mineral resources,, based upon a review of Policy Map NR-4 of the San Bernardino Countywide Plan. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.*

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

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

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

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

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

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

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

> ***Consistency.*** *The Project is located within a quarter of a mile of residences to the east and south. As such, a wind barrier is required along those sides of the property.*

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

> ***Consistency.*** *The applicant will prepare a Dust Control Plan for review and approval by the County and MDAQMD. Included in the plan will be treatments and measures designed to the specific conditions of the Project site so as to provide effective dust control.*

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

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

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

> ***Consistency.*** *The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 58 miles to the southeast.*

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

> ***Consistency.*** *The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is estimated to be approximately 37 miles to the northeast.*

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

> ***Consistent.*** *The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is estimated to be 53 miles to the north.*

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

> ***Consistency.*** *The Project is not located near the boundaries of a designated County, State, or Federal agency designated wilderness area.*

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

> ***Consistency.*** *The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 8 miles to the west, and Edwards Air Force Base approximately 60 miles to the west. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

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

> ***Consistency.*** *The Project site is not located within the Sphere of Influence of a city. The City of Barstow is located approximately 8 miles west of the Project site.*

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

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

TENTATIVE PARCEL MAP FINDINGS:

The findings, in accordance with Section 87.02.060 of the San Bernardino County Development Code, and the State Subdivision Map Act (Government Code Section 66410 et. seq.), to approve TPM 20538 to subdivide 91.9 gross acres into two parcels, are as follows:

1. **The proposed map, subdivision design, and improvements are consistent with the Countywide Plan, any applicable community plan, and any applicable specific plan.**

   The proposed subdivision is consistent with the Countywide Plan Land Use Element for the Rural Living (RL) Category and Rural Living (RL) Zoning District, in that the minimum parcel area, parcel width, parcel depth and parcel ratio are met for each proposed parcel. The purpose of the subdivision is to create one parcel for use as a Community-Oriented solar facility on approximately 27.2 acres, with the second parcel providing for the balance of the land with no intended future use. Although the Countywide Plan RL Land Use Category is intended primarily for rural residential uses, the RL Zoning District, which Land Use Element Table LU-2 lists as a consistent implementing zoning district, includes a much broader range of land uses deemed consistent with this Land Use Category, including Renewable Energy Generating Facilities. The Renewable Energy & Conservation Element of the Countywide Plan provides criteria for development of Community-Oriented solar, including the amount of power to be generated (maximum 10 MegaWatts), geographic size (up to 60 acres), and a provision that energy will be for local off-site use. The proposed use is consistent with this criteria and each parcel is adequate in shape, size, and design to accommodate this and other future development.

2. **The site is physically suitable for the type and proposed density of development.**

   The proposed subdivision is adequately sized for future development within the RL Zone and has access to Minneola Road, a paved two-lane roadway. All but a small portion of the property is within the AR3 – Airport Safety Review Area. The northerly portion of the property, beyond the limits of the proposed solar facility, is within the projected 60 and 65 dBA CNEL area established around the airport based upon airport operations. The proximity of the site adjacent to an airport and railroad line is suitable for a future solar facility, which

would not be affected by any potential noise or aviation related activities or concerns.

3. **The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

   A *Biological Assessment Report* and *Cultural Resources Assessment* have been conducted for the property and an Initial Study has been prepared and circulated for public review. The area of greatest concern is the smaller parcel due to the proposed construction of a solar facility on that portion of the property, while the larger parcel is to remain vacant. The Biological and Cultural studies did not identify any existing significant resources on the property, although suitable habitat does exist for various endangered, threatened and sensitive species, should they subsequently occupy the site. Mitigation measures have been recommended to undertake applicable surveys for nesting birds, desert tortoise, and desert wildlife to ensure no future impacts occur, in accordance with the California Environmental Quality Act.

4. **The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.**

   The subdivision design is predicated upon the development of a solar facility in the southerly portion of the property, covering approximately 27.2 acres, with a remaining land in the second parcel encompassing approximately 62.6 acres. The development of the solar facility has been evaluated in detail as part of a Conditional Use Permit. The subdivision into two parcels follows a logical and orderly progression of development by separating the solar facility from the balance of the property. The proposed subdivision has been reviewed by all agencies with jurisdiction over the project and has been found to not cause serious public health or safety problems, either through design, or through the adoption of conditions of approval.

5. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.**

   The subject property has easements at the north end of the property (in favor of Mojave Water Agency) and near the southerly boundary (in favor of Pacific Gas and Electric). Proposed future improvements at either the northerly or southerly boundaries would not be affected by the proposed subdivision and subsequent solar development due to the width of the easements and the placement of the solar panels outside of the easement area. The approval of the Tentative Map will require all existing easements to remain in place and unobstructed and no improvements are required that would conflict with any easements of record.

6. **The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.**

   The proposed Project will not involve the use of on-site personnel, except for periodic maintenance or repair. As such, no wastewater facilities are proposed nor required. Should they be subsequently provided, the San Bernardino County Department of Public Health, Environmental Health Services Division, must review and approve any proposed plans and improvements.

7. **The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.**

   As a solar energy generating facility, no habitable buildings are proposed that would necessitate a particular orientation to secure passive or natural heating and cooling opportunities, other than maximizing the ability of the proposed solar panels to absorb sunlight.

8. **The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.**

   The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Very Low Density Residential (VLDR) Land Use Category and Single Residential (RS) Zoning for the Desert Region. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure the Development Code regulations and any applicable federal, state, and local laws are met.

FINDINGS: Barstow-Daggett Airport Comprehensive Land Use Plan Consistency

Pursuant to Subsection 82.09.050(c) of the San Bernardino County Development Code, a land use approval for any project found to be inconsistent with an adopted Airport Comprehensive Land Use Plan shall be reviewed and acted upon by the Board of Supervisors. The Project site is located within the Safety Review Area 3 of the Barstow-Daggett Airport. For purposes of land use compatibility, Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. However, two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces of the airport as shown in Figure 10 of the Barstow-Daggett Airport Comprehensive Land Use Plan. The Project site is not located beneath the approach surface of the runways or transitional surfaces areas. The Project's Initial Study concludes that the proposed use will not result in a safety hazard for people residing or working in the Project area or expose people to excessive noise levels given that the proposed use if for the installation of photovoltaic solar. Additionally, the Project has been conditioned to comply with Section 82.09.060 of the Development Code regarding development standards within an airport safety review area, including, but not limited to, compliance with noise standards, height limits, and conveyance of an avigation easement and has been determined to be consistent with the Barstow-Daggett Airport Comprehensive Land Use Plan in accordance with the criteria set forth in Section VII of the Plan.

FINDINGS: California Environmental Quality Act

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of mitigation measures identified in the Initial Study. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.