



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

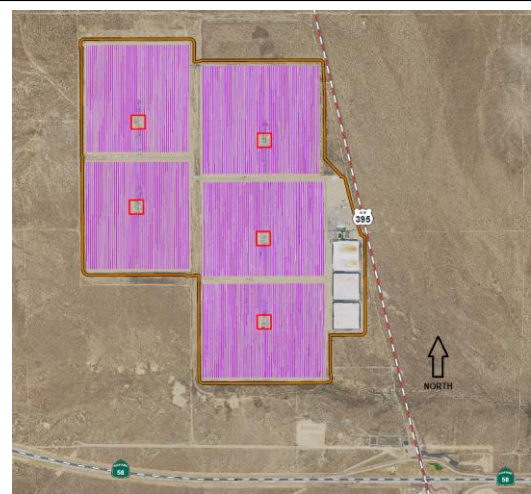
HEARING DATE: September 9, 2021

AGENDA ITEM #2

Project Description

Vicinity Map

APN: 0498-171-05 (Multiple Parcel Associations)
Applicant: RESURGENCE SOLAR I & II
Community/Supervisory District: KRAMER JUNCTION/
 1ST SUPERVISORIAL DISTRICT
Location: HIGHWAY 395 APPROXIMATELY 1.2 MILES
 NORTH OF KRAMER JUNCTION
Project No: PROJ-2021-00019/PROJ-2021-00079
Staff: ANTHONY DELUCA/SENIOR PLANNER
Rep: PATTI MURPHY/NEXTERA
Proposal: TWO CONDITIONAL USE PERMITS TO
 DECOMMISSION AN EXISTING 150-MEGAWATT
 (MW) CONCENTRATED THERMAL SOLAR
 FACILITY (SEGS III THRU VII) AND REDEVELOP
 AS A 150 MW PHOTOVOLTAIC (PV) SOLAR
 FACILITY INCLUDING 150 MW BATTERY ENERGY
 STORAGE SYSTEM, AND ASSOCIATED
 INFRASTRUCTURE WITH NO EXPANSION OF
 THE SITE OR CAPACITY.



Hearing Notices Sent on: August 27, 2021

Report Prepared By: Anthony DeLuca

SITE INFORMATION

Parcel Size: 1,172 Acres
Terrain: Gently sloping
Vegetation: Developed site

SURROUNDING LAND DESCRIPTION:

| AREA | EXISTING LAND USE | LAND USE CATEGORY | ZONING DISTRICT |
|-------|------------------------|--|--|
| Site | Thermal Solar Facility | Resource Land Management (RLM) | Resource Conservation (RC) Rural Living-5 acre/40-acre (RL-5/RL-40) |
| North | Vacant | Resource Land Management (RLM) | Resource Conservation (RC) |
| South | Vacant | Resource Land Management (RLM) | Resource Conservation (RC) |
| East | Vacant | Resource Land Management (RLM)/Rural Living (RL) | Rural Living-5 acre (RL-5) |
| West | Vacant | Resource Land Management (RLM) | Resource Conservation (RC) |

| | <u>AGENCY</u> | <u>COMMENT</u> |
|---------------------------|--|--------------------------------|
| City Sphere of Influence: | N/A | N/A |
| Water Service: | Antelope Valley East Kern Water Agency | Agreement dated April 14, 2020 |
| Sewer Service: | Existing Septic System | With EHS approval |

STAFF RECOMMENDATION: That the Planning Commission **FIND** the Project is exempt from CEQA; **ADOPT** the recommended findings, **APPROVE** the two Conditional Use Permits specifically described herein, subject to the Conditions of Approval, and **DIRECT** Staff to file a Notice of Exemption.

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

COUNTYWIDE PLAN LAND USE CATEGORY AND ZONING MAP

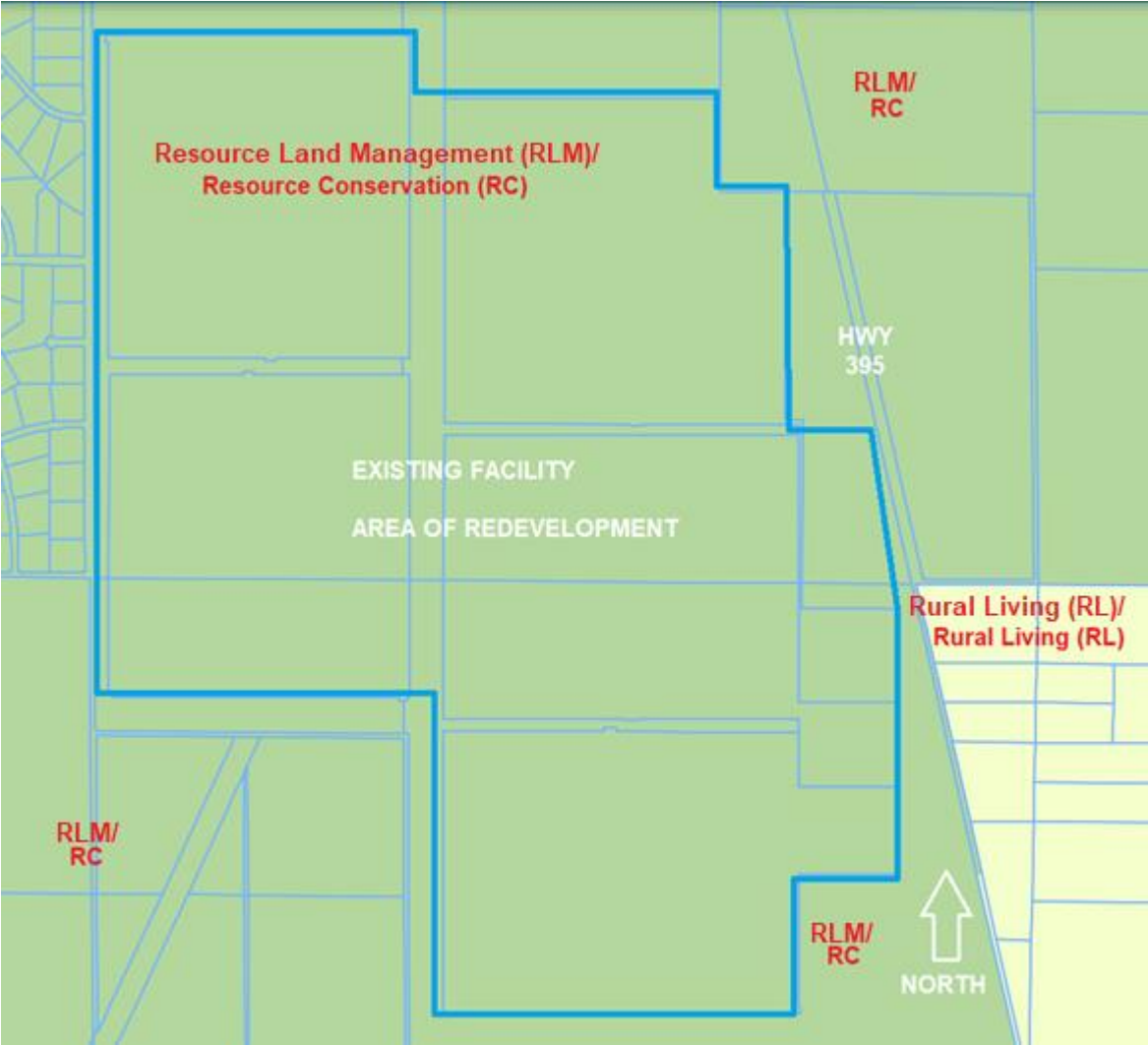


Figure 1 Land Use Designations and Zoning Designations

CURRENT ZONING MAP

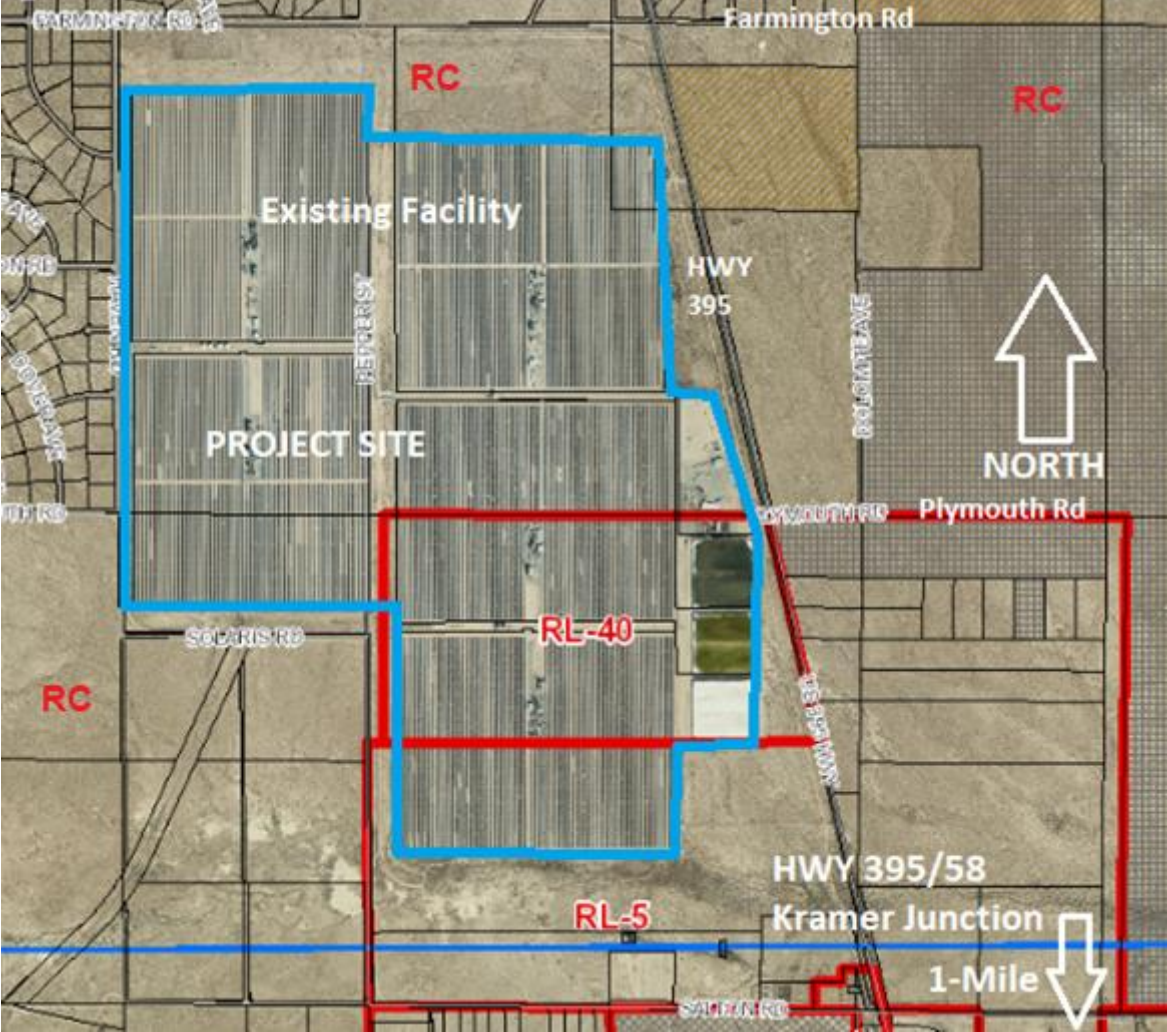


Figure 2 Zoning in Area of Proposed Reconstruction

VICINITY MAP

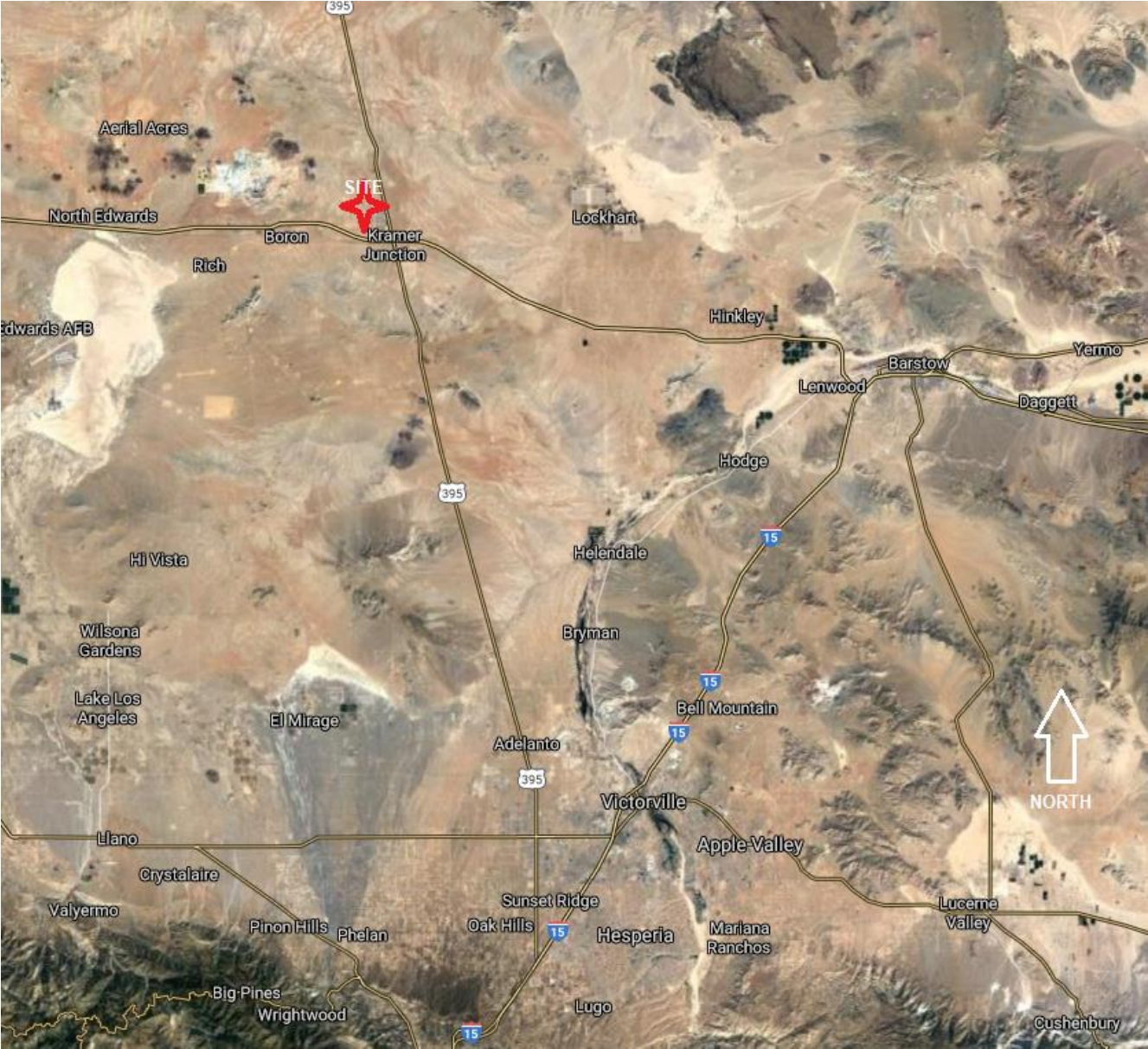


Figure 3 Regional Vicinity Map

AERIAL VIEW



Figure 4 Aerial View of the Existing Facility

SITE PLAN

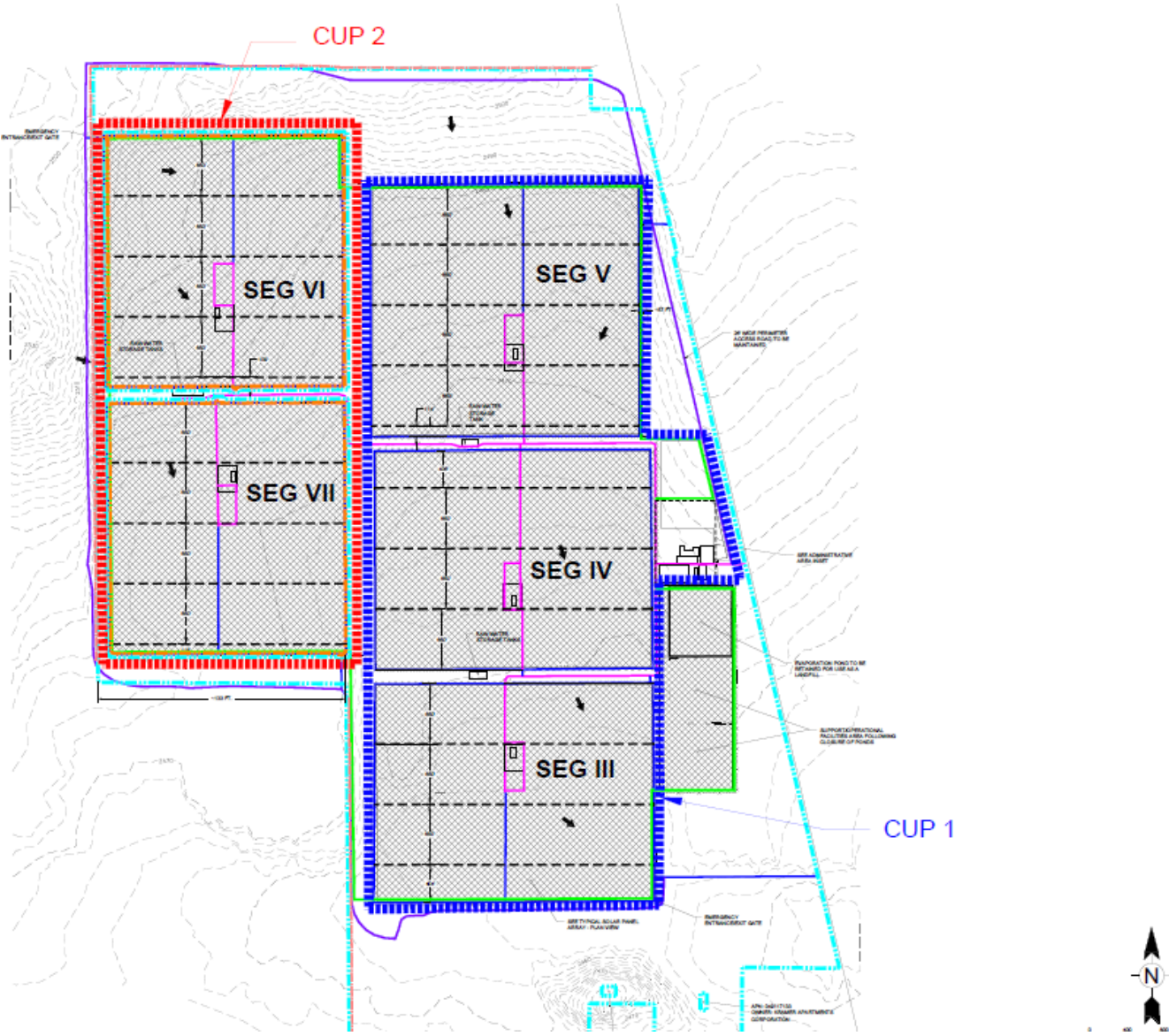


Figure 5 Site Plan Showing CUP 1 SEG S III – V and CUP 2 SEG S VI - VII

SITE PHOTOS



Figure 6 View south on Highway 395, site on right

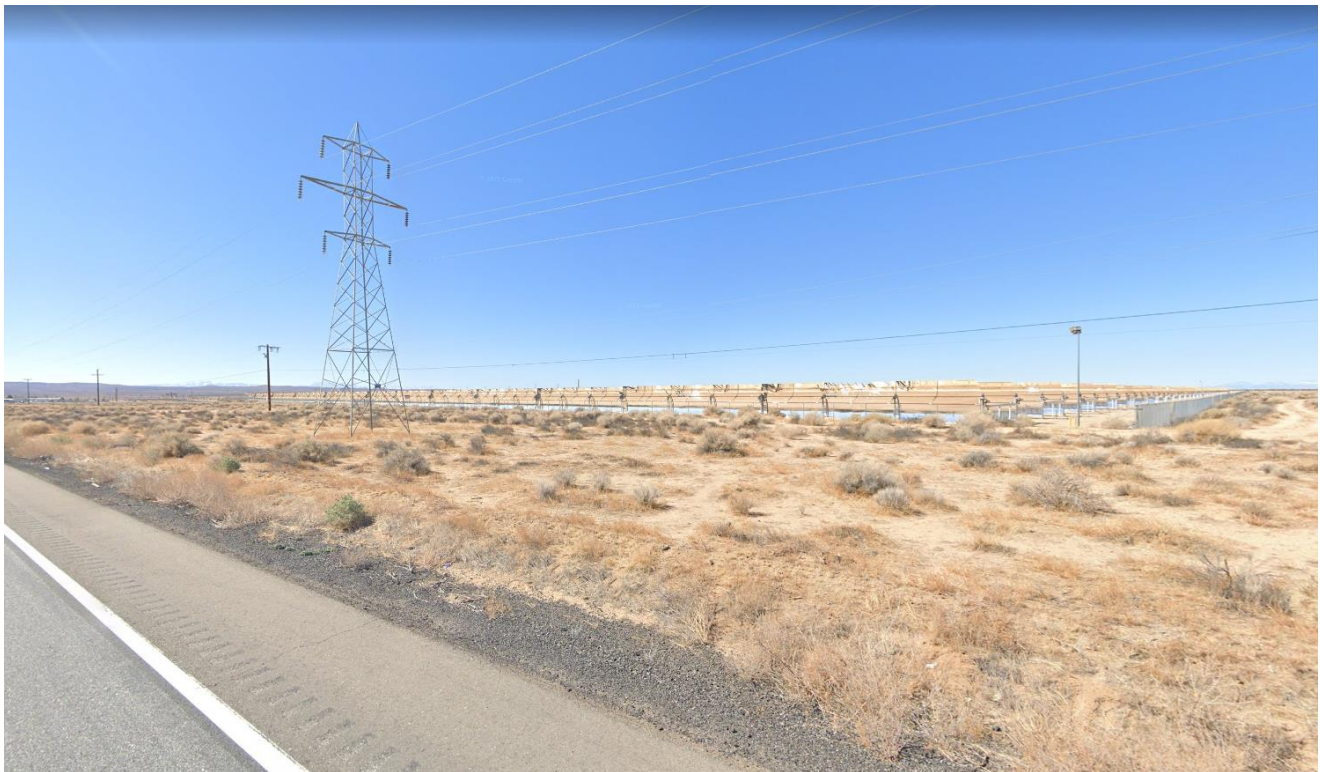


Figure 7 Looking west from Highway 395 south



Figure 8 Entrance to Site

PROJECT DESCRIPTION AND BACKGROUND:

The applicant is requesting approval of two Conditional Use Permits to decommission an existing 150 megawatt (MW) concentrated solar thermal facility currently identified as SEGS III thru SEGS VII and redevelop the site with a new photovoltaic (PV) solar facility (Resurgence Solar I and II), with up to a total maximum 150 MW of PV/Battery Energy Storage System (BESS), including associated infrastructure on the existing footprint with no future expansion of capacity located on Highway 395, in the Community of Kramer Junction (Project).

CUP I/PROJ-2021-00019 Resurgence Solar I: A Conditional Use Permit to decommission and demolish the previously permitted 150 MW SEGS III-VII solar thermal power facility on 706 acres and the redevelop, at the same location as SEGS III-V, a new PV solar facility and associated infrastructure necessary to generate up to 90 MW of renewable electrical energy with up to 90 MW of battery energy storage on APNs: 0491-101-16, -17, -18, and -19, 0491-151-38, -39, and -40.

CUP II/PROJ-2021-00079 Resurgence Solar II: A Conditional Use Permit to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 466 acres and the redevelop, at the same location as SEGS VI and VIII, a new PV solar facility and associated infrastructure necessary to generate up to 60 MW of renewable electrical energy with up to 60 MW of battery energy storage. APNs: 0498-171-05, and -06.

Together, Resurgence Solar I & II, the site previously occupied by SEGS III-VII, would provide up to a combined 150 MW of renewable electrical energy with up to 150 MW of battery energy storage, which is the same amount of electricity generated by the facility being replaced.

Solar Arrays and Inverter Blocks: The Project solar PV power generation facilities include solar arrays and inverter blocks. The Project would include approximately 312,000 solar PV modules (also known as panels) to convert solar energy into direct current electricity. The specific number of modules would be dependent partly on the module efficiencies available at the time of construction. By design, the solar PV panels absorb sunlight to generate electrical output by being manufactured with anti-reflective glass that also minimizes potential for glare.

Depending on the type of technology (modules) used, the panels would measure between 4 and 7 feet in length, and the total height of the panel system measured from ground surface would be approximately 7 to 12 feet. The length of each row of panels would be approximately 300 feet and would be oriented in the east-west direction in the case of a fixed mount array being used, and oriented in the north-south direction in the case of single-axis trackers being used.

The Project would include approximately 29 inverter blocks to convert the direct current electricity from the solar arrays to alternating current electricity. The inverter blocks would be located along the internal access roads within the solar arrays. Each inverter block would consist of enclosed inverter stations and a transformer approximately 10 feet in height above grade set on driven piles.

Facilities to Remain: Because the Project site was historically developed and operated as a solar thermal facility, some of the existing infrastructure will remain onsite, including some of the following facilities:

- Access roads
- Operations and Maintenance building
- High voltage transmission lines
- Five existing generator step-up (GSU) transformers
- Security fencing, lights, and gates
- Water line delivering water to the site from Antelope Valley East Kern Water Agency (AVEK)

Additional underground infrastructure, such as collection lines and concrete foundations would remain in place, provided they do not conflict with the solar PV redevelopment, but these existing facilities would not be used as part of the solar PV Project.

Battery Energy Storage System: The BESS would be distributed throughout the solar arrays on-site. The BESS would consist of lithium-ion battery technology that would be used to either control electric frequency or store energy from the solar project. The BESS would be housed in standard shipping containers.

Operation and Maintenance: Typical O&M activities that would occur on the Project site during operation include, but are not limited to, liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; repair and maintenance of solar facilities, substations, electrical transmission lines, and other Project facilities; and periodic panel washing.

PROJECT ANALYSIS:

Renewable Energy Regulation: Over the last decades, the state has mandated that public utilities acquire more renewable energy, including solar-generated electricity. The resulting influx of applications to the County for commercial solar energy generation projects, coupled with concerns about the adequacy of the County's land use regulation of such projects, prompted the Board of Supervisors (Board) to enact a temporary moratorium on June 12, 2013 (Item 12). On December 17, 2013 (Item No. 103), the Board adopted an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities, of the Development Code and terminating the moratorium. These amendments established 31 specific findings that must be made for approval of a commercial solar energy generation project.

On August 8, 2017 (Item 51), the Board adopted the Renewable Energy and Conservation Element of the General Plan (RECE), defining County goals and policies related to renewable energy and energy conservation, including policies governing siting and development of renewable energy generation projects. As proposed by staff, RECE contained Policy 4.10, which prohibited utility-oriented renewable energy (RE) project (10 MW and greater) in areas zoned Rural Living (RL) or areas within defined community plans. The Board adoption of the RECE excluded Policy 4.10, but staff was directed to return the siting issue to the Planning Commission for further study.

The Planning Commission conducted a public hearing on May 24, 2018, recommending that the Board (1) amend the RECE by adopting Policy 4.10¹, (2) amend Policy 5.2 to add existing energy generation sites to those identified as suitable for utility-oriented renewable energy generation projects, and (3) add Policy 5.9 (collaborating with utilities, the California Energy Commission, and the Bureau of Land Management to plan for renewable energy generation facilities to be located on public lands, apart from existing unincorporated communities). Thereafter, on February 28, 2019 (Item 1), the Board considered and adopted the Planning Commission recommendation. Subsequently, on October 27, 2020 (Item 100), the Board adopted the Countywide Plan amending the County's 2007 General Plan (text and maps) in its entirety with the exception of the previously adopted Housing Element and RECE. The Housing Element and RECE were incorporated by reference into the Countywide Plan.

Pursuant to Policy 4.10, a newly proposed utility oriented RE project is not an authorized use in RL Land Use Districts. A portion of the Project site for CUP I (SEG III and IV) in this case is partially located within a RL Land Use District but has been determined to be consistent with the RECE because the Project is an upgrade to an existing commercial solar energy facility. As discussed above, the Project includes the decommissioning and demolition of the existing thermal power facility and the redevelopment of the proposed PV solar facility within the existing solar site and with no expansion of the existing footprint.

The portion of the Project site for CUP I located in a RL zone is also scheduled to be re-zoned to RC (Resource Conservation) with the future update to the countywide zoning ordinance to be consistent with the Countywide Plan Land Use Element. In addition, the Project is consistent with RE Policy 5.2(x), adopted at the same time as Policy 4.10, which includes existing energy generation sites, like the Project site, as a suitable location for utility oriented RE generation projects.

¹ With the suggestion that the Board, under its purview, consider moderating the policy so as to avoid a blanket prohibition of utility-oriented renewable energy generation projects in Rural Living zoning districts.

In order to approve a commercial solar facility, in addition to making the findings required under Section 85.06.040(a) of the County Development Code relative to a CUP, the Project must meet the Required Findings for Approval of a Commercial Solar Energy Facility pursuant to Section 84.29.035. Considering the recently adopted RECE and Countywide Plan, the Planning Commission will be able to make these additional findings. Exhibit A “Findings” discusses in detail the Project’s consistency with the RECE and Development Code Section 84.29.065 pertaining to the development of commercial solar facilities.

Development Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development as illustrated in the following table.

| Table 1 Project Code Compliance Resource Conservation (RC) / Rural Living (RL) | | | |
|---|----------------------------------|-----|--|
| Project Component | Development Code Standard | | Project Plans |
| PV Solar Facility | CUP | | CUP |
| Parking (existing) | 80 spaces including 4 ADA spaces | | 94 total spaces including 6 ADA spaces |
| Building Setbacks | Front: | 25' | 25' |
| | Street Side | 25' | 25' |
| | Side Interior: | 15' | 15' |
| | Rear | 15' | 15' |
| Building Height | 35' Maximum | | 12' |
| Drive Aisles | 26' Perimeter / 20' Internal | | 26' Perimeter / 20' Internal |

Landscaping: A landscaping plan will be provided and will be required to comply with the Landscaping Standards provided in the San Bernardino Development Code Section 83.10.060, and table 83-12 “Minimum Landscaped Area”.

Fencing: Existing security fencing and electronic gate will remain in place. Special fencing standards may be applied without a variance in recognition of the capital costs of renewable energy facilities. Total fence heights allowed are inclusive of any height extension devices such as slanted razor-wire panels.

- a) Fencing on street side. Chain-link fencing up to 8 feet in height may be installed no closer than 15 feet from the right-of-way on streetside boundaries. Security devices such as razor-wire height extensions may only be directed inward to the property and may not extend beyond the property boundary to overhang the right-of-way.
- b) Fencing on interior boundaries. Chain-link fencing up to 8 feet in height may be installed along the property line on interior (non-streetside) boundaries. Security devices such as razor-wire height extensions may only be directed inward to the property and may not extend beyond the property boundary to overhang any other property.
- c) Electric Fencing. Electric fencing is not allowed.

Interconnection to the Grid: The Project would continue to utilize the existing 115Kv interconnection to the Kramer Junction Substation. The Supervisory Control and Data Acquisition (SCADA) system is critical to the California Independent System Operator (CAISO) and SCE utility interconnection, and for the proper operation and maintenance, which uses proprietary software; a fiber-optic transmission system; a telephone, radio, and/or microwave communication network; and other means of communication such as radio links and phase loop communication systems. The SCADA system functions as a remote start, stop, reset, and tag out for the facility, thus minimizing the manpower and site diagnostic information generated from the panels. The SCADA system would also control the substations, allowing for fully centralized Project operation to meet all CAISO and utility interconnection requirements.

Solid and Non-Hazardous Waste: The Project would produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid waste, including the typical refuse generated by workers. Most of these materials would be collected and delivered back to

the manufacturer or to recyclers. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

Hazardous Waste: Limited amounts of hazardous materials would be stored or used on the site during operations, including diesel fuel, gasoline and motor oil for vehicles, mineral oil to be sealed within the transformers, and lead-acid-based and/or lithium-ion batteries for emergency backup. Appropriate spill containment and cleanup kits would be maintained during operation of the Project.

Additional Authorizations: The following additional regulatory agency authorizations will be required for the Project and are being issued separately:

- CEC Decommissioning Plan Approval and License Termination
- Lahontan Regional Water Quality Control Board Evaporation Pond and Land Treatment Unit Closure Plan Approval

Parking: Existing parking will be retained and exceeds requirements as outlined in Chapter 83.11, section 83.11.040 table 83-15. Seventy (70) spaces including four (4) ADA spaces will be provided for the northern administration building, and twenty-four (24) spaces including two (2) ADA spaces will be provided for the southern administration building, for a total of ninety-four (94) onsite spaces with six (6) ADA accessible spaces. No change in parking is required for the conversion.

Setbacks: Setback requirements as described in Chapter 82.03, section 82.03.060 tables 82-5C and 82-9C for the Resource Conservation (RC) and Rural Living (RL) Land Use District - Desert Region respectively are as follows: Front (25'), Side-Street Side (25'), Side-Interior (15'), Rear (15'). As noted above, the Project will comply with all applicable setbacks.

Hours of Operation: The facility is intended to operate year-round and would generate electricity during the daylight hours. The facility would be designed to produce up to a combined 150 MW of solar power and/or battery energy storage capacity at the point of interconnection to the transmission grid.

Water Service: Water will be provided by the Antelope Valley East Kern Water Agency per agreement dated April 14, 2020.

Sewer System: An existing Onsite Water Treatment System (OWTS) will continue to be utilized.

PUBLIC COMMENT:

Several public comments were received via phone message/email (Exhibit B) to inquire about the Project and obtain more information, mainly to confirm that their parcels would not be taken for the purposes of the Project. The County Planning Division sent out the Notice of Hearing on August 27, 2021, advertising the Planning Commission Hearing to be held on September 9, 2021.

ENVIRONMENTAL REVIEW:

Planning staff concluded that the Project proposal is exempt from the California Environmental Quality Act (CEQA) as a Class 2 Categorical Exemption pursuant to CEQA Guidelines Section 15302, Subdivision (c). A Class 2 Categorical Exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. An example listed within the guidelines includes "[r]eplacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity." (Id.)

As discussed above, the proposed Project includes decommissioning an existing 150 MW concentrated solar thermal facility and to redevelop the site with a new PV solar facility (Resurgence Solar I and II) with a maximum 150 MW of PV/BESS. The Project will be located on the same site and within the same footprint of the existing facility and will have the same solar utility purpose and capacity as the structures being replaced. Further, the use and incorporation of battery energy storage into the Project will not constitute an expansion of capacity since the use of BESS technology will be used in making the same end product as the existing utility system, viz., energy. Nor will the use of the BESS technology increase the daily total MW production into the grid.

No unusual circumstances, scenic highways or hazardous waste sites exist under CEQA Guidelines Section 15300.2 that would render the Class 2 Categorical Exemption inapplicable. Rather, staff has determined that the proposed facility would reduce the environmental effects associated with the existing use, including but not limited to a reduction in water usage and GHG emissions by shutting down the existing gas fired heaters and reducing visual impacts with the use reduced panel heights. Accordingly, staff recommends that the Planning Commission find that the proposed Project is exempt from CEQA pursuant to Section 15302(c) and to direct staff to file a Notice of Exemption.

RECOMMENDATION: That the Planning Commission:

1. **FIND** that the Project is exempt from CEQA pursuant to Section 15302, Subdivision (c) of the CEQA Guidelines;
2. **ADOPT** the Findings as contained in the staff report (Exhibit A);
3. **APPROVE** the two Conditional Use Permits to decommission an existing 150 MW concentrated thermal solar facility (SEGS III-VII) and redevelop the site with a 150 MW photovoltaic (PV) solar facility including a 150 MW BESS and associated infrastructure with no expansion of the site or capacity subject to the Conditions of Approval (Exhibit C) as follows:
 - a) A Conditional Use Permit for Resurgence Solar I to decommission and demolish the previously permitted 150 MW SEGS III-VII solar thermal power facility on 706 acres and the redevelop, at the same location as SEGS III-V, a new PV solar facility and associated infrastructure necessary to generate up to 90 MW of renewable electrical energy with up to 90 MW of battery energy storage on APNs: 0491-101-16, -17, -18, and -19, 0491-151-38, -39, and -40.
 - b) A Conditional Use Permit for Resurgence Solar II to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 466 acres and the redevelop, at the same location SEGS VI and VII, a new PV solar facility and associated infrastructure necessary to generate up to 60 MW of renewable electrical energy with up to 60 MW of battery energy storage on APNs: 0498-171-05, and -06.
4. **DIRECT** staff to file the Notice of Exemption.

ATTACHMENTS:

- EXHIBIT A:** Findings
EXHIBIT B: Public Comments
EXHIBIT C: Conditions of Approval
EXHIBIT D: Site Plan

EXHIBIT A

Findings

FINDINGS: CONDITIONAL USE PERMIT

Two Conditional Use Permits involving the decommissioning of a previously permitted 150-megawatt (MW) SEGS III through VII concentrated solar thermal power facility and the redevelopment, at the same location, a new photovoltaic (PV) solar facility (Resurgence I and II) and associated infrastructure necessary to generate up to a combined 150 megawatts (MW) of renewable electrical energy and/or energy storage capacity on 1,172 acres in the Resource Conservation (RC) and Rural Living (RL) land use districts in Kramer Junction consisting of the following:

- a) **A Conditional Use Permit for Resurgence Solar I to decommission and demolish the previously permitted 150 MW SEGS III-VII solar thermal power facility on 706 acres and the redevelop, at the same location SEGS III-V, a new PV solar facility and associated infrastructure necessary to generate up to 90 MW of renewable electrical energy with up to 90 MW of battery energy storage on APNs: 0491-101-16, -17, -18, and -19, 0491-151-38, -39, and -40.**
- b) **A Conditional Use Permit for Resurgence Solar II to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 466 acres and the redevelop, at the same location SEGS VI and VII, a new PV solar facility and associated infrastructure necessary to generate up to 60 MW of renewable electrical energy with up to 60 MW of battery energy storage on APNs: 0498-171-05, and -06.**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for the Conditional Use Permits¹:

- 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 facilities and associated infrastructure with the capacity to generate a combination of up to 150 MW of renewable electric energy and/or energy storage capacity utilizing the same footprint as the existing thermal solar facility to be decommissioned. Power generated by the proposed Project would be transferred to the Kramer Junction substation utilizing the existing 115 KV gen-tie line. The solar facilities would use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facilities would operate year-round and would generate electricity during the daylight hours. All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning. Existing security fencing and electronic gate will be used for the Project. Chapter 83.11, section 83.11.040 table 83-15 requires eighty (80) spaces including four (4) ADA accessible spaces for the two existing facility buildings with the current square footage. A total of ninety-four (94) parking spaces are proposed including six (6) ADA van accessible spaces.

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

The Project site is 1,172 acres including a total of nine (9) parcels located along Highway 395 in an unincorporated area of San Bernardino County in the community of Kramer Junction. The

¹ The findings contained herein are made individually, although written collectively, for Conditional Use Permit Resurgence I and Resurgence II. The Planning Commission declares that it would have adopted Conditional Use Permit I and II irrespective of the other. If for any reason the approval related to Conditional Use Permit I or II is later declared invalid, then the approval for Conditional Use Permit I or II, as applicable, shall remain valid.

site for the existing use has adequate access. Access roads would be located throughout the Project area.

- 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 solar facility has been in use since 1988. The current proposal to convert the solar thermal facility to a photovoltaic solar facility will does not propose to expand the facility. The Project will utilize the same footprint and infrastructure that has been in place for three decades. The proposed conversion will not result in non-compliance with requirements of the Development Code with respect to noise, vibration, lighting and glare. The Project has 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:

Goal IU-5 Power and Communications: Unincorporated area residents and businesses have access to reliable power and communication systems.

Policy IU-5.5: We encourage the development and upgrade of energy and regional fuel facilities in areas that do not pose significant environmental or public health and safety hazards, and in a manner that is compatible with military operations and local community identity.

- Policy Implementation: The proposal includes the conversion of the Project site from thermal solar generation to photovoltaic (PV) solar within the same footprint of the existing energy generation site. The conversion to photovoltaic solar will create a more efficient and less impactful facility. The Project will provide for the economically viable and environmentally beneficial use of the site's current developed use.

RE Goal 5: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.

RE Objective 5.2: Utility-oriented Renewable Energy (RE) facilities will be subject to site criteria consistent with County priorities expressed in the RECE.

RE Policy 5.2(x): Utility-oriented RE generation Projects on private land in the unincorporated County will be limited to the site-type below, in addition to meeting criteria established in the RECE and Development Code: ... (x). Existing energy generation sites.

- Policy Implementation: The Project is located within an existing energy generation site. The proposal includes the conversion of the Project site from thermal solar generation to photovoltaic (PV) solar within the same footprint of the existing energy generation site in the unincorporated community of Kramer Junction. Considering features of the site design, the RECE, the Development Code, and the proximity to other solar generation facilities, the Project is appropriately sited and compatible with the surrounding area.

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

During construction, the primary community infrastructure utilized by the Project will be the road system. Existing roadways that serve the Project site include Highway 395 and Plymouth

Road. A Construction Management Plan is required prior to any grading activities, which will ensure that all public roadways utilized during construction will be maintained.

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

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

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

The sole purpose of the proposed Project is to decommission an existing thermal solar facility and construct and operate a photovoltaic solar generating facility that will contribute significant quantities of renewable energy for use by the larger public.

FINDINGS: COMMERCIAL SOLAR FACILITY FOR CUP I and II:

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 Project site is in the same location as the thermal solar facility on SEGS III through VII to be decommissioned and will utilize existing infrastructure to the greatest extent possible. The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The Project design includes setbacks from roads to shield the facility from public view.

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. Existing security fencing and electronic gate will be used for the Project. Permanent motion sensitive directional security lights will be installed to provide illumination around the substation areas and points of ingress/egress. Any proposed lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. There will be less visual impacts with lower profile PV panels (current solar mirror troughs are at least 20 feet tall and new PV will be about 12 feet in height), there will be no power block and no 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 previous solar development, with existing electric transmission lines and transportation uses. The Project is in close proximity to additional solar facilities within the general area. The facility will be compatible with the overall character 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. *A minimum 26-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width and located every 650 feet. There will be no additional visual impact to the surrounding area due to the Project being developed on an existing solar site.*

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. *No element 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 come from Antelope Valley East Kern Water Agency (AVEK) under an existing water contract. Water will be delivered to the site via the pipeline currently owned and operated by NextEra Energy Operating Services (NEER).*

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 will be using water from AVEK under an existing water contract. There would be less water usage and wastewater generated with the shut-down of steam turbine generators and would not adversely affect availability of groundwater supplies to a significant degree.*

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. *Minimal site grading is proposed for the majority of the site with finished topographical grades being similar to existing conditions, and less than five percent on average.*

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. *The Project is designed to include use of existing transmission and access infrastructure in the area developed for the existing solar site, including transmission lines, utility corridors and roads. The Project will connect and deliver its output to the existing Kramer Junction Substation.*

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. The Project site has been mostly disturbed by the existing thermal solar use and activities. A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. No special-status plant or wildlife species or vegetation communities were observed within the Project site.

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

Consistency. The Project includes measures to minimize the growth of invasive weeds during and following construction.

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. As a previously developed utility scale solar site the Project falls under CEQA exemption 15302 (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. Any cultural resources discovered during decommissioning and construction activities are addressed in the final conditions of approval for the Project this includes cultural, historic, and Native American sacred discoveries.

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. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. Grading and Erosion control plans shall be submitted for review and approval obtained, 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 06071C3200H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

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

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

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 not located on or adjacent to an undeveloped alluvial fan. The site is impacted by a significant off-site tributary to the northwest of the Project site. Previous development of the site and surrounding areas to the north and northwest have resulted in the construction of levees and earthen channels, resulting in protection of the site by splitting the off-site flow into two distinct off-site drainage areas. Calculation of estimated off-site flow rates and earthen channel capacities based on available information and field approximations show that the existing flood protection measures are adequately designed to convey flow as expected.

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 will be located on an existing solar site using the same footprint. There will be no expansion of the existing footprint. The existing developed site does not contain agricultural land and 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 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. 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 further 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 not located within a quarter of a mile of any residential developments or single residences.

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 more than 100 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 located approximately 130 miles to the east.

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 located more than 100 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 within 2 miles of 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 30 miles to the southeast, and Edwards Air Force Base approximately 28 miles to the southwest. 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 30 miles southeast 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 Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the Project.*

ENVIRONMENTAL FINDINGS

Conditional Use Permit I and II

The review authority has determined that the Project is exempt from the California Environmental Quality Act (CEQA) as a Class 2 Categorical Exemption pursuant to CEQA Guidelines Section 15302, Subdivision (c). The Project includes decommissioning an existing 150 MW concentrated solar thermal facility and to redevelop the site with a new PV solar facility (Resurgence Solar I and II) with a maximum 150 MW of PV/BESS. The Project will be located on the same site and within the same footprint of the existing facility and will have the same solar utility purpose and capacity as the structures being replaced. Further, the use and incorporation of battery energy storage into the Project will not constitute an expansion of capacity since the use of BESS technology will be used in making the same end product as the existing utility system, viz., energy. Nor will the use of the BESS technology increase the daily total MW production into the grid. In making this determination, the review authority finds that no unusual circumstances, scenic highways or hazardous waste sites exist under CEQA Guidelines Section 15300.2 that would render the Class 2 Categorical Exemption inapplicable. Rather, the review authority finds that the proposed facility would reduce the environmental effects associated with the existing use, including but not limited to a reduction in water usage and GHG emissions by shutting down the existing gas fired heaters and reducing visual impacts with the use reduced panel heights. Moreover, the Project site has been mostly disturbed by the existing thermal solar use and activities. A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. No special-status plant or wildlife species or vegetation communities were observed within the Project site. Accordingly, the review authority finds that the Project is exempt from CEQA pursuant to Section 15302(c) of the CEQA Guidelines and directs staff to file a Notice of Exemption

EXHIBIT B

Public Comments

KRAMER SERVICE CORPORATION

40716 US HIGHWAY 395
BORON, CA 93516
(760)762-5220

August 11, 2021

RE: Resurgence Solar I, LLC
PROJ-2021-00019
Resurgence Solar II, LLC
PROJ-2021-00079

LAND USE SERVICES
ADMINISTRATION

2021 AUG 17 AM 8:08

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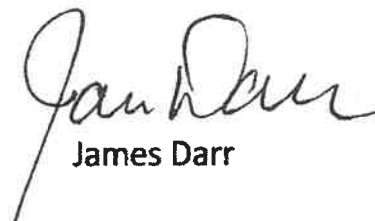
To: Tony DeLuca
Senior Planner
San Bernardino, County

To whom it may concern:

The Darr family has been a resident of Kramer Junction, San Bernardino County since 1950. Our property borders the southside of the Resurgence Solar projects.

We were present when the original solar fields were built in the 1980's and have co-existed comfortably through the construction and operation phases to the present. They have proven to be excellent neighbors. I'm sure that their successors will continue this tradition.

We are in favor of having a continuing solar presence at this location. It will surely provide some local employment and economic benefit.



James Darr

Mr. Mansour Balakhanch
17202 Lynn Ln.
Huntingtn Bch, CA 92649



SANTA ANA CA 926
22 MAR 2021 PM 6 L



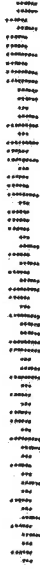
San Bernardino County
Planning Division

MAR 25 2021

RECEIVED

Hesperia Office
15900 Smoke Tree St. Suite 131
Hesperia, CA 92345

002226-54625





Project Notice

An application has been filed with County Planning

PROJECT NUMBER: PROJ-2021-00019
ASSESSOR PARCEL NO (APN): 0491-101-16(multiple parcel assoc.)
APPLICANT: NextEra Energy Resources
LOCATION: 41100 U.S. Highway 395, Kramer Junction
COMMUNITY: Kramer Junction
LUC/ZONING: Resource Land Management (RLM) / Resource Conservation (RC), Rural Living (RL-40, RL-5)



Project Proposal

A **CONDITIONAL USE PERMIT**, TO DECOMMISSION AN EXISTING 150MW THERMAL SOLAR FACILITY (SEGS III – VII) ON 1,172-ACRES AND REPLACE WITH A 150MW PHOTOVOLTAIC SOLAR FACILITY WITH A BATTERY ENERGY STORAGE SYSTEM (BESS) WITHIN THE SAME FOOTPRINT. LOCATED ON HWY 395 ONE MILE NORTH OF HWY 58 IN THE COMMUNITY OF KRAMER JUNCTION.



Anthony DeLuca, Senior Planner
 Phone: 909.387.3067
 Cell: 909.601.4662
 E-mail: anthony.deluca@lus.sbcounty.gov
 Fax: 909.387.3223

We'd love to hear from you....

Please submit comments by March 26, 2021 to be sure that they get considered in the review process. However, comments will be taken up to the time of the project decision. Please refer to this project by the Project Number and the Assessor Parcel Number (APN). If you have no comment, a reply is not necessary.

Project Decision

If you would like to be notified of the decision rendered for this project, please provide your contact information in the section below and mail this notice back to one of the addresses listed below.

Name: MANSOUR BAKHANEH
E-mail Address: MBSocalfire@gmail.com
Mailing Address: 17202 Lynn Lane, H.B. CA 92649

cell 909-601-4662 MAR. 22. 2021

Hi ANTHONY 714-231-0913
From: MANSONR - OBJECTION

I Have 2 parcel in vicinity
of project. I believe this
project will impact my chance
of Built or selling since most
Area are solar pay like rse
could you let me know if
my parcel are in the project
or how far away from it.

Thanks. my parcel. 498-313-08
491-211-06



August 10, 2021

Glen T. King
NextEra Energy Operating Services
P.O. Box 14000
Juno Beach, FL 33408-0420

Re: MDAQMD Support for Resurgence Solar I and II

Dear Mr. King,

The Mojave Desert Air Quality Management District (MDAQMD), and the predecessor agency the San Bernardino County Air Pollution Control District, has had regulatory authority over the SEGS III-VII facility since its inception. Over this thirty-year history the SEGS facilities have materially contributed to improving the region’s air quality by generating electricity through a state-of-the-art solar thermal generating process, producing far less emissions per unit of electrical energy than any contemporary electrical generating facility, while maintaining a superb record of regulatory compliance. All good things must eventually come to an end, and the Kramer Junction facility is now proposed for conversion to a conventional solar photovoltaic and battery energy storage facility (Resurgence Solar I and II). The MDAQMD supports the redevelopment of the SEGS III-VII facility into a solar photovoltaic and battery storage facility – the proposed facility will have essentially no emissions while supporting renewable energy and energy storage needs.

If you have any questions regarding this letter please contact me at 760-245-1661 extension 6726.

Sincerely,

Alan J. De Salvio
Deputy Director – Operations

Resurgence

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD

RECEIVED

2021 MAR 25 AM 8:46

LAND USE SERVICES
ADMINISTRATION

3-19-2021
Romeo Yambao
906 A Fulbert Ct.
Newberg OR.
97132

To whom it may concern.

Dear Sir, mom, we are selling these property

Parcel # 0498-501-01-000 for \$50,000 and

Parcel # 0469-271-02-0-000 for \$15,000

we can sell it or we can not let you put
any thing to our property.

Respect fully yours:

Mrt & Mrs Romeo Yambao

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

Resurgence Solar I & II, LLC.
Conditional Use Permit
PROJ-2021-00019 and PROJ-2021-00079

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Approval Description. Approval of two Conditional Use Permits to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 1,172 acres, and redevelop the site, at the same location, with a new PV solar facility (Resurgence I and II, described as follows:
 - a) CUP I/PROJ-2019-00019. Resurgence Solar I to decommission and demolish the previously permitted 150 MW SEGS III-VII solar thermal power facility on 706 acres and the redevelop, at the same location as SEGS III-V, a new PV solar facility and associated infrastructure necessary to generate up to 90 MW of renewable electrical energy with up to 90 MW of battery energy storage on APNs: 0491-101-16, -17, -18, and -19, 0491-151-38, -39, and -40.
 - b) CUP II/PROJ-2021-00079. Resurgence Solar II to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 466 acres and the redevelop, at the same location as SEGS VI and VIII, a new PV solar facility and associated infrastructure necessary to generate up to 60 MW of renewable electrical energy with up to 60 MW of battery energy storage. APNs: 0498-171-05, and -06.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Service Commercial (CS) land use designation, the California Building Codes (CBC), the California Fire Code (CFC), the Conditions of Approval, contained herein, and the approved site plan dated September 19, 2019.

2. Project Location. The Project site is a total of approximately 1,172-acres located on Highway 395, a mile north of the Highway 58 interchange, in an unincorporated area of San Bernardino County, in the Community of Kramer Junction
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b. 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)

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Occupancy of Approved Land Use. Occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - a. 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.
 - b. The land use is determined by the County to be abandoned or non-conforming.
 - c. The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.
7. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Project Account. The Project account number is PROJ-2021-00019, and PROJ-2021-00079. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall comply with all of the conditions for each of the respective stages of development. The developer shall obtain written clearance (email is ok) that all of the conditions have been satisfied prior to issuance of any permits.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
 - a. FEDERAL: N/A;
 - b. STATE: Lahontan RWQCB, Mojave Desert AQMD
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d. LOCAL: N/A
13. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g., employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a. Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b. Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c. Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire-retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - d. Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f. External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - g. Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h. Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i. Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j. Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.

- k. Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
 - l. Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
 15. Night Lighting: Outdoor lighting within a commercial solar energy generation facility shall comply with the provisions of Chapter 83.07 of this Development Code.
 16. Glare: Solar energy facilities shall be designed to preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way.
 17. 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.
 18. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified, and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
 19. Discovery of Human Remains. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
 20. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.
 21. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
 22. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
 - a. All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - b. All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - c. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.

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

23. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
24. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

25. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
26. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted.
27. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

28. Refuse Storage/Removal. 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.
29. Septic System Maintenance. The septic system shall be properly maintained, not create a public nuisance, and be serviced by a DEHS permitted sewage pumper.
30. Noise. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080

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

31. Constriction Permits: Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
32. Jurisdiction: The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein (“Fire Department”). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

33. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. All existing buildings that remain onsite will be required to pass an annual fire inspection prior to fire final of the project.
34. Access - 150+ feet: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
35. Access - 30% slope: Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
36. Access: The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty-six (26) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum twenty (20) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels
Note due to size of arrays for this project, you are permitted to exceed the 600-foot distance in between access roadways to a max of 650 feet between access roadways.

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

The Following Shall Be Completed

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

37. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

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

38. Retaining Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.
39. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
40. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, backfilled and inspected before covering.

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

41. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

42. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3200H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
43. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
44. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
45. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
46. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
47. On-site Flows. On-site flows need to be directed to the nearest County Road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

48. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

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

49. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Survey or Section 8771(b) Business and Professions Code.
50. Record of Survey. Pursuant to Sections 8762 (b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners.
 - b. Performance of a field survey to establish property boundary lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel.
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a record of survey.

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

51. Construction Management Plan. The applicant's engineer shall provide a construction management plan to the Department of Public Works, Transportation Operations Division to determine if a maintenance agreement (during construction) with the County will be required. The construction management plan shall show the number of trucks, type of trucks (size), the total number of Equivalent Single Axle Loads (ESALs), and the truck routes to the site for construction. If it is determined that a maintenance agreement is required, the developer shall enter into a maintenance agreement with the County Department of Public Works to ensure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. Prior to issuance of grading permits, the developer/contractor shall contact the

Transportation Operations Division at (909) 387-7995 in order to process the maintenance agreement with the County. Please allow a minimum of 12 weeks for the processing of an agreement and obtain approval from the Board of Supervisors. For additional information regarding the maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995. For additional information about the construction management plan, please contact the Department of Public Works - Traffic Division at (909) 387-8186.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

52. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
53. Special Use Permit. The developer shall submit for review and gain approval for a Special Use Permit (SUP) from County Code Enforcement. Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the developer. Such actions may cause a hearing or an action that could result in revocation of this approval and imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection. As part of this, the developer shall pay an annual public safety services impact fee in accordance with Code §84.29.040(d).
54. Decommissioning Requirements. In accordance with SBCC 84.29.060, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements:
 - a. Closure Plan. Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.
 - b. Closure Compliance. Following the operational life of the project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans shall include the following as applicable:

- Water Quality Management Plan
- Erosion and Sediment Control Plan
- Drainage Report
- Notice of Intent and Stormwater Pollution Prevention Plan
- Air Quality Permits
- Biological Resources Report
- Incidental Take Permit, Section 2081 of the Fish and Game Code
- Cultural Records Report
- The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

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

55. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
56. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.
57. Permits: Obtain permits for all structures located on site and all work done without a permit.

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

58. Road Dedication. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications.
- **Farmington Road (Section Line – 88')**
Road Dedication. A 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
 - **Haven Road (Section Line – 88')**
Road Dedication. A 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
 - **Pepper Street (Section Line – 88')**
Road Dedication. A 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
59. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.

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

60. Combustible Protection: Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
61. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
62. Haz-Mat Approval: The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 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.
63. Surface: Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

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

64. A Water System Permit: A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. 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 (EHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.
65. Water Purveyor: Water purveyor shall be EHS approved.
66. Sewage Disposal: Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
67. Preliminary Acoustical Information: 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 1-800-442-2283.
68. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to EHS for approval.
69. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
70. Existing OWTS: Existing onsite wastewater treatment 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.
71. Demolition Inspection Required: All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

72. 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 PROJ-2021-00019, and PROJ-2021-00079.
73. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance").

- 74. AQ-Installation. The developer shall submit for review and obtain approval from County Planning of evidence that all air quality-related conditions have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.
- 75. Dust Control – Operation. Prior to final inspection, the Applicant shall develop an Operational Dust Control Plan that shall be approved and implemented prior to energization of the solar facility. The Operational Dust Control Plan shall include Dust Control Strategies sufficient to ensure that areas within the Project site shall not generate visible fugitive dust (as defined in Mojave Desert Air Quality Management District’s [MDAQMD’s] Rule 403.2) such that dust remains visible in the atmosphere beyond the property boundary. During high wind events, Dust Control Strategies shall be implemented so as to minimize the Project site’s contribution to visible fugitive dust beyond that observed at the upwind boundary.
- 76. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
- 77. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.
- 78. Public Safety Services Impact Fees. Upon completion and final construction of the Project, the developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:

| Parcel Size | Fee Per Acre |
|---------------------|--------------|
| 0-4.99 acres | \$580 |
| 5-14.99 acres | \$280 |
| 15 acres or greater | \$157 |

Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project’s public safety services impacts, which study shall be paid at the developer’s expense, using a consultant approved by the County.

Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

- 79. 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 percent 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 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.
- 80. Revegetation Plan. Prior to commencement of the decommissioning phase, the project applicant shall prepare a revegetation plan as part of the Decommissioning Plan to identify performance standards necessary for revegetation of the site with native plants. The Decommissioning Plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance

requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover, density, and species richness. Standards of success shall include at least a 50 percent revegetation success rate compared to baseline conditions and shall include annual monitoring for 2 years. If 50 percent revegetation has not been achieved within 2 years due to lack of water or other environmental factors, the applicant shall work with the County to identify and implement an alternate solution to achieve the identified success rate.

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

81. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

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

82. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

83. Caltrans Review. Trees Obtain approval from Caltrans for access requirements and working within their right-of-way.

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

84. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

85. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

86. Combustible Vegetation: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.

87. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.

88. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

89. Inspection by the Fire Department: Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for “fire final”.

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

90. Prior to operation, the facility operator (SEGS) shall update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

91. Prior to Occupancy a businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.

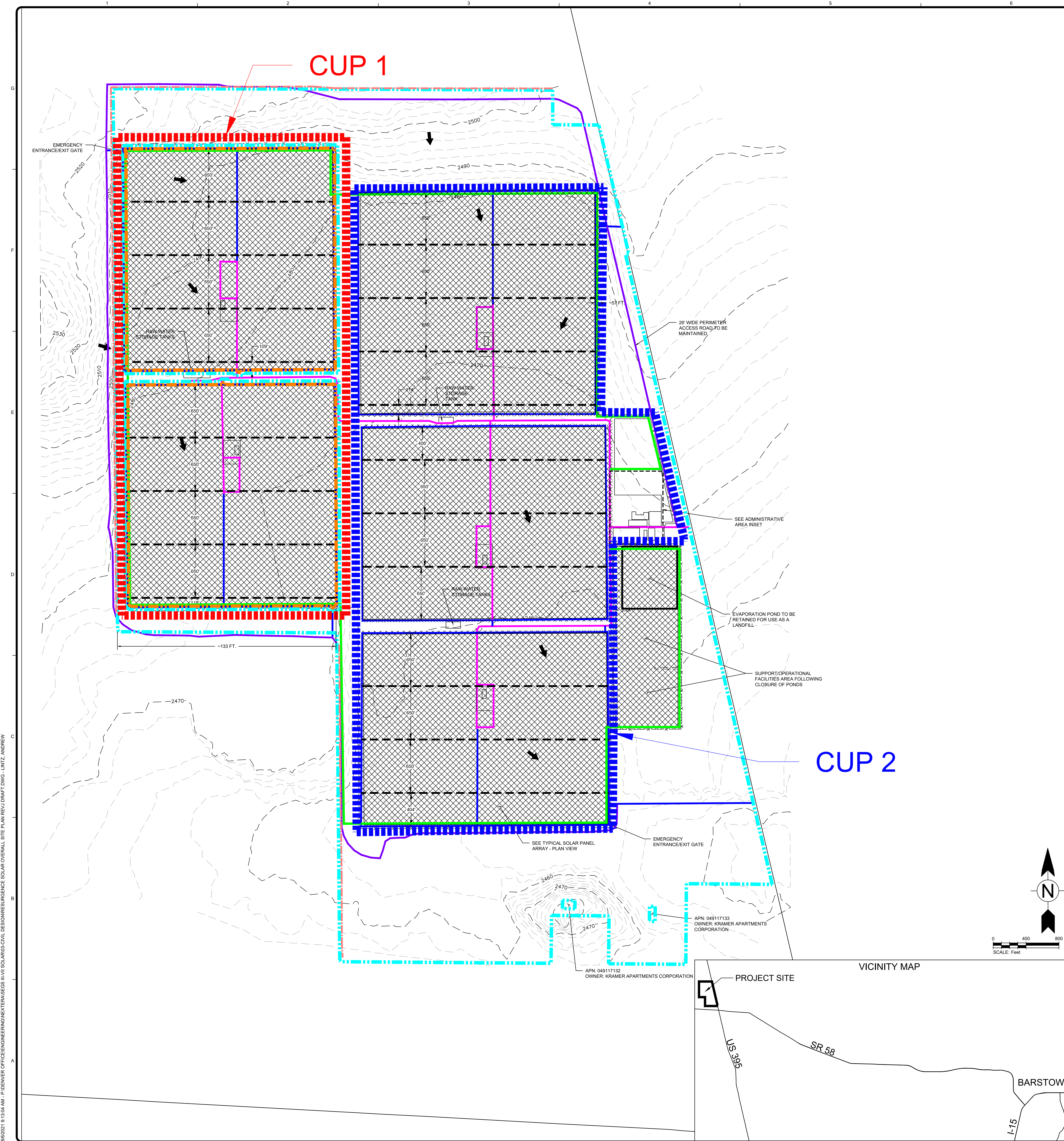
“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

END OF CONDITIONS

EXHIBIT D

Site Plan

8/6/2024 9:30 AM P:\CENTER OFFICE\ENGINEERING\RESURGENCE SOLAR\OVERALL SITE PLAN REV/DRAFT.DWG - LINTZ, ANDREW



OFFICIAL USE ONLY

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, AND DESCRIBED AS FOLLOWS:

UTILITIES

| | |
|--|--|
| WATER: AVEK 6500 WEST AVENUE N, PALMDALE, CA 93551 | ELECTRICITY: SOUTHERN CALIFORNIA EDISON PO BOX 300 ROSEMEAD, CA 91722 |
| SEWAGE: N/A | PHONE: FRONTIER COMMUNICATIONS |
| GAS: N/A FOR REDEVELOPMENT, CURRENTLY: PG&E PO BOX 997000, SACRAMENTO, CA 95899-7300 | CABLE TV: NO CABLE SERVICE REQUIRED |

PARKING SUMMARY

BUILDING: NORTHERN ADMIN BUILDING
SPACE: ~15,500 SF / 1,000 SF/SPACE = 16 SPACES
PROVIDED: ~66 STANDARD SPACES, 4 ADA SPACES, 70 TOTAL

BUILDING: SOUTHERN ADMIN BUILDING
SPACE: ~4,500 SF / 1,000 SF/SPACE = 5 SPACES
PROVIDED: 22 STANDARD SPACES, 2 ADA SPACES, 24 TOTAL

PARCEL NUMBERS

APN: 049115138, 049817105, 049817106, 049110116, 049110117, 049110118, 049110119
049115138, 049115139, 049115140

LEGEND

- ➔ DRAINAGE FLOW ARROW
 - ▨ PROPOSED PV ARRAY AND SUPPORT/OPERATIONAL FACILITIES AND DRAINAGE AREAS
 - PROPOSED 20-FOOT WIDE INTERNAL ACCESS ROADS
 - PROPOSED 26-FOOT WIDE INTERNAL PERIMETER ROAD
 - EXISTING PAVED ROADS
 - EXISTING DIRT ROADS
 - EXISTING OPERATIONAL ROAD TO BE MAINTAINED
 - X — EXISTING FENCE LINE
 - RESURGENCE SOLAR I
 - RESURGENCE SOLAR II
 - NEW 4-FOOT WIDE DEDICATIONS TO EXISTING ROADS
 - CUP 1
 - CUP 2
- NO SIGNS PROPOSED
NO PROTECTED PLANTS
NO NEW DEDICATED ROADWAYS
MINOR GRADING POSSIBLE PENDING FINAL DESIGN

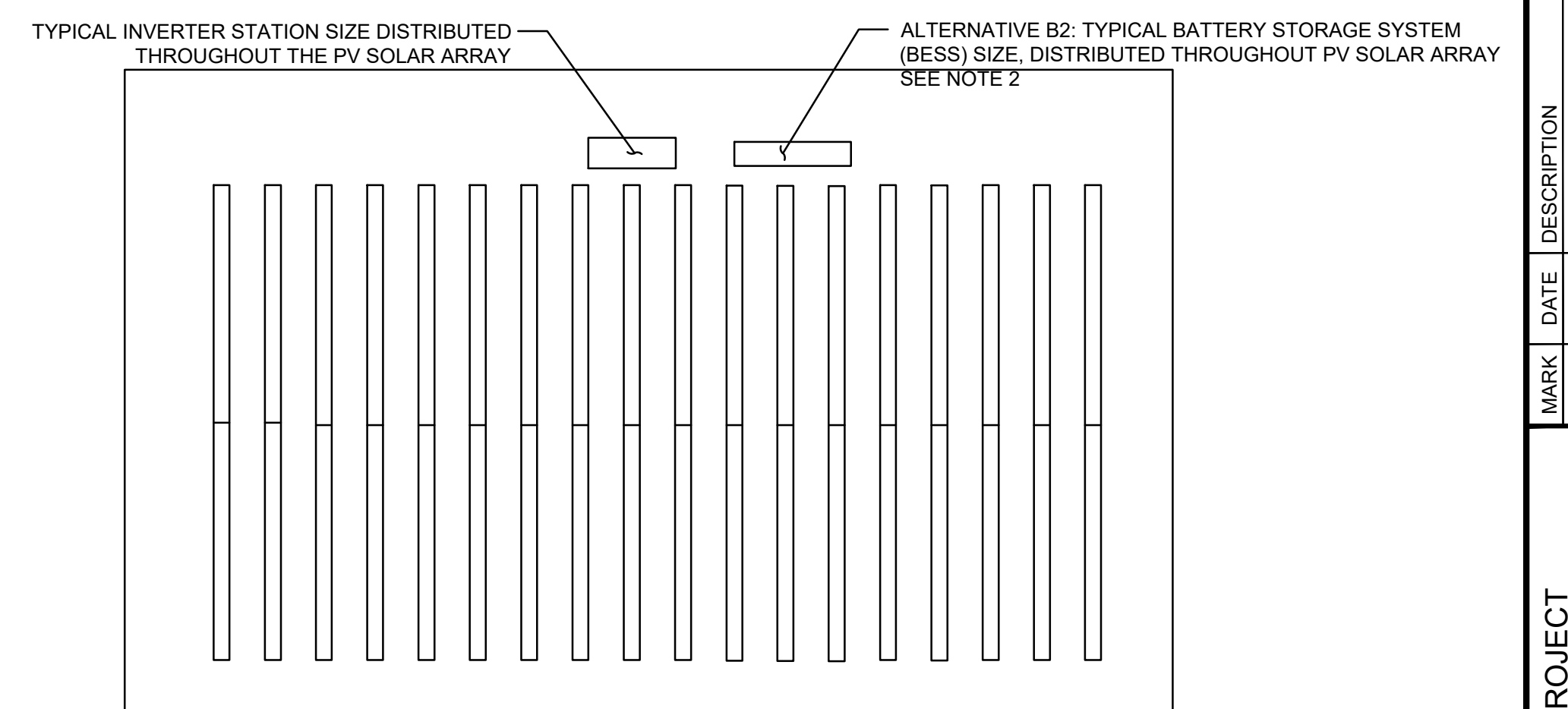
CONDITIONAL USE PERMIT

APPLICANT DATA: RESURGENCE SOLAR I, LLC.
ADDRESS: 700 UNIVERSE BOULEVARD
CITY, STATE, ZIP: JUNO BEACH, FL 33408

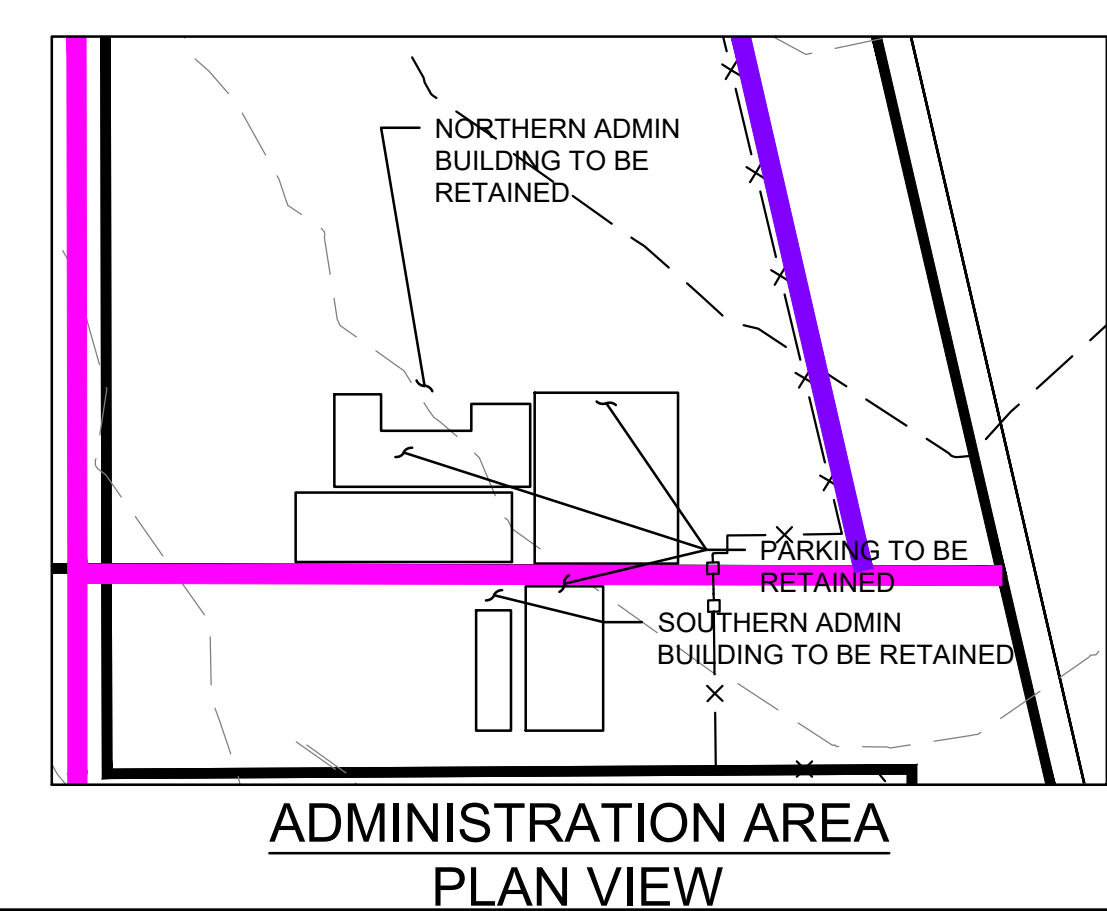
PROPERTY OWNER: LUZ SOLAR PARTNERS III, VII
APN: 049115138, 049817105, 049817106, 049110116, 049110117, 049110118, 049110119
049115138, 049115139, 049115140
ADDRESS: 41100 US HIGHWAY 395
CITY, STATE, ZIP: BORKEN CA, 93516

NOTES:

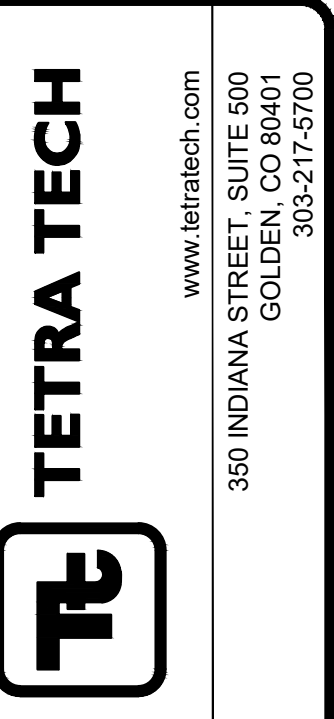
1. THE FINAL LAYOUT OF PV ARRAYS AND INTERNAL ROADS ARE SUBJECT TO CHANGE PENDING FINAL ENGINEERING. ALL ROADWAYS WILL COMPLY WITH THE SB COUNTY FIRE AUTHORITY REQUIREMENTS.
2. THE BATTERY ENERGY STORAGE SYSTEM (BESS) WOULD BE DISTRIBUTED THROUGHOUT THE PROJECT BOUNDARY ADJACENT TO EACH POWER BLOCK, PENDING FINAL DESIGN.
3. EXISTING GENTLE LINE IS OWNED BY SOUTHERN CALIFORNIA EDISON, TO BE MAINTAINED, NO MODIFICATIONS PROPOSED TO ALIGNMENT.



PRELIMINARY SOLAR PANEL ARRAY (SINGLE AXIS TRACKER) PLAN VIEW



ADMINISTRATION AREA PLAN VIEW



| MARK | DATE | DESCRIPTION | BY |
|------|----------|-------------|-----|
| C | 05/15/24 | DRAFT | AML |
| D | 05/20/24 | DRAFT | AML |
| E | 06/10/24 | DRAFT | AML |
| F | 06/24/24 | DRAFT | AML |
| G | 08/06/24 | DRAFT | AML |
| H | 08/29/24 | DRAFT | AML |
| J | 09/24/24 | DRAFT | AML |

RESURGENCE SOLAR PROJECT

FORMERLY SEGS III-VII CSP POWER PLANTS
**PRELIMINARY SITE PLAN FOR
CONDITIONAL USE PERMIT FACILITIES**

PROJ: 194-1108-0027
DES: AML
DRW: AML
CHKD: CL

1

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