



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: MAY 9, 2024

AGENDA ITEM 2

Project Description

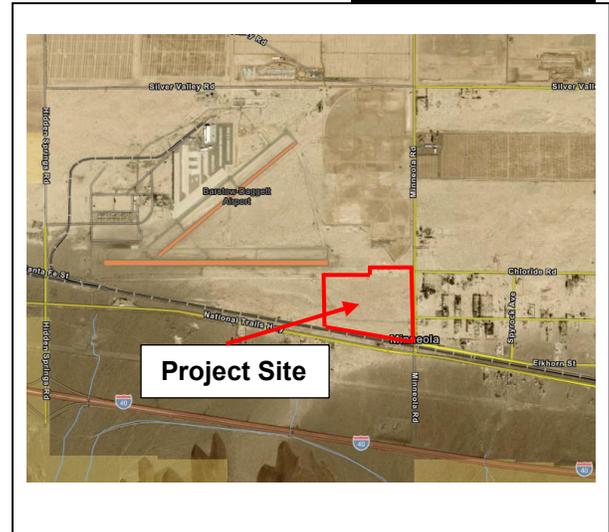
Vicinity Map -

APN: 0521-051-08
Applicant: Merrell Johnson Engineering, Inc.

Community: High Desert Communities / 1ST Supervisorial District

Location: Generally, north of the western extension of Elkhorn Street, west of Minneola Road.

Project No: PROJ-2022-00071/CUP/TPM
Staff: Oliver Mujica
Rep: Merrell Johnson Engineering, Inc.
Proposal: Tentative Parcel Map to subdivide approximately 91.9 acres into two parcels and a Conditional Use Permit to construct and operate a 3-megawatt community-oriented solar array facility on approximately 27.2 acres.



Hearing Notices Sent on: April 26, 2024

Report Prepared By: Oliver Mujica, Contract Planner

SITE INFORMATION:

Parcel Size: 91.9 acres
 Terrain: Relatively flat topography.
 Vegetation: Desert related vegetation, including Joshua trees and Mojave Desert scrub.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

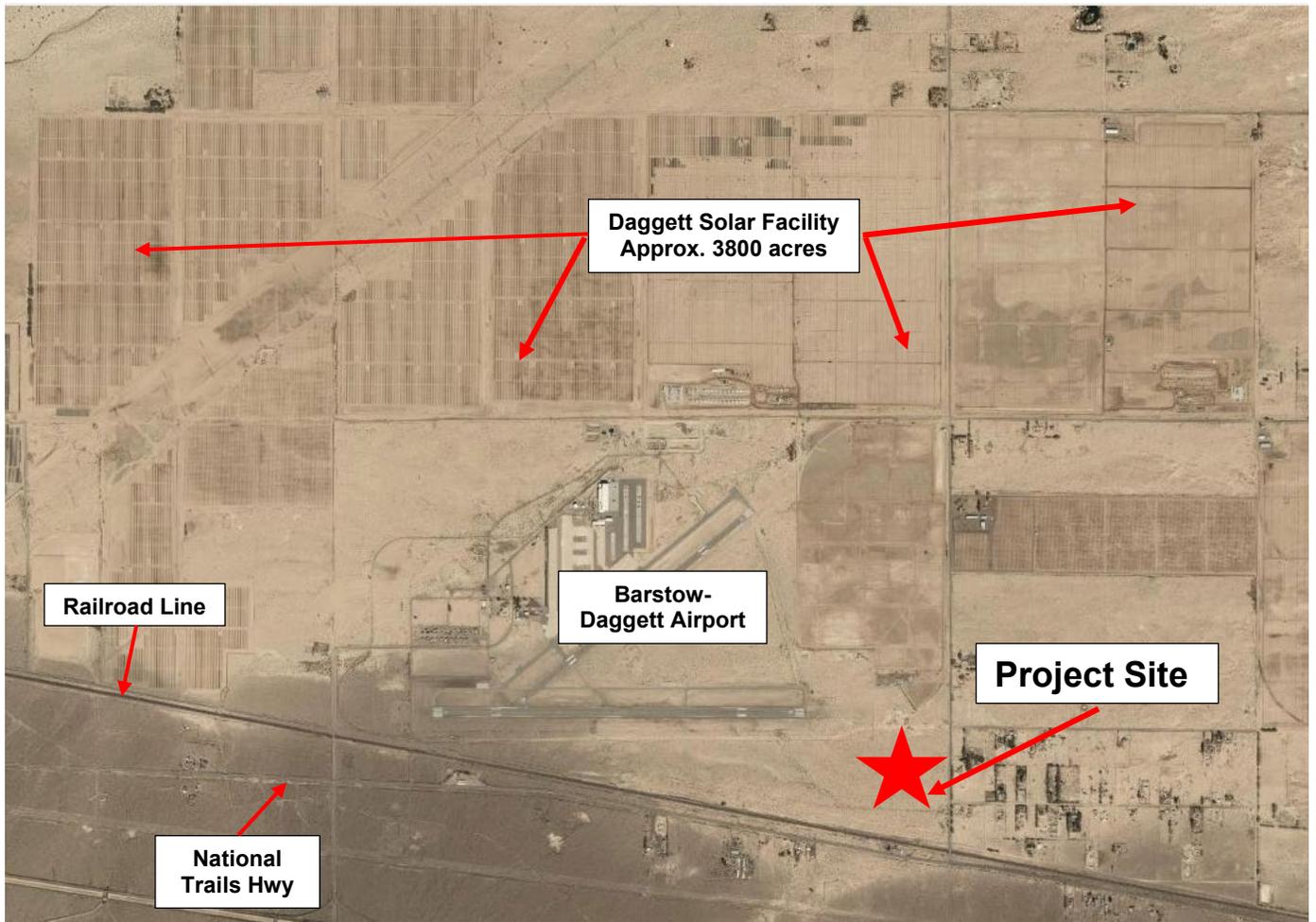
AREA	EXISTING LAND USE	POLICY PLAN CATEGORY	ZONING DISTRICT
SITE	Vacant	RL (Rural Living)	RL (Rural Living)
North	Vacant	PF (Public Fac.), RLM (Resource Land Mgmt.)	AG (Agricultural), IN (Institutional)
South	Vacant	RL (Rural Living)	RL (Rural Living)
East	Vacant	RL (Rural Living)	RL (Rural Living)
West	Vacant	RL (Rural Living)	RL (Rural Living)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Daggett Community Services District	N/A
Sewer Service:	N/A	N/A

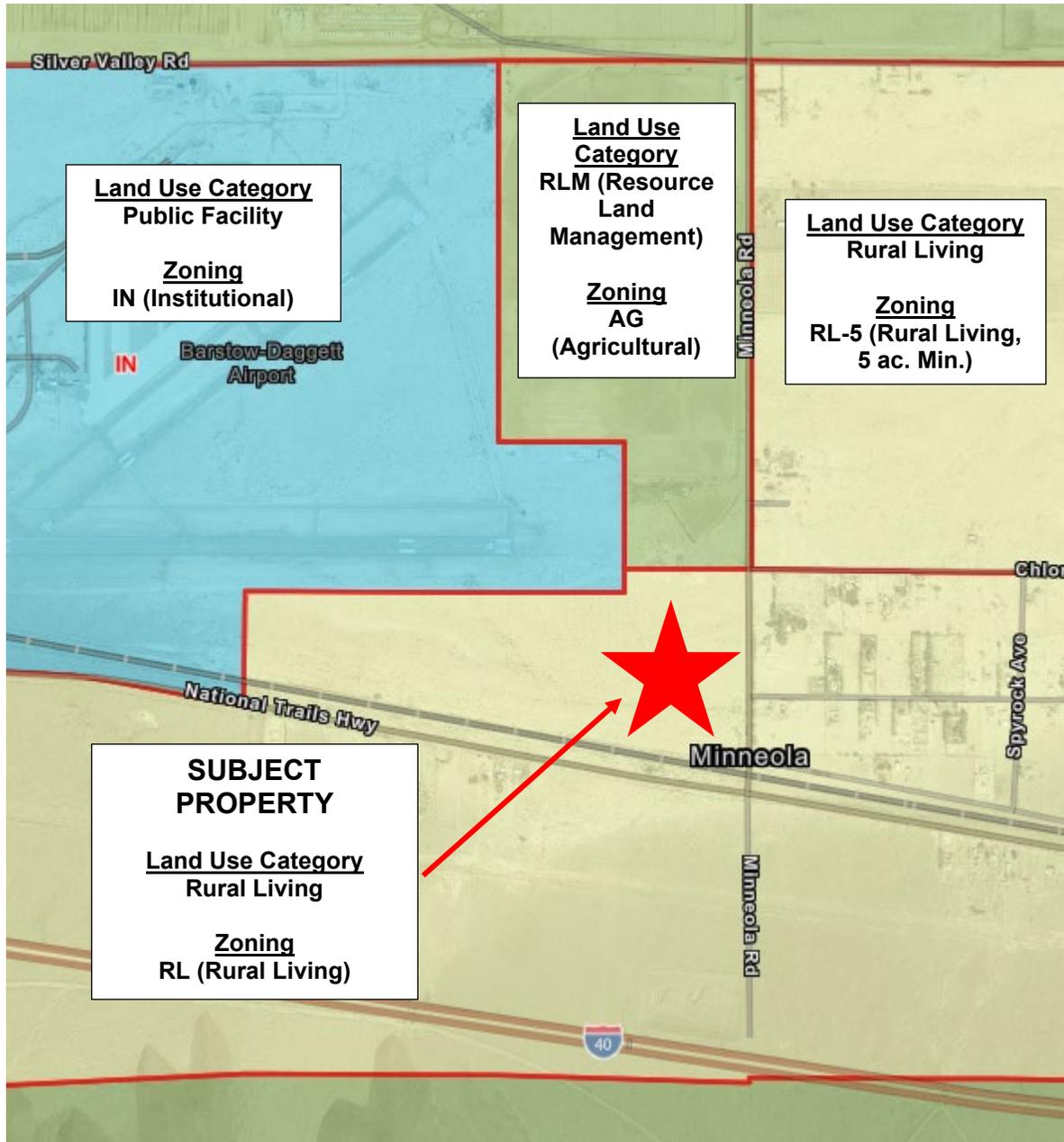
¹ In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the Findings contained in the Staff Report for the Conditional Use Permit and Tentative Parcel Map 20538; **APPROVE** the Conditional Use Permit and Tentative Parcel Map 20538, subject to the Conditions of Approval; and, **DIRECT** Staff to file and post a Notice of Determination.¹

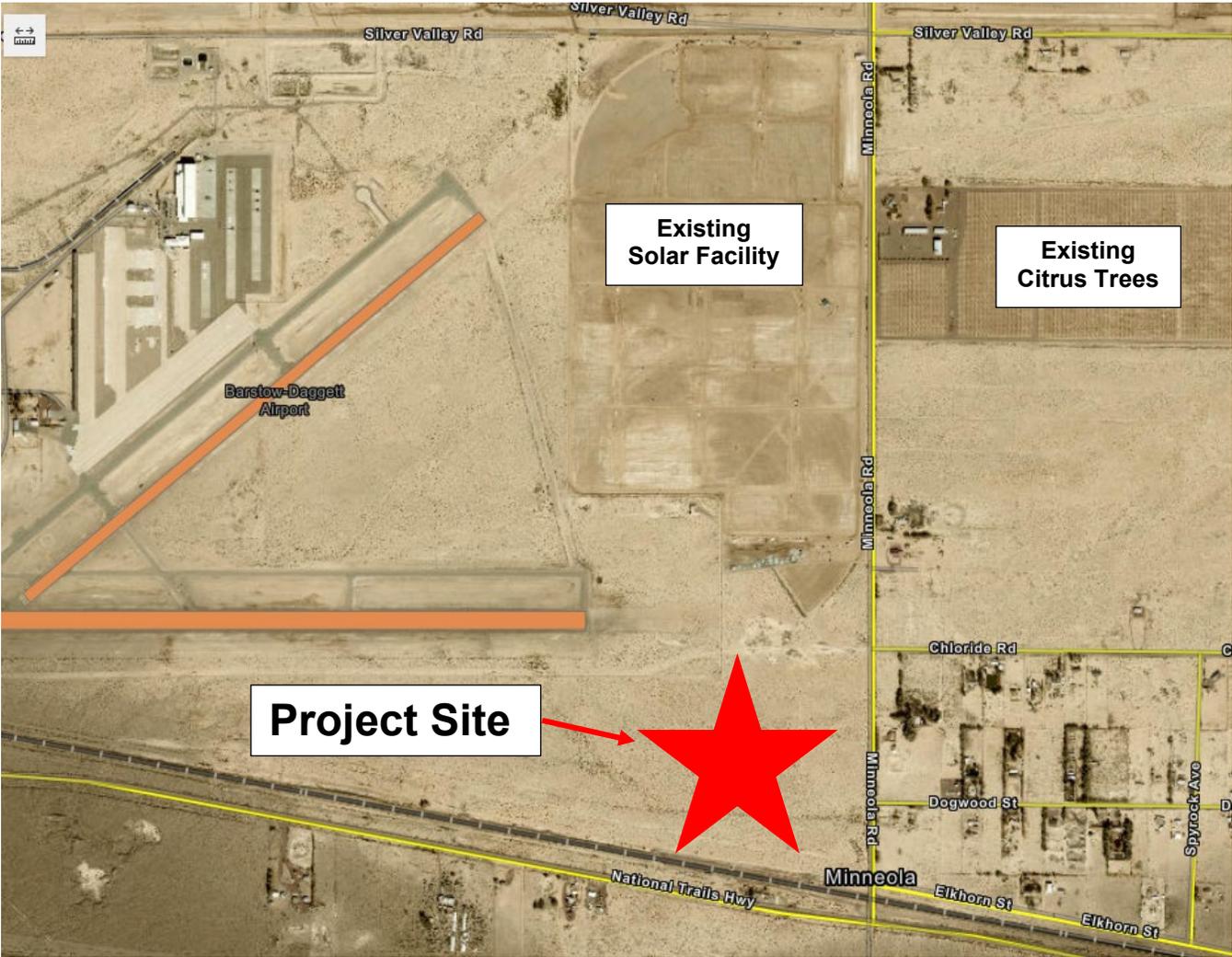
VICINITY MAP:
General Location and Aerial view of the Project Site



PROJECT SITE
GENERAL PLAN LAND USE: RL (Rural Living)
ZONING: RL (Rural Living)



AERIAL MAP:



SITE PHOTOS

View from the northeast corner of the property at Minneola Road and Chloride Road looking south (left side) and west (right side) across the property.



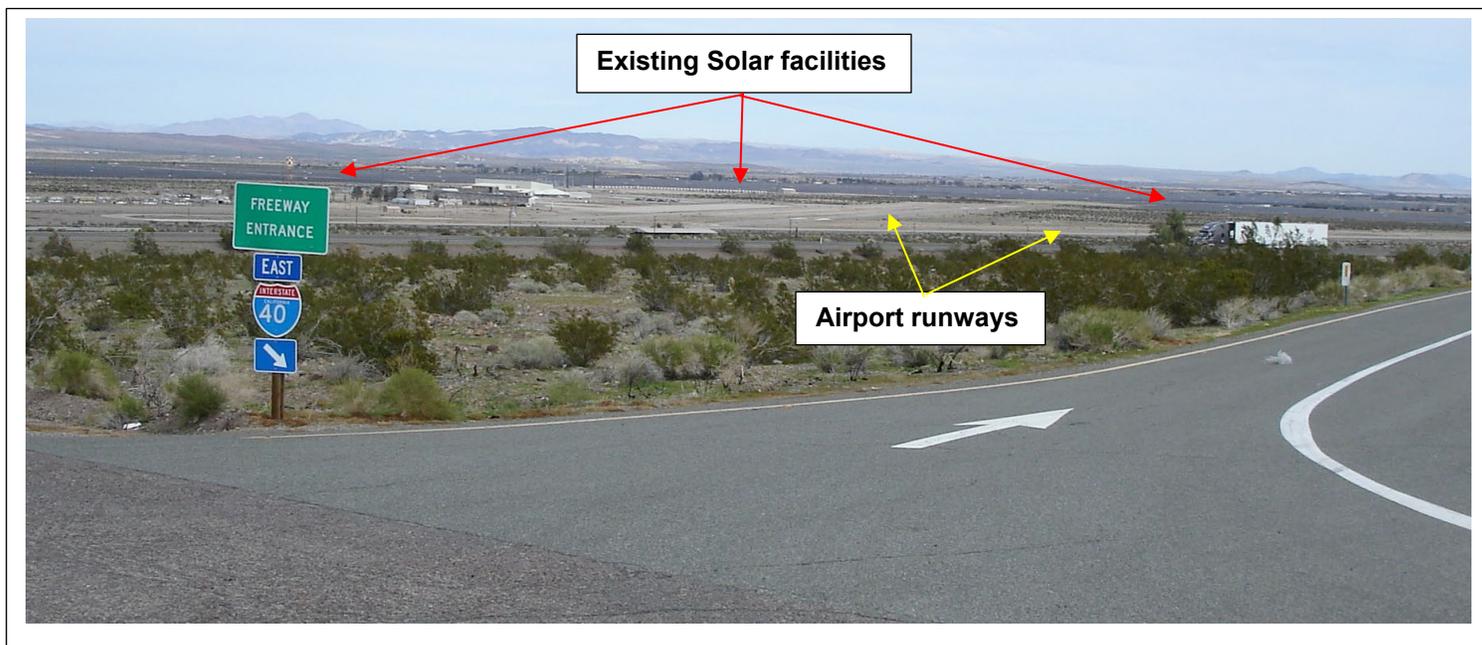
View from the southeast corner of the property at Minneola Road and Elkhorn Street looking west (left side) and northwest (right side).



View from the southeast corner of the property at Minneola Road and Elkhorn Street looking north (left side) and northeast (right side).



Off-site view of area around Barstow-Daggett Airport from Interstate 40 and Hidden Springs Road.



PROJECT DESCRIPTION:

The applicant is proposing Tentative Parcel Map No. 20538 to subdivide an existing vacant and unimproved parcel containing approximately 91.9 acres into two separate parcels. After street dedications, Parcel 1 will contain approximately 62.6 acres and Parcel 2 will contain approximately 27.2 acres. The applicant is also proposing a Conditional Use Permit to develop and operate a 3.0-megawatt Community-Oriented Solar Array Energy Facility with approximately 15,000 solar panels on Parcel 1. Parcel 2 will remain vacant and unimproved, and no land use is currently proposed. The Tentative Parcel Map and Conditional Use Permit are collectively referred to as the Project.

PROJECT ANALYSIS:

The proposed Project is a Community-Oriented solar array facility on approximately 27.2 acres. The Countywide Plan Renewable Energy and Conservation Element, updated in February 2019, provides for the following three (3) levels of solar facilities:

- Neighborhood-Oriented
 - ✓ Up to five acres in size.
 - ✓ Up to approximately 710 kW power generation.
 - ✓ Review process: Minor Use Permit.
 - ✓ Review Authority: Zoning Administrator
- Community-Oriented (**proposed Project type**):
 - ✓ Up to 60 acres in size.
 - ✓ Up to approximately 10 MW power generation.
 - ✓ Review process: Conditional Use Permit.
 - ✓ Review Authority: Planning Commission
- Utility-Oriented:
 - ✓ Over 60 acres in size.
 - ✓ More than 10 MW power generation.
 - ✓ Review process: Conditional Use Permit.
 - ✓ Review Authority: Planning Commission
 - ✓ Prohibited in Rural Living Districts throughout the County.

The Countywide Plan provides the following five siting policies to be considered in the allowance of renewable energy (RE) facilities within the Development Code Land Use Districts.

1. Condition of the underlying ground: Fundamentally, RE should be developed on substantially disturbed or degraded lands. Minor disturbances likely to recover to a high-quality natural condition in a short time should not be considered substantially disturbed.

Response: The applicant does not propose any grading of the property. The *Biological Assessment*, updated in January 2024, noted the “most prominent species are the non-native annual Mediterranean grass...and the nonnative weed redstem filaree... Nearly all annual plant cover is comprised of typical invasive weeds of non-native origin...” No sensitive species were identified during the biological field investigation. It was noted that habitat exists for Desert Tortoise and Desert Bighorn Sheep, but not Burrowing owl. Surveys are recommended prior to land disturbance and the installation of exclusionary fencing to prevent the entrance of wildlife.

2. Impact on the natural environment: Siting that may negatively impact critical habitats and species that are threatened or endangered will be given very careful scrutiny. Generally, RE and all other types of development will be expected to minimize and mitigate negative environmental impacts.

Response: The proposed solar field portion of the subject property is relatively small 27.2-acre area, and the overall 91.9-acre property is bounded by a railroad line to the south, a paved roadway to the east, and a solar facility and Barstow-Daggett Airport to the north. The recommended mitigation measures listed in the Initial Study provide for surveys prior to land disturbance.

3. Relationship to surrounding land uses: RE development should not substantially conflict with surrounding land uses, especially existing communities or residential areas where residents object to the visual character of RE projects.

Response: Responses to the Project Notice have focused on a concern about the amount of dust from surrounding development, which includes solar facilities immediately to the north and somewhat further to the northeast and northwest. The topography in the area is relatively flat, thereby substantially minimizing views of the relatively low-lying solar panels in the area.

4. Proximity to transmission and/or distribution infrastructure: Generally, the intent is to discourage siting that requires substantial new infrastructure, especially transmission lines.

Response: The point of connection to the existing electrical lines would occur at the southeast corner of the property. Electrical power poles exist along both sides of Minneola Road, thereby minimizing any substantial new infrastructure.

5. Contribution to the benefits of community-oriented RE: There is substantial growth nationally in CORE facilities development. The Element emphasizes CORE development, including the principles of energy reliability, consumer cost reduction, local production for local consumption, and locally appropriate services. Therefore, there are many conditions under which CORE facilities sited in or adjacent to communities may complement the collective needs of the community or neighborhood.

Response: The applicant has indicated the proposed Project will: Interconnect to an existing 12kv circuit to permit its local use, consistent with Southern California Edison policy; pay prevailing wages; support apprenticeship programs; and, target 40 percent of all work hours to the local workforce.

Community-Oriented Solar Program

The County of San Bernardino adopted its Renewable Energy and Conservation Element (RECE) for the County General Plan on August 8, 2017 (amended February 28, 2019). A community solar facility (up to 60 acres and no more than 10MW energy generation) is one that “provides electricity primarily for local off-site use” (Table 1, RECE). The proposed project must meet the criteria as outlined in the RECE Chapter III - *Community Oriented Renewable Energy* and provide evidence of acceptance into the Southern California Edison (SCE) Community Renewables Program, as noted in the information provided below.

SCE's Web Site provides the following synopsis of their community solar program:

How the Program Works

The Community Renewables program allows developers to work directly with customers to develop new renewable projects from 0.5 to 20.0 MW that are in SCE's service territory. The transaction structure of the Community Renewables program has three main components:

1. Customer Developer Agreement

Customers contract directly with a developer for a specific renewable project and subscribe to a portion of the project's output corresponding to all or a portion of the customer's energy needs. This contract is referred to as the Customer Developer Agreement (CDA), SCE is not a party to this contract and each CDA is bilaterally negotiated between the customer and the developer.

2. Power Purchase Agreement

If selected, developers sign a Renewable Auction Mechanism Renewable (RAM) **Power Purchase Agreement** (PPA) and Enhanced Community Renewables Rider with SCE (the CR-RAM PPA). The customers are not a party to the CR-RAM PPA, which is submitted and approved by the California Public Utilities Commission by advice letter and is not negotiable.

3. Customer Energy Statement Credit (a Bill Credit)

Eligible once customers are enrolled, they will receive a bill credit on their SCE energy statement. For more information regarding rates in effect, please review SCE's GTSR Schedules in **Advice Letter 4977-E** Bill credits are subject to change at any time, including after a customer enrolls.

Site Planning: As displayed in the Site Plan figure previously provided, the subject property is located south of the Barstow-Daggett Airport, north of the Burlington Northern and Santa Fe Railroad line and west of Minneola Road. That portion of the property proposed for the solar facility has been placed in the southeast corner of the property, just north of the Burlington Northern and Santa Fe Railroad line. Minneola Road, a paved, two-lane roadway, is the only paved roadway adjacent to the property and the primary access point for the proposed Project.

Airport Land Use Compatibility: The Project site is located within the Safety Review Area 3 of the Barstow-Daggett Airport. For purposes of land use compatibility, Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. However, two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces of the airport as shown in Figure 10 of the Barstow-Daggett Airport Comprehensive Land Use Plan. The Project site is not located beneath the approach surface of the runways or transitional surfaces areas. The Project's Initial Study concludes that the proposed use will not result in a safety hazard for people residing or working in the Project area or expose people to excessive noise levels given that the proposed use is for the installation of photovoltaic solar. Additionally, the Project has been conditioned to comply with Section 82.09.060 of the Development Code regarding development standards within an airport safety review area, including, but not limited to, compliance with noise standards, height limits, and conveyance of an aviation easement. The Project was evaluating as being consistent with the Barstow-Daggett Airport Comprehensive Land Use Plan and the Planning Commission will be augmented with two members of the Airport Land Use Commission in compliance with Section 12.4105(b) of the County Code. Exhibit E, Aviation Easement, is attached for reference.

Code Compliance Summary: The Project satisfies all applicable standards of the Development Code for development in the RC Zoning District as illustrated in Table 2 below.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Rural Living		Project Plans (Proposed)
Solar Facility	CUP		CUP
Glare	Preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way.		<ul style="list-style-type: none"> • Project is within a Residential District. • Only abuts a Residential parcel to the west. • The Residential District on the east side of the roadway is on large lots, averaging over two acres in size. • North and west side of the solar facility are within the existing parcel boundaries. • Project is separated by a roadway on the east, an airport to the north, and railroad tracks to the south. • Solar panels absorb light.
Building Setbacks	Front	25'	45'
	Street Side	25'	N/A
	Interior Side	15'	900'/480' (north/south sides, includes RR ROW)
	Rear	15'	1000' (west side)
Building Height	25' feet maximum		10' (8' high panels/10' high switchgear)
Drive Aisles	12'		20'
Night Lighting	Projects shall comply with Desert Lighting requirements		The Project will have a combination of shielded and motion-activated lighting.

California Environmental Quality Act Compliance

A draft Initial Study/draft Mitigated Negative Declaration was prepared by the applicant and reviewed by the County and distributed for public review. The document was distributed to the State Clearinghouse and posted on the State's CEQAnet, along with the mailing of the Notice of Availability/Notice of Intent to property owners within 700 feet of the property and others who requested notice. The materials were also posted on the County's Environmental Web Site. Public comments were requested during the statutory 30-day public review period from November 17, 2023, to December 18, 2023.

A summary of recommended mitigation measures intended to reduce the level of impact to less than significant are contained in the Initial Study/Draft Mitigated Negative Declaration and incorporated into the Project's Mitigation Monitoring and Reporting Program, included, but not limited to the following:

Biological Measures:

1. Pre-construction surveys must be conducted within fourteen (14) days prior but no greater than thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.
2. The use of invasive species, per the California Department of Agriculture list will not be allowed on this project, and the use of native species, such as creosote bush (*Larrea tridentata*) and white bur-sage (*Ambrosia dumosa*) will be maximized, to reduce environmental impacts and increase environmental benefits of the project.
3. No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.
4. Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.

5. If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be immediately notified.
6. This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications.

Cultural Measures:

1. Initial construction-related ground disturbances activities associated with the development of the Project be monitored by an archaeologist, if the resources cannot be avoided during construction.
2. The Project archaeologist, may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan.
3. In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition.
4. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

Tribal Measures:

1. If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.
2. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.
3. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI.
4. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b).

Standard Measures

Staff received a number of public responses to the distribution of the Project Notice and draft Mitigated Negative Declaration. The predominant number of comments expressed concern about air quality and dust/blowing sand that have been caused by other developments in the area, such as the existing solar facilities to the north of the subject property.

The mitigation measures listed above are examples of actions intended to reduce the specific effects of individual projects, such as this Project. However, various standard measures exist that apply to a broad range of actions and that also have the effect of reducing potential environmental effects for individual

projects. Included in these standard measures are actions adopted by the Mojave Desert Air Quality Management District, which include the following:

- Rule 401 Visible Emissions. This can relate to various activities, such as asphalt paving equipment.
- Rule 402 Nuisance. This can relate to odors, paint overspray, or other bothersome conditions that appear to be related to the operation of a business.
- Rule 403 Fugitive Dust Control. This relates to any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, such as during earth-moving activities. Standard measures identified by the District to minimize dust include the following:
 - ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
 - ✓ Limit size of staging area.
 - ✓ Limit vehicle speeds to 15 miles per hour.
 - ✓ Limit number and size of staging area entrances/exits.

Staff have spoken with the Mojave Desert AQMD about the public comments received and forwarded them to the District. The District indicated they investigate all concerns in addition to conducting annual inspections. Although concerns were raised about the potential for dust and blowing sand, compliance with the standard measures listed above, which are also listed in the proposed Conditions of Approval, would reduce this potential effect. In addition, the applicant does not propose any site grading. Although minimal dust would be generated by the proposed Project, submittal of a Dust Control Plan and screening along the east and south sides has also been recommended as a Condition of Approval.

Tribal Consultation:

Letters were mailed to the Colorado River Indian Tribes, Fort Mojave Indian Tribe, Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians requesting input on the proposed Project, consistent with the requirements of AB 52. Comments were received from the Morongo Band of Mission Indians, dated May 5, 2023, requesting additional documentation. Staff responded and no further contact was received. San Manuel Band of Mission Indians also requested additional document, which was provided on March 8, 2024. The Tribe responded on March 22, 2024, and requested the inclusion of specific mitigation measures, which either matched those that existed or added specific references to Tribal monitoring and their qualifications and a Monitoring and Treatment Plan.

No Recirculation of IS/MND Required

The Minneola Solar Project Initial Study/Mitigated Negative Declaration (IS/MND) posted to CEQAnet on November 17, 2023, inadvertently stated that the project is not located within an Airport Land Use Plan. However, the Project is located within the Barstow-Daggett Airport Comprehensive Land Use Plan (ACLUP). To address this inconsistency, an addendum has been prepared to reflect the findings of Capitol Airspace Group and the Federal Aviation Administration's determination of no hazard to air navigation as stated within the Aeronautical Study No. 2023-AWP-2257-OE dated April 10, 2023.

CEQA Guidelines Section 15073.5 (c) describes the conditions under which a Draft IS/MND that was circulated for public review is not required to be re-circulated under the following circumstances:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

2. New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Based on the responses in the addendum, no significant changes have been made to the information contained in the IS/MND as a result of the Barstow-Daggett ACLUP, and no significant new information has been added that would require recirculation of the document. The information provided in this addendum clarifies, amplifies, or makes minor modifications to the IS/MND, and this information does not constitute a new environmental impact or substantial new information. Based on the foregoing, recirculation of the IS/MND is not warranted.

Public Comments:

On June 1, 2023, Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A total of 24 comment letters were received with concerns primarily regarding dust generated during construction, as well as on-going dust resulting from the disturbed soils.

RECOMMENDATION: That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit A);
2. **ADOPT** the recommended Findings (Exhibit B) for approval of the Project, including the Tentative Parcel Map and Conditional Use Permit;
3. **APPROVE** Tentative Parcel Map No. 20538 to subdivide approximately 91.9 acres into two parcels and a Conditional Use Permit to construct and operate a 3-megawatt community-oriented solar array facility on approximately 27.2 acres, subject to the Conditions of Approval (Exhibit C); and
4. **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

- EXHIBIT A: Initial Study-MND, MMRP, and Addendum
- EXHIBIT B: Findings Conditional Use Permit and Tentative Parcel Map
- EXHIBIT C: Conditions of Approval
- EXHIBIT D: Site Plan-TPM
- EXHIBIT E: Avigation Easement

EXHIBIT A

Initial Study-MND, MMRP, and Addendum

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

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

PROJECT LABEL:

APN(s): 0521-051-08	USGS Minneola, CA
Applicant: BMT Minneola, LLC	Quad:
	Lat/Long: 34°50'48.89" -116°46'11.26"
	T, R,
	Section: S28 T9N R2E

Project No: PROJ-2022-00071	Community Newberry Springs
Staff: Jim Morrissey	Plan:
	LUZD: RL

Rep Elevated Entitlements, LLC

Proposal: Tentative Parcel Map (TPM) and Conditional Use Permit (CUP) to create a separate 27.2 acre (net) parcel from an existing 91.9-gross acre parcel to construct and operate a 3-megawatt community solar photovoltaic facility, northwest of the intersection of Minneola Road and Larch Street in the Newberry Springs area of San Bernardino County.

PROJECT CONTACT INFORMATION:

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

Contact person: Jim Morrissey, Planner

Phone No: 951-925-8455 **Fax** 909-387-3223

E-mail: jim.morrissey@lus.sbcounty.gov

PROJECT DESCRIPTION:

Summary

Request for a Conditional Use Permit (CUP) and Tentative Parcel Map No. 20538 to establish a community photovoltaic (PV) solar facility on a 27.2-acre (net) portion of a 91.9-gross acre site at the northwest corner of the intersection of Minneola Road and Larch Street in the community of Newberry Springs. The proposed Tentative Parcel Map would create one parcel of 62.6 net acres and a separate 27.2-net acre parcel for a proposed community solar project. The property is assigned the Assessor Parcel Number (APN) 052-105-108.

The proposed community solar project would have a capacity of 3 megawatts (MW) and would utilize approximately 7,000 crystalline photovoltaic modules, which would be mounted on single axis trackers, and use twelve (12) 250 kilowatt (kW) inverters. The number of modules and inverters is subject to change depending on the final design and equipment availability. The facility will interconnect with a 12kv distribution circuit that serves loads in the local area, rather than an interconnection to a transmission circuit that would primarily serve users outside of the region.

The project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages, supporting apprenticeship programs, and targeting 40% of all work hours to the local workforce.

Operation and Maintenance

The Project would be operated on an autonomous, unstaffed basis and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements will be minimal as the proposed Project's PV arrays will operate with limited moving parts. No full-time staffing would be required to operate the facility. However, six to eight employees are expected to visit the site approximately fifteen days per year for routine maintenance. Operational activities are limited to monitoring plant performance, preventative, and unscheduled maintenance. The Project will operate during daylight hours only. No heavy equipment will be used during routine Project operation. Operation and maintenance vehicles will include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site infrequently for equipment repair or replacement.

Any required maintenance will be scheduled to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event. Preventative maintenance kits and certain critical spare components will be stored at the Project site, while all other necessary maintenance components will be available at an offsite location. On an as-needed basis, Southern California Edison (SCE) will make necessary inspections, maintenance and improvements to their facilities that are on-site connecting the Project to the distribution grid.

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

Decommissioning

At the end of the Project's operational term, the applicant may determine that the site should be decommissioned and deconstructed, or it may seek a revision to its Conditional Use Permit (CUP), as applicable. When the solar arrays, panels, fencing, etc. are removed after the Project's lifetime, the land will be largely restored to its pre-project condition. The Project would utilize Best Management Practices (BMP) to ensure the collection and recycling of solar arrays, panels, fencing, etc. to the extent feasible.

All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed, and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding landscape. End uses would be consistent with the existing zoning.

Surrounding Land Uses and Setting

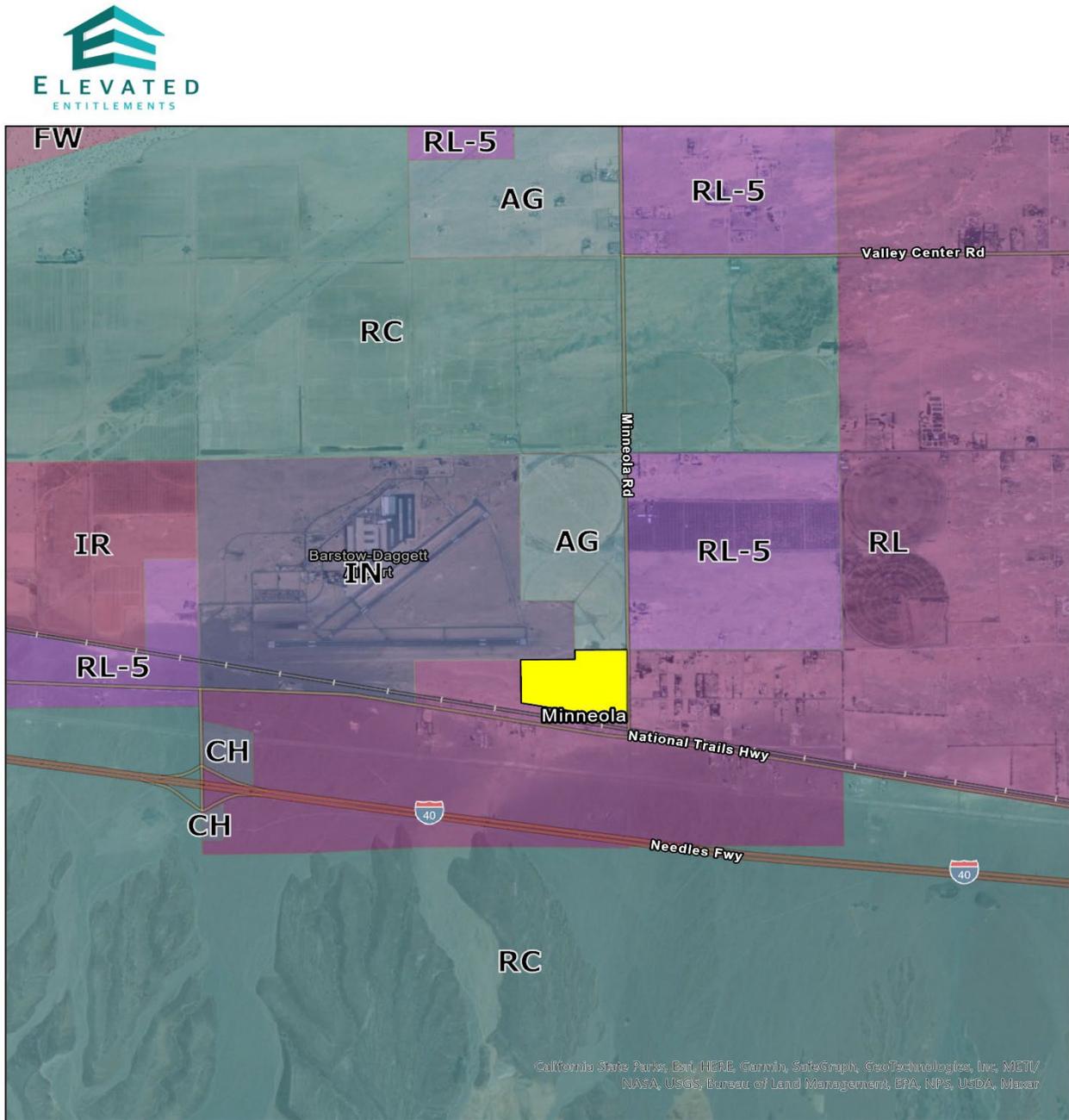
Land uses on the Project study area and surrounding parcels are governed by the San Bernardino Countywide Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned Rural Living (RL). The surrounding properties South, East and West share the same zoning designation (RL). While the two properties to the North are Institutional and Agriculture zoning

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Study Area	Vacant Land	Rural Living
North	Airport & Solar PV	Institutional & Agriculture
South	Vacant Land & Duplex	Rural Living
East	Single Family Residential	Rural Living
West	Vacant Land	Rural Living

Project Site, Existing Site Land Uses and Conditions

The Minneola Solar project is proposed to be sited on a portion of APN 052-105-108, adjacent to Minneola Road, in the County of San Bernardino California. The 91.9-gross acre parcel is zoned Rural Living (RL) per the County of San Bernardino Development Code. The 27.2-acre Project site is nearly flat with slopes of 1% with minimal native vegetation, and no known animal habitats, or historical features. There are no defined watercourses on the site.

Figure 1: Project Study Area – Land Use Designation



Legend

 Site

Author: Moe Farrag
Date: 09/23/2023

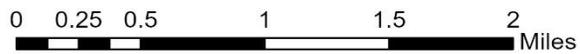
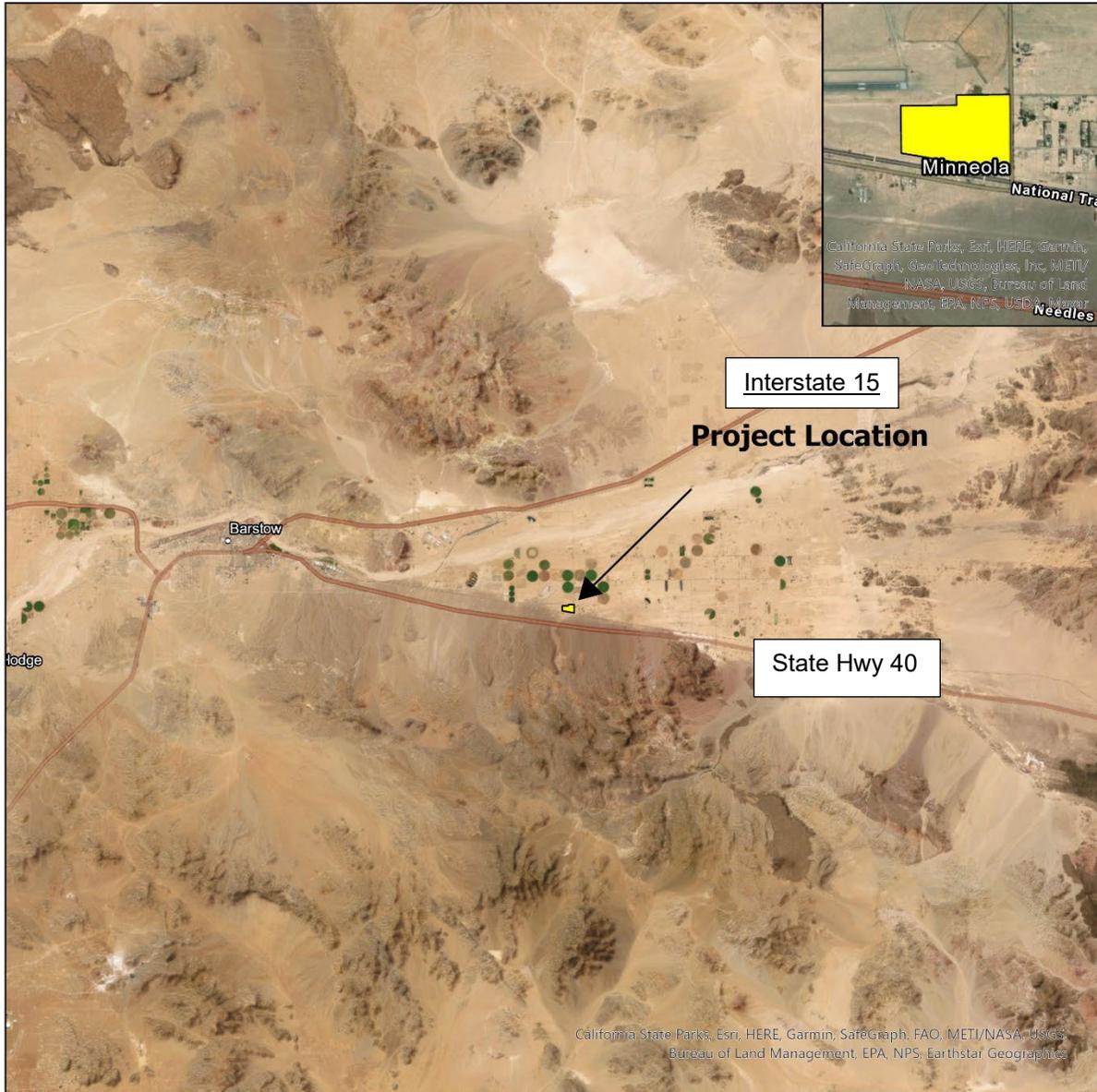


Figure 2: Project Study Area – Regional Location



Legend

 Site

Author: Moe Farrag
Date: 09/23/2023



Figure 3: Overview of land and vegetation



ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

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

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

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), and Twenty-Nine Palms Band of Mission Indians. Responses were received from San Manuel and Morongo. On May 26, 2023, the San Manuel Tribe indicated they wished to open consultation and once a Draft copy of the Cultural Resources study was provided to them responded on July 28, 2023, that they would review the report. On May 5, 2023, the Morongo Tribe indicated they wished to open consultation and requested certain documentation, that was provided on May 10, 2023. No further correspondence has been received. The applicant has also contacted the Tribes and based upon correspondence with them has recommended mitigation and monitoring measures that have been added to *Section V Cultural Resources* and *Section XVIII Tribal Cultural Resources* of this document.

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

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The format of this Initial Study is presented as follows. The Project is evaluated based on its potential effect on twenty (20) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the Project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the

Project on the factor and its elements. The effect of the Project is categorized into one of the following four categories of possible determinations:

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

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

Chris Warrick

Signature:(Chris Warrick, Supervising Planner)

November 1, 2023

Date

Jim Morrissey

Signature:(Jim Morrissey, Planner)

November 10, 2023

Date

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

SUBSTANTIATION: (Check if project is located within the view-shed of any Scenic Route listed in the General Plan): **San Bernardino Countywide Plan, 2020; Submitted Project Materials**

- a) **Less than Significant Impact.** The proposed Project is located within an area where most of the surrounding parcels are vacant and undeveloped. Barstow-Daggett Airport is at the northwest corner of the subject site. Given the nature and proposed height for each solar panel averaging eight feet, there would be minimal obstruction to the north and west from the surrounding parcels. The Project would have a less than significant impact.
- b) **No Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the Project site. Therefore, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **Less than Significant Impact.** The proposed Project would not substantially degrade the existing visual character of the site and its surroundings. The proposed Project includes eight foot tall solar panels, 10 foot tall switchgear, surrounded by a six foot tall chain link (topped with three strand barbed wire) security fence. The conditions of approval would include requirements for the development to comply with all County Development Codes and ordinances. The proposed Project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

- d) **Less than Significant Impact.** The Project proposes motion activated shielded lighting only on the electrical transformer pad. All proposed development must comply with San Bernardino County Code (SBCC) Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 “Glare and Outdoor Lighting – Desert Region”, which includes light trespass onto abutting residential properties, shielding, direction, and type. Additionally, solar projects would be required to comply with solar development standards as outlined in Chapter 8 3.07 Light Trespass, which requires all outdoor light fixtures to be shielded and installed in such a manner that the shielding does not permit light trespass in excess amounts to sensitive receptors. The Project site is not located near any sensitive receptors and the location of the electrical transformer pad where the motion activated light fixture is proposed is shielded away from existing residential uses along Minneola Road. Therefore, the impacts would be less than significant.

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

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

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- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

SUBSTANTIATION: (Check if project is located in the Important Farmlands Overlay):
San Bernardino Countywide Plan 2020; California Department of Conservation Farmland Mapping and Monitoring Program, and; Submitted Project Materials

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

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

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

SUBSTANTIATION: *(Discuss conformity with the South Coast Air Quality Management Plan, if applicable): Air Quality/Greenhouse Gas Study for Radiant BMT Solar, Elevated Entitlements, January 11, 2023; California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MDAQMD); San Bernardino Countywide Plan, 2020, and; Submitted Project Materials*

The Project site falls under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD) and is in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management Plan (MDAQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on existing and future air pollution emissions resulting from employment and residential growth projections. The AQMP was developed, in part, by using input from various agencies' General Plans and other projections for population and employment growth. Emissions with regional effects during Project construction, calculated using the California Emissions Estimator Model (CalEEMod); Version 2020.4.0, would not exceed criteria pollutant thresholds established by the MDAQMD.

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

Table 1: MDAQMD Air Quality Significance Thresholds & Project Maximum Daily Emissions – Temporary Construction and Operations						
Criteria Pollutants (lbs/day)	VOC¹	NO_x	CO	PM₁₀	PM_{2.5}	SO_x
Construction						
Construction Emissions	2.10	24.46	35.29	1.88	1.14	negligible
Operation						
Operation Emissions	0.107	9.0000	9.7800	3.0000	3.0000	0.00
		e-005	e-003	e-005	e-005	
MDAQMD Significance Thresholds	137	137	548	82	65	137
Exceeds Threshold	No	No	No	No	No	No
1. Volatile Organic Compound (also referred to as ROC or ROG) 2. Source: https://www.mdaqmd.ca.gov/home/showdocument?id=538						

- a) **Less than Significant Impact.** As shown in **Table 1**, emissions from construction and operation of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Based on this, the proposed Project would not be expected to conflict with or obstruct implementation of the AQMP. There would be no expected conflict or obstruction of any air quality plans. Most of the polluting emissions would be produced during the construction period where earthmovers, delivery trucks, and personal vehicles would be used during the construction phase. These emissions would be in the form of exhaust and dust.

The proposed Project is located within the MDAQMD which is non-attainment for ozone and PM₁₀. The MDAQMD has adopted federal attainment plans (1995 for PM₁₀ and 2004 for ozone) for these two pollutants. The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

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

As shown in **Table 1**, emissions from construction of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Specifically, the proposed Project would not exceed MDAQMD significance thresholds for ozone precursor pollutants, VOC and NO_x, as well as PM₁₀ and PM_{2.5} for which the MDAB is in non-attainment. Projects in the Basin with construction or operation related emissions that exceed any of their respective emission thresholds would be considered significant under MDAQMD guidelines. These thresholds, which MDAQMD developed and that apply throughout the Basin, apply as both Project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact. Since emissions do not exceed threshold standards, no cumulative impact analysis is warranted.

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

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

Operation and Maintenance: The Project would be operated as an autonomous, unstaffed facility, and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements would be minimal as the proposed Project’s PV arrays would operate with limited moving parts. No full-time staffing would be required to operate the facility. Operational activities are limited to monitoring facility performance and responding to facility needs for adjustments along with preventative and unscheduled maintenance. The Project would operate 24/7. No heavy equipment would be used during routine Project operation. Operation and maintenance vehicles would include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site infrequently for equipment repair or replacement. Any required maintenance would be scheduled to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event. The Project would produce a small amount of waste associated with maintenance activities. Solar PV project wastes typically include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid materials including typical household type refuse generated by workers. These materials would be collected and disposed of to the extent possible.

Decommissioning: At the end of the Project’s operational term, the applicant may determine that the site should be decommissioned and deconstructed, and/or revision to its Conditional Use Permit, as applicable. When the solar arrays, panels, and fencing are removed after the Project’s lifetime, the land would largely be restored to its pre-project condition. The Project would utilize best management practices (BMP) to ensure the collection and recycling of all components to the extent feasible. All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable Federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding landscape. End uses would be consistent with the existing zoning. The funding requirements for the implementation of the

decommissioning plan would be provided as a bond or other form of security acceptable to the County and estimated by the project proponent on a timeline reviewed and approved by the County.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database): **Biological Assessment for Minneola Solar Project, Elevated Entitlements, June 28, 2023; San Bernardino Countywide Plan, 2020; Submitted Project Materials;**

- a) **Less than Significant Impact with Mitigation Incorporated.** Development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas. Adhering to the San Bernardino Development Code 84.29.040, the Project Study Area will not affect any sensitive trees or shrubs. However, the proposed project is expected to impact no more than 27.2 acres of creosote scrub, a potential habitat for common desert wildlife and habitat for sensitive wildlife. Based upon the completion of a Biological Survey of the property, which included a visual survey and trapping sessions performed by W.O.W. Environmental Consultants, no species or habitat were found for Mojave Ground Squirrel and, thus, the Project would not have a significant impact upon this species. W.O.W. Environmental Consultants also conducted field surveys for Burrowing Owl (BUOW) and Desert Tortoise during the Spring of 2023. No BUOW were observed during the survey. The field results were negative for Desert Tortoise as well. Two burrows were observed during the field effort, but the burrows were absent of signs of Desert Tortoise. One burrow appeared to be inactive and the other appeared to be for Mojave Desert kit fox (*Vulpes macrotis arsipus*). Neither Desert Tortoise nor scat were observed during the survey effort.

The areas surrounding the project location predominantly consist of naturalized open desert. Other land uses within the vicinity include residential, agricultural and transportation uses. The nearest habitat or natural resource community are the Newberry Spring Mountain wilderness (Five Miles) and the National Mojave Preserve (25 Miles). No sensitive biological resources were observed during site visits.

Sensitive plant species were not observed during the site visit on April 16th, 2023. The current vegetation type contains suitable habitat for sensitive biological resources, however sensitive plant species Darlington's Blazing star (*Mentzelia puberula*) and Creamy Blazing star (*Mentzelia tridentata*) were not observed during the site visit. The proposed project is not expected to have impacts on any sensitive plants due to the absence of sensitive plants on site.

No sensitive wildlife species were observed within the Biological Survey Area (BSA) during the field visit. The Biological Study Area (BSA) contains suitable habitat for endangered and threatened species and, therefore, the impact area should be surveyed prior to any construction activities including staging of equipment and clearing and grubbing of vegetation. The proposed project is expected to impact no more than 27.2 acres of creosote scrub habitat for common desert wildlife and habitat for sensitive wildlife. However, impacts can be minimized with the proper use avoidance mitigation measures.

BIO-1: Avoidance and Minimization Efforts/Compensatory Mitigation

- A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.
- The Biologist must be invited to the pre-construction meeting, with one-week prior notice.

- When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.
- No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.
- If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be immediately notified. Work shall not resume until clearance is given by the Project Biologist.
- This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.
- All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.
- If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.

BIO-2: Avoidance and Minimization Efforts/Compensatory Mitigation

- Pre-construction surveys must be conducted between fourteen (14) and thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.
- Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.
- Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.
- Operators are to check under motorized equipment & vehicles that have been parked over night or stationary for some length of time before moving the vehicle.
- Check around material stacks & units that have been stored in the open before moving them.
- Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.
- If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.

- b) **No Impact.** This Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or United States Fish and Wildlife Service, because no such habitat has been identified or is known to exist on the Project site. There are no defined watercourses on the site. Therefore, no impacts would occur.
- c) **No Impact.** This Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or United States Fish and Wildlife Service, because no such habitat has been identified or is known to exist on the Project site. There are no defined watercourses on the site. Therefore, no impacts would occur.
- d) **No Impact.** Due to the absence of sensitive biological species as described in the biological reports prepared by W.O.W. Environmental Consultants the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the Project site. Therefore, no impacts would occur.
- e) **Less than Significant Impact.** The proposed Project will impact no more than 27.2 acres of creosote scrub. Upon implementation of the proper avoidance measures provided herein there will be minimal effects to sensitive biological and natural resources listed under the Endangered Species Act. Construction occurring outside of the paved roadway will only take place in areas previously disturbed and maintained by Caltrans. Based on literature review and survey results, it has been concluded that the proposed project will result in minimal to no effects to special status species, including state or federal endangered and/or state or federal threatened species. There will be no effects on any sensitive plant communities or designated critical habitat because of this project location. No resource agency permits are anticipated because of this project. Therefore, impacts would be less than significant.
- f) **No Impact.** This Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plans have been adopted around the Project site. Therefore, no impacts would occur.

Therefore, upon incorporation of Mitigation Measures BIO-1 and BIO-2 impacts would be reduced to less than significant.

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

SUBSTANTIATION: (Check if the project is located in the Cultural or Paleontological Resources overlays or cite results of cultural resource review): **Cultural Resources Assessment in Support of the Minneola Solar Project, June 26, 2023, BioCultural LLC; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; San Bernardino Countywide Plan, 2020; Submitted Project Materials**

a) **Less than Significant Impact.** BioCultural LLC conducted a cultural resource assessment of the 91.9-acre (APN 052-105-108) Project Study Area included research and review of relevant, historic maps, records search results from the South-Central Coastal Information Center (SCCIC), Sacred Land File (SLF) results from the Native American Heritage Commission (NAHC), and an intense pedestrian survey of the Project Study Area. The result of this assessment concluded that two previously recorded historical sites are located within the Project Area. The historical sites were found and updated. BioCultural LLC archaeologists recorded, evaluated, and provided recommendations for one large historic archaeological refuse scatter P-36-026512 (CA-SBR-16781H) and two new concentrations part of site P-36-010627 (CA-SBR-10627H) were recorded. No resources were collected. The historic archaeological refuse scatter site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether it constitutes eligible historical resources under CRHR as required under CEQA. Based on the surficial review of archaeological materials present, this site is recommended not eligible for CRHR under any criteria. Historic Concentrations 1 and 2 are part of site P-36-010627 (CA-SBR-10627H) which is already recommended eligible for CRHR under Status Code 3D. BioCultural LLC also concluded the concentrations part of site P-36-010627 (CA-SBR-10627H) are non-contributing components to the significance of the historic district and have lost any direct historic integrity. However, concentrations 1 and 2 do have integrity of association and setting as they are directly related to the Barstow-Daggett Airport Historic District. Should additional information be identified during subsurface excavation for the Project, such findings would require additional review and consideration for CRHR eligibility. Mitigation Measures have been recommended to reduce any potential disruption to cultural resources. According to the completed research there will be no historical loss at this site. Therefore, less than significant impacts would occur.

- b) **Less than Significant Impact with Mitigation.** The cultural resources assessment resulted in the identification of two previously recorded historic archaeological sites P-36-026512 (CA-SBR-16781H) and P-36-010627 (CA-SBR-10627H) within the Project Study Area during the CHRIS in-person records search at SCCIC. Both sites P-36-026512 (CASBR-16781H) and P-36-010627 (CA-SBR-10627H) were relocated during the pedestrian survey activities. Site P-36-026512 (CA-SBR-16781H) was found to extend to a large historical refuse scatter composed of five large continuing material concentrations from 1914 to Post-1945 lumped together as no clear gaps between materials were observed. The extended and updated site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether the site constitutes an historical site under CEQA. The archeological site lacks potential for significant subsurface deposits and was determined to retain no further research potential beyond recording its location and attributes, which has been completed. However, the potential to encounter buried cultural materials during the grading in the Project site is feasible. Site P-36-010627 (CA-SBR-10627H) was found to have new 1940's WWII perimeter fencing materials which were recorded as Concentration 1 and Concentration 2. Site P-36-010627 (CA-SBR-10627H) has been previously recommended eligible as a whole under Status Code 3D, but the newly recorded Concentration materials have non-contributing components to the significance of the historic district and have lost any direct historic integrity. Both Concentrations have integrity of association and setting as they are directly related to the Barstow-Daggett Airport Historic District.

BioCultural LLC recommends the following mitigation measures (**CUL-1-5**) to be adopted and implemented by the Project proponent and the lead agency to reduce any potential disruption to cultural resources.

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

Mitigation Measures:

CUL-1: Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.

CUL-2: Initial construction-related ground disturbances activities associated with the development of the Project shall be monitored by an archaeologist.

CUL-3: The Project archaeologist may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. Impacts to the resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified

within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).

CUL-4: In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

CUL-5: In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

Therefore, upon incorporation of Mitigation Measures CUL-1 through CUL-5 impacts would be reduced to less than significant.

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

SUBSTANTIATION: San Bernardino Countywide Plan 2020; Renewable Energy and Conservation Element of the General Plan 2020; California Energy Commission Title 24

- a) **Less than Significant Impact.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays per the County of San Bernardino. The proposed Project would rely on outside energy sources during construction in the form of diesel and gasoline.

Construction:

Grading	1.8 Gallons/hour	50 Hours	90 gallons of diesel
Pile Driver	2.0 Gallons/hour	100 hours	200 gallons of diesel
Total		150 hours	290 Gallons

Vendor Trucks	2,000 miles	9 MPG	223 Gallons of Diesel
Worker Vehicles	5,000 miles	18 MPG	278 Gallons of Gasoline
Total	7,000 miles	223 Diesel	278 Gasoline

Construction of the Project would result in fuel consumption from the use of construction tools and equipment, vendor and haul truck trips, and vehicle trips generated from construction workers traveling to and from the site. There are no unusual Project characteristics that would cause the use of construction equipment that would be less energy efficient compared with other similar construction sites within the County of San Bernardino. Therefore, construction-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the region, and impacts would be less than significant.

Operational Yearly Values:

Vendor Trucks	750 miles	9 MPG	84 Gallons of Diesel
Maintenance Worker Vehicles	4,500 miles	18 MPG	250 Gallons of Gasoline
Total	1,500 miles	84 Diesel	250 Gasoline

Site operation is minimal, calculations above include six maintenance workers visiting the site about 15 times a year averaging 50 miles roundtrip and water trucks visiting the site about 15 times a year averaging a 50-mile round trip. Therefore, operational-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other solar sites in the region, and impacts would be less than significant.

- b) **Less than Significant Impact.** The County of San Bernardino adopted a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan dated October 27, 2020. The proposed Project would be required to meet Title 24 Energy Efficiency requirements. Adherence would ensure that the Project would not conflict with or obstruct the recently adopted RECE or any other state or local plan for renewable energy or energy efficiency.

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

<i>Issue</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Geologic Hazards Overlay District): **San Bernardino Countywide Plan 2020, Hazards Policy Map: HZ-1 Earthquake Fault Zones, Map: HZ-2 Liquefaction and Landslides, Map: HZ-11 Wind Erosion Hazards; California Department of Conservation Earthquake Zones of Required Investigation Submitted Project Materials; California Building Code; Public Resources Code.**

- a) i) **Less than Significant Impact.** The Project site is not located within an official earthquake fault zone, based on the County of San Bernardino General Plan Hazards Policy Map, HZ-1 *Earthquake Fault Zones*, the Calico-Hidalgo fault zone is the closest to the site at 3.7 miles. However, all of Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact would be considered less than significant.
- ii) **Less than Significant Impact.** The subject property is within an area that is subject to severe ground shaking due to various faults in the region, as is most of Southern California. There would be a less than significant impact on the unmanned facility as no buildings are proposed. It is acknowledged that solar arrays could sustain damage from a moderate earthquake and would be replaced.
- iii) **No Impact.** According to desktop GIS analysis the Project site is not located in an area of high liquefaction susceptibility, based upon a review of the County's Hazard Mapping program, Parcels & Permits. However, compliance with California Building Code Seismic Design Standards, Chapter 16: *Structural Design* and the fact the facility is unmanned, would minimize potential effects, and assure no impact would occur due to liquefaction.
- iv) **No Impact.** The Project site is generally level and is not close to any hillsides, foothills or mountains that could have the potential to slide during a ground disturbing event such as an earthquake. Therefore, no impacts are identified or anticipated.
- b) **Less than Significant Impact.** The proposed Project is within a High Erodibility zone according to the County of San Bernardino General Plan Hazards Policy Map: HZ-11 *Wind Erosion Hazards*. Near surface sandy soils may be subject to water erosion. Drainage should be provided around the perimeter of all structures and all foundations to guide water away from support posts or transformers and toward streets or approved drainage devices to minimize water infiltrating into the underlying natural and engineered fill soils. During grading, water will be used for dust control and in effect aid in controlling wind erosion. Erosion control plans and grading plans would be required to be submitted, approved, and implemented for the proposed development. Therefore, a less than significant impact would occur.
- c) **Less than Significant Impact.** The Project is not located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off- site landslide, lateral spreading, subsidence, liquefaction, or collapse, based on the Project location and San Bernardino General Plan Hazards Policy Map, HZ-2 *Liquefaction and Landslides*. Therefore, a less than significant impact would occur.

- d) **Less than Significant Impact.** The Project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. According to the Natural Resources Conservation Service, the soils present are Cajon Sand 72.5%, Cajon Loamy Sand 3.4%, and Kimberlina Loamy Fine Sand 24.1%, which have a minimal amount of clay and would not be considered expansive. Therefore, a less than significant impact would occur.
- e) **No Impact.** As an unmanned facility no septic or alternative wastewater treatment systems are proposed. Therefore, no further study of onsite soils for this purpose is necessary and no impact would occur.

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

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

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

- a) **Less Than Significant Impact.** Construction of the Project would generate GHG emissions and maximum daily emissions as displayed in Table 2 below. The Project's construction emissions would be below the MDAQMD's daily GHG threshold of 548,000 lbs. Therefore, the project would generate GHG emissions that are less than significant.

Construction Activities: During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO₂, CH₄, and N₂O). Furthermore, Methane (CH₄) is emitted during the fueling of heavy equipment. Construction activities would be of a limited time duration.

Gas, Electricity, and Water Use: Natural gas use results in the emission of two GHGs: CH₄ (the major component of natural gas) and CO₂ (from the combustion of natural gas).

Electricity use can result in GHG production if the electricity is generated by combustion of fossil fuel. California's water conveyance system is energy intensive. Water-related electricity use is 48 terawatt hours per year and accounts for nearly 20 percent of California's total electricity consumption. Based upon the limited construction period and use of the site for a solar facility, gas, electricity, and water use would be minimal during its construction and operation.

Solid Waste Disposal: Solid waste generated by maintenance workers or project repairs would contribute to minimal GHG emissions during construction of the facility. During operation, the unmanned solar facility would require the disposal of minimal solid waste, if, for example, some solar panels needed to be replaced.

Motor Vehicle Use: During construction, transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels from automobile and truck trips. During operation, as an unmanned facility, these emissions would be minimal and only necessary during the cleaning, periodic repair work, or replacement of the panels.

Construction is estimated to start in 2024 and would take approximately three months to complete. Greenhouse gas (GHG) emissions resulting from the construction and operation of the Project were developed using the CalEEMod California Emissions Estimator Model. The applicant estimated the Project construction activities would occur over a three-month period, while the operational Project life is estimated at 30 years. The total Project related annual GHG emissions were determined to be 97.43 metric tons over 30 years, which would not exceed the adopted threshold of 3,000 metric tons carbon dioxide equivalent per year (MTCO₂e/yr), or 548,000 lbs/day. As shown in **Table 2** below the temporary construction activities for the Project would not exceed the MDAQMD thresholds. These Project GHG emissions are consistent with the County of San Bernardino's September 2021 Greenhouse Gas Reduction Plan and would present a less than significant impact for GHG emission.

Table 2: Greenhouse Gas (CO₂) lbs/day	
Project Construction Emissions	35,290
MDAQMD Threshold ¹	548,000
Exceeds Threshold	No
¹ Source: https://www.mdaqmd.ca.gov/home/showdocument?id=538	

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

- b) **No Impact.** A project’s incremental contribution to a cumulative Greenhouse Gas (GHG) effect is not cumulatively considerable if the Project complies with the requirements in a previously adopted plan or mitigation program. In 2021, the County adopted the GHG Emissions Reduction Plan, and in 2016, the County adopted the GHG Development Review Process (DRP). The GHG Emissions Reduction Plan qualifies as a plan for the reduction of GHG emissions pursuant to the State CEQA Guidelines, and the DRP is a guideline for the GHG Emissions Reduction Plan. The DRP identifies local GHG performance standards that need to be applied to the Project.

The proposed Project would be a net generator of clean, renewable energy that would reduce GHG emissions associated with generation of electricity from fossil fuels at other power plants. As a renewable energy generator, the proposed Project would be consistent with state goals in AB 32 and 2017 Scoping Plan for reducing GHG emissions from fossil fuel sources, as well as support meeting Renewable Portfolio Standard requirements. The proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. As an unmanned solar facility that would produce negligible emissions, the Project would be consistent with the GHG Emissions Reduction Plan, and no significant impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

the project area?

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: San Bernardino Countywide Plan, 2020, Hazards Policy Maps; San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, July 13, 2017; Submitted Project Materials

a) **Less than Significant Impact.** The construction phase of the Proposed Project may include the transport, storage, and short-term use of petroleum-based fuels, lubricants, and other similar materials. The transport of hazardous materials by truck is regulated by federal safety standards under the jurisdiction of the U.S. Department of Transportation. The oil contained in each transformer would be FR3 fluid, vegetable based, environmentally benign and does not require regular replacement. If needed, replacement would be accomplished by either transporting the entire transformer off-site or by transferring the FR3 fluid to a tanker truck for transport off-site. Oil disposal would be managed in accordance with the Department of Toxic Substances Control hazardous waste regulations.

The PV panels may include solid materials that are considered to be hazardous. Because such materials are in a solid and non-leachable state, broken PV panels would not be a source of pollution to stormwater.

Compliance with federal, state, and local closure requirements, the Project would have a less than significant impact on the public or the environment. A decommissioning plan when the facility reaches its end of life per San Bernardino County Development Code Section 84.29.070 *Decommissioning Requirements* would be required. Therefore, less than significant impacts would occur.

b) **Less than Significant Impact.** Replacement of the transformer oil is not a maintenance item and thus would only occur in the case of repair; in such an instance transformer oil will be properly disposed of and carefully removed. PV panels will be inspected during maintenance thus any damaged panels will be replaced quickly. Furthermore, the hazardous materials in the PV panels are solid and non-leachable. Thus, the Project would have a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The use and storage of all hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Therefore, less than significant impacts would occur.

c) **Less than Significant Impact.** The nearest schools are more than eight (8) miles to the east in the City of Adelanto. Emissions and handling of hazardous or acutely hazardous materials, or substances, would have a less than significant impact on any existing or proposed schools that are within a quarter mile from the Project site. Therefore, less than significant impacts would occur.

- d) **No Impact.** The Project site is not included on the San Bernardino County list of hazardous materials sites, compiled pursuant to Government Code 65962.5. Therefore, the Project would not create a significant hazard to the public or environment.
- e) **No Impact.** The proposed Project is within a mile of Barstow-Daggett Airport and approximately forty-two (42) miles east of the Southern California Logistics Airport. The Project site and is not located within an adopted Airport Land Use Plan or within two miles of a public use airport. However, the proposed Project would not result in a safety hazard for people residing or working in the Project area due to Solar Facilities generating no noise during operation. As a result, no impacts would occur.
- f) **No Impact.** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project will only have 6-8 personnel on site about 15 times per year. The Project is also located off an interior road and will not be adding any traffic to the area. Therefore, no impacts would occur.
- g) **No Impact.** The Project site is over 20 miles away from the nearest fire hazard area. Being an unmanned facility in a sparsely populated desert location, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, no impacts would occur.

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

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: *Preliminary Drainage Study, Minneola Solar Project, Merrell Johnson, June 2, 2023; San Bernardino Countywide Plan, 2020; Submitted Project Materials*

- a) **No Impact.** This is an unmanned facility with no requirement for water service or an on-site wastewater treatment system. As such, the Project would not violate any water quality standards or waste discharge requirements. Therefore, no impacts would occur.

- b) **No Impact.** The Project is not proposing onsite water usage. As such, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the Project is not proposing on site water usage. Any water used on site will be trucked in. Therefore, no impacts would occur.

- c) **Less than Significant Impact.** The proposed Project site is located within the high desert region of San Bernardino County and is on the southwest end of the expansive Mojave Desert. The nearby City of Adelanto adopted a Drainage Master Plan Update, prepared by So & Associates Engineers, Inc. in May of 2012. However, the Project site is located to the west of the study watershed limits and is not a part of the latest City's Master Plan update. Mapping and topography were developed from 2,000 scale (7.5 minute) USC&GS quadrangle maps of the entire tributary area to the project site.

A Preliminary Drainage Study was prepared utilizing Geographical Information System (GIS) level site topography along with a conceptual site layout as the basis of design. The Project site is not affected by United States Geological Survey (USGS) mapped blue line streams. The Project site is located in an undefined floodplain with an extensive tributary area. Since no on-site grading is proposed, the proposed Project would not increase the pre-development runoff flowrate. The proposed Project layout maintains the low flow of the main natural drainage course traversing the Project site unoccupied and obstructed. Based on the approved drainage study prepared by Merrell-Johnson the Project would not:

- i. Result in substantial erosion or siltation on- or off-site.
- ii. Increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite as the solar panels are elevated above the surface of the ground allowing movement of any run-off below.
- iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff.
- iv. Impede or redirect flood flows.

Therefore, less than significant impacts would occur.

- d) **No Impact.** Based on existing site conditions, and proposed Project activities, the Project would not substantially alter any existing drainage pattern of the site or area, which includes altering of the course of a stream or river, or creating a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on or off-site. Therefore, no impacts would occur.
- e) **No Impact.** No grading is proposed as part of Project activities, as such there would be little to no alteration in the natural drainage of flows on site. There would be adequate capacity in the dirt culvert to the south of the property, so that downstream properties are not negatively affected by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the Project. Since there will be no paving and no leaching of chemicals possible from panels or transformers, water quality would not be affected by the proposed site. Therefore, the proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. Therefore, no impacts would occur.

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

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

SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials

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

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

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

SUBSTANTIATION: (Check if project is located within the Mineral Resource Zone Overlay): **San Bernardino Countywide Plan, 2020, Policy Map NR-4 Mineral Resource Zones; Submitted Project Materials; California Department of Conservation: Mineral Land Classification Maps**

- a) **No Impact.** The Project site is not located within a Mineral Resources Zone within San Bernardino County, based upon a review of Policy Map NR-4 *Mineral Resource Zones* map. The closest mineral resources and/or mines are approximately five (5) to six (6) miles to the north and west, respectively and would not interfere with current mining operations. Therefore, no impacts would occur.

- b) **No Impact.** The Project site lies between five (5) and six (6) miles from any sites where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood of their presence exists. As such, the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIII. NOISE - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element): **San Bernardino Countywide Plan, 2020; Submitted Project Materials**

- a) **No Impact.** During construction the project will stay below 80 dBA withholding section 3.11 of the San Bernardino General Plan. The Project site consists of an unmanned community PV solar facility and would not generate ambient noise levels in the area that would violate the San Bernardino Development Code, or General Plan Noise Element. Therefore, no impacts would occur.
- b) **No Impact.** As an unmanned facility, the Project would not expose persons to or generate excessive ground borne vibration or ground borne noise levels. The Project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated, based upon the types of improvements proposed by the Project. Therefore, no impacts would occur.
- c) **No Impact.** The proposed Project is within a mile of Barstow-Daggett Airport, but not within an airport land use plan area. However, Photovoltaic solar and their equipment do not produce any noise or ground borne vibration.

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

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

SUBSTANTIATION: San Bernardino Countywide Plan, 2020; Submitted Project Materials.

- a) **Less than Significant Impact.** The Project would not induce population growth in an area either directly or indirectly. Construction of the project is not expected to exceed 3 months thus not requiring any extended housing for workers. As an unmanned photovoltaic solar facility, the Project is not expected to induce population growth or the development of new homes or roads.
- b) **No Impact.** The proposed Project would not displace any housing units, necessitating the construction of replacement housing, because the subject property is vacant, and no

housing units would be demolished because of this proposal. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials

- a) **Less than Significant Impact.** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, or the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire (Daggett Fire Station is approximately 9.4 miles to the west) and police protection (Barstow Sheriff’s Station approximately 14.5 miles to the west), schools, parks, or other public facilities. Since the facility is unmanned and has a short construction time there will be no impact on schools, parks, or other public facilities. The proposed Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this Project. Therefore, less than significant impacts would occur.

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

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

SUBSTANTIATION: San Bernardino Countywide Plan, 2020; Submitted Project Materials

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

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

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

- d) Result in inadequate emergency access?

SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials

- a) **Less than Significant Impact.** As an unmanned solar facility, the Project would not cause an increase in traffic. Local roads would only be impacted during temporary construction and maintenance activities occurring about 15 times per year. Therefore, impacts would be less than significant.
- b) **Less than Significant Impact.** As an unmanned solar facility, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b). The periodic maintenance activities would result in a negligible increase in vehicle miles traveled (VMT). Therefore, impacts would be less than significant.
- c) **No Impact.** The Project would not substantially increase hazards due to a design feature or incompatible uses, because the Project site is adjacent to an established road that would be accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the Project that would impact surrounding land uses. Therefore, no impacts would occur.
- d) **Less than Significant Impact.** The Project is designed to allow emergency vehicle access onto the site using a Knox box entry feature. Adequate ingress and egress points including turnaround areas, perimeter roads, and interior roads between panel rows, are of adequate width to meet County Fire Department requirements. Therefore, a less than significant impacts would occur.

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

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

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

(c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

SUBSTANTIATION: Cultural Resources Assessment in support of the Minneola Solar Project, Newberry Springs, BioCultural LLC June 2023; San Bernardino Countywide Plan, 2020; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make its best efforts to avoid, preserve, and protect tribal cultural resources. Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and Project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed project in the geographic area that is traditionally and through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), and Twenty-Nine Palms Band of Mission Indians. Response letters were received from SMBMI, and Morongo. The Letters from SMBMI and Morongo expressed concerns regarding the potential for inadvertent discovery of human remains and other archaeological/tribal cultural resources on-site, and proposed mitigation measures in the form of standard language which is included in *Sections V. Cultural Resources*, and *XVIII. Tribal Cultural Resources* of this document as well as the conditions of approval for the Project. Archaeological/tribal monitoring was also requested by both the San Manuel and Morongo tribes. The CRIT, FMIT, and Twenty-Nine Palms Band of Mission Indians did not respond to the County's consultation letters.

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

The Project site was surveyed on May 22, 2023. The previously recorded archaeological sites P-36-026512 (CA-SBR-16781H) and P-36-010627 (CA-SBR-10627H) were recorded. Site P-36-026512 (CA-SBR-16781H) was relocated and found to expand and be larger than previously recorded. Site P-36-010627 (CA-SBR-10627H) was recorded as two perimeter reinforced barbed wire with roll wire fencing concentrations (Concentration 1 and Concentration 2). Site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether they constitute historical resources under CEQA. The historical site was found not eligible for the CRHR under any criteria for listing on the CRHR. Site P-36-010627 (CA-SBR-10627H) is already eligible under Status Code 3D - eligible for National Register as a contributor to a National Register eligible district through survey evaluation. Archaeological monitoring shall be required for both archaeological sites in the initial construction-related ground disturbances activities. If any evidence of cultural resources is discovered, all work within the vicinity of the find shall stop until a qualified archaeological consultant can assess the find and make recommendations. Excavation of cultural resources shall not be attempted by Project personnel. The Project applicant shall consult with the Native American Heritage Commission (NAHC) to identify if any additional traditional cultural properties or other sacred sites are known to be in the area. The NAHC shall also refer the Project proponent to local tribes with particular knowledge of potential sensitivity. Archaeological/tribal monitoring was also requested by both the San Manuel and Morongo tribes. The Colorado River Indian Tribes, Fort Mojave Indian Tribe, and Twenty-Nine Palms Band of Mission Indians did not respond to the County's consultation letters.

- ii) **Less than Significant Impact with Mitigation Incorporated.** The Project proponent shall consider the significance of any possible resource to a California Native American tribe. With implementation of TCR-1 and 2 mitigation and monitoring requested by tribes with ancestral interest in the Project area, the impact would be reduced to a less than significant level.

Mitigation Measures

TCR-1: Treatment of Tribal Cultural Resources

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

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

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

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

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

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

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

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

Therefore, upon incorporation of Mitigation Measures TCR-1 and TCR-2 impacts would be reduced to less than significant

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

SUBSTANTIATION: County of San Bernardino Countywide Plan 2020; Submitted Project Materials

- a) **No Impact.** As an unmanned solar facility, the proposed Project does not propose the use of wastewater treatment, natural gas or telecommunications facilities. Storm water will not be affected by this site due to the lack of impermeable ground coverage. As an electrical generation facility, it would aid in reducing the demand for the current electrical facility. Therefore, no impacts would occur.
- b-c) **No Impact.** The proposed Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed Project is an unmanned solar facility with no water or wastewater facilities proposed. The Project would utilize water for dust control during construction as well as for washing the panels. However, the amount of water to be used shall have little to no impact on the water basin. Therefore, no impacts would occur.

- d) **No Impact.** The proposed Project is unmanned thus creating minimal solid waste. Any solid waste from construction or maintenance crews will be removed and properly disposed of off-site. Therefore, no impacts would occur.

- e) **Less than Significant Impact.** The Project developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176. A Construction Waste Management Plan would be prepared in two parts to demonstrate adequate handling of waste materials; disposal, reuse, or recycling as required by the County Department of Public Works Solid Waste Management Department. Therefore, impacts would be less than significant.

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

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

SUBSTANTIATION: County of San Bernardino Countywide Plan 2020, Hazards Policy Map HZ-5 Fire Hazard Severity Zones; Submitted Project Materials

- a) **No Impact.** The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. The Project does not block any road access or major roadways. During the operation, only 6-8 employees are expected to be on site roughly 15 times a year. In the case of an evacuation, roadways would not be disturbed or impacted due to solar facility employee evacuation numbers. Therefore, no impacts would occur.

- b) **Less than Significant Impact.** The proposed Project is within an area designated Moderate, on the Countywide Plan Policy Map HZ-5 *Fire Hazard Severity Zones*. The subject parcel is within a sparsely populated area of the desert surrounded by vacant land. Construction of the solar site and panels includes leveling, driving structural poles into the ground and connecting transformers to the system. These activities would not exacerbate the potential of wildfire. Implementation of the proposed Project would not cause a significant impact due to slope, prevailing winds, and other factors, exacerbate wildfire risks, thereby exposing Project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire. Therefore, less than significant impacts would occur.

- c) **Less than Significant Impact.** The proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities). As part of Project approval, road improvements including a 35-foot radius return grant of easement at the intersection of Minneola Road and Chloride Road. The Project will also include a 26-foot-wide access road within 40 feet of right-of-way, and designed to County standard 114b that ties into maintained paved public road. The Project is not expected to exacerbate fire risks that result as part of temporary construction or ongoing operations. Therefore, less than significant impacts would occur.
- d) **No Impact.** The proposed Project will not modify the drainage on the site and is surrounded by vacant land. Furthermore, there is a drainage culvert just south of the site which would collect any potential water. Thus, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts would occur.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | | |
|----|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) | Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

There are identified historic cans that will be conserved. However, there are no prehistoric resources identified on this site based on field surveys conducted by Biocultural in June 2023. No archaeological or paleontological resources have been identified in the Project area. Impacts to Cultural or Tribal Cultural Resources due to inadvertent discoveries during Project development would be reduced to a less than significant level with the implementation of mitigation measures recommended in the Cultural Resources (**CUL-1 through 5**), and Tribal Cultural Resources (**TCR-1, and TCR-2**).

b) **No Impact.** The Project does not have impacts that are individually limited, but cumulatively considerable. The proposed Project does not have individually significant or notable impacts that would result in cumulatively significant impacts. Projects in the area to which this Project could add cumulative impacts, have either been planned or would utilize existing infrastructure that is sufficient for all planned uses and would not cause significant environmental impacts that are not mitigated.

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

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

All Mitigation Measures:

BIO-1: Avoidance and Minimization Efforts/Compensatory Mitigation

- A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.
- The Biologist must be invited to the pre-construction meeting with one-week prior notice.
- The use of invasive species, per the California Department of Agriculture list will not be allowed on this project, and the use of native species, such as creosote bush (*Larrea tridentata*) and white bur-sage (*Ambrosia dumosa*) will be maximized, to reduce environmental impacts and increase environmental benefits of the project.
- When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.
- No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.
- If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be immediately notified. Work shall not resume until clearance is given by the Project Biologist.
- This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.
- All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.
- If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.

BIO-2: Avoidance and Minimization Efforts/Compensatory Mitigation

- Pre-construction surveys must be conducted within fourteen (14) days prior but no greater than thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.
- Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.
- Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.
- Operators are to check under motorized equipment & vehicles that have been parked over night or stationery for some length of time before moving the vehicle.
- Check around material stacks & units that have been stored in the open before moving them.

- Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.
- If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.

CUL-1: Initial construction-related ground disturbances activities associated with the development of the Project be monitored by an archaeologist, if the resources cannot be avoided during construction.

CUL-2: Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.

CUL-3: The Project archaeologist, may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. If the site is determined to be significant through the testing process, continued impacts to the site would be considered significant and possibly unavoidable thus requiring an Environmental Impact Report. Impacts to the significance resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).

CUL-4: In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

CUL-5: In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

TCR-1: Treatment of Tribal Cultural Resources

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

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

reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/preservation easements, etc.).

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

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

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

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

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

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

GENERAL REFERENCES

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

County of San Bernardino 2020 Development Code

County of San Bernardino Geologic Hazards Overlays

Map County of San Bernardino Hazard Overlay Map

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

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

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

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

County of San Bernardino Road Planning and Design Standards.

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

San Bernardino County General Plan, 2020.

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

San Bernardino County General Plan, 2020; Environmental Impact Report

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

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

PROJECT-SPECIFIC REFERENCES

Air Quality/Greenhouse Gas Study for Minneola Solar Project, Elevated Entitlements, May 30, 2023.

Archaeological Survey of Approximately 91.9 Acres of Land for the Proposed Minneola Solar Project, BioCultural LLC, June 26, 2023

Botanical Survey and Search for Sensitive Plants at Minneola Solar Project, W.O.W. Environmental Consultants, April 2023.

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

Hydrology Study for Minneola Solar, Merrell-Johnson, June 2, 2023.

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Minneola Solar Project

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Oliver Mujica, Contract Planner

MAY 2024

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Minneola Solar Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, utilities and service systems and wildfire.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<i>Biological Resources</i>				
<p>BIO-1: Pre-Construction Nesting Bird Survey.</p> <p>a) A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.</p> <p>b) The Biologist must be invited to the pre-construction meeting, with one-week prior notice.</p> <p>c) When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.</p> <p>d) No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.</p> <p>e) If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be</p>	<p>Prior to issuance of Land Disturbance or Grading Permit</p> <p>This measure shall be implemented prior to or during initiation of construction depending on the specifications of the measure.</p> <p>Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>immediately notified. Work shall not resume until clearance is given by the Project Biologist.</p> <p>f) This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.</p> <p>g) All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.</p> <p>h) If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.</p>				
<p>BIO-1: <u>Pre-Construction Biological Survey.</u></p> <p>a) Pre-construction surveys must be conducted between fourteen (14) and thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.</p> <p>b) Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.</p> <p>c) Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.</p> <p>d) Operators are to check under motorized equipment & vehicles that have been parked over night or</p>	<p>Prior to issuance of Land Disturbance or Grading Permit</p> <p>This measure shall be implemented prior to or during initiation of construction depending on the specifications of the measure.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
stationery for some length of time before moving the vehicle. e) Check around material stacks & units that have been stored in the open before moving them. f) Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so. g) If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.	Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.			
Cultural Resources				
CR-1: Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.	Prior to Issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor	County of San Bernardino	
CR-2: Initial construction-related ground disturbances activities associated with the development of the Project shall be monitored by an archaeologist.	Prior to Issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor	County of San Bernardino	
CR-3: The Project archaeologist may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a	Prior to Issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>description of how and where artifacts will be curated. Impacts to the resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).</p>				
<p>CR-4: In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).</p>	<p>During all Land Disturbance or Grading Activities</p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p>CR-5: In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the</p>	<p>During all Land Disturbance or Grading Activities</p> <p>This measure shall be implemented during construction and followed through until final disposition of such</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.</p>	<p>resources has been achieved.</p>			
<p><i>Tribal Cultural Resources</i></p>				
<p>TCR-1: Treatment of Tribal Cultural Resources: If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.</p> <p>Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis</p>	<p>Prior to issuance of Land Disturbance or Grading Permit</p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/ location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/ preservation easements, etc.).</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.</p>				
<p>TCR-2: Inadvertent Discoveries of Human Remains/ Funerary Objects:</p> <p>In the event that any human remains are discovered within the Project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains</p>	<p>During Construction</p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.</p> <p>Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>				



Elevated Entitlements
5716 Corsa Avenue Suite 201
Westlake Village, CA 91362

Date: May 02, 2024

Attention: Aron Liang – County of San Bernardino Land Use Development

Reference: Minneola Solar PROJ-2022-00071 – Errata Sheet

Inconsistency

The Minneola Solar Project (Project) Initial Study Mitigated Negative Declaration (ISMND) posted to CEQAnet on November 17, 2023, inadvertently stated that the project is not located within an Airport Land Use Plan. However, the Project is located within the Barstow-Daggett Airport Comprehensive Land Use Plan (ACLUP). To address this inconsistency, this addendum has been prepared to reflect the findings of Capitol Airspace Group and the Federal Aviation Administration's determination of no hazard to air navigation as stated within the Aeronautical Study No. 2023-AWP-2257-OE dated April 10, 2023.

Proposed Solution

The Minneola Solar Project site is located within Safety Review Area 3 of the Barstow-Daggett Airport as illustrated within the ACLUP. For purposes of land use compatibility, Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. However, two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces of the airport as shown in Figure 10 of the Barstow-Daggett Airport Comprehensive Land Use Plan. The Project site is not located beneath the approach surface of the runways or transitional surfaces areas. The Project's Initial Study concludes that the proposed use will not result in a safety hazard for people residing or working in the Project area or expose people to excessive noise levels given that the proposed use is for the installation of photovoltaic solar. Additionally, the Project has been conditioned to comply with Section 82.09.060 of the Development Code regarding development standards within an airport safety review area, including, but not limited to, compliance with noise standards, height limits, and conveyance of an aviation easement. The Project was evaluated as being consistent with the Barstow-Daggett Airport Comprehensive Land Use Plan and the Planning Commission will be augmented with two members of the Airport Land Use Commission in compliance with Section 12.4105(b) of the County Code.

Based on the findings of the Capitol Airspace Group and the Federal Aviation Administration's Study No. 2023 AWP-2257-OE, markings and lighting are not necessary for aviation safety. However, if markings/lighting are implemented on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M. This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective November 21, 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure. Per the memo from Capitol Airspace Group to County staff planner, Jim Morrissey on June 22, 2023, the project underwent the FAA aeronautical study process and was thus vetted by up to 10 different offices, both internal and external to the FAA. This aeronautical study included

Reference: Minneola Solar PROJ-2022-00071 – Errata Sheet

the Department of Defense (DoD) to assess any potential impacts to military airspace and military training routes in proximity to the Project. In April 2023, Radiant Minneola received favorable “Determinations of No Hazard” from the FAA citing that the Project does not exceed obstruction standards as defined by Title 14 of the Code of Federal Regulations and is not considered a hazard to air navigation.

Similar to the other utility-scale solar projects in the immediate vicinity of the Barstow-Daggett Airport, the Radiant Minneola Solar Project was not federally-required to conduct a glint and glare study in conjunction with filing the Project with the FAA. The FAA’s current position continues to be that off-airport solar energy systems present no greater glint and glare hazard to air traffic than other reflective sources such as bodies of water, glass façade buildings, and parking lots.

The San Bernardino County Planning Department Airport Comprehensive Land Use Plan outlines the Barstow-Daggett ACLUP as follows. Its purpose is fourfold:

1. To promote the development of compatible land uses in the area influenced by airport operations.
2. To safeguard the general welfare of the inhabitants within the vicinity of the airport by minimizing exposure to excessive noise levels.
3. To safeguard the general welfare of the inhabitants within the vicinity of the airport by minimizing exposure to crash hazards associated with aircraft operations.
4. To safeguard the general welfare of aviation activities within the vicinity of the airport by imposing appropriate height restrictions for the protection of aircraft operations.

Barstow-Daggett Airport is a publicly owned, public use airport that is classified in the National Plan of Integrated Airport Systems as a general aviation, general utility facility that accommodates virtually all general aviation aircraft with maximum gross takeoff weights of 12,500 pounds or less. The airport is bounded on all sides by vacant private land including the proposed Project site to the south of the airport.

The planning boundary for this ACLUP is the airport’s horizontal surface, as defined in the FAR Part 77 (Figure 7). The horizontal surface was selected because it provided an adequate review area, provided finite horizontal and vertical limits, and simplified review areas within the planning area boundaries. Within this planning area there are three San Bernardino County ALUC developed Safety Review Areas. The proposed Project falls within Safety Review Area 3. Safety Review Area 3, coterminous with the horizontal surface, provides protection to people, property and aircraft. The area is centered over the airport, extending outward in all directions from the primary surfaces. The perimeter is established by swinging a 5000-foot arc from the center of each end of the primary surfaces of each runway and connecting the adjacent arcs of lines tangent to those arcs. Within this safety review area are three airport imaginary surfaces - the transitional surfaces, the horizontal surface, and the approach surfaces. Safety Review Area 3 has the lowest exposure to aircraft operations and consequently, the lowest potential to be impacted by aviation related hazards.

The Land Use Compatibility Airport Safety Review Areas Table (Table 4) lists Utilities as Normally Acceptable in Safety Review Area 3. Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. The land use districts within this area are low density single family residential and agriculture. Two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces. Land use districts below the approach surfaces to runways 4, 8, 22 are institutional and low-density single family residential. Land use districts below the approach surface to runway 26 are low density single family residential, institutional and agriculture. Land use districts under the transitional surfaces are low density single family residential, institutional, and agriculture.

Reference: Minneola Solar PROJ-2022-00071 – Errata Sheet

Conclusion

The proposed Project being a Community Solar Facility will have no impacts per CEQA guidelines and will be in adherence with the Barstow-Dagget ACLUP. The height of the proposed solar panel array is on average eight (8) feet with a maximum height of twelve (12) feet, well below Area 3's thirty-five (35) foot threshold. Additionally, as discussed in the Noise section of the Minneola Solar Project ISMND, this Project will only generate temporary noise during construction. The noise generated during construction will not exceed the County of San Bernardino's General Plan Noise Ordinance. As such, the proposed Minneola Solar Project will have no impact on the Barstow-Dagget Airport Comprehensive Land Use Plan.

Overall, no significant changes have been made to the information contained in the IS/MND as a result of the ACLUP, and no significant new information has been added that would require recirculation of the document. Information provided in this addendum clarifies, amplifies, or makes minor modifications to the IS/MND and this information does not constitute a new environmental impact or substantial new information. As such, recirculation of the IS/MND is not required.

Sincerely,



Kevin Kohan
Principal Planner
Phone: 805-232-4383
Kevin@elvted.com

EXHIBIT B

**Findings Conditional
Use Permit and
Tentative Parcel Map**

FINDINGS: CONDITIONAL USE PERMIT – MINNEOLA SOLAR PROJECT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS: REIDO SOLAR PROJECT:

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

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

***Consistency.** The subject area is generally south of the Barstow-Daggett Airport. The solar portion of the subject property covers approximately 27.2 acres in the southeast corner of the 91.9 acre subject parcel that is relatively flat, sloping slightly upward to the west. The solar portion of the property is to be separated from the balance of the current parcel through a proposed tentative parcel map. The solar portion of the subject property is bordered by the Burlington Northern and Santa Fe Railroad Line to the south, Minneola Road to the east, and vacant land that is part of the remainder portion of the property to the north and west. The distance to the edge of the subject property to the north and west of the proposed solar area is approximately 900 feet and 1,000 feet, respectively.*

Some residences are located to the easterly side of Minneola Road on large parcels of 2.3 acres or larger. A few additional residences are located south of the railroad line and National Trails Highway, which parallels the rail line, but to further to the south. No residences exist to the north, where the airport runway and multiple solar fields are located. No residences exist to the west of the subject property. Residences along Minneola Road currently have trees along the east side of Minneola Road. As such, the Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The proposed solar panels can rise to a height of up to 8 feet from grade. Due to the location of the site and separation of larger residential areas, the potential effects of the panel height and use of the property as a solar field would not be significant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TENTATIVE PARCEL MAP FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS: Barstow-Daggett Airport Comprehensive Land Use Plan Consistency

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

FINDINGS: California Environmental Quality Act

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

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

EXHIBIT C

Conditions of Approval



Conditions of Approval

Record:	PROJ-2022-00071	System Date:	04/24/2024
Record Type:	Project Application	Primary APN:	0521051080000
Record Status:	In Review	Application Name:	CF - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - MINNEOLA SOLAR
Effective Date:		Expiration Date:	

Description: CONCURRENT FILING - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - SUBDIVISION INTO TWO PARCELS, SOLAR PLACEMENT

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

- 1 **Project Approval Description (CUP/MUP)** - Status: Outstanding
 This Tentative Parcel Map and Conditional Use Permit is conditionally approved to create two parcels, one of which will have a community-oriented solar facility, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- 2 **Project Location** - Status:Outstanding
 The Project site is located west of Minneola Road, south of the extension of Chloride Road, and north of the Burlington Northern and Santa Fe Railroad Line.

3 **Revisions** - Status:Outstanding

Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status:Outstanding

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 **Additional Permits** - Status:Outstanding

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 are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

6 **Expiration** - Status:Outstanding

This project permit approval shall expire and become void if it is not "exercised" within 36 months 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) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7 **Continous Effect/Revocation** - Status:Outstanding

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.

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8 **Extension of Time** - Status:Outstanding

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** - Status:Outstanding

The Project account number is PROJ-2022-00071. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 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 **Development Impact Fees** - Status:Outstanding

Additional fees may be required prior to the issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

11 **Performance Standards** - Status:Outstanding

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

Continous Maintenance - Status:Outstanding

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

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in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

12 **Clear Sight Triangle** - Status:Outstanding

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

13 **Lighting** - Status:Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

14 **Underground Utilities** - Status:Outstanding

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.

15 **Construction Hours** - Status:Outstanding

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.

16 **Construction Noise** - Status:Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - 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. - 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.

17 **Cultural Resources** - Status:Outstanding

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.

18 **GHG - Operational Standards** - Status:Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

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Public Health– Environmental Health Services

19 **Noise Levels** - Status:Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

20 **OWTS Maintenance** - Status:Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

21 **Refuse Storage and Disposal** - Status:Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner that minimizes environmental and public health nuisances. 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.

INFORMATIONAL

County Fire - Community Safety

22 **F01 Jurisdiction** - Status:Outstanding

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 applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

23 **F04 Fire Permit Expiration** - Status:Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized 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 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 permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

24 **F08 Fire Safety Overlay** - Status:Outstanding

The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

25 **F60 Solar Plans** - Status:Outstanding

Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

26 **F61 Solar Surface** - Status:Outstanding

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.

27 **F62 Solar Access** - Status:Outstanding

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

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approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels. Access Requirements. Perimeter roads shall be a minimum of 26 foot wide and interior access roads shall be a minimum 20 foot wide.

Land Use Services - Land Development

28 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

29 **Erosion Control Installation** - Status: Outstanding

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.

30 **Project Specific Conditions** - Status: Outstanding

FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C4600H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still 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.

31 **Project Specific Conditions** - Status: Outstanding

Grading Plans. Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. 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.

32 **Project Specific Conditions** - Status: Outstanding

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

33 **Project Specific Conditions** - Status: Outstanding

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.

34 **Project Specific Conditions** - Status: Outstanding

Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally effect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel.
<http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>

35 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning**36 Grading/Land Disturbance Condition - Status:Outstanding**

A Dust Control Plan shall be submitted and accepted by the County and Mojave Desert AQMD prior issuance of any construction related permits. The Plan shall include methods to stabilize and/or bind the soil as part of construction and operational activities, along with screening to reduce potential dust to the east and south consistent with Development Code Findings 84.29.035(22).

37 Air Quality - Status:Outstanding

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

38 Diesel Regulations - Status:Outstanding

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert 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. Mojave Desert 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.

39 GHG - Construction Standards - Status:Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate

APN: 0521051080000

Effective Date:

PROJ-2022-00071

Expiration Date:

all construction workers about the required waste reduction and the availability of recycling services.

40 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

41 Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices, including:

- Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever.
- Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing, and treatment options. This training must be completed by all workers and visitors (expected to be on-site for more than 2 days) prior to participating in or working in proximity to any ground-disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction.
- Develop a job-specific Job Hazard Analysis (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust and maintain and manage safety supplies identified by the JHA.
- Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators

42 Applicant shall provide a copy of the VFMP to the County for review and approval.

43 Applicant shall record and report attendance at Valley Fever training sessions. Signed documentation of successful completion of training to be kept on-site for the duration of construction.

Land Use Services - Building and Safety

44 **Geotechnical Report** - Status: Outstanding

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.

Land Use Services - Land Development

45 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that 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.

46 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage improvements shall be shown on the grading plans according to the approved final drainage study. 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.

47 **On-site Flows** - Status:Outstanding

On-site flows need to be directed to the nearest County maintained 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

48 **Vector Control Requirement** - Status:Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

Public Works - Surveyor

49 **Corner Records Required Before Grading** - Status: Outstanding

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 for the purposes of construction staking, establishing setback 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.

50 **Monument Disturbed by Grading** - Status:Outstanding

If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

51 **Mitigation Measures** - Status:Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

52 **Fencing**. Install an 8-foot steel tube fence slats along the easterly property boundary for screening of the structures.53 **Signs** - Status:Outstanding

All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

County Fire - Community Safety

54 **F02 Fire Fee** - Status:Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

Land Use Services - Building and Safety

55 **Avigation Easement** - Status:Outstanding

An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.

56 **Construction Plans** - Status:Outstanding

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.

57 **Temporary Use Permit** - Status:Outstanding

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.

Land Use Services - Land Development

58 **Encroachment Permits** - Status:Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

59 **Road Dedication/Improvements** - Status: Outstanding

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

Minneola Road (Major Highway - 104 feet):

- Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet, and a 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road.

- Driveway Approach. Design driveway approach per County Standard 129C (width = 24 feet min – 36 feet max) and located per County Standard 130.

Chloride Road (1/4th Section Line - 88 feet):

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

60 **Road Standards and Design** - Status:Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

61 **Transitional Improvements** - Status:Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

62 **Utilities** - Status:Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

63 **California Regional Water Quality Control Board Clearance** - Status: Outstanding

Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

64 **Demolition Inspection Required** - Status: Outstanding

All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

65 **Existing OWTS** - Status:Outstanding

Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

66 **Existing Wells** - Status:Outstanding

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, such as a well certification, shall be submitted to EHS for approval.

67 **Preliminary Acoustical Information** - Status: Outstanding

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 EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

68 **Sewage Disposal** - Status:Outstanding

Method of sewage disposal shall be sewer service provided by an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

69 **Sewer Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

70 **Water Purveyor** - Status:Outstanding

Water purveyor shall be Daggett CSD or EHS approved.

71 **Water Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water

connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

Public Works - Surveyor

72 **Corner Records Required Before Building** - Status: Outstanding

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 for the purposes of construction staking, establishing setback 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.

73 **Monument Disturbed by Building** - Status: Outstanding

If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO OCCUPANCY

Land Use Services - Planning

74 **Permit Required** - Status: Outstanding

Prior to Occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material and/or hazardous waste generator permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.

75 **Petroleum Product Storage** - Status: Outstanding

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 (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

76 **Fees Paid** - Status: Outstanding

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-2022-00071.

77 **Installation of Improvements** - Status: Outstanding

All required on-site improvements shall be installed per approved plans.

78 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

79 **Shield Lights** - Status:Outstanding

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).

80 **Condition Compliance** - Status:Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

81 **GHG - Installation/Implementation Standards** - Status: Outstanding

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 to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

- a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

County Fire - Hazardous Materials

82 **County Agency Condition** - Status:Outstanding

Prior to Occupancy, the County Hazardous Materials Section requires an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/>.

Land Use Services - Building and Safety

83 **Condition Compliance Release Form Sign-off** - Status:Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

84 **Drainage Improvements** - Status:Outstanding

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.

85 **LDD Requirements** - Status:Outstanding

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

86 **Road Improvements** - Status:Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

PRIOR TO RECORDATION

Land Use Services - Planning

87 **Mitigation Measures** - Status:Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to recordation.

88 **Subdivision - CDP/Planning Division** - Status:Outstanding

The following shall be delineated or noted on the CDP (Statements in quotations shall be verbatim):

89 **Subdivision - Composite Development Plan (CDP)** - Status: Outstanding

A Composite development plan ("CDP"), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.

90 **Subdivision - Funds** - Status:Outstanding

Sufficient funds shall remain in PROJ-2022-00071 to verify compliance with the conditions of approval for the Parcel Map.

County Fire - Community Safety

91 **F59 CDP** - Status:Outstanding

"CDP. The project applicant shall submit for review and approval a "Composite Development Plan" (CDP). The following statements shall be placed verbatim on the CDP. a) Fire Jurisdiction. This project is protected by the San Bernardino County Fire Department. Prior to building permits being issued on any parcel, the applicant shall comply with the adopted California Fire Code requirements and all other applicable codes, ordinances, and standards of San Bernardino County and local Fire Department standards. b) Fire Requirements. Individual lot owners shall be required to provide their own fire protection measures as determined and approved by the Fire Department prior to any building permit issuance. Fire protection measures may include Fire Department approval of Individual fire protection water systems (e.g. fire flow) for each lot, Automatic fire sprinklers for all structures, Surfacing of access roads and driveways.

Land Use Services - Building and Safety

92 **Composite Development Plan (CDP) Note Requirements** - Status: Outstanding

The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. 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 and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division. 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.

Land Use Services - Land Development

93 **Drainage Improvements** - Status:Outstanding

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. Certification letter shall be submitted to Land Development.

94 **Road Dedication/Improvements** - Status: Outstanding

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

Minneola Road (Major Highway - 104 feet):

- Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet.
 - Curb Returns. A 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road.
- Chloride Road (1/4th Section Line - 88 feet):

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

Public Health– Environmental Health Services

95 **New OWTS for Parcel Maps and Tracts** - Status: Outstanding

1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS."

Public Works - Surveyor

96 **Easements** - Status: Outstanding

Easements within the reminder portion of the map are to be dedicated by separate document.

97 **Easements of Record** - Status: Outstanding

Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

98 **Final Map Review** - Status: Outstanding

Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

99 **Final Map Signatures** - Status: Outstanding

Final Parcel map notarized signatures by the Owner (and Beneficiaries if applicable), County Auditor, Land Surveyor or Engineer of Record.

100 **Non-Interference Letter** - Status: Outstanding

Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

101 **Parcel Map Required** - Status: Outstanding

A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

102 **Title Report** - Status: Outstanding

A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

Land Use Services - Planning

103 **Occupancy Condition** - Status: Outstanding

Applicant/Developer shall provide documentation to the Planning Division that they are in the process of obtaining approval from Southern California Edison as part of their Community Renewables program to provide energy to the local area.

104 **On-going Condition** - Status: Outstanding

The Applicant/Developer shall obtain approval from Southern California Edison as part of their Community Renewables program prior to and/or during operation of the use, including executing a Customer Developer Agreement(s) and Power Purchase Agreement.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

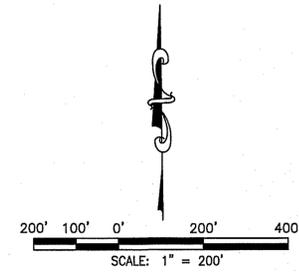
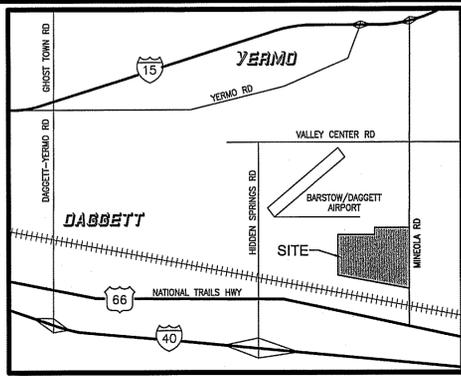
Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcounty.gov/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://dph.sbcounty.gov/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT 8

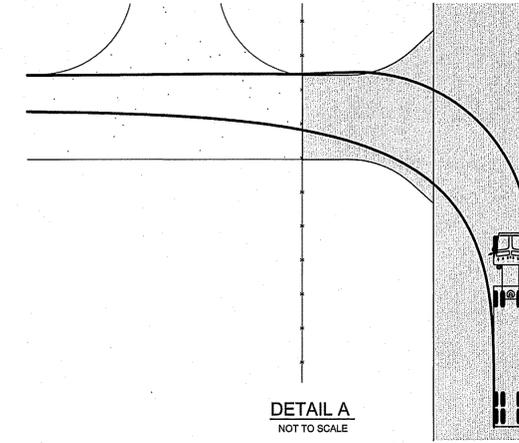
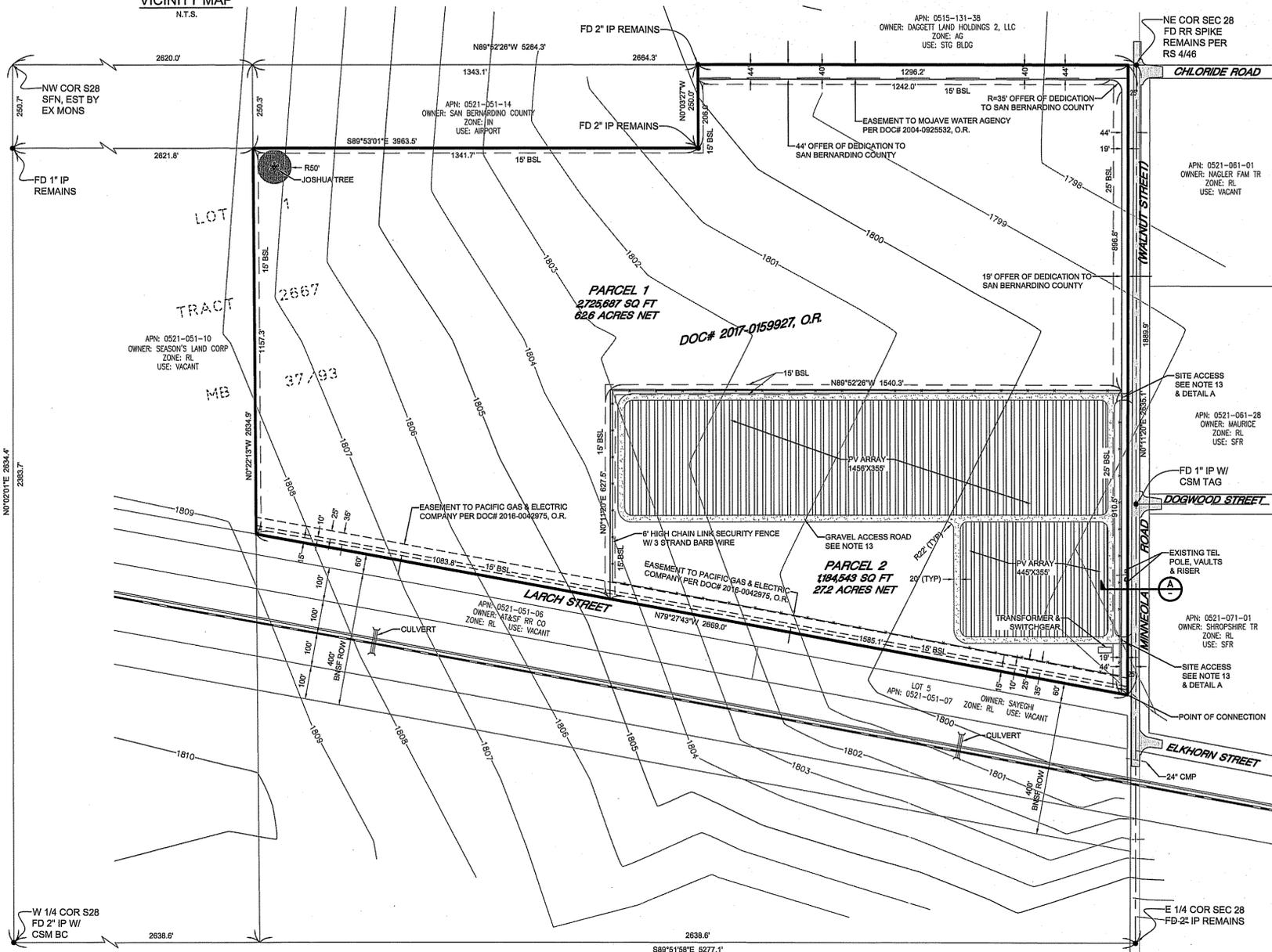
Site Plan- TPM

CONDITIONAL USE PERMIT

3.0MW PHOTOVOLTAIC SOLAR ELECTRIC GENERATING FACILITY



VICINITY MAP
N.T.S.



LEGEND

- INDICATES 6' HIGH CHAIN LINK FENCE W/ 3 STRAND BARB WIRE
- - - - - INDICATES BUILDING SETBACK LINE
- - - - - INDICATES EASEMENTS AS SHOWN
- INDICATES PROPERTY LINE

UTILITIES:

ELECTRIC: EDISON INTERNATIONAL
30553 RIMROCK ROAD
BARSTOW, CALIFORNIA 92311
(760) 252-6451

GAS: SOUTHWEST GAS CORP.
751 E. MAIN STREET
BARSTOW, CALIFORNIA 92311
(760) 256-3571

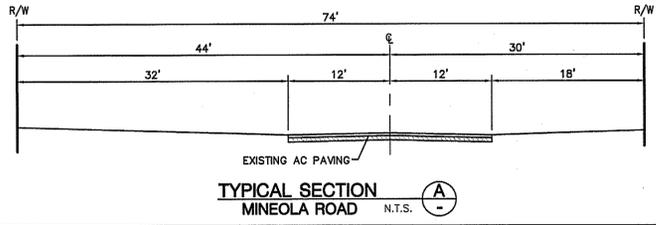
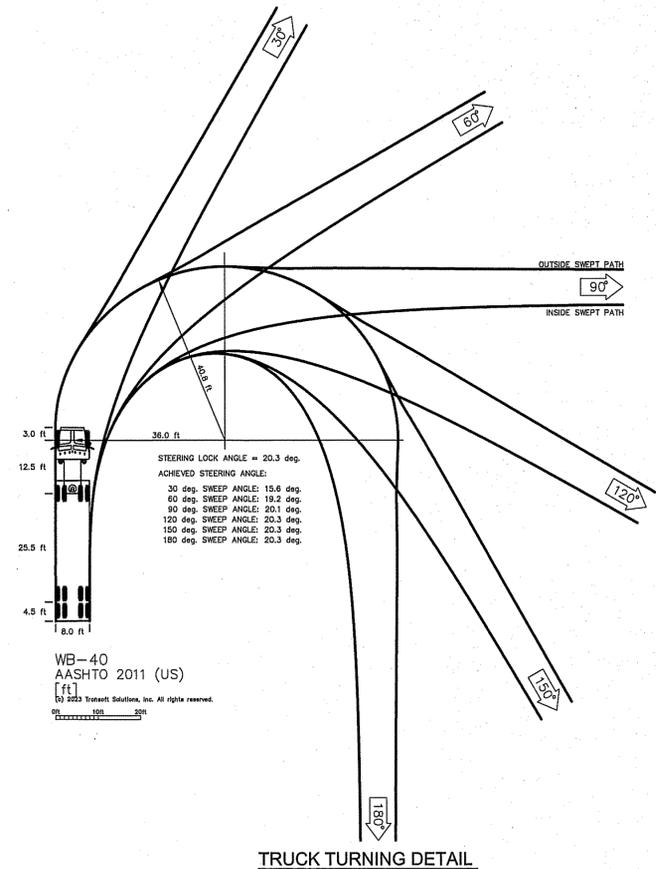
WATER: WELL

SEWER: SEPTIC

TELEPHONE: FRONTIER COMMUNICATIONS
(877) 235-2894

PROJECT SCOPE:

1. THERE ARE 91.9 ACRES TO THIS LAND DIVISION.
2. THERE ARE 2 PARCELS TO THIS PARCEL MAP.
PARCEL 1: VACANT (67.4 ACRES)
PARCEL 2: SOLAR (24.5 ACRES)
3. EXISTING ZONING: RL (RURAL LIVING)
PROPOSED ZONING: RL (RURAL LIVING)
4. THERE ARE NO NEW STREETS ON THIS PARCEL MAP.
5. THE AVERAGE SLOPE OF ALL FEASIBLE ACCESS ROUTES AND BUILDING SITES DOES NOT EXCEED (10%).
6. THERE ARE NO WATER COURSES TRAVERSING THE PROPERTY.
7. THERE ARE NO PROTECTED OR ENDANGERED TREES EXISTING ON THIS SITE OTHER THAN SHOWN.
8. TRANSFORMER WILL REST ON A CONCRETE PAD AND IS APPROXIMATELY 7' TALL, 7' WIDE, AND 6" DEEP
9. SWITCHGEAR STRUCTURE IS 10' TALL, 20' WIDE, 14" DEEP
10. THERE WILL BE NO BATTERY STORAGE BUILDINGS.
11. NO EMPLOYEES ON SITE EXCEPT PERIODIC MAINTENANCE (2-4 TIMES PER YEAR)
12. INTERIOR ROAD SEPARATING ARRAY WILL BE 20 FT IN WIDTH AND COMPOSED OF 4" COARSE AGGREGATE BASE OR OTHER COMPOSITION AS DETERMINED BY THE ENGINEER OF RECORD. ROWS BETWEEN INDIVIDUAL PANELS TO BE 14" WIDE AND WILL BE COMPACTED NATIVE SOIL.
13. A 20' LOCKED DOUBLE SWING GATE TO BE AT SITE ACCESS POINT. DRIVEWAYS PER 2010 CALTRANS STD DETAIL A87A & LOCATED PER COUNTY STD 150. TRUCK TURN DETAIL PER AASHTO 2011 STD WB-40.
14. NO DUSK-DOWN LIGHTING IS PLANNED. HOWEVER, FOR SECURITY PURPOSES, MOTION-ACTIVATED FLOOD LIGHTS AIMED INWARD TO THE PROJECT WILL BE UTILIZED ADJACENT TO THE TRANSFORMER AND SWITCHGEAR.



LEGAL DESCRIPTION:
ALL OF LOT 1 OF TRACT NO. 2667, EXCEPTING THE WEST 2620 FEET AS MEASURED ALONG THE NORTH LINE OF SAID LOT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGE 93 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
ALSO EXCEPTING THAT PORTION THEREOF CONDEMNED BY THE COUNTY OF SAN BERNARDINO FOR AN AIRPORT, DESCRIBED AS FOLLOWS:
THE NORTH 250 FEET OF THE NORTHWEST QUARTER AND THE NORTH 250 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE GOVERNMENT TOWNSHIP PLAT THEREOF.
ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN OIL, GAS AND ALL MINERAL RIGHTS, AS RESERVED IN A DEED FROM FEDERICK P. HAUSER AND RODMAN WILDE HAUSER TO CECIL C. COOPER AND BESSIE B. COOPER RECORDED JUNE 15, 1958, IN BOOK 2245, PAGE 340, OF OFFICIAL RECORDS.

BENCHMARK
USC&GS BENCHMARK "N 727' 1944, BRASS DISK SET IN CONCRETE MONUMENT LOCATED 4.6 MILES WEST ALONG THE ATCHISON, TOPEKA AND SANTA FE RAILWAY FROM THE CROSSING OF MT. VIEW ROAD AT NEWBERRY, 3 FEET WEST-SOUTHWEST OF THE 21ST POLE EAST OF MILEPOST 731, 0.5 MILE EAST OF THE CROSSING OF MINEOLA ROAD, 39.7 FEET SOUTH OF THE SOUTH RAIL OF THE SOUTH TRACK, 88 FEET NORTH OF THE CENTER LINE OF NATIONAL TRAILS HIGHWAY, 2.0 FEET NORTH OF A WITNESS POST, ABOUT 3 FEET LOWER THAN THE TRACK, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.6 FOOT ABOVE THE GROUND. SEC. 27, T9N, R2E NAVD83 ELEV=1903.08

BASIS OF BEARINGS
TAKEN FROM THE EAST LINE OF THE NE 1/4 OF SECTION 28, T9N, R2E, SBM, AS SHOWN ON TRACT 2667, SBM 37, 93
BEING: N0°11'20"E



MERRELL JOHNSON
MERRELL JOHNSON ENGINEERING, INC.
22221 U.S. HIGHWAY 18, APPLE VALLEY, CA 92307
760 240 8000 | MERRELLJOHNSON.COM

CONDITIONAL USE PERMIT SITE PLAN
APN 0521-051-08
DAGGETT, CALIFORNIA
FOR:
REIDO FARMS, LLC

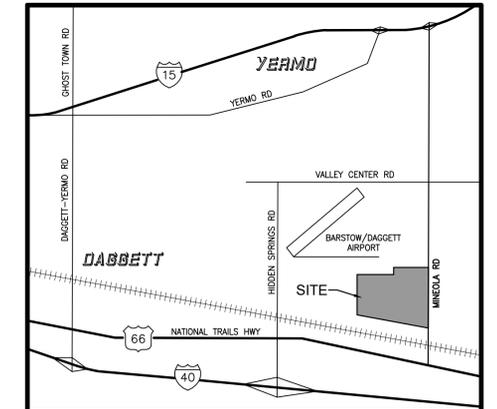
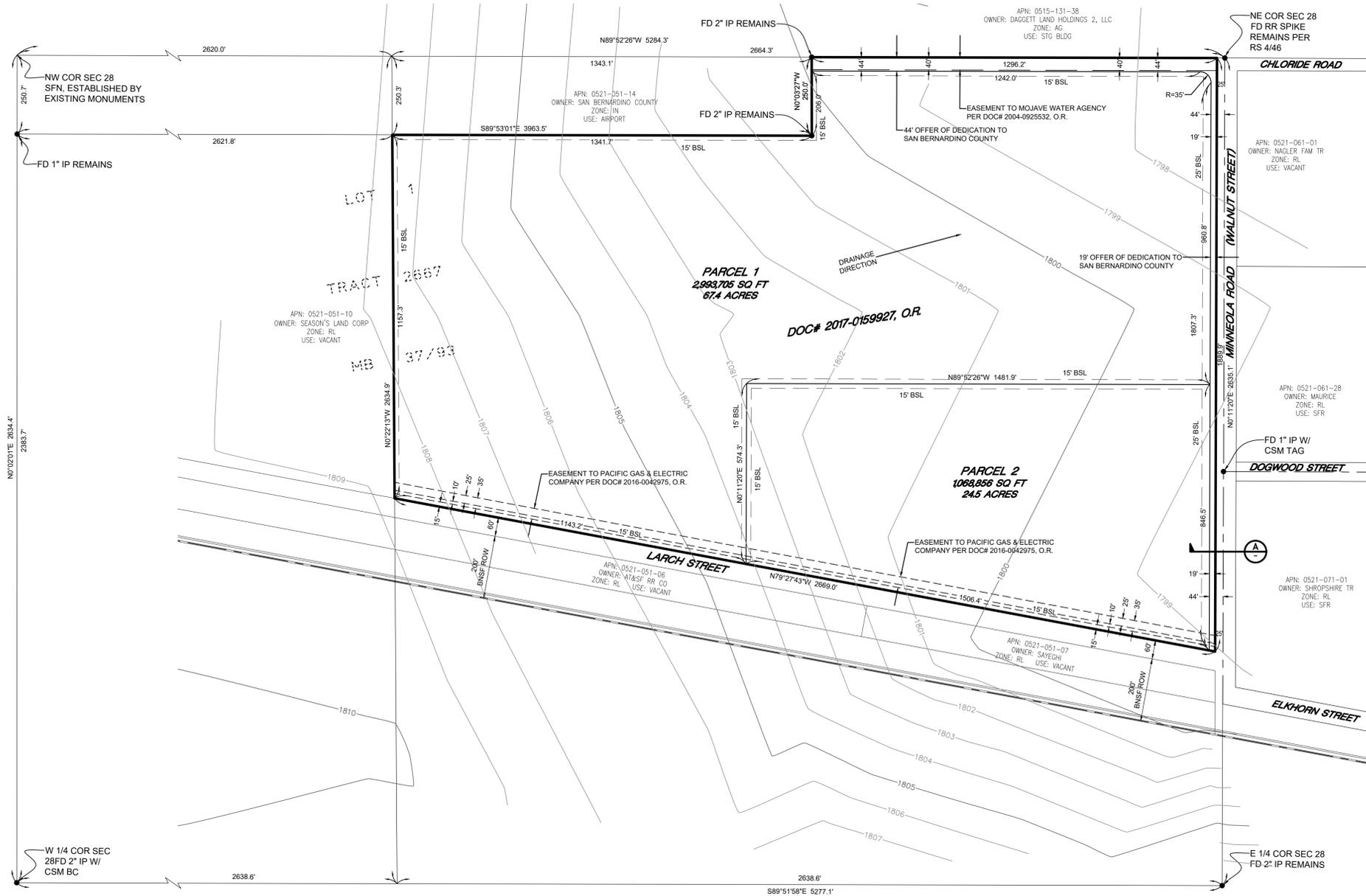
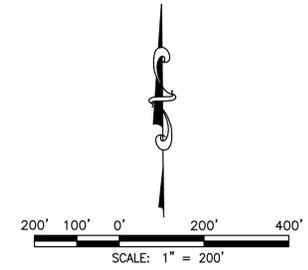
DRAWN BY: MM	DATE: 06/12/23
JOB NO. 3852.001	SHEET 1 of 1

TENTATIVE PARCEL MAP NO. 20538

BEING A SUBDIVISION OF LOT 1, TRACT 2667
AS RECORDED IN BOOK 37, PAGE 93, RECORDS OF
SAN BERNARDINO COUNTY, STATE OF CALIFORNIA

MERRELL JOHNSON COMPANIES

MAY 2022



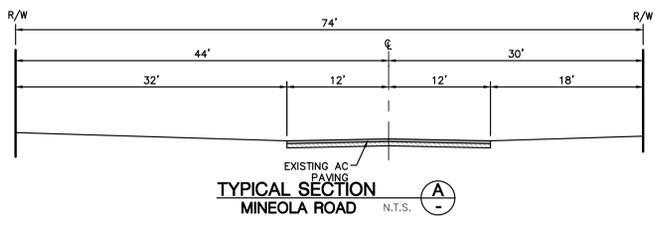
VICINITY MAP
N.T.S.

- LEGEND**
- BSL --- INDICATES BUILDING SETBACK LINE
 - - - - - INDICATES EASEMENTS AS SHOWN
 - _____ INDICATES PROPERTY LINE

- PROJECT SCOPE:**
1. THERE ARE 91.9 ACRES TO THIS LAND DIVISION.
 2. THERE ARE 2 PARCELS TO THIS PARCEL MAP.
PARCEL 1: VACANT
PARCEL 2: SOLAR
 3. EXISTING ZONING: RL (RURAL LIVING)
PROPOSED ZONING: RL (RURAL LIVING)
 4. THERE ARE NO NEW STREETS ON THIS PARCEL MAP.
 5. THE AVERAGE SLOPE OF ALL FEASIBLE ACCESS ROUTES AND BUILDING SITES DOES NOT EXCEED (10%).
 6. THERE ARE NO WATER COURSES TRAVERSING THE PROPERTY.
 7. THERE ARE NO PROTECTED OR ENDANGERED TREES EXISTING ON THIS SITE.

UTILITIES:

ELECTRIC:	EDISON INTERNATIONAL 30553 RIMROCK ROAD BARSTOW, CALIFORNIA 92311 (760) 252-6451	PARCEL MAP NO. 20538 APN 0521-051-08
GAS:	SOUTHWEST GAS CORP. 751 E. MAIN STREET BARSTOW, CALIFORNIA 92311 (760) 256-3571	OWNER/APPLICANT: REIDO FARMS, LLC C/O BRIAN VAIL 2410 FAIR OAKS BLVD., SUITE 110 SACRAMENTO, CA 95825 (916) 379-0955
WATER:	WELL	PREPARED BY: MERRELL JOHNSON COMPANIES 22221 HIGHWAY 18 APPLE VALLEY, CA 92307 (760) 240-8000
SEWER:	SEPTIC	MAP PREPARATION DATE: APRIL 26, 2023
TELEPHONE:	FRONTIER COMMUNICATIONS (877) 236-2894	

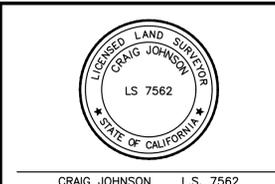


TYPICAL SECTION
MINEOLA ROAD
N.T.S.

LEGAL DESCRIPTION:
ALL OF LOT 1 OF TRACT NO. 2667, EXCEPTING THE WEST 2620 FEET AS MEASURED ALONG THE NORTH LINE OF SAID LOT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGE 93 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
ALSO EXCEPTING THAT PORTION THEREOF CONDEMNED BY THE COUNTY OF SAN BERNARDINO FOR AN AIRPORT, DESCRIBED AS FOLLOWS:
THE NORTH 250 FEET OF THE NORTHWEST QUARTER AND THE NORTH 250 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE GOVERNMENT TOWNSHIP PLAT THEREOF.
ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN OIL, GAS AND ALL MINERAL RIGHTS, AS RESERVED IN A DEED FROM FEDERICK P. HAUSER AND RODMAN WILDE HAUSER TO CECIL C. COOPER AND BESSIE B. COOPER RECORDED JUNE 15, 1958, IN BOOK 2245, PAGE 340, OF OFFICIAL RECORDS.

BENCHMARK
4.8 MILES WEST ALONG THE ATCHISON, TOPEKA AND SANTA FE RAILWAY FROM THE CROSSING OF MT. VIEW ROAD AT NEWBERRY, 3 FEET WEST-SOUTHWEST OF THE 21ST POLE EAST OF MILEPOST 731, 0.5 MILE EAST OF THE CROSSING OF MINNEOLA ROAD, 39.7 FEET SOUTH OF THE SOUTH RAIL OF THE SOUTH TRACK, 88 FEET NORTH OF THE CENTER LINE OF NATIONAL TRAILS HIGHWAY, 2.0 FEET NORTH OF A WITNESS POST, ABOUT 3 FEET LOWER THAN THE TRACK, AND SET IN THE TOP OF A CONCRETE POST PROJECTING 0.6 FOOT ABOVE THE GROUND. SEC 27, T9N, R2E
ELEV=1903.08

BASIS OF BEARINGS
TAKEN FROM THE EAST LINE OF THE NE 1/4 OF SECTION 28, T9N, R2E, SBM, AS SHOWN ON TRACT 2667, MB 37/93
BEING: N0°11'20"E



MERRELL JOHNSON

MERRELL JOHNSON ENGINEERING, INC.
22221 U.S. HIGHWAY 18, APPLE VALLEY, CA 92307
760 240 8000 | MERRELLJOHNSON.COM

TENTATIVE
PARCEL MAP NO. 20538
LOT 1
TRACT 2667, MB 37/93
APN 0521-051-08
FOR:
REIDO FARMS, LLC

DRAWN BY:	MM
DATE:	04/26/23
JOB NO.	3852.001
SHEET	1 OF 1

EXHIBIT E

Avigation Easement

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Insert Mailing Address

RECORDER: EXEMPT

This instrument is for the benefit of the County of San Bernardino and is entitled to be recorded without fee. (Govt. 6103)

APN: **Insert Assessor's Parcel Number(s) Here**

Above Space for Recorder's Use

GRANT OF AVIGATION EASEMENT

Insert Entity Name Here (“Grantor”) is the fee owner of that certain real property situated in the City of **Insert City Name Here**, County of San Bernardino, State of California, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (“**Servient Property**”).

NOW THEREFORE, for and in consideration of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor, for itself, its heirs, administrators, executors, successors and assigns, hereby grants and conveys to the **COUNTY OF SAN BERNARDINO**, a body corporate and politic of the State of California and its successors and assigns (“**Grantee**”) an avigation easement and right of way over, above across, and upon the Servient Property, appurtenant to the **Insert Airport Name Here** (“**Airport**”) located in the City of **Insert City Name Here**, County of San Bernardino, California (“**Dominant Property**”) for the use and benefit of the public and any lessee, sublessee, licensee, and invitee of the Airport (“**Grantee Parties**”).

This Grant of Avigation Easement is for the purpose of the free and unobstructed use and passage of all aircraft in and through the airspace at all times and at any height or altitude over and above the surface of the Servient Property, provided that such use and passage of aircraft is in compliance with local and federal laws and regulations related thereto. As used herein, the term “aircraft” shall mean any and all types of aircraft or contrivance for navigation of or flight by air, whether now in existence or hereafter manufactured and developed, to include, but not limited to, jet, propeller-driven, civil, military or commercial aircraft; helicopters, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

The right of use and passage of all aircraft is granted together with the right to cause in said airspace such noise, sound or shock waves, radio transmissions, vibrations, odors, fumes, dust, fuel particles, smoke, light, thermal waves, air quality changes, and other similar results transmitted from the operation of aircraft in such airspace and by reason of any operational incidental effects thereof including, but not limited to, such as may occur in and from take-off, landing, and approach patterns into and from the Dominant Property, provided that such use is in compliance with local and federal laws and regulations related thereto.

This Grant of Avigation Easement and all rights appertaining thereto shall terminate on the date the Dominant Property is abandoned and ceases to be used for public airport purposes, it being understood and agreed that, until such termination, the covenants and agreements herein shall run with the land and be binding on the Grantor and its heirs, administrators, executors, successors and assigns.

Grantor, for itself, its heirs, administrators, executors, successors and assigns, hereby waives, remises and releases any and all rights, claims, and causes of action which it may now have or which it may

have in the future against Grantee or Grantee's Parties due to the use and passage of aircraft in and through the airspace over the Servient Property and any noise, sound or shock waves, radio transmissions, vibrations, odors, fumes, dust, fuel particles, smoke, light, thermal waves, air quality changes, and other similar results in said airspace that may be caused or may have been caused by the operation of aircraft in such airspace and by reason of any operational incidental effects thereof including but not limited to such as may occur in and from take-off, landing and approach patterns into and from the Dominant Property, provided that such use and passage is in compliance with local and federal laws and regulations related thereto. Said waiver, remise, and release shall include, but shall not be limited to, claims, known or unknown, for damages for physical or emotional injuries to persons, animals, or any other living thing, discomfort, inconvenience, interference with sleep or communication//electronic/audio/visual devices, property damage, death of persons, animals, or other living things, interference with use and enjoyment of property, diminution of property values, nuisance, trespass, taking, or inverse condemnation or for injunctive or other extraordinary or equitable relief. Grantor, for itself, its heirs, administrators, executors, successors and assigns, agrees that Grantee shall have no duty to avoid or mitigate such damages by, without limitation, setting aside or condemning buffer lands, rerouting air traffic, erecting sound or other barriers, establishing curfews, noise or other regulations.

Grantor, for itself its heirs, administrators, executors, successors and assigns, agrees not to construct, install, alter, maintain, or grow or permit the construction, installation, alteration, maintenance or growth of (whether permanent or temporary) of any building, structure, improvement, tree, vegetation, or other object on the surface of the Servient Property that obstructs or interferes with the rights herein granted, or that creates electrical or electronic interference with radio or other communication or radar operations to and from any aircraft and the Airport, or that causes difficulty for pilots to distinguish between airport lights and other lights, or that impairs visibility in the vicinity of the Airport, or that otherwise endangers the landing, take-off or maneuvering of aircraft. Grantor, for itself, its heirs, administrators, executors, successors and assigns, agrees that Grantee shall have the right to mark and/or light, as obstructions to air navigation, or require or cause such marking and/or lighting of any such building, structure, improvement, tree, vegetation, or other object now upon, or that in the future may be upon, the Servient Property if such building, structure, improvement, tree, vegetation, or other object violates or will violate the rights granted herein, together with the right of entry to the Servient Property along with ingress to, egress from and passage over and within the Servient Property for the purpose of accomplishing such marking and/or lighting. Grantor, for itself its heirs, administrators, executors, successors and assigns, further agrees not to permit any places of public assembly or gatherings on the Servient Property (i.e. churches, schools, day care facilities, hospitals, restaurants, stadiums, and office buildings).

Executed this **Insert Date** day of **Insert Month**, 20__

GRANTOR:

Entity Name

Entity Type

By: _____

Name: _____

Its: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO)

ss.

On _____, 20__ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature

EXHIBIT A
THE SERVIENT PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF **Insert City Name**
Here, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS
FOLLOWS: