
FINDINGS: CONDITIONAL USE PERMIT

A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT AND OPERATE A 525-MEGAWATT (MW) UTILITY-SCALE SOLAR PHOTOVOLTAIC ARRAY AND 525-MEGAWATT BATTERY ENERGY STORAGE SYSTEM (BESS) ON APPROXIMATELY 1,854-ACRES (27 PARCELS) WITH ASSOCIATED GEN-TIE TOWERS/LINES RANGING IN LENGTH FROM 3-5 MILES (39-51.4 MILES ANALYZED) TO THE POINT OF INTERCONNECTION AT THE FUTURE SOUTHERN CALIFORNIA EDISON (SCE) CALCITE SUBSTATION (PROJECT); LOCATED AT 33850 GRANITE ROAD, LUCERNE VALLEY, 3rd SUPERVISORIAL DISTRICT; APN: 0452-391-08 (MULTIPLE); PROJECT NUMBER PROJ-2022-00013

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the 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 SPACE, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

The approximate 1,854-acre site is of adequate size and shape to accommodate the proposed energy generating facility. Ingress and egress circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed Project. The sites designated for the Project's proposed gen-tie line to connect to the SCE Calcite Substation are also adequate in size and shape for the proposed use. Because this use is being allowed and permitted under the similar and compatible provisions of the Development Code, height standards for "pipeline, transmission lines, and control stations" are deemed controlling, and the Californai Public Utility Commission (CPUC) (General Rule 95 and 165) standards for height will apply because the poles and transmission lines are essential to the development of the solar facility and the height is necessary to protect the public.

- 2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.**

The site design ensures adequate legal and physical access to the site. The Project site is located between Barstow Road/SR-247 (west), Camp Rock Road (east), Northside Road (north), and Rabbit Springs Road (south). Primary access to the overall solar site will be from Barstow Road to Granite Road, which biseccts the Project side, and the gen-tie lines/towers will be not effect access of the various parcels.

- 3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.**

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the Lucerne Valley-Agricultural (LV/AG) and Lucerne Valley-Rural

Living (RL) Zoning Districts and as such should not have adverse effects on abutting properties. The surrounding properties are primarily vacant with scattered residential developments throughout. The closest residential developments are located to the south of the Project (within the LV-AG zoning designation) and range from approximately 125 to 500 feet away from the Project property lines.

The proposed Project is a utility-scale renewable energy project that will deliver clean, emission-free renewable energy from the sun to the general electrical grid. The Project is consistent with all required setbacks and incorporates an 8-foot high screening fence around the entirety of the site to diminish views and reduce operational and maintenance noise levels. Moreover, the gent-tie lines/towers will be permitted in accordance with CPUC standards.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed Conditional Use Permit, together with the provisions for its design and improvement, are consistent with the Policy Plan. Table 3.11-1 of the Project's Recirculated Draft Environmental Impact Report provides a comprehensive analysis of the Project's consistency with the Policy Plan and is incorporated herein by reference. The Report/Recommendation to the Board of Supervisors for this item also provides a comprehensive analysis on why the Project is deemed vested and exempt from certain requirements of the Policy Plan's Renewable Energy and Conservation Element (RECE) and is also incorporated herein by reference. The Project specifically implements the following Policy Plan goals and policies:

- **Policy LU-2.1 Compatibility with existing uses.**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: *The Project is appropriate because the use is allowed due to the Project application being deemed complete and submitted prior to the adoption of Policy 4.10 of the RECE and subject to a land use entitlement of a Conditional Use Permit (CUP). The Project is also compatible with the size and scale of the surrounding scattered residential/vacant development pattern. The majority of the Project and surrounding sites are zoned for agricultural use(s) (LV-AG). The height of the solar panels will be installed at a height no greater than 15 feet high, which is consistent with the height of residential structures and accessory structures allowed in the Agricultural (LV-AG) designated areas along the southern project perimeter. The Project site is required and conditioned to provide a buffer/fence to screen the energy generating facility from public view and designed to be sensitive to surrounding properties.*

- **Policy LU-2.3 Compatibility with natural environment**

We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

Consistency: *The Project was reviewed for environmental impacts and various technical reports were submitted, including biological assessments that identified potential sensitive*

plant and animals species. Mitigation measures were incorporated to minimize impacts and protect said species in place and ensure the construction activities do not interfere with natural drainage of the property so that the Project can be compatible with the surrounding natural environment and biodiversity. The Project site is required and conditioned to provide a buffer/fence to screen the energy generating facility from public view and designed to be sensitive to surrounding properties.

- **Policy LU-2.4 Land Use Map consistency.**

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: *The Project is consistent with the Land Use Map and does not propose a change in the Land Use Category. As designed, the proposed use is compatible and consistent with surrounding land uses and community's identity. The majority of the Project site is zoned Agricultural (LV-AG) with the exemption of three parcels being zoned Rural Living (LV-RL) to the east of the Project site. Generally, Policy 4.10 of the RECE (adopted 2/28/19) prohibited utility scale solar on RL zoned properties, however, the Board of Supervisors authorized pre-existing applications deemed complete to be processed in compliance with the policie and regulations in effect at the time the application was accepted as complete. Sienna Solar project was deemed complete by the County Land Use Services Department and the Department issued letters indicating that the CUP applications for the Sienna Project were accepted as complete on August 14, 2017, and February 27, 2018. The Sienna Project is not subject to Policy 4.10 as the application for development was accepted as complete by the County prior to the effective date of the resolution.*

- **Policy RE-2.1: Renewable Energy Systems**

We support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan. Additionally, Policy RE 2.1.1, states that projects shall "utilize renewable energy development standards in the Development Code to minimize impacts on surrounding properties."

Consistency: *The Project is a utility-scale solar project that will deliver clean, emission-free renewable energy for general regional consumption through a new connection to the existing electrical distribution grid/circuit.*

- **Policy RE-4.5: Decommissioning Plans**

Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable i.e. with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses.

Consistency: *The Project has submitted a draft decommissioning plan to the County, which includes all required aspects, including cost estimates, work required, and removal of structures and equipment.*

- **Policy RE 4.7: Site Selection and Design**

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.

Consistency: *The Project was reviewed for environmental impacts and various technical reports were submitted, including biological assessments that identified potential sensitive plant and animals species. Mitigation measures were incorporated to minimize impacts and protect said species in place and ensure the construction activities do not interfere with natural drainage of the property so that the Project can be compatible with the surrounding natural environment and biodiversity. The Project site is required and conditioned to provide a buffer/fence to screen the energy generating facility from public view and designed to be sensitive to surrounding properties.*

- **Policy RE 4.10: Prohibition of Utility Scale Solar**

Prohibit utility-oriented RE project development on sites that would create adverse impacts on the quality of life or economic development opportunities in existing unincorporated communities.

Policy RE 4.10.1 states:

“Prohibit development of utility-oriented RE projects in the Rural Living land use designations throughout the County.

Policy RE 4.10.2 states:

“Prohibit development of utility-oriented RE projects within the boundaries of existing community plans, which at the time of adoption of this Element are the Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinion Hills Community Plans.

Consistency: *On August 8, 2017 (Item No. 51), the Board adopted the RECE, defining County goals and policies related to renewable energy and energy conservation, including policies governing siting and development of renewable energy generation projects. As recommended by the Planning Commission, RECE contained Policy 4.10, which prohibited utility-oriented renewable energy (RE) project (10 MW and greater) in areas zoned Rural Living (RL) or areas within defined community plans. The Board adoption of the RECE excluded Policy 4.10, but staff was directed to return the siting issue to the Planning Commission for further study and recommendation of the Board.*

The Planning Commission conducted a public hearing on May 24, 2018, recommending that the Board: (1) amend the RECE by adopting Policy 4.10; (2) amend Policy 5.2 to add

existing energy generation sites to those identified as suitable for utility-oriented renewable energy generation projects, and; (3) add Policy 5.9 (collaborating with utilities, the California Energy Commission, and the Bureau of Land Management to plan for renewable energy generation facilities to be located on public lands, apart from existing unincorporated communities). Thereafter, on February 28, 2019 (Item No. 1), the Board considered and adopted the Planning Commission recommendation.

Pursuant to Policy 4.10, a newly proposed utility oriented RE project is not an authorized use in RL Land Use Districts, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution. The Department issued letters indicating that the CUP applications for the Sienna Project were accepted as complete on August 14, 2017, and February 27, 2018. The Sienna Project is not subject to Policy 4.10 as the application for development was accepted as complete by the County prior to the effective date of the resolution (February 28, 2019).

- **Policy RE 5.1.2: Conformance to Development Code**

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

Consistency: *The Project site is located in an area primarily zoned agricultural (LV-AG) and away from large scale residential development. The closest residential developments are located to the south of the project (within the LV-AG zoning designation) and range from approximately 125 to 500 feet away from the project property lines. The Project is also located in general proximity to the location of the future SC) Calcite substation (The Project EIR includes analysis of the Calcite substation, and will be used by SCE to permit the substation through the CPUC). The Project is compliant with all applicable Development Code requirement as evidenced throughout the Conditional Use Permit (Findings 1-7) and Commercial Solar Energy Facility Findings (Findings 8-38).*

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.

The site design ensures adequate legal and physical access to the site. The Project site is located between Barstow Road/SR-247 (west), Camp Rock Road (east), Northside Road (north), and Rabbit Springs Road (south). Primary access to the overall site will be from Barstow Road to Granite Road, which bisects the Project site. A new entry gate will be installed from Granite Road, to provide access to internal gravel roadways traversing the overall site. The roads would be wide enough to accommodate emergency vehicles (20 feet wide and 15 feet wide for the perimeter and internal access roads, respectively) and designed in compliance with County building and fire department standards. Approximately 15 feet of space would be maintained between each row of solar modules for operations and maintenance access. 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. Moreover, once installed the gen-tie lines/towers will not require infrastructure that would significantly lower service levels.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The conditions of approval include measures that require the applicant/developer to comply with the performance measures outlined in the Development Code. Therefore, the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

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 proposed energy generating facility is a solar energy system and designed to maximize the amount of solar panels can be placed on site while meeting all of the Development Code standards, thereby meeting the intent and purpose of the required finding.

FINDINGS: COMMERCIAL SOLAR ENERGY FACILITY

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:

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

***Consistency:** The Project site is located between Barstow Road/SR-247 (west), Camp Rock Road (east), Northside Road (north), and Rabbit Springs Road (south). Primary access to the overall site will be from Barstow Road to Granite Road, which bisects the project site. The Project consists of approximately 1,854-acres of photovoltaic panels. The Project has been designed to be visually consistent with other solar generating facilities throughout the county and Lucerne Valley area. The Project site has scattered residential development to the northeast and south, but it primarily situated on agricultural undeveloped lands. Project design includes perimeter fencing to buffer and diminish views from adjacent roadways and residential development, such that it will avoid adverse effects on existing residential areas.*

9. 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. The Project includes the installation of a perimeter fence around overall Project site to assist in diminishing views from the adjacent roads. 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.

- 10. 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 generally undisturbed vacant, agricultural parcels that are located within a broader regional area. The Project site is relative flat with a very minimal slope rising toward the east. No unique features exist on the property that the development would detract from. Distant views surrounding the site 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.*

- 11. 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 Project site is located between Barstow Road/SR-247 (west), Camp Rock Road (east), Northside Road (north), and Rabbit Springs Road (south). Primary access to the overall site will be from Barstow Road to Granite Road, which bisects the project site. A 20-foot-wide access road and 15-foot-wide interior drives would be constructed through the solar facility. Due to the relatively low trajectory of the panels, the relatively flat gradient of the surrounding land (very slight upward slope extending north-east) in the area will minimize visibility of the site. The Project has been designed to be visually consistent with adjacent other solar facilities throughout the County and within the Lucerne Valley area(s).*

- 12. 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 Project is located primarily on agricultural zoned properties, which is not planned for future infrastructure development. The overall project does include the installation of generation tie and distribution lines and towers to connect to the future SCE Calcite substation located north west of the project site. These gen-tie and distribution lines will be visually similar to other gen-tie and distribution lines throughout the County.*

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- 13. 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 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 off-site trucking of water to the property. Minimal water could be used to screen the panels on a routine maintenance schedule. All water for cleaning would be trucked in to the site.

- 14. 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 will not require extensive grading (approximately 100 cubic yards) across the 1,854-acre Project site. In general, the parcels involved will not be graded and only small deminimus area will be cleared for array foundation installation. The overall project area is relatively flat and will not “leveling” of parcels. The site does not exceed average slope of 5% across the entire site, and proposed solar arrays will be installed on the existing topographic land pattern.

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

Consistency: The overall Project does include the installation of generation tie and distribution lines and towers to connect to the future SCE Calcite substation located north west of the project site. These gen-tie and distribution lines will be visually similar to other gen-tie and distribution lines throughout the County. The Project site was chosen based on the relative close proximity to the future Calcite substation, to reduce and minimize the amount of new gen-tie infrastructure needed to the extent practicable.

- 16. 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: *Biological Resource Assessment reports were prepared and analyzed in Section 3.5 of the Recirculated Draft Environmental Impact Report (RDEIR) prepared for the Project, which discussed potential impacts to Biological Resources, and potential impacts to sensitive plants and animal species, including desert tortoise, desert kit fox, burrowing owl, nesting birds and raptors, or the habitats associated with these species. Mitigation measures are proposed that would reduce impacts to a less than significant level. Mitigation measures include pre-construction rare plant surveys, biological monitoring, desert tortoise pre-construction surveys, construction working awareness training, desert kit fox pre-construction surveys, burrowing owl pre-construction surveys, nesting bird pre-construction surveys, and avoidance and minimization of identified wetland areas/streams. The Project site is not located in an area designated as a Habitat Conservation Plan or Natural Community Conservation Plan area.*

- 17. 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.*

- 18. 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: *A Cultural Resources report was prepared for Section 3.6 of the RDEIR, which discussed potential impacts to cultural resources and concluded the project would not result in significant impacts to cultural resources. The Project would not result in a significant adverse change to historical resources and is not anticipated to disturb human remains. The Project will implement mitigation measures requiring the avoidance of identified sites within the general project area, through identification of resources, installation of buffer fencing, preparation of a Cultural Resources Mitigation and Monitoring Program (CRMMP), archaeological sensitivity training and Worker Education Awareness Programs (WEAPs), and monitoring agreements with qualified archaeologists and Native American monitor, to reduce potential impacts to a level of less than significant.*

- 19. 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: *Section 3.10 of the RDEIR discussed potential impacts to Hydrology/Water Quality. The project is not anticipated to violate water quality standards or waste discharge requirements, decrease groundwater supplies or interfere with groundwater recharge, alter existing drainage patterns on the site or within the area, nor increase the amount of surface run-off that would result in flooding erosion, siltation or flooding on or off site. The Project would not create or contribute to runoff that would exceed existing drainage systems or provide substantial sources of polluted runoff or impede or redirect flood flows.*

The Project is not located in a flood hazard, tsunami or seiche zone. The Project would not conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan. No mitigation measures are recommended, and potential impacts will be less than significant.

- 20. 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 06071C5900H and 06071C6575H both dated 8/28/2008. Flood Hazards are defined as low to moderate risk in this Flood Zone. 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.*

- 21. 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 is possible but undetermined. Zone D parcels have had no flood hazard assessments conducted. Mitigation measures to be implemented by the Developer will minimize impacts.*

- 22. 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 is not anticipated to violate water quality standards or waste discharge requirements, decrease groundwater supplies or interfere with groundwater recharge, alter existing drainage patterns on the site or within the area, nor increase the amount of surface run-off that would result in flooding erosion, siltation or flooding on or off site. The Project would not create or contribute to runoff that would exceed existing drainage systems or provide substantial sources of polluted runoff or impede or redirect flood flows. The Project is not located in a flood hazard, tsunami or seiche zone. The project would not conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan.*

- 23. 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 is located primarily on agricultural zoned, undeveloped land. The Project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project will not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance, nor conflict with existing zoning for agricultural use or a Williamson Act contract. Additionally, the Project does not involve changes in the environment that could result in conversion of Farmland to non-agricultural use.*

- 24. 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.*

- 25. 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.*

- 26. 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.*

- 27. 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.*

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- 28. 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.

- 29. 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 has scattered residential development to the north-east and south of the Project site. The Project includes the installation of fencing to serve as a wind and visual barrier.

- 30. 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.

- 31. 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.

- 32. 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 47.5 miles to the southeast.

- 33. 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 87.3 miles to the northeast.*

- 34. 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.**

***Consistency:** The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is estimated to be 135 miles to the north.*

- 35. 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.*

- 36. 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 Base in Twentynine Palms, located approximately 50 miles to the south-east. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

- 37. 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 Victorville is located approximately 20 miles west of the Project site; the City of Apple Valley is located 14.5 miles west of the Project site; the City of Barstow is located 26 miles to north.*

- 38. 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 84.29.070, which requires removal of site facilities when operations cease.*