

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO

ADVANCE PLANNING

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<http://www.sbcounty.gov/landuseservices>

DENA M. SMITH
Director

November 10, 2009

Craig Hoffman, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
09-AFC-5	
DATE	<u>NOV 10 2009</u>
RECD	<u>NOV 12 2009</u>

RE: ABENGOA Solar Inc. MOJAVE SOLAR (09-AFC-5)
DATA REQUEST SET 1 (nos. 1-93)

Dear Mr. Hoffman:

This letter is in response to a request from the law firm representing Abengoa Solar Inc. (Abengoa) regarding this company's Application for Certification by your agency for a 250 MW solar thermal electric generating facility (Project) on 1,765 acres in the unincorporated area of the County of San Bernardino. The Project is proposed to be located adjacent to Harper Lake just south of the existing SEGS solar thermal generation plant near Hinkley. In your letter to Abengoa you requested that they contact San Bernardino County regarding the General Plan Amendment (GPA) requirement for the Project (CEC Data Request Set 1A, Item 81).

The County Development Code Section 82.24.010(c) states "Limitations. This Chapter shall apply only to facilities under the County's land use authority. Certain types of generation and transmission facilities are regulated by state and federal agencies." Therefore, since the proposed energy facility is subject to state regulation, the facility is exempt from the County's EN Overlay process. No General Plan Amendment is required. In addition, the purpose of the overlay is to provide alternative standards relating to height and setbacks for energy facilities. The intent was not to necessitate additional time delays by requiring a GPA for renewable energy producing facilities. Because such delays have been an unintended consequence of our regulations, the County is currently reviewing alternative methods of providing increased height and reduced setbacks for such facilities. The results of this review will most likely lead to another amendment to our Code relative to the EN Overlay requirements and standards.

The County will be providing additional information to Abengoa and to you relating to possible conditions of approval to facilitate consistency with the County's General Plan and Development Code, as noted in the CEC Data Request Set 1A, Items 78-80. We anticipate responding with this information no later than November 18, 2009. The County looks forward to additional communication from the CEC.

If you have any further questions, please do not hesitate to contact me at 387-4147 or Carrie Hyke, Principal Planner at 387-4371.

Sincerely,

James M. Squire
JAMES M. SQUIRE, AICP
Deputy Director, Advance Planning Division

cc: Christopher T. Ellison, Ellison, Schneider & Harris LLP
Dena Smith, Director

PROOF OF SERVICE (REVISED 10/21/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 11/12/09

TG

MARK UFFER
County Administrative Officer

Board of Supervisors

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JOSIE GONZALES, Vice Chair, Fifth District	



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE **ABENGOA MOJAVE**
SOLAR POWER PLANT

Docket No. 09-AFC-5

PROOF OF SERVICE
(Established 10/21/09)

APPLICANT

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APPLICANT'S CONSULTANTS

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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on November 12, 2009, 2009, I served and filed copies of the attached (09-AFC-5) Abengoa Mojave Solar – Letter from San Bernardino County Regarding Data Request Set 1, dated November 10, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:
[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html).

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, CA, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original signed by: _____
Teraja` Golston