

From: Craig Hoffman
To: Docket Optical System
Date: 9/10/2009 3:10 PM
Subject: Fwd: Abengoa Mojave Solar (09-AFC-5) Land Use Language

DOCKET**09-AFC-5**DATE SEP 09 2009RECD SEP 10 2009

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>>> Craig Hoffman 9/10/2009 3:04 PM >>>
Fred

For Data Adequacy, the following item was identified as data inadequate.

The AFC Land Use Section (5.7) provides no discussion of parcel legality for the proposed project. The AFC Executive Summary (Section 1.0) states (on pg. 1.0-3), "[s]ite control of the following parcels was established to develop the site: APN 0490-121-42; APN 0490-131-06; APN 0490-131-07; APN 0490-131-08; APN 0490-131-11; APN 0490-131-12; APN 0490-131-15; APN 0490-131-16; APN 0490-161-08; APN 0490-161-09; APN 0490-161-10; APN 0490-161-11; APN 0490-161-12; APN 0490-161-13." However, there is no discussion of the method and timetable for merging or otherwise combining these parcels so that the proposed project will be located on a single legal parcel.

The information that the Abengoa AFC needs to provide includes describing the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the Application but must be completed prior to the start of construction.

Staff will review this information when the supplemental information is filed.

This email will be docketed.

Thank you for your help.

Craig Hoffman
Project Manager

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>>> Frederick Redell <fred@redellengineering.com> 9/9/2009 4:50 PM >>>
Craig,

Our draft language for the land use response is (still rough and written by an engineer!):

Information Required:

The AFC Land Use Section (5.7) provides no discussion of parcel legality for the proposed project. The AFC Executive Summary (Section 1.0) states (on pg. 1.0-3), "[s]ite control of the following parcels was established to develop the site: APN 0490-121-42; APN 0490-131-06; APN 0490-131-07; APN 0490-131-08; APN 0490-131-11; APN 0490-131-12; APN 0490-131-15; APN 0490-131-16; APN 0490-161-08; APN 0490-161-09; APN 0490-161-10; APN 0490-161-11; APN 0490-161-12; APN 0490-161-13." However, there is no discussion of the method and timetable for merging or otherwise combining these parcels so that the proposed project will be located on a single legal parcel.

Response:

Currently the project site contains 14 separate parcels in San Bernardino County. The site qualifies for the San Bernardino County Development Code Energy Overlay, which can be found in Chapter 82.24 of said code, so that a General Plan Amendment will not be required.

Under Section 66412(I) of the California Subdivision Map Act, the property being developed as a Solar Electrical Generating Plant shall be exempt from the map act process (parcel map). The process in which is intended to bring separate parcels into 1 is a Parcel Merger. Since all parcels are contiguous with one another and will be under one ownership, this may be done per Section 66449.20.3/4.

The County of San Bernardino Land Use Services and Planning Division has a Lot Merger Process and Application, which is currently being completed.

Also contained within the San Bernardino County Development Code, Section 85.02.050, Alternate Review Procedures, a Conditional Use Permit will not be required by the fact that this project is under review authorization of the California Energy Commission.

The timing to complete the parcel merger is approximately three to four months and would be completed once any remaining options to purchase were executed and a CEC license decision was imminent.

If you are going to check on the process with the county, this is how we intend to proceed.

Regards,
Fred