

**From:** Craig Hoffman  
**To:** Docket Optical System  
**Date:** 9/10/2009 3:11 PM  
**Subject:** Fwd: Land Use Language

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Craig Hoffman  
Project Manager

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street, MS 15  
Sacramento, CA 95814  
phone: 916-654-4781  
fax: 916-653-3882

>>> Frederick Redell <[fred@redellengineering.com](mailto: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