

**CONDITIONS OF APPROVAL**  
**Abengoa Mojave Solar**

**Conditional Use Permit**

**GENERAL REQUIREMENTS**  
Conditions of Operation and Procedures

**DOCKET**

**09-AFC-5**

DATE \_\_\_\_\_

RECD. FEB 01 2010

LAND USE SERVICES DEPARTMENT – Advance Planning Division (909) 387-4147

1. Lighting. Exterior lighting shall be kept to the minimum required for safety. The applicant shall submit a lighting plan to the County for review and approval. This lighting plan shall, at a minimum, meet the following performance standards: Show the type, height, and location of all outdoor lights. No onsite lighting or glare from such lighting shall create any safety hazards for traffic on Cajon Blvd. or Interstate 215. Lighting shall be hooded, shielded, or directional in nature so that it does not extend beyond the property boundary.
  
2. Continuous Maintenance. 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:
  - Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
  - Graffiti and debris shall be removed immediately with weekly maintenance.
  - Landscaping shall be maintained 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.
  - Erosion control measures shall be maintained to reduce water run off, siltation, and promote slope stability.
  - Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
  - External Storage, loading, recycling and trash storage areas shall be kept neat and orderly and fully screened from public view. *Outside storage shall not exceed the height of the screening walls. OR The height of outside storage shall*
  - Metal Storage Containers are NOT allowed in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - Signage. All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
  - Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 2 of 9  
Abengoa Mojave Solar

the approved site plan. Any modification to parking and access, design requires County Planning review and approval. The markings and signs shall be clearly defined, unfaded and legible, these include parking spaces, disable space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "carpool" and "Fire Lane" designations.

- Fire Lanes. All markings required by the Fire Department including "No Parking" designations, and "Fire Lane" designations shall be clearly defined and shall be maintained in good condition at all times.

3. Performance Standards. 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:

- Odors: No offensive or objectionable odor
- Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
- Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
- Radiation: No dangerous amount of radioactive emissions.
- Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
- Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.

4. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. 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 alternating no more than once every five seconds. .

5. AQ /Operational Mitigation. *The following measures shall be implemented:*

- *Signs requesting that truck drivers turn off engines when not in use will be posted.*
- *All diesel trucks servicing the project shall not idle more than five minutes per truck trip per day.*

LAND USE SERVICES DEPARTMENT - Code Enforcement Division (909) 387-4044

6. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**PRELIMINARY CONDITIONS OF APPROVAL**

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 3 of 9  
Abengoa Mojave Solar

PUBLIC HEALTH – Environmental Health Services [DEHS] (909) 387-4666

7. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater section at: (909) 387-4666.
8. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For information, call DEHS/Land Use at (909) 387-4666.
9. Refuse Storage. A double capacity trash enclosure with a rain-proof roof shall be provided as specified on the approved site plan. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized and complies with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 909-387-4655.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400

10. Jurisdiction. 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 Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

**PRIOR TO ISSUANCE OF GRADING PERMITS  
OR LAND DISTURBING ACTIVITY**  
*The Following Shall Be Completed*

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

11. Grading Plans. Submit grading plans for review and obtain approval. This requires three copies of the proposed grading plans and a separate fee.
12. Erosion Control Plan. Submit an erosion and sediment control plan and permit for review and obtain approval prior to any land disturbance. This requires three copies of the proposed plans and a separate fee.
13. Geotechnical (Soils) Report. Submit a geotechnical (soil) report for review and obtain approval from the County Engineering Geologist, when earthwork quantities exceed 5,000 cubic yards. This requires three copies of the report and a separate fee. The report shall evaluate site soil conditions and provide specific grading and foundation recommendations.

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 4 of 9  
Abengoa Mojave Solar

14. Geology Report. Submit an engineering geology report for review and obtain approval from the County Engineering Geologist. This requires three copies of the report and a separate fee. The report shall evaluate site soil conditions and provide specific grading recommendations.
15. Earthquake Fault Investigation Report. Submit an earthquake fault investigation report that evaluates that portion of the site included within the Alquist-Priolo Earthquake Fault Zone.
16. Hydrogeologic Investigation Report. Submit a hydrogeologic investigation report that evaluates groundwater conditions and any potential impacts related to proposed groundwater extraction. The report must include a basin evaluation, site investigation and impact analysis.
17. Retaining Walls. Submit plans for review and obtain approval of separate building permits for any retaining walls or other required walls to be constructed with the grading operations. This requires three copies of the proposed wall plans and a separate fee.
18. Existing Structures. Submit proof of building permits for all existing structures or obtain a field investigation inspection permit for each structure not having a proof of permit.
19. Demolition Permit. Submit plans and obtain a demolition permit for any buildings or structures to be demolished. Underground structures shall be broken in, back-filled and inspected before covering.
20. NPDES. In compliance with the National Pollutant Discharge Elimination System (NPDES), submit proof that a Notice of Intent (NOI) has been obtained from the Regional Water Quality Control Board, when proposed grading is one acre or more.
21. WDID. Submit a copy of the Regional Water Quality Control Board, Santa Ana Region permit letter, when proposed land disturbance is one acre or more. The letter must include the Waste Discharge Identification (WDID) number assigned by the Regional Board. Land disturbance includes clearing, grading, and/or excavation.
22. SWPPP. Submit proof of a Storm Water Pollution Prevention Plan (SWPPP).

### LAND USE SERVICES DEPARTMENT – Advance Planning Division (909) 387-4147

23. AQ-Dust Control Plan. *The developer shall submit for review and approval to County Planning a Dust Control Plan (DCP) consistent with AQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include these elements to reduce dust production:*
  - *Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities.*
  - *Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.*

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 5 of 9  
Abengoa Mojave Solar

- *Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.*
  - *Construction vehicle tires shall be washed prior to leaving the project site.*
  - *All trucks hauling dirt away from the site shall be covered.*
  - *During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.*
  - *Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder, covered with plastic or revegetated.*
24. Cultural Resources. *If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.*

### COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400

25. Water System. Prior to any land disturbance, the water system shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. Standard 903.1

## PRIOR TO ISSUANCE OF BUILDING PERMITS

*The Following Shall Be Completed*

### LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

26. Building Plans. Submit professionally prepared building plans for review and obtain approval of building permits for any building, sign, or structure to be constructed or located on site.
27. Septic System. Determine location of septic system for verification of setback to property lines.
28. Drainage. All runoff shall be held to pre-development levels per Section 82.13.080 of the San Bernardino County Development Code.
29. Compaction Report. Upon completion of rough grading and prior to footing excavations, a compaction report shall be submitted to the Building and Safety Division for review and approval.

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 6 of 9  
Abengoa Mojave Solar

### PUBLIC HEALTH -Environmental Health Services (909) 387-4666

30. Acoustical Information. 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 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.
31. Demolition. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at (909) 388-4600.

### COUNTY FIRE DEPARTMENT – Community Safety (909) 386-8465

32. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division. Contact (909) 386-8465.
33. Building Plans. Not less than two (2) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
34. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. The applicant is required to provide a minimum of one new six (6) inch fire hydrant assembly with two (2) two and one half (2 1/2) inch and one (1) four (4) inch outlet. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than one hundred fifty (150) feet from any portion of a structure.
35. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.
36. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 7 of 9  
Abengoa Mojave Solar

37. Access Road: Access Road and Driveway shall be a minimum of (26) twenty-six feet in width.
  
38. Additional Improvements/Fire. Fully engineered improvement plans and profiles are required to be submitted for review and approval. In addition to fire requirements stated herein, other "on-site" and/or "off-site" improvements may be required after review of the more complete improvement plans and profiles. Review of tentative plans can not fully determine all required improvements.

### PUBLIC WORKS – Land Development Engineering – Roads (909) 387-8145 or 760-843-4366

39. Required Road Dedication and Improvements. Prior to issuance of building permits the developer shall:
  - 1) Submit a site plan showing all road dedications and proposed pavement.
    - I) Perimeter Roads(Section line rule)  
  
Based on the County Development Code, road dedications and paving are required for all perimeter roads on section lines/quarter section lines (44 feet half width ROW) and 16<sup>th</sup> section lines (30 feet half width ROW), with 26 feet minimum total width paving.
    - II) Internal Roads
      - a) Harper Lake Road(Master Planned Secondary Highway)  
88-foot road dedication and 64-foot curb to curb paving is required.
      - b) Lockhart Road(Section Line)  
88-foot road dedication and 32 feet of paving is required.
  - 2) Provide all proposed right-of-way documents for review and recordation.
  - 3) Submit Street Improvement Plan and associated drainage improvements to Land Development Division (LDD) for review and approval prior to construction.

40. Drainage Improvements

## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 8 of 9  
Abengoa Mojave Solar

- 1) There is potential increase of flow at the intersection of Hoffman Road and Harper Lake Road, where drainage channel south of Hoffman Road transitions to natural condition. Obtain drainage acceptance letters from all property owners adjacent to this intersection.
  - 2) The outlet structure at Harper Dry Lake is adjacent to a private property APN#0490-131-13. Adequate protection should be provided to prevent discharge from overflow onto this property.
  - 3) Obtain approval from California Department of Fish & Game, Lahontan Regional Water Quality Control Board, and Army Corps of Engineers for concentrated discharge into Harper Dry Lake.
  - 4) Proposed drainage channels shall be built outside the road right-of-way and maintained by the applicant.
41. WQMP Submit WQMP to Land Development Division for review and approval.

## PRIOR TO FINAL INSPECTION OR OCCUPANCY

*The Following Shall Be Completed*

LAND USE SERVICES DEPARTMENT – Advance Planning (909) 387-4147

42. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
43. (a) Closure Plan. Following the operational life, the project owner shall perform site closure activities to meet federal, state and local requirements for the rehabilitation and revegetation of the project site after decommissioning. The Applicant shall prepare a Closure, Revegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to occupancy. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed offsite for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours. Succulent plant species shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be revegetated by the collection of seeds, and re-seeding following decommissioning.



## PRELIMINARY CONDITIONS OF APPROVAL

APN: 0490-121-42 etal  
P200900724; (09-AFC-5)

Page 9 of 9  
Abengoa Mojave Solar

(b) Compliance with other requirements. Project decommissioning shall be performed in accordance with all other plans, permits and mitigation measures that would assure the project conforms with applicable requirements and would avoid significant adverse impacts. These plans include the following as applicable:

- Water Quality Management Plan
- Erosion and Sediment Control Plan
- Drainage Report
- Notice of Intent and Stormwater Pollution Prevention Plan
- Air Quality Permits
- Biological Resources Report
- Incidental Take Permit, Section 2081 of the Fish and Game Code
- Cultural Records Report

The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

### PUBLIC WORKS - Land Development Engineering – Roads (909) 387-8149

44. Improvements Installed. All required on-site and off-site improvements shall be completed and approved prior to final inspection of any building or structure.

### COUNTY FIRE DEPARTMENT - Hazardous Material Division (909) 386-8401

45. Business Emergency Plan. The operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

46. Hazardous Material Permits. The developer shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

**END OF CONDITIONS**

## Hyke, Carrie - LUS - Advance Planning

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**From:** Reeder, Wes - LUS - Building & Safety  
**Sent:** Tuesday, December 22, 2009 9:53 AM  
**To:** Hyke, Carrie - LUS - Advance Planning  
**Cc:** Roe, Henry - LUS - Building & Safety  
**Subject:** Abengoa - report requirements

Carrie –

As discussed in our pre-DRC meeting yesterday, I would ordinarily condition this project to require the following technical reports:

1. A geotechnical investigation report that evaluates site soil conditions and provides specific grading and foundation recommendations.
2. An engineering geology investigation report that evaluates geologic conditions on the site and provides grading recommendations if necessary.
3. An earthquake fault investigation report that evaluates that portion of the site included within the Alquist-Priolo Earthquake Fault Zone.
4. A hydrogeologic investigation report that evaluates groundwater conditions and any potential impacts related to proposed groundwater extraction.

As you know, the proposed project includes a significant amount of grading (well over a million cubic yards). In our application of the California Building Code, we require a geotechnical report and an engineering geology report to be submitted and approved prior to issuance of grading permits.

The east portion of the project site lies within a an Alquist-Priolo Earthquake Fault Zone designated by the State of California to include traces of suspected active faulting. Prior to issuance of grading or construction permits, we would require a fault investigation for those areas within the AP Zone that are scheduled for development. Building and Safety Standard Procedure A-146 outlines fault investigation and report standards. In addition, the California Geological Survey has investigation and report guidelines.

The project proposes to extract a significant volume of groundwater from the Mojave groundwater basin, which is in overdraft. In accordance with Land Use Services Standard Procedure 8-11, all projects proposing to extract ten or more acre-feet per year require submittal of a hydrogeologic investigation report. As discussed within the procedure, the report must include a basin evaluation, site investigation and impact analysis.

- Wes

Wes Reeder, PG, EG  
County Geologist  
Land Use Services Department  
San Bernardino County  
909.387.4240  
[wreeder@lusd.sbcounty.gov](mailto:wreeder@lusd.sbcounty.gov)

October 20, 2009

Mark D. Rowan, Project Manager  
Merrel-Johnson Engineering, Inc.  
12138 Industrial Blvd., Suite 240  
Victorville, CA 92395

**RE: REQUEST FOR AGENCY PARTICIPATION IN THE REVIEW OF THE  
ABENGOA MOJAVE SOLAR PROJECT (09-AFC-5)**

Our office has reviewed the project and has the following comments:

**Roads**

- 1) Submit a site plan showing all road dedications and proposed pavement.
  - I) Perimeter Roads(Section line rule)

Based on the County Development Code, road dedications and paving are required for all perimeter roads on section lines/quarter section lines (44 feet half width ROW) and 16<sup>th</sup> section lines (30 feet half width ROW), with 26 feet minimum total width paving.
  - II) Internal Roads
    - a) Harper Lake Road(Master Planned Secondary Highway)

88-foot road dedication and 64-foot curb to curb paving is required.
    - b) Lockhart Road(Section Line)

88-foot road dedication and 32 feet of paving is required.
- 2) Provide all proposed right-of-way documents for review and recordation.
- 3) Submit Street Improvement Plan and associated drainage improvements to Land Development Division (LDD) for review and approval prior to construction.

## **Drainage**

- 1) There is potential increase of flow at the intersection of Hoffman Road and Harper Lake Road, where drainage channel south of Hoffman Road transitions to natural condition. Obtain drainage acceptance letters from all property owners adjacent to this intersection.
- 2) The outlet structure at Harper Dry Lake is adjacent to a private property APN#0490-131-13. Adequate protection should be provided to prevent discharge from overflow onto this property.
- 3) Obtain approval from California Department of Fish & Game, Lahontan Regional Water Quality Control Board, and Army Corps of Engineers for concentrated discharge into Harper Dry Lake.
- 4) Proposed drainage channels shall be built outside the road right-of-way and maintained by the applicant.

## **WQMP**

Submit WQMP to (LDD) for review and approval.

Should you have any questions, please contact me at 760-843-4366.

Sincerely,

Sameh F. Basta, P.E.  
Public Works Engineer III  
Land Development Division

CC: Naresh P. Varma, P.E., Chief, EMD  
Julie Gilbert, Senior Associate Planner, EMD