

June 13, 2014

Mr. Tom Hudson, Director
Land Use Services Department
San Bernardino County
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0187

SUBJECT: FOURTH ATTEMPT TO OBTAIN DOCUMENTS RELATED TO THE SOITEC SOLAR ENERGY INDUSTRIAL-SCALE PROJECT IN A NEWBERRY SPRINGS RESIDENTIAL NEIGHBORHOOD (ISSUE/AESTHETICS) UNDER THE AUTHORITY OF THE CALIFORNIA PUBLIC RECORDS ACT. (P200900339--APN 0531-231-55)

Dear Mr. Hudson:

We have just received an incomplete response to our third Public Records Act request, on the above subject, from San Bernardino County Supervising Planner, Mr. Dave Prusch. It was dated May 28th and postmarked June 11th.

Can you please have someone provide the following unprovided records and replies to some related questions:

- 1--County Planner Mr. Chema Ude's original Staff Report and suggested conditions of approval that were approved by the Planning Commission and Board of Supervisors in 2009 and the Board of Supervisors record of approval for the solar energy project, with any changes to the Staff Report recommendations.
- 2--We have seen some small, smudged plot plans for the project. But we have not seen a legible plot plan for the original proposal or the revised proposal that was signed or stamped by an engineer. Do they exist and if so, can we obtain copies?
- 3--We have received a 19-page document titled Conditions of Approval (Revised 09/30/2010) which does NOT seem to mention the increased solar panel height from seven feet to about 27 feet, curiously. There is a reference to 28-foot tall solar equipment on page 3 of a document titled San Bernardino County CEQA Addendum To The Mitigated Negative Declaration, apparently authored by Planner Doug Feremenga. Can you provide any records that demonstrate which parties, if any, were notified inre the preparation of said document? On page 5 it requires the owner to maintain the property in a visually attractive condition. One wonders what Mr. Feremenga had in mind? Perhaps he could be contacted for some ideas on how to make this huge community eyesore into a visually attractive community plus.
- 4--In the Conditions of Approval (Revised 09/30/2010) at Item #4, it says any changes in elevations from the site plan would require an additional land use application. From that language we assume there should have been an additional land use application for a change in elevation from about seven feet to about 27 or 28 feet for the solar panels. We have never seen that application. Please now provide it to us.

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We have one additional request: We are bewildered as to how a controversial project can be reviewed and approved by the County Planning Commission and the County Board of Supervisors, and then afterwards be so drastically revised and approved by mere staffers. The revisions after Planning Commission and Board of Supervisors approvals would seem to make those two entities redundant and superfluous.

In your view, has the Soitec solar energy project on Mt. View Road, with 27-foot tall solar panels, been legally approved via standard Land Use Services Department rules and policies? And if not, what can be done about removing this visual tragedy from our community?

Thank you very much for your assistance and consideration of this matter.

Sincerely,



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CC: SUPERVISOR ROBERT LOVINGOOD, ATT: MR. RON FRAME, SENIOR FIELD REPRESENTATIVE
CC: CEO MR. GREGORY C. DEVEREAUX, SAN BERNARDINO COUNTY
CC: MR. ROBERT HINGTGEN, SOITEC PROJECT MANAGER, SAN DIEGO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (for inclusion in Boulevard area project file)
CC: MR. ROBERT VASSEUR, DIRECTOR, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MR. LE HAYES, GENERAL MANAGER, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MS. PAULETTE MARSHALL, PRESIDENT, NEWBERRY SPRINGS SENIOR SERVICES CENTER
CC: MR. TED STIMPFEL, NEWBERRY SPRINGS COMMUNITY ALLIANCE
CC: DR. GAVIN ERASMUS, ATTORNEY-AT-LAW
CC: DR. DEBRA HUGHSON, SCIENCE OFFICER, NPS
CC: MR. AND MRS. JAMES JOHNSON, NEWBERRY SPRINGS
CC: MS. MIRIAM RAFTERY, EDITOR, EAST COUNTY MAGAZINE
CC: MR. JOE NELSON, REPORTER, SAN BERNARDINO SUN
CC: MS. DONNA TISDALE
CC: MR. CHUCK BELL
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CC: MR. PATRICK BROWN, PERMITTING MANAGER, SOITEC, 619-733-2649
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