

October 13, 2014

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

RE: P200900339
APN: 0531-231-55

Mr. Ken Alex, Director
Governpr's Office of Planning and Research
POB 3044
Sacramento, CA 95812-3044

SUBJECT: SEVENTH PUBLIC RECORDS ACT REQUEST TO SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT, INRE THE MYSTERIOUS COUNTY APPROVAL OF A 27-FOOT TALL, 20-ACRE INDUSTRIAL-SCALE PLANNING ATROCITY ON MT. VIEW ROAD IN NEWBERRY SPRINGS. LAND USE SERVICES DIRECTOR CONTINUES TO STONEWALL. LESSONS OF WATERGATE UNLEARNED.

Dear Mr. Hudson and Mr. Alex:

In reply to our sixth Public Records Act request dated September 5, 2014, seeking records identified in four paragraphs and three follow-up questions or comments all pertaining to the ultra-mysterious County approval of the Soitec planning atrocity on Mt. View Road in Newberry Springs, we have just received a very unresponsive reply from a County Supervising Planner, Dave Prusch, dated October 9, 2014.

It's almost as if Mr. Prusch never actually received our sixth Public Records Act Request. He did not provide a single requested record, nor attempt to reply to the three questions or comments. And neither has he returned our \$14.20 prepayment check for 14 County identified records that he declined to now provide.

Mr. Prusch cordially invites us down to his den to thumb through County records. Evidently Mr. Prusch feels this would be a better process than mailing us some 14 records which we have already paid for. We don't want to drive 100 miles each way to San Bernardino to inspect what we anticipate would be a heavily sanitized file on the Soitec Solar Energy Project.

We don't want a refund of our \$14.20 prepayment. Rather we would like what we paid for and we want an estimated cost for the other records identified in our September 5th request. We will pay the going rate and postage.

The lessons of Watergate seem to have gone unlearned at the County Land Use Services Department. We ask for a reply instilled with a sense of public service, without any further artful or obstructive hocus-pocus.

Looking forward to your compliance with our sixth Public Records Act request, dated September 5, 2014, once again enclosed.

Sincerely,



Mr. Tom Hudson, Director
Mr. Ken Alex, Director
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Robert Berkman, President
CEQA-NOW
POB 368
Newberry Springs, CA 92365
760-257-9900
ctcdaggett@mindspring.com

ENCLOSURE: SIXTH PUBLIC RECORDS ACT REQUEST DATED SEPTEMBER 5, 2014

CC: SUPERVISOR ROBERT LOVINGOOD, ATT: MR. RON FRAME, SENIOR FIELD REPRESENTATIVE
CC: CONGRESSMAN PAUL COOK, ATT: MR. DAKOTA HIGGINS, STAFF ASSISTANT
CC: MR. GREGORY C. DEVEREAUX, CHIEF EXECUTIVE OFFICER, SAN BERNARDINO COUNTY
CC: MR. MICHAEL RAMOS, DISTRICT ATTORNEY, SAN BERNARDINO COUNTY
CC: MR. BART BRIZZEE, PRINCIPAL ASSISTANT COUNTY COUNSEL, SAN BERNARDINO COUNTY
CC: MR. ROBERT HINGTGEN, PROJECT MANAGER, SAN DIEGO COUNTY DEPARTMENT OF
PLANNING AND DEVELOPMENT
CC: MR. LE HAYES, GENERAL MANAGER, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MR. ROBERT VASSEUR, DIRECTOR, NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: MS. YVONNE JOHNSON, SAN BERNARDINO COUNTY OFFICE OF COMPLIANCE AND ETHICS
CC: DR. GAVIN ERASMUS
CC: DR. DERBA HUGHSON
CC: MR. TED STIMPFEL, NEWBERRY SPRINGS COMMUNITY ALLIANCE
CC: MS. TERRI RAHHAL, PLANNING DIRECTOR, SAN BERNARDINO COUNTY
CC: MR. CHUCK BELL



Land Use Services Department Planning

Tom Hudson
Director

October 9, 2014

Robert Berkman
CEQA-NOW
P.O. Box 368
Newberry Springs, CA 92365

RE: PUBLIC RECORD ACTS REQUEST NUMBER SIX – NEWBERRY SOLAR (SOITEC) SOLAR ENERGY PROJECT – MOUNTAIN VIEW ROAD-NEWBERRY SPRINGS-P200900339 AND P201100036-APN: 0531-231-55

Dear Mr. Berkman,

This letter is being written in response to your sixth Public Records Act (PRA) request for documents pertaining to the Planning Division's approval of the above-referenced Planning projects, P200900339 (original Conditional Use Permit (CUP) approval) and P2012200036 (Revision to an Approved Action).

In the County's responses to your previous five PRA requests regarding the Newberry (Soitec) Solar project, we attempted to provide complete responses to your inquires. We also provided copies of documents related to the approval of the CUP and Revision applications. However, it appears that you have additional questions about the approval, as shown by this sixth PRA request.

Planning staff wishes to provide complete answers to your questions. We would suggest that you visit the Planning Division in person to review the project files. We believe that this will be a more efficient way for you to review the project files and obtain copies of those documents that explain the project approval and hopefully answer the questions you have about this project. Our Planning Division offices are located in San Bernardino and Hesperia.

We would be happy to provide the file for your review at either office. If you would like to review the file in person, please contact me and we can schedule a date, time and location for you to review the file.

Should you have any questions, please contact me at (909) 387-4122, or by e-mail at david.prusch@lus.sbcounty.gov.

Sincerely,

A handwritten signature in cursive script that reads "Dave Prusch".

Dave Prusch, Supervising Planner

DP/

cc: Bart Brizzee, Chief Deputy County Counsel

BOARD OF SUPERVISORS

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Chief Executive Officer

September 5, 2014

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

RE: P200900339
APN: 0531-231-55

A PUBLIC RECORDS ACT REQUEST

Mr. Ken Alex, Director
Governor's Office of Planning and Research
POB 3044
Sacramento, CA 95812-3044

SUBJECT: A SIXTH PUBLIC RECORDS ACT REQUEST TO DETERMINE HOW THE COUNTY LAND USE SERVICES DEPARTMENT REVIEWED AND APPROVED THE VERY CONTROVERSIAL SOITEC 27-FOOT TALL SOLAR ENERGY PROJECT ON MT. VIEW ROAD IN A RESIDENTIAL AREA OF NEWBERRY SPRINGS.

Dear Mr. Hudson and Mr. Alex:

We have received a reply to our last Public Records Act request from Mr. Bart W. Brizzee, Principal Assistant County Counsel for San Bernardino County, dated August 29, 2014, in which he lists fourteen public records concerning the Soitec solar energy project built here on Mt. View Road. We would like to obtain all said records. Enclosed is a check for \$14.20.

REVISED PUBLIC RECORDS ACT REQUEST

As there are a number of other public records which we have not received and are not on Mr. Brizzee's above-referenced list, we now ask for the following additional records inre the solar energy project that was somehow or other approved and then constructed in Newberry Springs at Mt. View Road and Cottonwood Road, on APN 0531-231-55.

- 1--All site plans as prepared on paper in the same size they were originally prepared (usually about 30" x 24") so that we can read any professional stamps, signatures and dating.
- 2--All records prepared by the County inre this project, in all its versions; that were forwarded to the State Clearinghouse, to comply with CEQA, and all replies received from the State Clearinghouse.
- 3--Mr. Brizzee's letter states that shortly after receiving approval, the Project was sold to Concentrix Solar Inc., the parent company of Newberry Solar 1, LLC. And that Newberry Solar 1, LLC was the applicant for a revision to the approved project.

Please provide all records that indicate who the owners and officers of Concentrix Solar Inc. and Newberry Solar 1, LLC were at the time they were dealing with the County on this project.

- 4--Please provide copies of all published notices pertaining to the original and any revised project notices, and all "findings" related to revisions.

That concludes our Public Records Act request, but we do have some questions and comments on Mr. Brizzee's letter of August 29th, as follow:

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Mr. Ken Alex, Director
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Question #1--Mr. Brizzee in the middle of page 2 of his letter states
/Comment "The County Development Code (Chapter 85.12) provides the procedures to be utilized when a Revision to an Approved Action is being evaluated. The Director of Land Use Services is authorized by the Code to act on the application but may refer the matter to the Planning Commission. Consistent with that authority, the application for the revision was approved on March 17, 2011, without reference to the Planning Commission."

That seems to indicate that Mr. Hudson, himself, approved the revision of the solar panels height from 7-feet to about 27 feet, and that Mr. Hudson approved the deletion of some previously approved conditions of approval, including the "living-fence", for aesthetics, and eliminated the requirement to pave the road along the north boundary of the project, etc.

We are hoping our "findings" request on page #1 of this letter will document how Mr. Hudson, or whoever, reached their decision to eliminate said conditions of approval, endorsed by the Planning Commission and presumably, the Board of Supervisors.

Question #2--Chapter 85.12 of the Development Code, as pointed out by Mr.
/Comment Brizzee, titled Revisions To An Approved Action, as being the authority for changes after the Board of Supervisors' hearing, relates to minor changes only. But, aren't we dealing with major changes?

Are we actually being told that altering the height of the solar panels from 7 feet to 27 feet is a minor change? And done without any public notice apparently? Are we being told that removal of the "living-fence" on the project perimeter is a minor change?

Mr. Brizzee pointed to Chapter 85.12, so we took a look at it. At Chapter 85.12.030 (a) (3), it says "A minor revision may be used to approve minor changes to an already approved project based on the following criteria: Parking and design standards are not affected."

But design standards certainly were affected in this instance, right? This same chapter requires an approved plot plan to qualify for a minor change. We've never seen a legible plot plan reflecting the changes that were made, with a signed and dated approval on it. Hence our earlier request for site plan drawings at the originally drawn scale.

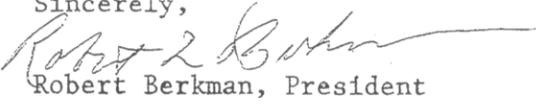
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Question #3--A land use planning atrocity has taken place in this community
/Comment in the shape of the Soitec solar energy project here on Mt. View
Road.

If the Land Use Services Department of San Bernardino County hopes
to be taken seriously again in this community, someone needs to
be held seriously accountable in County government and a formal
apology needs to be made public to the citizens of this community.

We look forward to your reply.

Sincerely,



Robert Berkman, President
CEQA-NOW
POB 368
Newberry Springs, CA 92365
760-257-9900
ctcdaggett@mindspring.com

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