

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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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

- CC: SUPERVISOR ROBERT LOVINGOOD, ATT: MR. RON FRAME, SENIOR FIELD REPRESENTATIVE
- CC: CONGRESSMAN PAUL COOK, ATT: MR DAKOTA HIGGENS, 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. DEBRA HUGHSON
- CC: MR. TED STIMPFEL, NEWBERRY SPRINGS COMMUNITY ALLIANCE
- CC: MS. TERRI RAHHAL, PLANNING DIRECTOR, SAN BERNARDINO COUNTY
- CC: MR. CHUCK BELL