

RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

DATE: November 10, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office
D.M.

SUBJECT: Second Extension of Time for WECS Permit No. 115
(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input checked="" type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:
(1st and 5th Dist) Press Enterprise

Need Director's signature by 11/16/10
Please schedule on the November 30, 2010 BOS Agenda

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-3157

Desert Office • 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 17, 2010

SUBJECT: SECOND EXTENSION OF TIME FOR WECS PERMIT NO. 115 – Applicant: Whitewater Energy Corporation – Fifth Supervisorial District – Painted Hills Zoning District – Western Coachella Valley Area Plan: Rural: Rural Desert (R: RD) (10 Acre Minimum) and Rural: Rural Mountainous (10 Acre Minimum) – Location: Northerly of I-10, westerly of Marion Road – 48 Acres Gross – Zoning: Wind Energy Resource Zone (W-E) – **APPROVED PROJECT DESCRIPTION:** The project proposes to construct and install two (2) wind turbines rated at 3.0 MW of electrical power production each, at a total WECS height of up to 411 feet, plus related Variance to reduce safety setbacks from approximately 452 feet to 0 feet. – **REQUEST:** SECOND EXTENSION OF TIME to October 17, 2011.

RECOMMENDED MOTION:

APPROVAL of the **SECOND EXTENSION OF TIME REQUEST** for COMMERCIAL WECS PERMIT NO. 115, extending the expiration date to October 17, 2011, subject to all the previously approved and/or amended Conditions of Approval with the applicant's consent.

BACKGROUND:

The applicant has requested review of the original WECS 115 conditions in their letter dated June 8, 2010 (attached). Additional letters from the applicant concerning proposed condition changes were provided by email on August 2, 2010 and August 4, 2010 (attached). Staff has met with the applicant and coordinated with the affected County departments to resolve the conditions of approval.



 Carolyn Syris Lurja
 Planning Director

Initials:
CSL:jq

REVIEWED BY EXECUTIVE OFFICE
 DATE _____
 Jennifer Sargent

Departmental Concurrence

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: Fifth

Agenda Number:

Agenda Item No.
Area Plan: Western Coachella
Zoning Area: Whitewater
Supervisory District: Fifth
Project Planner: Jay Olivas

COMMERCIAL WECS PERMIT NO. 115
SECOND EXTENSION OF TIME (EOT)
Board of Supervisors:
Applicant: Whitewater Energy Corporation

COUNTY OF RIVERSIDE PLANNING DEPARTMENT EXTENSION OF TIME STAFF REPORT

The applicant of the subject case has requested an extension of time to begin substantial construction. This request will not be discussed unless specifically requested by the EOT applicant at the time it is presented to the Board of Supervisors.

CEQA: The subject case has conformed to the requirements of the California Environmental Quality Act, and all impacts have been analyzed in order to protect the public health, safety and welfare.

GENERAL PLAN: Unless otherwise noted, the subject case had been determined to be consistent with the General Plan and all of its elements.

REQUEST:

SECOND EXTENSION OF TIME REQUEST for COMMERCIAL WECS PERMIT NO. 115.

BACKGROUND:

The County Planning Department, as part of the review of this extension of time request, has determined based on transmittal to Land Development Committee Members, has determined it necessary to recommend the addition of two (2) new conditions of approval in order to be able to make a determination that the project does not adversely affect the general health, safety and welfare of the public. The Planning Department (Cultural Resources Division) is recommending the addition of two (2) Conditions of Approval as follows: 10 PLANNING 31 If Human Remains Found EOT1 and 10 PLANNING 32 Inadvertent Archaeo EOT1.

The Extension of Time (EOT) applicant was informed of these recommended conditions of approval and has agreed to accept the conditions. Included in this staff report package are the recommended conditions of approval, and the correspondence from the Extension of Time applicant (dated June 8, 2010) indicating the acceptance of the two (2) conditions.

Additionally, as part of the EOT review, the applicant has requested in their letter dated June 8, 2010 (see attached), the modification of approximately 34 conditions which includes conditions from planning, grading, environmental health, and transportation departments. Staff met with the applicant to resolve many of the condition issues with modified wording and condition status changes to "Not Apply", which changes are subject to Board approval as part of the EOT.

Some requested changes to conditions have not been made due to WECS ordinance requirements and previous changes already made by the Board of Supervisors in 2006 when WCS 115 was first approved.

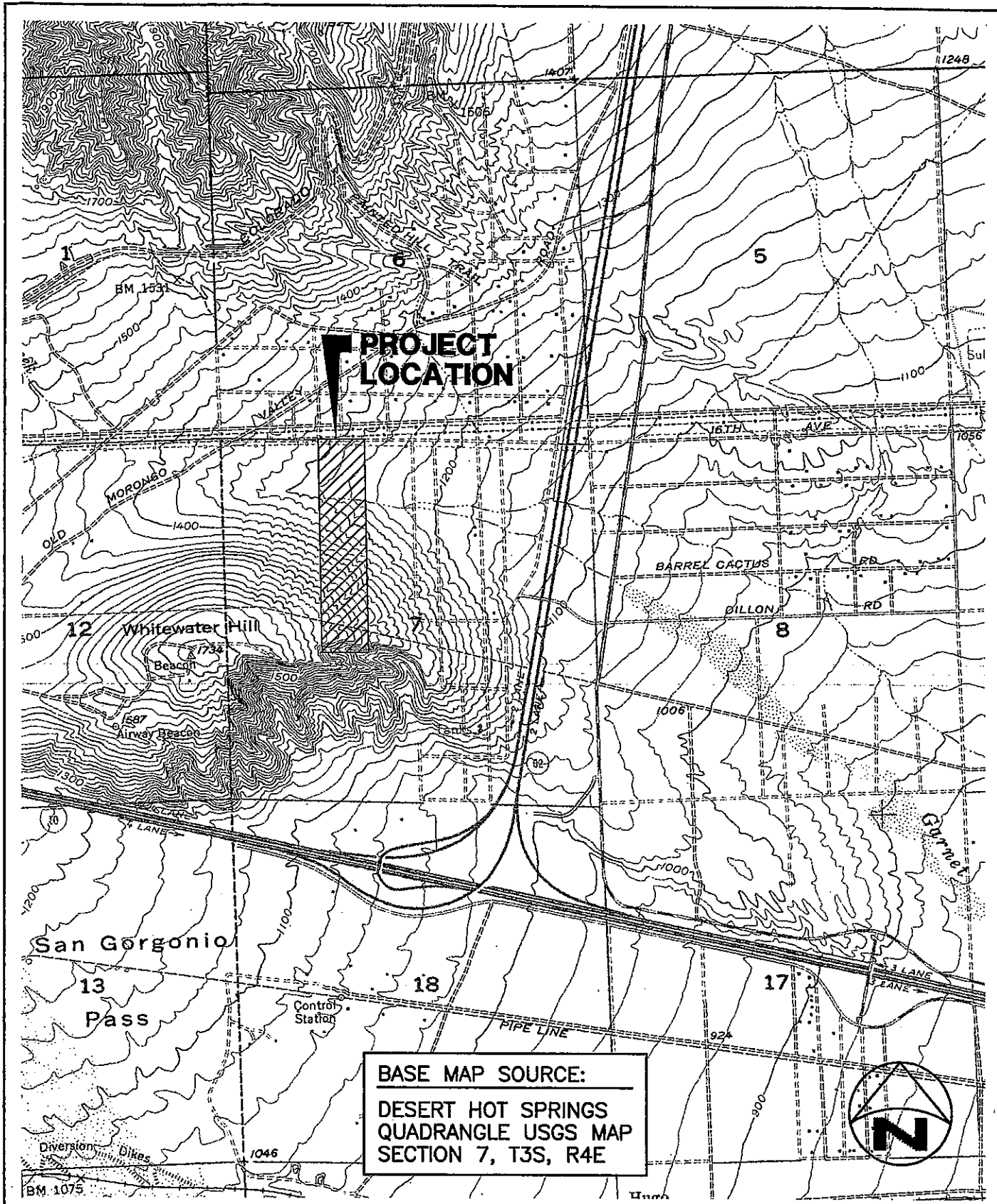
COMMERCIAL WECS PERMIT NO. 115 – SECOND EXTENSION OF TIME REQUEST

Page 2 of 2

With the proposed Extension of Time, the project also has gone through Joint Project Review (JPR) in anticipation of future grading permits since the site is located within a Conservation Area as part of the Coachella Valley Multispecies Plan. The JPR was reviewed by the Coachella Valley Conservation Commission and was found to be well within acceptable disturbance acreages. Approximately 1.5 acres of disturbance is proposed which is under 8% maximum disturbance allowed on two 40 acre parcels.

RECOMMENDATION:

APPROVAL of the **SECOND EXTENSION OF TIME REQUEST** for COMMERCIAL WECS PERMIT NO. 115, extending the expiration date to October 17, 2011, subject to all the previously approved and/or amended Conditions of Approval with the applicants consent.



KRIEGER
STEWART INCORPORATED

3602 University Ave. • Riverside, CA. 92501 • 951-684-8900

WHITewater ENERGY CORPORATION

APN 668-150-005 COMMERCIAL WECS PERMIT

LOCATION MAP

FIGURE

1

SCALE: 1"=2000'

DATE: 09/29/05

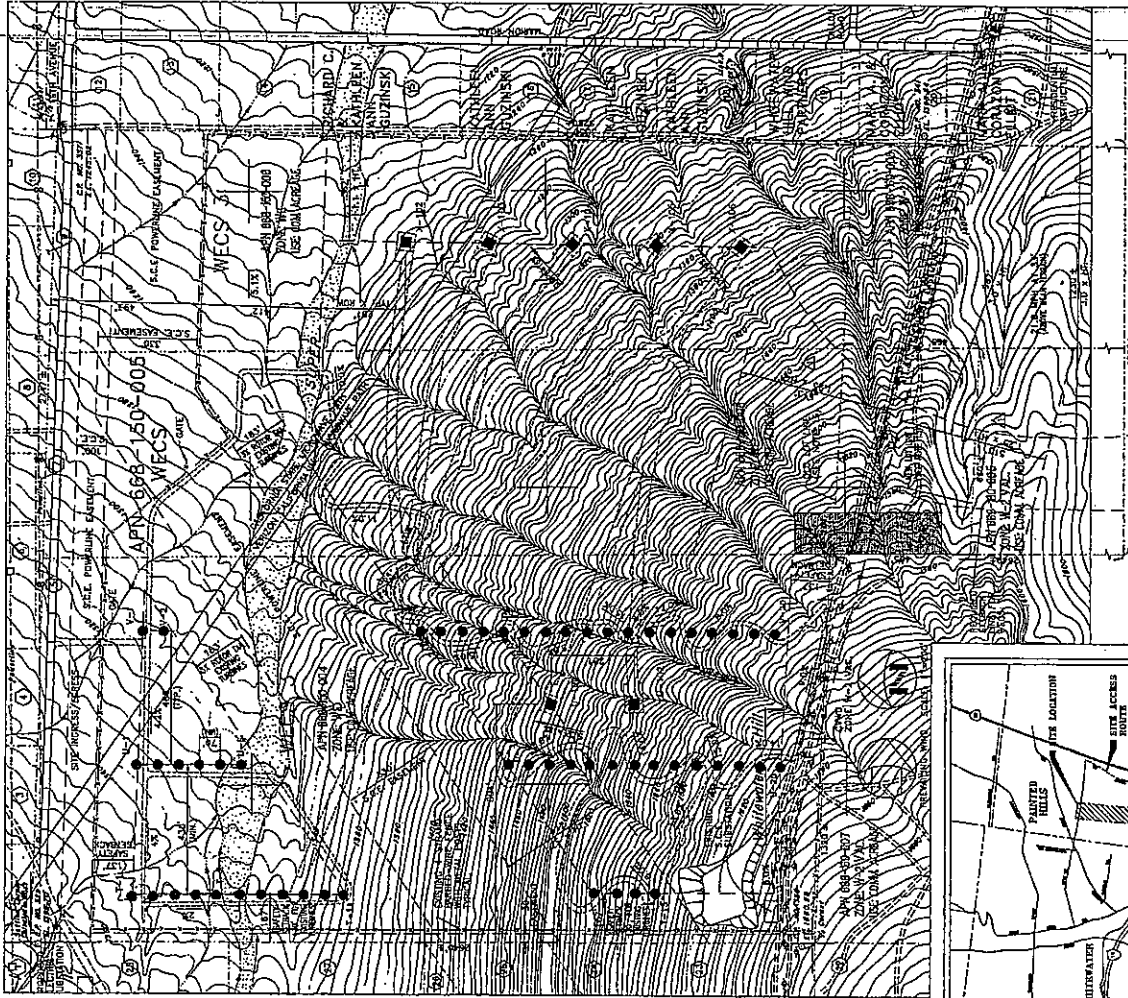
DRAWN BY: PMD

CHECKED BY: RSW

W.O.: 557-6

557-6f1.DWG

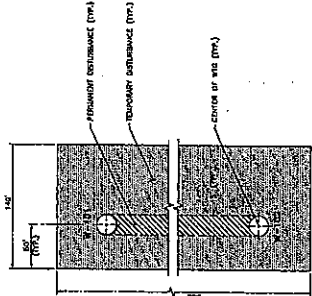
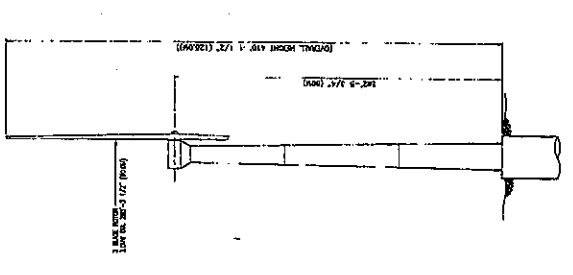
COMMERCIAL WECS PERMIT 115



ASSESSOR'S PARCEL DATA (ADJACENT PARCELS)

POINT	APN	ZONE	USE
1	616-332-314	WE	COMM. OFFICE
2	616-332-315	WE	COMM. OFFICE
3	616-332-316	WE	COMM. OFFICE
4	616-332-317	WE	COMM. OFFICE
5	616-332-318	WE	COMM. OFFICE
6	616-332-319	WE	COMM. OFFICE
7	616-332-320	WE	COMM. OFFICE
8	616-332-321	WE	COMM. OFFICE
9	616-332-322	WE	COMM. OFFICE
10	616-332-323	WE	COMM. OFFICE
11	616-332-324	WE	COMM. OFFICE
12	616-332-325	WE	COMM. OFFICE
13	616-332-326	WE	COMM. OFFICE
14	616-332-327	WE	COMM. OFFICE
15	616-332-328	WE	COMM. OFFICE
16	616-332-329	WE	COMM. OFFICE
17	616-332-330	WE	COMM. OFFICE
18	616-332-331	WE	COMM. OFFICE
19	616-332-332	WE	COMM. OFFICE
20	616-332-333	WE	COMM. OFFICE
21	616-332-334	WE	COMM. OFFICE
22	616-332-335	WE	COMM. OFFICE
23	616-332-336	WE	COMM. OFFICE
24	616-332-337	WE	COMM. OFFICE
25	616-332-338	WE	COMM. OFFICE
26	616-332-339	WE	COMM. OFFICE
27	616-332-340	WE	COMM. OFFICE
28	616-332-341	WE	COMM. OFFICE
29	616-332-342	WE	COMM. OFFICE
30	616-332-343	WE	COMM. OFFICE
31	616-332-344	WE	COMM. OFFICE
32	616-332-345	WE	COMM. OFFICE
33	616-332-346	WE	COMM. OFFICE
34	616-332-347	WE	COMM. OFFICE
35	616-332-348	WE	COMM. OFFICE
36	616-332-349	WE	COMM. OFFICE
37	616-332-350	WE	COMM. OFFICE
38	616-332-351	WE	COMM. OFFICE
39	616-332-352	WE	COMM. OFFICE
40	616-332-353	WE	COMM. OFFICE
41	616-332-354	WE	COMM. OFFICE
42	616-332-355	WE	COMM. OFFICE
43	616-332-356	WE	COMM. OFFICE
44	616-332-357	WE	COMM. OFFICE
45	616-332-358	WE	COMM. OFFICE
46	616-332-359	WE	COMM. OFFICE
47	616-332-360	WE	COMM. OFFICE
48	616-332-361	WE	COMM. OFFICE
49	616-332-362	WE	COMM. OFFICE
50	616-332-363	WE	COMM. OFFICE
51	616-332-364	WE	COMM. OFFICE
52	616-332-365	WE	COMM. OFFICE
53	616-332-366	WE	COMM. OFFICE
54	616-332-367	WE	COMM. OFFICE
55	616-332-368	WE	COMM. OFFICE
56	616-332-369	WE	COMM. OFFICE
57	616-332-370	WE	COMM. OFFICE
58	616-332-371	WE	COMM. OFFICE
59	616-332-372	WE	COMM. OFFICE
60	616-332-373	WE	COMM. OFFICE
61	616-332-374	WE	COMM. OFFICE
62	616-332-375	WE	COMM. OFFICE
63	616-332-376	WE	COMM. OFFICE
64	616-332-377	WE	COMM. OFFICE
65	616-332-378	WE	COMM. OFFICE
66	616-332-379	WE	COMM. OFFICE
67	616-332-380	WE	COMM. OFFICE
68	616-332-381	WE	COMM. OFFICE
69	616-332-382	WE	COMM. OFFICE
70	616-332-383	WE	COMM. OFFICE
71	616-332-384	WE	COMM. OFFICE
72	616-332-385	WE	COMM. OFFICE
73	616-332-386	WE	COMM. OFFICE
74	616-332-387	WE	COMM. OFFICE
75	616-332-388	WE	COMM. OFFICE
76	616-332-389	WE	COMM. OFFICE
77	616-332-390	WE	COMM. OFFICE
78	616-332-391	WE	COMM. OFFICE
79	616-332-392	WE	COMM. OFFICE
80	616-332-393	WE	COMM. OFFICE
81	616-332-394	WE	COMM. OFFICE
82	616-332-395	WE	COMM. OFFICE
83	616-332-396	WE	COMM. OFFICE
84	616-332-397	WE	COMM. OFFICE
85	616-332-398	WE	COMM. OFFICE
86	616-332-399	WE	COMM. OFFICE
87	616-332-400	WE	COMM. OFFICE

- NOTES:**
1. OWNER'S EXISTING LOCATIONS ESTABLISHED BY WATERWAY ENERGY CORPORATION.
 2. EXISTING DATA PATH LOCATIONS ESTABLISHED BY CONTRACTOR.
 3. HANDING ACCESS ROAD GRADE=15%.
 4. ALL EXISTING LINES TO BE UNDERGROUND.
 5. CONDUIT AND WIRE SHALL BE UNDERGROUND.
 6. FENCE AS REQUIRED BY WECS CONDITIONS.
 7. FENCE AND CONDUIT SHALL BE INSTALLED FOR SOIL.
 8. EXISTING AND CLEAR SPACES SHALL BE MAINTAINED AND CONSTRUCTION TO KEEP WORKERS AND VEHICLES OFF UNDISTURBED AREAS.
 9. 30" FIRE BREAK PER FIRE DEPARTMENT REQUIREMENTS.
 10. BOTTLED WATER TO BE FURNISHED IN TEMPORARY CONTAINER TRAILER AND PORTABLE TOILETS TO BE PROVIDED.
 11. PROPERTY IS NOT SUBJECT TO LIQUIDATION OR FLOODING. PROPERTY IS IN FEMA FLOOD ZONE C. LAND IS NOT WITHIN THE ADJUST-PROUD SPECIAL STUDY AREA - SEE GEOTECHNICAL REPORT.
 12. WHOSE INCLUDED IN APPLICATION PACKAGE.
 13. WHOSE INCLUDED IN APPLICATION PACKAGE.
 14. SAFETY SETBACK- 3.0 X TOTAL HEIGHT= 45FT (WITHOUT HAZARDOUS DRELLINGS) (WITH HAZARDOUS DRELLINGS).
 15. LOT LINE ADJUSTMENT APPLICATION PACKAGE WAS SUBMITTED TO THE COUNTY ON 02/19/2023.
 16. EXISTING LOT LINE WALLS TO BE MAINTAINED.



SITE DISTURBANCE AREA
N.T.S.

- LEGEND**
- PROPOSED 3.0 MW W.T.G. (CONTOUR OR ZONE) INCLUDED
 - EXISTING 3.0 MW W.T.G. LOCATIONS PER WECS PERMIT No. 115 (RETRACT No. 1)
 - PROPOSED 3.0 MW W.T.G. (TOTAL OF 3)
 - EXISTING SETBACK ROAD
 - PROPERTY BOUNDARY
 - PARCEL BOUNDARY
 - EXISTING EASEMENTS
 - EXISTING SETBACK LINE
 - EXISTING SETBACK LINE FOR WECS PERMIT No. 115 (RETRACT No. 1)
 - EXISTING FENCE

PROPOSED OWNER: WHITEWATER ENERGY CORPORATION
APPLICATOR: KATZ ENGINEERING INCORPORATED
DATE: 03/15/2023
PROJECT NO.: 115-115-0001
ADDRESS: 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100
APPROVED BY: [Signature]
DATE: 03/15/2023
PROJECT NO.: 115-115-0001
ADDRESS: 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100

REGISTERED ENGINEER: KATZ ENGINEERING INCORPORATED
 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100
 (916) 518-1537

APPROVED BY: [Signature]
 DATE: 03/15/2023

PROJECT NO.: 115-115-0001
ADDRESS: 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100, 115-115-0001, SUITE 100

SHEET **1**
 OF 1 SHEETS
 PROJECT No. 115-115-0001

SCALE: 1" = 500'
 FIELD BOOK: N/A
 DESIGN: [Signature]
 DRAWN: [Signature]
 CHECKED: [Signature]

REGISTERED ENGINEER No. [Number] DATE: [Date]

WHITEWATER ENERGY CORPORATION
 COMMERCIAL WECS PERMIT 115
SITE DISTURBANCE PLAN

NOTE: TOWER DATA FROM MANUFACTURER'S LITERATURE SHOWN. LOWER ELEVATION CONTRIBUTION TO WIND ALL DATA TAKEN FROM MANUFACTURER SHOP DRAWINGS.

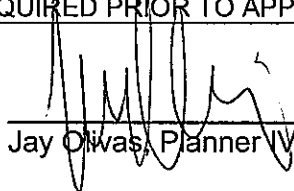
Extension of Time Environmental Determination

Project Case Number: WECS 115
 Original E.A. Number: EA40556
 Extension of Time No.: Second
 Original Approval Date: October 17, 2006
 Project Location: Northerly of Interstate 10, westerly of Marion Road

Project Description: The project proposes to construct and install two (2) wind turbines rated at 1.5 MW of electric power production each, at a total WECS height of up to 411 feet; Variance to reduce safety setbacks from approximately 452 feet to 0 feet.

On October 8, 2010, this Commercial WECS and its original environmental assessment/environmental impact report was reviewed to determine: 1) whether any significant or potentially significant changes in the original proposal have occurred; 2) whether its environmental conditions or circumstances affecting the proposed development have changed. As a result of this evaluation, the following determination has been made:

<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME , because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration and the project's original conditions of approval.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, and there are one or more potentially significant environmental changes or other changes to the circumstances under which the project is undertaken, NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME , because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration and revisions to the project's original conditions of approval which have been made and agreed to by the project proponent.
<input type="checkbox"/>	I find that there are one or more potentially significant environmental changes or other changes to the circumstances under which the project is undertaken, which the project's original conditions of approval may not address, and for which additional required mitigation measures and/or conditions of approval cannot be determined at this time. Therefore, AN ENVIRONMENTAL ASSESSMENT/INITIAL STUDY IS REQUIRED in order to determine what additional mitigation measures and/or conditions of approval, if any, may be needed, and whether or not at least one of the conditions described in California Code of Regulations, Section 15162 (necessitating a Supplemental or Subsequent E.I.R.) exist. Additionally, the environmental assessment/initial study shall be used to determine WHETHER OR NOT THE EXTENSION OF TIME SHOULD BE RECOMMENDED FOR APPROVAL .
<input type="checkbox"/>	I find that the original project was determined to be exempt from CEQA, and the proposed project will not have a significant effect on the environment, therefore NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME .

Signature:  _____
 Jay Orvas, Planner IV

Date: October 7, 2010
 For Carolyn Syms Luna, Planning Director

Olivas, Jay

From: WhitewaterWind@aol.com
Sent: Wednesday, August 04, 2010 11:24 PM
To: Olivas, Jay; Mares, David
Cc: sangorgon@aol.com; Goldman, Ron
Subject: Re: August Schedule WECS115 Fax over latest conditions

Hi Jay,

Thanks for sending me over the faxed conditions. Everything seems satisfactory, except the following 5-6 items:

10 Planning 18 - TV Interference: Planning Commission Deleted condition on 06/28/06

In fax, it says **Recommend**. Please Remove, we asked for this removal and the commission agreed.

10 Planning 19 - Failure Reports: Dave and Ron agreed, that no one follows this condition, they have not received any reports from anyone in years. It is a waste of our money and time to produce them and send them to someone who won't know what to do with it. Please delete, OR modify condition to say something like, upon request of the county, the permittee shall provide written reports within 48 hours of request; (if this must be kept in because of county ordinance) Therefore no time and expense is wasted unless it is requested by the County.

10 Planning 21 - WCS Monitoring Reports: Planning Commission Deleted condition on 06/28/06

In fax, it says **In Effect**. Please Remove, we asked for this removal and the commission agreed.

10. Planning 24 - Blade Locking Mechanism: Ron agreed to remove this, the airports have filters in their radar that avoid the "clutter" from the 80's. We will not under any circumstances follow this condition. This condition requires the blades to be locked when the turbine is offline for maintenance & repair (the turbine may be left offline over night and will need to rotate); This voids our turbine warranty and can cause catastrophic damage to the turbine, in addition the software does not allow this requirement to be fulfilled. This is an 80's condition that is INCOMPATIBLE with today's technology. This is a safety issue. "Or as approved by the Planning Director" doesn't fix the problem, unless the Planning director is going to issue us a letter, exempting us from this requirement as part of this extension.

10 Trans 2 - Std Intro 2 (Ord 460/461): This is not a sub division therefore this condition does not apply to this project. If this has no effect on us, you can keep it in, but it should be "Not Apply". My notes say, Ron was agreeable to have it removed.

80 Planning 12 - Electric Connection: Ron agreed to accept a letter from us instead of SCE. We are an existing interconnection and have been generating since 1984. These are not new interconnection facilities to the grid, so SCE would not write a letter. Just a reminder of our agreement on this issue.

As Ron is leaving this month, I hope there are staff notes of the verbal agreements between us that can be share with the incoming Planning Director, who I believe is Carolyn Sims Luna. We are ok'ing the changes in the Conditions that say "or as agreed to by the Planning Director", under the assumption that Ron's agreements will grandfather or apply with the new planning director, i.e. Carolyn will follow Ron's decisions.

If those changes are made above, we are ok with the Conditions and look forward to our time before the Board. Please let us know the time and date. Thank you very much for your efforts!

Brad

Bradford W. Adams

Whitewater Energy Corp. - Director of Project Development
San Gorgonio Farms, Inc. - Controller
707 Esplanade #C
Redondo Beach, CA 90277-4634
United States of America

(310) 316-7337 (O)
(310) 316-7013 (F)
(213) 507-2274 (C)

Whitewater Maintenance Corp. - President

Whitewater Wind Energy, Inc. - President

P.O. Box 580777

17550 Karen Avenue

North Palm Springs, CA 92258-0777

(760) 251-1907 (O)

(760) 251-2948 (F)

(213) 507-2274 (C)

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In a message dated 8/4/2010 3:49:45 P.M. Pacific Daylight Time, JOLIVAS@rethna.org writes:

I will fax over the conds, I can turn in the Board Packet today or early a.m. once you reply on the planning conds, thanks. Jay

From: WhitewaterWind@aol.com [mailto:WhitewaterWind@aol.com]

Sent: Wednesday, August 04, 2010 3:45 PM

To: Olivas, Jay; Mares, David

Cc: sangorgon@aol.com

Subject: Re: August Schedule WECS115 Fax over latest conditions

760 251-2948 fax number would get to me the fastest. I think we are very close if not already there to being ok with the conditions.

Brad

Bradford W. Adams

Whitewater Energy Corp. - Director of Project Development

San Geronio Farms, Inc. - Controller

707 Esplanade #C

Redondo Beach, CA 90277-4634

United States of America

(310) 316-7337 (O)

(310) 316-7013 (F)

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Whitewater Maintenance Corp. - President

Whitewater Wind Energy, Inc. - President

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In a message dated 8/4/2010 3:38:53 P.M. Pacific Daylight Time, JOLIVAS@rctlma.org writes:

Brad,

Planning completed our review with the planning condition changes and changed condition statuses to "Recommend" if there were any proposed wording changes for the Board to consider or to "NotApply". Let me fax over the latest conditions, our website may not be updated with the latest this p.m. Please note we contacted the other depts. as well. If there are other non-planning conditions you are still concerned about you will need to contact that dept directly. It would be ideal if we can go to the Board with basic agreement or understanding on the planning conds. What is best office to fax the conditions? The Board Packet is ready depending on your agreement with the planning conds or should we need more time if you want to negotiate further with the other agencies. Please let me know.

Regards,

Jay T. Olivas, Planner IV

Riverside County Planning Dept.

4080 Lemon Street, 9th Floor

Riverside, CA 92501

Phone: (951) 955-1195

Email: jolivas@rctlma.org

Please be aware that the Riverside County Planning Department has shifted to a 4-day workweek and our offices will be closed every Friday. Our Service hours will be from 7:30 A.M. to 5:30 P.M., Monday through Thursday.

From: WhitewaterWind@aol.com [mailto:WhitewaterWind@aol.com]
Sent: Wednesday, August 04, 2010 3:20 PM
To: Mares, David
Cc: Olivas, Jay; sangorgon@aol.com
Subject: August Schedule WECS115

Hi Dave,

We were hoping to be before the Board for the EOT for the August session. I believe there is only one this month? We would like to pull the grading permits to start some preparation work for foundations etc., allowing the concrete to cure etc. I guess we need to have the EOT approved before we can do that according to Bob Lyman.

I spoke with Jay and he said the Board package is currently under review. Do you have a feeling when that might be completed? Will we make this month's Board hearing? Is this something we should be present for, or is it simply a consent item?

Brad

Bradford W. Adams

Whitewater Energy Corp. - Director of Project Development
San Geronio Farms, Inc. - Controller
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(310) 316-7013 (F)
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Whitewater Wind Energy, Inc. - President
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(760) 251-2948 (F)
(213) 507-2274 (C)

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Olivas, Jay

From: WhitewaterWind@aol.com
Sent: Monday, August 02, 2010 1:20 PM
To: Olivas, Jay; sangorgon@aol.com
Subject: Re: WECS 115 Ext of Time Draft Reports

Comments in Red

10. Planning 19 **WSC. Failure Reports**
~~DELETE~~ Ron Agreed to Remove

Still in your draft conditions.

10. Planning 21 **WSC. Monitoring Reports**
~~DELETE~~ Ron Agreed to Remove

Planning Commission removed this 06/28/06, still in your draft conditions.

20. Planning 1 **WSC. Expiration Date**
~~AMEND~~ Ron Agreed to correction – 3 Years

Can't find condition?

20. Planning 2 **WSC. Life of Permit**
~~AMEND~~ Ron agreed to language: or 30 years after the Building and Safety department 'finalizes' the permit, whichever is greater.

Can't find condition?

10. E Health 1 **WSC. Hazmat BEP**
~~DELETE~~ Ron Agreed that Planning will ask other department for removal

Still in your draft conditions.

10. E Health 2 **WSC. No Plumbing**
~~DELETE~~ Ron Agreed that Planning will ask other department for removal

Still in your draft conditions.

10. Fire 1 **WSC. Indio-Struc Fire Prot**
~~DELETE~~ Ron Agreed that Planning will ask other department for removal

Still in your draft conditions.

10. Planning 5 **WSC. Notice Serving**
~~UPDATE ADDRESS:~~ 707 Esplanade #C, Redondo Beach, CA 90277

Can't find condition?

10. Trans 2 **WSC. Std Intro 2 (Ord 460/461)**

~~DELETE~~

Ron Agreed that Planning will ask other department for removal

Still in your draft conditions.

Brad

In a message dated 8/2/2010 9:02:40 A.M. Pacific Daylight Time, JOLIVAS@rctlma.org writes:

Brad,

As stated previously, I have completed the "Draft" reports for the Board meeting. Please see attached. You may also want to see latest conditions with any proposed changes online at www.rctlma.org under Quick Data, Planning Case Conditions of Approval , enter "WCS00115". My supervisor is reviewing. I will let you know a timeline shortly.

Regards,

Jay T. Olivas, Planner IV

Riverside County Planning Dept.

4080 Lemon Street, 9th Floor

Riverside, CA 92501

Phone: (951) 955-1195

Email: jolivas@rctlma.org

Please be aware that the Riverside County Planning Department has shifted to a 4-day workweek and our offices will be closed every Friday. Our Service hours will be from 7:30 A.M. to 5:30 P.M., Monday through Thursday.



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June 8, 2010

Riverside County Planning Department
38686 El Cerrito Road
Palm Desert, CA 92211

Attention: Ron Goldman – Planning Director
David Mares – Principal Planner
Jay Olivas – Planner IV
Judy Deertrack - Planner

Subject: WECS Permit No. 115 (WCS00115):
Conditions of Approval / Extension of Time

Dear Ladies and Gentlemen:

WECS 115 was permitted back a few years ago and a number of Conditions of Approval (“COA”) were flagged by Whitewater Energy Corp. as being onerous and in other cases entered multiple times in repetition in our COA list; COA’s that were not applicable to this permit; COA’s that were harmful to the viability to the project; COA’s that were not in the County’s jurisdiction nor had the authority to impose such regulations among a host of other issues, outlined in a letter to the planning department. The county took some time, addressing some of those conditions, removing some and lowering the overall list from 104 to 99 conditions. Some conditions however were added and is included in the 99 as “IN EFFECT”, even though the Board has never seen nor voted on these conditions.

During our recent attempt to extend the permit due to its impending expiration, we found that the County had the rights to add COA’s with our approval to our already long list. Due to the ability of the County to add a COA, we feel the County also has the right to remove COA’s.

We wish to re-address a small list of the original issues below and meet to discuss the removal and modification of some of the Conditions.

We have created the smallest possible list of must delete (in Red) items totaling ten (10) as explained under each heading.



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We have a smaller list of seven (7) items (in Yellow) we wish to discuss and offer amendments and suggest deletions.

There is also a final list of seventeen (17) (In Green) that are simply not applicable to the project, or are duplications of prior Conditions.

We look forward to discussing these with the appropriate county staff to address our concerns before going before the board.

Sincerely,

A handwritten signature in black ink that reads "Brad Adams". The signature is written in a cursive, somewhat stylized script.

Brad Adams
Director of Project Development



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10. Planning 3

WSC. No Connect w/o Final

Page 3, 4

██████████ This condition must be removed. This is over-stepping the bounds of authority by the County, it is creating an unsafe work environment and we simply will not conform to this condition that puts the safety and well being of our employees in jeopardy. Power must be connected to the turbine in ALL cases on every project. There should not be a "chance" that a temporary power permit be halted, denied or delayed when installation occurs. Once the project starts, power must be provided at all time. Millions of dollars of equipment arrive on site, with costly construction crews, small low wind-windows of time for installation among a host of other logistics that should not be impaired by the County asserting they have 'connecting power' authority. That would be foolish, unsafe, may violate OSHA Laws among a host of other issues, such as voiding turbine warranties etc. Here are just a few reasons why power is required and mandated without issuance of a temporary permit: 1) Transformers need to be energized and allow to heat up to operating temperatures. 2) Power must be on inside of the turbine as the tower needs internal lighting for the construction crews. 3) Power must be on to be able to rotate the nacelle into position for the installation of the rotor. 4) Power must be on to be able to release and set the brakes for installation. 5) Power must be on for pitching the blades into a safe position after installation. 6) Power must be on for general operations and safety features inside of the turbine. 7) Power must be on for commissioning and testing of the turbine. 8) Power must be on and maintained the moment the turbine is installed to maintain turbine warranties, just to name a few important reasons. This condition restricts wind energy development. In addition, Southern California Edison has the state and federal authority regarding our ability to connect to their grid, not the county.

10. Planning 24

WSC. Blade Locking Mechanism

Page 9

██████████ This is the most over-reaching government intervention of private business that I have seen in these conditions. This is absolutely a condition that is so egregious; I do not know where to start. 1) This must be an old outdated condition from the 80's. At a time of stall regulated turbines with small rotors and concerns about airport clutter on radar. 2) The Palm Springs International Airport has installed filters on its radar systems and is in no way impacted by the wind turbines and their ability to monitor traffic. 3) Turbine warranties that allow for 'bumper to bumper' coverage much like a car for the first 2-5 years of a turbine life are null and void if the brakes are set for more than 48 hours. 4) The stresses of a 45 meter blade, times 3 that are produced on the drive train are immense, to have the brakes set in high winds can cause catastrophic failure of the drive train of the turbine. 5) Turbines that do not idle when down, stop lubricating the very important and expensive gearbox because of a lack of rotation and therefore oil being dispensed over the gear teeth and bearings. 6) Stall regulated turbines need to have the brakes set when down for maintenance whether scheduled or non-scheduled, or in high wind events. Pitch regulated blades simply pitch back to 90 degrees and spill the air off, allowing for a minor rotation of the parts, continuing lubrication under no load. If the brakes were set, massive loads would form on the drivetrain. Stall regulated turbines are 1st generation turbines, I do not believe you can purchase a stall regulated turbine since the late 1990's. 7) The turbine is made by a manufacturer and shipped by a common carrier, therefore operations of the unit are not in the County's jurisdiction and parameters of the turbine do not allow for locking of the brakes except in emergency conditions or forced shutdown. 8) The entire intent of this COA is moot, because of my point 2, the problem is no longer an issue.

10. Planning 32

GEN. Inadvertant Archaeo EOT1

Page 13, 14

██████████ ██████████: REMOVE
IN EFFECT STATUS – Request amendment that a determination and agreement will be made within 5 calendar days of the discovery; if no determination or agreement is



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reached, a qualified archaeologist will catalogue and remove or relocate remains within 5 calendar days of the initial deadline.

60. Planning 7

WSC. Archaeologist Retained

Page 17, 18

Spoke with Leslie Mouriquand, she indicated that after review of our archaeological and paleontological study and report, this condition is not required.

ENVIRONMENTAL ASSESSMENT # - EA40556

- Archaeological Resources

- a) Alter or destroy an archaeological site. NO IMPACT
- b) Cause a substantial adverse change in significance of an archaeological resource pursuant to California Code of regulations, Section 15064.5? NO IMPACT
- c) Disturb any human remains, including those interred outside of formal cemeteries? NO IMPACT
- d) Restrict existing religious or sacred uses within the potential impact area? NO IMPACT

Findings of fact: Based on RCIP Figure OS-6, the project site is not located within an area of archaeological sensitivity. According to the Archaeological and Paleontological Survey Report, no archaeological resources were encountered within the boundaries of the project site, and no further archaeological studies are recommended for the project area at this time.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

- Paleontological Resources

- a) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature? NO IMPACT

Findings of Fact: Based on RCIP Figure OS-8, paleontological sensitivity at the project site is undetermined. The paleontological records search and survey, as described in the Archaeological and Paleontological Survey Report (L&L 2005), yielded no paleontological resources in the area, and a low probability of producing fossils. No further paleontological studies are recommended.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

Requiring monitors is expensive; it is not required and would be of no benefit. It is another layer of cost and potential delays to be added to a two turbine project that has already surveyed the area in addition to 12 other surveys that have been performed in the immediate area. This condition needs to be removed.

60. Planning 10

GEN*.Cult Resources EOT1

Page 19

Spoke with Leslie Mouriquand, she indicated that after review of our archaeological and paleontological study and report, this condition is not required.

ENVIRONMENTAL ASSESSMENT # - EA40556

- Archaeological Resources



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- e) Alter or destroy an archaeological site. NO IMPACT
- f) Cause a substantial adverse change in significance of an archaeological resource pursuant to California Code of regulations, Section 15064.5? NO IMPACT
- g) Disturb any human remains, including those interred outside of formal cemeteries? NO IMPACT
- h) Restrict existing religious or sacred uses within the potential impact area? NO IMPACT

Findings of fact: Based on RCIP Figure OS-6, the project site is not located within an area of archaeological sensitivity. According to the Archaeological and Paleontological Survey Report, no archaeological resources were encountered within the boundaries of the project site, and no further archaeological studies are recommended for the project area at this time.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

- Paleontological Resources

- b) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature? NO IMPACT

Findings of Fact: Based on RCIP Figure OS-8, paleontological sensitivity at the project site is undetermined. The paleontological records search and survey, as described in the Archaeological and Paleontological Survey Report (L&L 2005), yielded no paleontological resources in the area, and a low probability of producing fossils. No further paleontological studies are recommended.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

70. BS Grade 1

USE-G4.1E-CL 4:1 or Steeper

Page 20

This condition must be removed. We have never been required to plant or irrigate manufactured slopes on a wind project. In addition, the very nature of our business precludes landscaping from surviving. In addition, there is no water planned, permitted or available to irrigate landscaping and is in conflict with COA 10 EVERY 2 WCS* NO PLUMBING -- No water for domestic purposes or wastewater disposal is considered as part of this approval.

70. Planning 2

WSC. Archaeologist Certified

Page 21

- Spoke with Leslie Mouriquand, she indicated that after review of our archaeological and paleontological study and report, this condition is not required.

ENVIRONMENTAL ASSESSMENT # - EA40556

- Archaeological Resources

- i) Alter or destroy an archaeological site. NO IMPACT
- j) Cause a substantial adverse change in significance of an archaeological resource pursuant to California Code of regulations, Section 15064.5? NO IMPACT
- k) Disturb any human remains, including those interred outside of formal cemeteries? NO IMPACT
- l) Restrict existing religious or sacred uses within the potential impact area? NO IMPACT



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Findings of fact: Based on RCIP Figure OS-6, the project site is not located within an area of archaeological sensitivity. According to the Archaeological and Paleontological Survey Report, no archaeological resources were encountered within the boundaries of the project site, and no further archaeological studies are recommended for the project area at this time.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

- Paleontological Resources

c) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature? **NO IMPACT**

Findings of Fact: Based on RCIP Figure OS-8, paleontological sensitivity at the project site is undetermined. The paleontological records search and survey, as described in the Archaeological and Paleontological Survey Report (L&L 2005), yielded no paleontological resources in the area, and a low probability of producing fossils. No further paleontological studies are recommended.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

80. Planning 12

WSC. Electric Connection

Page 26

This is not in the County's jurisdiction. The developer and Southern California Edison have their own agreements, studies and review that need to be performed. It is governed by State, CaISO, CPUC, and Federal Law and requires state and federal approval in most cases. The county is involving itself in a process that does not warrant county review. This adds costs and delay to projects.

80. Trans 2

WSC. R-O-W Dedication 1

Page 27

The permit applicant does not own the land, this COA is arbitrary and capricious and can't be satisfied because the applicant doesn't own the property. 16th Avenue in addition is nearly a half a mile away from the project area.

Our law-firm researched the standard that applies when a local regulatory agency seeks to impose an "exaction" (e.g., dedication of an easement) on a landowner as a condition of granting a permit to use or develop the land.

Basically, there are three parts of the analysis:

(1) Is the purpose of the exaction a legitimate government purpose? If the purpose here is securing public access to public land, or implementing a master planned local and regional transportation system, which would be a legitimate government purpose.

(2) Does the kind of exaction imposed address the kind of impact caused by the use or development? In other words, is the exaction designed to reduce the anticipated negative consequences of the proposed use or development? It is difficult to see how a public road easement on one edge of a parcel would reduce the negative consequences of installing turbines (e.g., visual blight, noise, etc.) on another section of that parcel. Does the County have some argument that installation of the turbines will have a negative impact on public access or transportation?



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(3) Is the exaction “roughly proportional” to the burden imposed by the use or development? Again, it is difficult to see how installation of the turbines would create a burden on public access or transportation that would justify the creation of a new public road easement.

In short, unless there’s a “reasonable relationship” between the easement and the anticipated negative impacts of installing the turbines, the County cannot require you to dedicate the easement as a condition to approving the installation.

In conclusion, even if the permit applicant did have ownership of the land, we still would oppose this condition because the County cannot create an easement dedication condition of approval that determines if the project can progress. This condition must be removed.

90. Planning 11

GEN*.Cult Resources RPT EOT1

Page 32

~~_____~~ - Spoke
with Leslie Mouriquand, she indicated that after review of our archaeological and paleontological study and report, this condition is not required.

ENVIRONMENTAL ASSESSMENT # - EA40556

- Archaeological Resources

- m) Alter or destroy an archaeological site. NO IMPACT
- n) Cause a substantial adverse change in significance of an archaeological resource pursuant to California Code of regulations, Section 15064.5? NO IMPACT
- o) Disturb any human remains, including those interred outside of formal cemeteries? NO IMPACT
- p) Restrict existing religious or sacred uses within the potential impact area? NO IMPACT

Findings of fact: Based on RCIP Figure OS-6, the project site is not located within an area of archaeological sensitivity. According to the Archaeological and Paleontological Survey Report, no archaeological resources were encountered within the boundaries of the project site, and no further archaeological studies are recommended for the project area at this time.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

- Paleontological Resources

- d) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature? NO IMPACT

Findings of Fact: Based on RCIP Figure OS-8, paleontological sensitivity at the project site is undetermined. The paleontological records search and survey, as described in the Archaeological and Paleontological Survey Report (L&L 2005), yielded no paleontological resources in the area, and a low probability of producing fossils. No further paleontological studies are recommended.

MITIGATION: NONE

MONITORING: **NONE REQUIRED!** (*emphasis added*)

10. Planning 9

WSC. Ceased Operations

Page 6

~~DELETE~~

This condition must be removed. Force Majeure events occur. Depending on a host of issues both locally and around the world, it is highly possible you may have a



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turbine down for more than the term as defined by the amended condition. Should a Main Substation Transformer fail, should a long lead time part have serial failures both locally and abroad, it may take a long time for the turbine manufacturer to both procure the replacement parts, determine a proper solution for the repair or replacement part and schedule the warranty crews to come back to the project to make the repairs. We have recently witnessed a 7 month and a 9 month delay on other projects and this was in a time when demand for wind turbines was easing and parts were available. To be able to go to a bank and procure financing for a project that has a condition such as this, a condition that would void the very permit that allows the project to operate, no bank would take that risk and loan millions of dollars for a project. Alternatively the bank would assign a high risk to this condition lowering the profit on the project to the point of harming the developer. This condition restricts wind energy development.

10. Planning 19

WSC. Failure Reports

Page 8

~~DELETE~~

Does the county monitor gas station pumps? If a house is damaged in an earthquake, is the homeowner required to submit a report to the County? If a communication tower loses a cable or a communication device from the tower structure, are they required to write and submit a written report to the county? Our industry is being unfairly picked out. This is an old redundant condition created in the 80's/90's when wind turbines were prototypes and untested. Turbines today are millions of dollars each, with millions of dollars of testing, engineering, international standard approvals, research and analysis, not to mention condition monitoring equipped. Why does the county need these reports, it is not necessary. We are operating on private property with the appropriate safety setbacks that meet, exceed or have been waived and approved by the Board. We have all permissions needed to meet the ordinances of Riverside County. Failure reports sent to the county does not provide any benefits to anyone. It is a waste of time, costs someone time and money to prepare reports that the County will ultimately do nothing about. They County does not have funds in the budget to do anything with the reports therefore is wasting our efforts in producing them. This COA is a condition put in by a staff member that creates work for certain departments, but it is not a County Ordinance or law and should be removed from the COA's on this and future permits.

10. Planning 21

WSC. Failure Reports

Page 8, 9

~~DELETE~~

~~DELETED BY PLANNING COMMISSION 06/28/06~~

10. Planning 31

GEN. If Human Remains EOT1

Page 12, 13

~~Critical~~

~~REMOVED~~ : REMOVE

IN EFFECT STATUS – Request amendment that a determination will be made pursuant to State Health and Safety Code Section 7050.5 and that disposition of the remains to be concluded within 5 calendar days of the determination.

20. Planning 1

WSC. Expiration Date

Page 14

~~AMEND~~

To clarify this condition, we wish for the text to be consistent and the board modification of 3 years and that 3 years continue throughout the paragraph and the older text referencing 2 years be corrected.

20. Planning 2

WSC. Life of Permit

Page 14

~~AMEND~~

The life of Commercial WECS Permit No. 115 shall terminate on September 1, 2036, or 30 years after the



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Building and Safety department ‘finalizes’ the permit, whichever is greater and the permit shall thereafter be null and void and of no effect whatsoever.

- | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------|
| 90. Planning 8
DELETE | WSC. Exist Perimeter Fence | Page 30 |
| <p>This is a two turbine project in and amongst 261 other turbine covering over 2 square miles of land. We are in the middle of 2-3 other WECS permits that require fencing. This is a costly endeavor to require a survey and certification of nearly a 30,000 ft or over 5.5 miles of fence line; it is burdensome and costly for such a small project when the protections are already in place.</p> | | |
| 10. E Health 1
DELETE | WSC. Hazmat BEP | Page 2 |
| <p>Not Applicable to this project</p> | | |
| 10. E Health 2
DELETE | WSC. No Plumbing | Page 2 |
| <p>Not Applicable to this project</p> | | |
| 10. Fire 1
DELETE | WSC. Indio-Struc Fire Prot | Page 2 |
| <p>Not Applicable to this project</p> | | |
| 10. Planning 5
UPDATE ADDRESS | WSC. Notice Serving | Page 4 |
| <p>707 Esplanade #C, Redondo Beach, CA 90277</p> | | |
| 10. Planning 7
DELETE | WSC. Phasing Plan | Page 5 |
| <p>Not Applicable to this project</p> | | |
| 10. Planning 11
DELETE | WSC. Gen. Setback/Height Req | Page 6 |
| <p>The county is holding wind energy to a higher standard. Buildings can be built within 5 feet of a property line for example in a residential development. Wind projects cover large areas of land, straddling many lot lines, Right of Ways and various structures. WECS permits have a county ordinance to adhere too, or to obtain a variance for any departure from those rules and requirements. Our project has the appropriate approvals and may or may not be within 50 feet of a prohibition of this condition. We have obtained safety setback waivers, blade encroachment waivers, etc. from our neighbors and all required setbacks to get project approval. We should be able to build within 1 ft of a property line if we so choose and if it is permitted. All buildings or structures not built or planned need to be permitted in any case, so this condition is pointless, as the requirements of this condition pertains to a future permit.</p> | | |
| 10. Planning 12
DELETE | WSC. Meteor. Tower Plan | Page 6 |
| <p>Not Applicable to this project</p> | | |
| 10. Trans 2
DELETE | WSC. Std Intro 2 (Ord 460/461) | Page 14 |
| <p>Not Applicable to this project</p> | | |



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60. Planning 6 DELETE	WSC. Required Applications Condition Satisfied	Page 17
60. Planning 8 DELETE	WSC. If Human Remains Found DUPLICATE of 10 Planning 31 Page 12, 13 – Request amendment that a determination will be made pursuant to State Health and Safety Code Section 7050.5 and that disposition of the remains to be concluded within 5 calendar days of the determination.	Page 18
80. Planning 10 DELETE	WSC. Dust Control DUPLICATE of 60 Planning 4 Page 17	Page 26
90. B&S 1 DELETE	BP Grading Clearance Reqmnt DUPLICATE of 80 B&S 1 Page 21	Page 27
90. B&S Grade 1 DELETE	USE-G4.1E-CL 4:1 or Steeper DUPLICATE of 70 B&S Grade 1 Page 20	Page 27
90. B&S Grade 2 DELETE	USE-G4.2 ½”/FT/3ft Min DUPLICATE of 70 B&S Grade 2 Page 20	Page 27
90. Fire 1 DELETE	WSC. Wind Turbine Tower DUPLICATE of 80 Fire 1 Page 22	Page 28
90. Planning 1 DELETE	WSC. Mitigation Monitoring DUPLICATE of 80 Planning 11 Page 26	Page 28
90. Trans 1 DELETE	WSC. Driveway Not Applicable to this project	Page 32

WECS Case #: WCS00115

Parcel: 668-160-005

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 WCS - HOLD HARMLESS INEFFECT

The permittee shall defend, indemnify, and hold harmless the County of Riverside, its agents, officers, and employees from any claim, action or proceeding against the County of Riverside or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the County of Riverside, its advisory agencies, appeal boards, or legislative body concerning Commercial WECS Permit No. 115, including all modifications. The County of Riverside will promptly notify the permittee of any such claim, action, proceeding against the County of Riverside and will cooperate fully in the defense. If the County fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County of Riverside.

10. EVERY. 2 WSC - PROJECT DESCRIPTION INEFFECT

The use hereby permitted is for a commercial WECS array consisting of two (2) turbines up to 411 feet in height located within Assessor's Parcel Numbers 668-150-005, 668-160-005, etc.

Variance Case No. 1781 is related to this commercial WECS permit and authorizes a modification to Section 18.41d of Ordinance No. 348, to reduce WECS safety setbacks from approximately 452 feet to 0 feet.

10. EVERY. 3 WCS - DEFINITIONS INEFFECT

The words identified in the following list that appear in all capitals in the attached conditions of Commercial WECS Permit No. 115 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Commercial WECS Permit No. 115, Exhibit A, Amended No. 1 (site plan), Exhibit B, Amended No. 1 (site disturbance plan), and Exhibits D-1, D-2, D-3, Amended No. 1 (grading plan).

10/25/10
13:20

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 2

WECS Case #: WCS00115

Parcel: 668-160-005

10. GENERAL CONDITIONS

BS GRADE DEPARTMENT

10.BS GRADE. 1 WSC-GEN INTRODUCTION INEFFECT

Improvements such as grading, excavating, filling, over-excavating and recompacting, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE. 2 WSC-OBEY ALL GRDG. REGS. INEFFECT

All grading shall conform to the Uniform Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

E HEALTH DEPARTMENT

10.E HEALTH. 1 WSC* - HAZMAT BEP INEFFECT

This facility requires a business plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet, or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

10.E HEALTH. 2 WSC* - NO PLUMBING INEFFECT

No water for domestic purposes or wastewater disposal is considered as part of this approval.

FIRE DEPARTMENT

10.FIRE. 1 WCS-INDIO-STRUC FIRE PROT INEFFECT

No permit shall be issued for the construction or placing of any structure on site for the purpose of habitation or human occupancy, including offices and/or maintenance buildings without first establishing fire protection requirements as a condition of such permit. This requirement includes the establishment of a minimum fire flow per the UFC and Riverside County Ordinance 787.

WECS Case #: WCS00115

Parcel: 668-160-005

10. GENERAL CONDITIONS

10.FIRE. 2 WCS-INDIO SERVICE VEHICLES INEFFECT

Service vehicles assigned to regular maintenance or construction at the project site shall be equipped with a portable fire extinguisher of a 4A40BC rating. All motor driven equipment shall be equipped with approved spark arrestor.

PLANNING DEPARTMENT

10.PLANNING. 1 WCS - COMPLY W/ORD /EXHIBITS INEFFECT

The development of the premises shall comply with Ordinance No. 348 standards and with all other applicable codes of the State of California and ordinances of Riverside County. The development of the premises shall be in conformance with the plans included within the APPROVED EXHIBIT A, on file in the office of the Riverside County Planning Department, unless otherwise amended by these conditions of approval.

10.PLANNING. 2 WCS - UTILITY COORDINATION INEFFECT

All distribution lines, electrical substations and other interconnection facilities shall be constructed to the specifications of the affected utility and state and federal standards. The permittee shall comply with the requirements of any other affected utility regarding acceptable encroachments within easements of record, and protection of gas transmission lines and other existing utility improvements.

10.PLANNING. 3 WCS - NO CONNECT W/O FINAL INEFFECT

No individual WECS shall be interconnected in any manner to the electrical facilities of the Southern California Edison Company, including, but not limited to, by means of an on-site substation, on-site electrical collection line or through the electrical equipment of any other commercial WECS permit, PRIOR TO FINAL INSPECTION APPROVAL by the Land Use Division of the Department of Building and Safety for the entire WECS array approved under this commercial WECS permit, or any phase thereof, as shown on an approved phasing plan. The permit holder may apply for a Temporary Power Permit from the Land Use Division prior to final inspection approval of the entire WECS array, or phase thereof, and the Land Use Division may issue such a permit in order to allow testing of WECS during limited periods

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10. GENERAL CONDITIONS

10.PLANNING. 3 WCS - NO CONNECT W/O FINAL (cont.) INEFFECT

of time for noise standard monitoring, uniform building code compliance and for other reasons, as approved by the Land Use Division. The Director of the Department of Building and Safety, or his designee, may allow the interconnection of individual WECS, notwithstanding the above, if the Director determines that adequate safe guards exist to ensure compliance with all conditions of approval of this permit, or as approved by the Planning Director.

AMENDED BY BOARD OF SUPERVISORS, 10-17-06

MODIFIED 7/8/10 PER EXTENSION OF TIME REQUEST

10.PLANNING. 4 WCS - REPLACE OR MODIFY WECS INEFFECT

Prior to any replacement or modification of any WECS, towers or related facilities (except other than regular maintenance items), written notice shall be given to the Planning Director and the Director of the Department of Building and Safety.

10.PLANNING. 5 WCS - NOTICE SERVING INEFFECT

All notices concerning this permit may be served by mail or in person on the following individual at the follow address:

Mr. Bradford Adams
Whitewater Energy Corporation
707 Esplanade, Ste. C
Redondo Beach, CA 90277

The above-designated individual and served address may be changed from time to time, but the individual and served address shall remain located within the State of California. No such change shall be effective unless served by registered or certified mail on the Riverside County Planning Director.

MODIFIED 7/8/10 PER EXTENSION OF TIME REQUEST

10.PLANNING. 6 WCS - MAXIMUM WECS INEFFECT

A maximum total of two (2) WECS and towers, consisting of Vestas V90-3.0 megawatt turbines, shall be allowed under

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10. GENERAL CONDITIONS

10.PLANNING. 6 WCS - MAXIMUM WECS (cont.) INEFFECT

this commercial WECS permit. The Planning Director, through the appropriate procedures of Ordinance No. 348, or through procedures as may be hereafter amended, may approve a maximum total of two (2), three (3) bladed, upwind WECS and towers, with rotor diameter of no more than 90 meters adhering to applicable ordinances on noise and safety.

AMENDED BY BOARD OF SUPERVISORS, 10-17-06

10.PLANNING. 7 WCS - PHASING PLAN NOTAPPLY

Phasing of development requirements, such as bonding or WIMP fees, not otherwise provided for, may be approved in conjunction with a phasing plan, as approved by the Planning Director and other affected agencies. Should phasing or development requirements be proposed, the permittee shall submit twelve (12) marked lot plans showing the phasing plan to the Planning Department. PRIOR TO BUILDING INSPECTION APPROVAL and interconnection to the utility grid of each phase, all facilities, improvements and other requirements intended for that phase shall be installed in usable condition, as approved by the Director of the Department of Building and Safety.

AMENDED BY THE PLANNING COMMISSION ON 6/28/06

10.PLANNING. 8 WCS - WECS & TOWER SPECS INEFFECT

The WECS and tower specifications approved under this commercial WECS permit include the following:

- a. WECS Manufacturer and Model Number: Vestas V90-3.0 MW, or equivalent.
- b. Total Height (WECS blade tip at 12:00 position): 411'
- c. Rotor Diameter: 296'
- d. Rotor Orientation: Upwind
- e. Number of Blades: Three
- f. WECS Tower Design: Solid tubular
- g. Blade Design: Variable pitch, if stall regulated; no furling; tapered and twisted blades; airfoils designed

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10. GENERAL CONDITIONS

10.PLANNING. 8 WCS - WECS & TOWER SPECS (cont.) INEFFECT

to stall softly.

Any change or alteration in the above WECS and tower specifications will require approval of the Planning Department, pursuant to the appropriate procedures of Ordinance No. 348, or through procedures as may be hereafter amended, prior to issuance of any building permits.

AMENDED BY BOARD OF SUPERVISORS, 10-17-06.

10.PLANNING. 9 WCS - CEASED OPERATIONS INEFFECT

This approval shall become null and void in the event the use hereby permitted ceases operation for the periods established by Section 18.41d(8) - Unsafe and Inoperable WECS, or as that section may be hereafter amended. The permit holder shall be provided all notices required by Section 18.31 of Ordinance No. 348 and all notices provided by Ordinance No. 457.

AMENDED BY BOARD OF SUPERVISORS, 10-17-06.

10.PLANNING. 10 WCS - LIGHTING HOODED & DIRECT INEFFECT

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property and public right-of-way.

10.PLANNING. 11 WCS - GEN. SETBACK/HEIGHT REQ NOTAPPLY

In no case, shall a building, structure or electrical substation be closer than fifty (50) feet from any road right-of-way or lot line and no building, structure, or electrical substation shall exceed twenty (20) feet in total height unless otherwise approved by the Planning Director, pursuant to an action separate from this permit, pursuant to Section 13.34 of Ordinance No. 348. This height limit shall not apply to meteorological towers or WECS, provided that no meteorological tower in the W-E zone shall exceed 400 feet in height.

10.PLANNING. 12 WCS - METEOR. TOWER PLAN NOTAPPLY

Should any meteorological tower be proposed fifty (50) feet or higher, a plot plan, separate from this permit, shall

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10. GENERAL CONDITIONS

10.PLANNING. 12 WCS - METEOR. TOWER PLAN (cont.) NOTAPPLY

first be granted pursuant to the provisions of Section 18.30.a(1) of Ordinance No. 348, prior to installation or obtaining construction permits. The maximum height of any meteorological tower in the W-E zone shall be 400 feet.

10.PLANNING. 13 WCS - VACANT AREAS INEFFECT

Areas outside of designated site disturbance located on the APPROVED EXHIBIT A, shall be maintained in a natural condition and shall not be graded and used for vehicle parking, material storage or display or similar uses.

10.PLANNING. 14 WCS - USE LIMITED TO PLANS INEFFECT

No grading, component stockpiling, WECS or any other activity or structures shall be allowed during construction and life of this WECS permit, outside of temporary and permanent disturbance areas as shown on the APPROVED EXHIBIT A, unless approved by the Planning Director through a plot plan process, separate from this permit, as provided in the W-E zone.

10.PLANNING. 16 WCS - ACCESS & OPERATIONS INEFFECT

Construction traffic, and later on-going operation and maintenance traffic, associated with this commercial WECS permit, shall utilize off-site legal access, as approved by the Director of the Transportation Department. Construction, operation and maintenance traffic shall be restricted to the hours between 6:00 a.m. to 10:00 p.m., except as required for emergency maintenance to the WECS array, and shall not present public nuisance in regards to fugitive dust, noise and outdoor lighting.

10.PLANNING. 17 WCS - ADVERTISING LIMITS INEFFECT

No advertising sign or logo shall be placed or painted on any WECS, tower or foundation. No more than two (2) unlighted advertising signs, relating to the development shall be located on the project site; signs shall be rectangular in shape, shall not exceed fifteen (15) square feet in surface area and eight (8) feet in height. Prior to installation of any advertising signs, a building permit shall be obtained from the Department of Building and Safety.

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10. GENERAL CONDITIONS

10.PLANNING. 18 WCS - TV INTERFERENCE

DELETED

No WECS shall be operated so as to cause significant television interference. In the event that significant television interference is caused by WECS or its operation, the WECS permittee shall take the measures necessary to remedy the situation. Remedial measures which may be required include, but are not limited to, installation of cable television in the affected area and discontinued operation. No WECS shall be operated so as to cause unlawful interference with microwave communications.

THIS CONDITION DELETED BY THE PLANNING COMMISSION ON
6/28/06

10.PLANNING. 19 WCS - FAILURE REPORTS

INEFFECT

The permittee shall provide written reports of all failures of WECS which result in: Loss of blades, loss of hub assemblies, separation of the generator from the tower through failure, tower failure, and failure of electrical power cables connecting the generator to the electrical termination at the bottom of the tower. Reports shall be submitted, by mail, to the Planning Director and Director of the Department of Building and Safety within 48 hours of occurrence of the incident and shall include the type of incident, the identification number of the WECS, and the name and address of the operator. In addition to notifying the Planning Director and the Director of Building and Safety of such failures, the windfarm operator shall keep a log of all such failures which will be available for inspection by County personnel or their consultants upon reasonable notice.

The permit holder shall allow the Director of the Department of Building and Safety, or his designee, full access to the property to allow for inspection of all reported or observed WECS and tower and other electrical equipment failures.

AMENDED BY BOARD OF SUPERVISORS, 10-17-06

10.PLANNING. 20 WCS - WCS METERING

INEFFECT

All WECS shall be individually metered or monitored individually upon connection to the utility interconnection and throughout the life of this permit to facilitate the monitoring of power production of individual WECS.

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10. GENERAL CONDITIONS

10.PLANNING. 21 WCS - WCS MONITORING REPORTS DELETED

The permittee may be required to submit periodic monitoring reports containing data on the operations and environmental impacts of this commercial WECS permit, including, but not limited to, noise, WECS failures, power production and sightings of threatened or endangered species. Upon written notice from the County of Riverside, requiring such a report, the permittee shall prepare and submit the required report within forty-five (45) calendar days.

THIS CONDITION DELETED BY THE PLANNING COMMISSION ON
6/28/06

10.PLANNING. 22 WCS - SCENIC SETBACK INEFFECT

A minimum scenic setback of 1000 feet shall be maintained by all WECS and towers from Interstate 10, and a minimum 1/4 scenic setback shall be maintained by all WECS and towers from State Highway 62.

10.PLANNING. 23 WCS - NO OUTDOOR ADVERTISING INEFFECT

No outdoor advertising display, sign or billboard shall be constructed or maintained within the property subject to this permit.

10.PLANNING. 24 WCS - BLADE LOCKING MECHANISM DELETED

All WECS shall have a locking mechanism installed and maintained in a proper manner which provides for the WECS blades to be locked in place so as to prevent rotation of the blades in the wind when the WECS have been turned off for repair or are otherwise inoperable, in order to limit airport radar interference or "clutter", or as approved by the Planning Director.

MODIFIED 7/8/10 PER EXTENSION OF TIME REQUEST

10.PLANNING. 25 WCS - FAA RULES COMPLIANCE INEFFECT

This permit shall at all times comply with Federal Aviation Administration rules and regulations. Should additional lighting and coloration be required, the permit holder shall obtain comments from the Planning Director prior to the installation thereof.

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10. GENERAL CONDITIONS

10.PLANNING. 26

WCS - OPERATIONAL NOISE

INEFFECT

The permittee shall comply with the following WECS permit operational noise standards:

a. The WECS shall not be operated so that noise is created exceeding an exterior level of 55 db(A), as measured pursuant to the Health Services Agency, Office of Industrial Hygiene's transmittal dated March 22, 2006. WECS shall not create sound pressure levels in excess of the development criteria contained in Section 18.41d of Ordinance No. 348. All questions regarding the true meaning of these noise and sound pressure level standards shall be referred to the Environmental Health Department's, Office of Industrial Hygiene (hereafter Health Department). In the event noise or sound pressure levels exceed the above standards, the WECS operator shall take the necessary steps to remedy the situation, which may include discontinued operation.

b. The Health Department shall investigate WECS noise and sound pressure level complaints while this permit remains within the unincorporated jurisdiction of Riverside County. The Health Department representative may enter the property to investigate any noise complaints upon reasonable notice. At the time of investigation, the operator of the WECS array may be required to temporarily discontinue the operation of as many WECS as needed within the array at no cost to any government agency in order to allow the Health Department representative to make reasonable field evaluations.

10.PLANNING. 27

WCS - NO EA FOR SHOWN GRADE

INEFFECT

No environmental assessment for grading within the project boundaries shall be required provided such grading substantially conforms to the grading plan submitted as the APPROVED EXHIBIT A (generally site disturbance plan) and does not significantly exceed 3,000 cubic yards of cut and 3,000 cubic yards of fill. The permittee shall comply with all conditions of approval requiring performance prior to the issuance of grading permits.

10.PLANNING. 28

WCS - GRADED LAND MAINTENANCE

INEFFECT

Graded, but undeveloped land shall be maintained in a condition so as to prevent a dust and blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control

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10. GENERAL CONDITIONS

10.PLANNING. 28 WCS - GRADED LAND MAINTENANCE (cont.) INEFFECT

measures, as approved by the Director of Building and Safety and State air quality management authorities.

10.PLANNING. 29 WCS - 90 DAYS TO PROTEST INEFFECT

The project applicant has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

10.PLANNING. 30 WCS - GEO NO. 1604 INEFFECT

County Geologic Report (GEO) No. 1604, submitted for this project (WCS00115), was prepared by Earth Systems Southwest and is entitled: "Geotechnical Engineering Report, Two Wind Turbines on Whitewater Hill, San Geronio Pass Area of Riverside County, California" dated December 2, 2005.

GEO No. 1604 concluded:

1.The site is likely to be subjected to moderate to severe ground shaking during the expected life span of the project. Active faults are not known to exist with the project site. The nearest active fault is the San Andreas-Banning Branch located about 1.0 miles south. The maximum expected earthquake on this fault is estimated to be a magnitude 7.2. Additionally, the Southern Branch of the San Andreas fault is located about 1.7 miles to the north. The maximum expected earthquake on this fault is estimated to be a magnitude 7.7.

2.Liquefaction potential and associated dynamic settlement resulting from the effects of strong ground shaking are considered to be negligible.

3.The absence of steep slopes in the project area indicates that the potential hazards from slope instability, landslides and debris flows are considered low.

4.Proposed cuts and fills are of limited extent and are considered to be stable as designed.

GEO No. 1604 recommended:

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10. GENERAL CONDITIONS

10.PLANNING. 30

WCS - GEO NO. 1604 (cont.)

INEFFECT

1.Existing vegetation, large roots, non-engineered fill, construction debris, trash and abandoned underground utilities should be removed from the proposed foundation area.

2.Organic growth should be stripped in the proposed fill areas and removed from the site prior to the preparation of the subgrade to receive fill. The subgrade soils should be scarified, moisture conditioned and compacted to 90% relative compaction (per ASTM D 1557) to a depth of 24 inches prior to placing fill.

3.Native soil with large cobbles and boulders removed is suitable for use as engineered fill and utility trench backfill. The native soil should be moisture conditioned, placed in 8-inch loose lifts and compacted to 90% relative compaction (ASTM D 1557).

4.Positive drainage should be maintained away from structures (5% for 5 feet minimum) to prevent saturation of the foundation soils.

5.Unprotected, permanent graded slopes should not be steeper than 3:1 (horizontal:vertical) to reduce the potential for wind and rain erosion.

GEO No. 1604 satisfies the requirement for a Geotechnical study for Planning/CEQA purposes. GEO No. 1604 is hereby accepted for planning purposes. Engineering and other Uniform Building Code parameters where not included, as a part of this review or approval and this approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

10.PLANNING. 31

GEN - IF HUMAN REMAINS EOT1

INEFFECT

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

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10. GENERAL CONDITIONS

10.PLANNING. 31

GEN - IF HUMAN REMAINS EOT1 (cont.)

INEFFECT

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant." The Most Likely Descendant shall then make recommendations and engage in consultation with the County and the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Planning /Director.

10.PLANNING. 32

GEN - INADVERTANT ARCHAEO EOT1

INEFFECT

The developer/permit holder or any successor in interest shall comply with the following for the life of this project:

If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological reports and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. A cultural resources site is defined, for this condition, as being three or more artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1. All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the project archaeologist, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the Planning Director to discuss the significance of the find.

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10. GENERAL CONDITIONS

10.PLANNING. 32 GEN - INADVERTANT ARCHAEO EOT1 (cont.) INEFFECT

2.At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal (or other appropriate ethnic/cultural group representative) and the archaeologist, a decision is made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.

3.Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate preservation or mitigation measures.

TRANS DEPARTMENT

10.TRANS. 2 WCS- STD INTRO 2(ORD 460/461) NOTAPPLY

With respect to the conditions of approval for the referenced tentative land division map, the Transportation Department recommends that the land divider provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Ordinance 460 and Riverside County Road Improvement Standards (Ordinance 461). It is understood that the tentative map correctly shows acceptable traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the map to be resubmitted for further consideration. These Ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is a binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 WCS - EXPIRATION DATE INEFFECT

This permit shall be used within three (3) years after the effective date of the issuance of the permit, otherwise, it shall become null and void and of no effect whatsoever. By "use" is meant beginning substantial construction of the facilities as approved by this permit, which thereafter are pursued diligently to completion "substantial construction"

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20. PRIOR TO A CERTAIN DATE

20.PLANNING. 1 WCS - EXPIRATION DATE (cont.) INEFFECT

shall mean obtaining final building inspection approval of a minimum of 25 percent of all WECS in the approved WECS array. Prior to the expiration of the three (3) year period, the permittee may request a one (1) year extension of time in which to use this permit, and , thereafter, prior to the expiration of any granted extension, a second and third request for an annual extension of time may be requested. Should all available extension of time requests be granted and should no substantial construction or use of this permit be initiated within five (5) years of the effective date of the issuance of this permit, this permit shall become null and void and of no effect whatsoever.

THIS CONDITION AMENDED BY THE PLANNING COMMISSION ON
6/28/06

MODIFIED 7/8/10 PER EXTENSION OF TIME REQUEST

20.PLANNING. 2 WCS - LIFE OF PERMIT INEFFECT

The life of Commercial WECS Permit No. 115 shall terminate on September 1, 2036, or 30 years after the Building and Safety Department finalizes the permit, whichever is greater, and the permit shall thereafter be null and void and of no effect whatsoever.

This commercial WECS permit is subject to Section 18.31 of Ordinance No. 348 (Permit Revocation).

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60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 1 USE* PM 10 CLASS REQUIRED INEFFECT

Prior to the issuance of a grading permit, as a requirement of the CIP, the owner, developer, contractor, and their assignees must attend the PM10 class conducted by SCAQMD. Currently, classes are scheduled monthly by SCAQMD.

60.BS GRADE. 2 USE-G1.4 NPDES/SWPPP INEFFECT

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 2 USE-G1.4 NPDES/SWPPP (cont.) INEFFECT

Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 657-1146.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them.

60.BS GRADE. 3 USE* -PM10 PLAN REQUIRED INEFFECT

A PM10 Fugitive Dust Mitigation Plan, prepared in accordance with AQMD Rule 403.1, shall be submitted to the Building and Safety Department for review and approval prior to the issuance of a grading permit.

1.NOTE: The PM 10 plan shall require the posting of signs in accordance with Building and Safety form "Signage Recommendations".

2.NOTE: All PM 10 measures must be in place prior to commencing any grading activity on site.

60.BS GRADE. 4 USE-G2.4GEOTECH/SOILS RPTS INEFFECT

Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department's Grading Division for review and approval prior to issuance of a grading permit.

All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County.*

*The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 4 USE-G2.4GEOTECH/SOILS RPTS (cont.) INEFFECT
GEOLOGIC REPORTS.

60.BS GRADE. 5 USE-G2.1 GRADING BONDS INEFFECT

Grading in excess of 199 cubic yards will require performance security to be posted with the Building and Safety Department. Single Family Dwelling units graded one lot per permit and proposing to grade less than 5,000 cubic yards are exempt.

PLANNING DEPARTMENT

60.PLANNING. 2 WCS - BIOLOGICAL MITIGATION INEFFECT

Prior to the issuance of grading permits for any WECS, towers or accessory structures, the permit holder shall submit a report from a qualified biologist, subject to the approval of the Planning Department, addressing the mitigation measures contained in Biological Report by L&L Environmental dated March 31, 2005 and verifying that the mitigation measures contained in the Biological Report have been incorporated into the design, improvement and construction procedures of this project.

60.PLANNING. 3 WCS - MITIGATION MONITORING INEFFECT

PRIOR TO THE ISSUANCE OF A GRADING PERMIT, the permittee shall prepare and submit a written report to the Planning Director of the County of Riverside demonstrating compliance with those conditions of approval and mitigation measures of this permit and E.A. No. 40556, which must be satisfied prior to the issuance of a grading permit. The Planning Director may require inspection or other monitoring to assure such compliance.

60.PLANNING. 4 WCS - DUST CONTROL INEFFECT

Fugitive dust and blowsand control measures, as described in the permit holder's dust control plan dated November 4, 2005 (copies of which are attached), shall be incorporated into the construction and operation activities of this permit in addition to control measures required by the project grading permit as issued by the Director of the Department of Building and Safety.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 6 WCS - REQUIRED APPLICATIONS MET

No grading permits shall be issued until Change of Zone No. 7251 has been approved and adopted by the Board of Supervisors and has been made effective.

60.PLANNING. 7 WCS - ARCHAEOLOGIST RETAINED NOTAPPLY

Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to unique archaeological resources. Should the archaeologist, after consultation with the appropriate Native American tribe, find the potential is high for impact to unique archaeological resources (cultural resources and sacred sites), a pre-grading meeting between the archaeologist, a Native American observer, and the excavation and grading contractor shall take place. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American Observer shall actively monitor all project related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of unique archaeological resources. Prior to the issuance of grading permits, the NAME, ADDRESS and TELEPHONE NUMBER of the retained archaeologist shall be submitted to the Planning Department and the B&S Grading Division. If the retained archaeologist, after consultation with the appropriate Native American tribe, finds no potential for impacts to unique archaeological resources, a letter shall be submitted to the Planning Department certifying this finding by the retained qualified archaeologist.

60.PLANNING. 8 WCS - IF HUMAN REMAINS FOUND INEFFECT

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission, which will determine and notify the appropriate NATIVE AMERICAN TRIBE who is the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 8 WCS - IF HUMAN REMAINS FOUND (cont.) INEFFECT

most likely descendent. The descendent shall inspect the site of the discovery and make a recommendation as to the appropriate mitigation. After the recommendation has been made, the property owner, a Native American Tribe representative, and a County representative shall meet to determine the appropriate mitigation measures and corrective actions to be implemented.

60.PLANNING. 9 WCS - FEE STATUS INEFFECT

Prior to the issuance of grading permits for commercial WECS Permit No. 115, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

60.PLANNING. 10 GEN*- CULT RESOURCES EOT1 NOTAPPLY

As a result of previous archaeological investigation for the original permit, archaeological monitoring of grading shall be required.

Prior to the issuance of grading permits, the developer/permit holder shall retain and enter into a monitoring and mitigation service contract with a qualified Archaeologist for services. This professional shall be known as the "Project Monitor." The Project Monitor shall be included in the pre-grade meetings to provide cultural/historical sensitivity training including the establishment of set guidelines for ground disturbance in sensitive areas with the grading contractors and special interest monitors. The Project Monitor shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with the special interest monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Riverside County Planning Department to ensure compliance with this condition of approval. Upon verification, the Planning Department shall

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 10 GEN*- CULT RESOURCES EOT1 (cont.) NOTAPPLY

clear this condition.

NOTE:

1)The Project Monitor is responsible for implementing mitigation using standard professional practices for cultural resources. The Professional shall consult with the County, developer/permit holder and special interest group monitor throughout the process.

2)This agreement shall not modify any condition of approval or mitigation measure.

70. PRIOR TO GRADING FINAL INSPECT

BS GRADE DEPARTMENT

70.BS GRADE. 1 USE-G4.1E-CL 4:1 OR STEEPER INEFFECT

Plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the Building and Safety Department's Erosion Control Specialist.

70.BS GRADE. 2 USE-G4.2 1/2"/FT/3FT MIN INEFFECT

Finish grade shall be slopes to provide proper drainage away from all exterior foundation walls. The slope shall be not less than one-half inch per foot for a distance of not less than three feet from any point of exterior foundation. Drainage swales shall not be less than 1-1/2 inches deeper than the adjacent finish grade at the foundation.

70.BS GRADE. 3 USE*-GP2.0.a COMPACTION REPORT INEFFECT

Prior to requesting paving inspections and subsequent final grading inspection, the applicant shall submit to the Department of Building and Safety, Grading Division, two (2) copies of the compaction report for subgrade in pavement areas and all other areas not addressed in the compaction report submitted for the building pad(s).

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70. PRIOR TO GRADING FINAL INSPECT

70.BS GRADE. 4 USE*-GP2.1a ENG. CERTIFICATION INEFFECT

Prior to paving inspection(s) and subsequent final grading inspection, the civil engineer of record shall submit to the Department of Building and Safety, Grading Division, written certification of completion of final grading in accordance with the approved grading plan.

PLANNING DEPARTMENT

70.PLANNING. 2 WCS - ARCHAEOLOGIST CERTIFIED NOTAPPLY

A qualified archaeologist shall be retained by the developer for consultation and comment on the proposed grading with respect to potential impacts to sub-surface cultural resources. When necessary, in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative and a Native American Observer shall have the authority to monitor all project grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of cultural remains. The archaeologist shall submit a written report to the Planning Department of the results of the initial consultation, and the final results of the sub-surface cultural resource recovery plan, if recovery was deemed necessary. The written report shall be submitted PRIOR TO FINAL INSPECTION AND CERTIFICATION OF PROJECT GRADING.

80. PRIOR TO BLDG PRMT ISSUANCE

B&S DEPARTMENT

80.B&S. 1 BP - GRADING CLEARANCE REQMNT INEFFECT

Prior to the issuance of this permit, the applicant must obtain clearance from the Grading Division of the Department of Building & Safety. It may be necessary for the applicant to speak directly with a representative of the Grading Division to determine the specific requirements for their clearance.

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80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 1 USE-G3.1NO B/PMT W/O G/PMT INEFFECT

Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

80.BS GRADE. 2 USE*BP3.0.A CERT. & COMP. RPT INEFFECT

Prior to issuance of a building permit, the developer or applicant shall submit to the Grading Division of the Building and Safety Department the following for review and approval:

1. Certification from the registered civil engineer of record that the building pad(s) were constructed in the locations and to the elevations shown on the approved grading plan.

2. Compaction report from the soils engineer of record certifying that all grading was performed in accordance with the preliminary soils report and that all fill was compacted to a minimum of 90% of maximum density. The report shall include an exhibit and chart showing the locations, depths, and results of compaction tests.

80.BS GRADE. 3 WCS - CERTIFY MECHANICAL INEFFECT

Prior to the issuance of building permits for any WECS, the permit holder will provide the Director of the Department of Building and Safety certifications from the wind turbine manufacturer that they meet appropriate International Standards and certifications.

ADDED BY THE BOARD OF SUPERVISORS

80.BS GRADE. 4 WCS - CERTIFY STRUCTURE INEFFECT

Prior to the issuance of building permits for any WECS and towers, a California registered structural and electrical engineer shall certify, in writing, to the satisfaction of the Director of the Department of Building and Safety, that the WECS foundations, tower and compatibility of the tower with the rotor and the rotor related equipment, and the electrical system, conform with good engineering practice and comply with the applicable provisions of the Uniform

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80. PRIOR TO BLDG PRMT ISSUANCE

80.BS GRADE. 4 WCS - CERTIFY STRUCTURE (cont.) INEFFECT

Building and Electrical Code that have been adopted by the County of Riverside.

ADDED BY THE BOARD OF SUPERVISORS.

FIRE DEPARTMENT

80.FIRE. 1 WCS-WIND TURBINE TOWERS NOTAPPLY

The following areas shall be cleared of vegetation and maintained as a fire/fuel break as long as the generators are in operation:

a) Thirty (30) feet around the periphery of the project. Access roads that completely surround the project may satisfy this requirement, if approved by the Fire Department.

b) Ten (10) radius feet around all transformers and wind turbine towers. c) Thirty (30) feet around all buildings.

d) All buildings or equipment enclosures of substantial size (exceeding 120 sq.feet and excluding Nacelles) containing control panels, switching equipment, or transmission equipment, and no regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type. Plans for such systems must be submitted to the Fire Department for review or approval.

PLANNING DEPARTMENT

80.PLANNING. 1 WCS - COLOR & FINISH INEFFECT

PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR ANY WECS or tower, the permit holder shall submit, for the approval of the Planning Department, four (4) 5" x 5" color and finish samples of the exterior WECS components and towers.

80.PLANNING. 2 WCS - CERTIFY MECHANICAL DELETED

PRIOR TO THE ISSUANCE OF BUILDING PERMITS for any WECS, a registered mechanical engineer shall certify, in writing, to the satisfaction of the Director of the Department of Building and Safety, that the WECS mechanical system, including rotor overspeed control system, conforms to good

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 2 WCS - CERTIFY MECHANICAL (cont.) DELETED

engineering practice and complies with the appropriate provisions of the mechanical codes adopted by the County.

DELETED WITH APPLICANT'S PROPOSED LANGUAGE ADDED AS A BUILDING AND SAFETY DEPARTMENT CONDITION.

80.PLANNING. 3 WCS - CERTIFY STRUCTURE DELETED

PRIOR TO THE ISSUANCE OF BUILDING PERMITS for any WECS, a California registered structural and electrical engineer shall certify, in writing, to the satisfaction of the Director of the Department of Building and Safety, that the WECS foundations, tower and compatibility of the tower with the rotor and the rotor related equipment, and the electrical system, conform with good engineering practice and comply with the applicable provisions of the Uniform Building and Electrical Code that have been adopted by the County.

DELETED AND ADDED TO BUILDING AND SAFETY DEPARTMENT CONDITIONS.

80.PLANNING. 4 WCS - STAKE PROPERTY INEFFECT

PRIOR TO ISSUANCE OF BUILDING PERMITS, the permit holder shall place identified stakes at each corner of the property containing this commercial WECS permit and at the corners of the actual construction site, as shown in the APPROVED EXHIBIT "A". Additional stakes may be required, as determined by the Planning Director or Building Director. The stakes shall extend at least three (3) feet above the ground and shall be maintained during the construction, repowering and restoration period(s) of this WECS permit.

The Planning Department shall require the permit holder to submit written certification from a state licensed professional and/or inspection by county staff in order to verify compliance with this condition of approval.

80.PLANNING. 6 WCS - PAY ALL PROPERTY TAX INEFFECT

The permit holder shall pay all property taxes due prior to the issuance of building permits, as assessed by the Riverside County Tax Collector. The Planning Department may require written certification from the Office of the

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 6 WCS - PAY ALL PROPERTY TAX (cont.) INEFFECT

County Treasurer & Tax Collector or other forms of verification to be presented by the permit holder in order to assure compliance with this condition of approval.

80.PLANNING. 7 WCS - BIO PROTECTION PLAN INEFFECT

PRIOR TO THE ISSUANCE OF A GRADING PERMIT OR A BUILDING PERMIT, the permittee shall submit, for the approval of the Planning Department and the Department of Building and Safety (as part of the grading permit application), a mitigation/monitoring plan (three (3) copies to each department), prepared by a qualified biologist outlining steps to be taken to protect on-site barrel cacti, any desert tortoise and other issues, as identified in the Biological Report by L&L Environmental dated March 31, 2005. PRIOR TO FINAL BUILDING INSPECTION APPROVAL of the WECS array, a final report (3 copies for each department), detailing the results of the biological mitigation/monitoring plan shall be submitted for approval of the Planning and Building and Safety Departments.

80.PLANNING. 8 WCS - WIMP FEES INEFFECT

PRIOR TO THE ISSUANCE OF BUILDING PERMITS, the permit holder shall pay to the Planning Director all Wind Implementation Monitoring Program (WIMP) fees established by the Board of Supervisors and in effect at the time of the request for a building permit.

80.PLANNING. 9 WCS - BOND OR SECURITY INEFFECT

PRIOR TO THE ISSUANCE OF BUILDING PERMITS for the WECS or towers allowed by this permit, a bond or other appropriate and sufficient security in the amount of \$10,000 shall be filed with the County by the WECS permit holder. The bond or other security shall cover the costs of WECS removal and site restoration (including but not limited to removal of the foundation, tower, transformer and cables) should any WECS become unsafe, inoperable or abandoned within five (5) years after the issuance of the building permits. The bond shall be held for five (5) years after the issuance of building permits, but may be released sooner by the Board of Supervisors upon approval of a final demolition and site restoration inspection by the Department of Building and Safety. Thereafter, and with no interruption in the bonding security of the project, bonds shall be renewed in

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 9 WCS - BOND OR SECURITY (cont.) INEFFECT

five (5) year increments to include the expiration date of the permit(s) granted, as referenced herein. If the Planning Director determines, at any time during the term of the bond or other security, that the amount of the bond or other security has become insufficient, the permit holder shall increase the amount of the bond or other security within thirty (30) days after being notified that the amount is insufficient, but the required increase shall not exceed the increase in the U.S. Department of Labor Consumer Price Index for the Los Angeles-Long Beach Metropolitan Area.

80.PLANNING. 10 WCS - DUST CONTROL INEFFECT

Fugitive dust and blowsand control measures, as described in the permit holder's dust control plan dated November 4, 2005 (a copy of which is attached), shall be incorporated into the construction and operation activities of this permit. Prior to issuance of building permits, the permit holder shall submit a written certification from a state licensed professional that the project conforms to required fugitive dust and blowsand control requirements.

80.PLANNING. 11 WCS - MITIGATION MONITORING INEFFECT

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the permittee shall prepare and submit a written report to the Planning Director of the County of Riverside demonstrating compliance with those conditions of approval and mitigation measures of this permit and E.A. No. 40556, which must be satisfied prior to the issuance of a building permit. The Planning Director may require inspection or other monitoring to assure such compliance.

80.PLANNING. 12 WCS - ELECTRIC CONNECTION INEFFECT

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the permit holder shall submit to the Department of Building and Safety a written statement from the Southern California Edison Company, confirming that the proposed transmission/distribution utility interconnection is acceptable and in accordance with the procedures established by the California Public Utilities Commission, unless otherwise approved by the Planning Director.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 13 USE - REQD APPLICATIONS (2) INEFFECT

No building permits shall be issued until Change of Zone No. 7251 have been approved and adopted by the Board of Supervisors and have been made effective. This permit shall conform with the development standards of the designation(s) and/or zone(s) ultimately applied to the property.

80.PLANNING. 15 WCS - FEE STATUS INEFFECT

Prior to issuance of building permits for commercial WECS Permit No. 115, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

TRANS DEPARTMENT

80.TRANS. 1 WCS - TUMF INEFFECT

Prior to the issuance of a building permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 673.

80.TRANS. 2 WCS - R-O-W DEDICATION 1 NOTAPPLY

Sufficient public street right-of-way along 16th Avenue shall be conveyed for public use to provide for a 30 foot half-width right-of-way.

90. PRIOR TO BLDG FINAL INSPECTION

B&S DEPARTMENT

90.B&S. 1 BP - GRADING CLEARANCE REQMNT INEFFECT

Prior to the final inspection, the applicant must obtain clearance from the Grading Division of the Department of Building & Safety. It may be necessary to speak directly to a representative of the Grading Division to determine specific requirements for their clearance.

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90. PRIOR TO BLDG FINAL INSPECTION

BS GRADE DEPARTMENT

90.BS GRADE. 1 USE-G4.1E-CL 4:1 OR STEEPER INEFFECT

Plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the Building and Safety Department's Erosion Control Specialist.

90.BS GRADE. 2 USE-G4.2 1/2"/FT/3FT MIN INEFFECT

Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls. The slope shall be not less than one-half inch per foot for a distance of not less than three feet from any point of exterior foundation. Drainage swales shall not be less than 1-1/2 inches deeper than the adjacent finish grade at the foundation.

FIRE DEPARTMENT

90.FIRE. 1 WCS-WIND TURBINE TOWERS INEFFECT

The following areas shall be cleared of vegetation and maintained as a fire/fuel break as long as the generators are in operation: a) Thirty (30) feet around the periphery of the project. Access roads that completely surround the project may satisfy this requirement, if approved by the Fire Department. b) Ten (10) radius feet around all transformers and wind turbine towers. c) Thirty (30) feet around all buildings. d) All buildings or equipment enclosures, excluding Nacelles, of substantial size containing control panels, switching equipment, or transmission equipment, and no regular human occupancy, shall be equipped with an automatic fire extinguishing system of a Halon or dry chemical type. Plans for such systems must be submitted to the Fire Department for review or approval.

PLANNING DEPARTMENT

90.PLANNING. 1 WCS - MITIGATION MONITORING INEFFECT

PRIOR TO FINAL INSPECTION AND UTILITY INTERCONNECTION, the permit holder shall prepare and submit a written report to the Planning Director of the County of Riverside

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 1 WCS - MITIGATION MONITORING (cont.) INEFFECT

demonstrating compliance with all remaining conditions of approval and mitigation measures of this permit and E.A. No. 40556. The Planning Director may require inspection or other monitoring to assure such compliance.

90.PLANNING. 2 WCS - WECS IDENTIFICATION INEFFECT

A number or other identification, for each WECS approved by this commercial WECS permit, shall be assigned by the Department of Building and Safety and permanently affixed to the base of each WECS tower or foundation. This number or other identification shall not be change by the permittee or removed from the WECS tower or foundation without the approval of the Department of Building and Safety. The number or other identification shall be cited in connection will all reports involving individual WECS connected with this commercial WECS permit.

90.PLANNING. 3 WCS - COLOR OF WECS INEFFECT

PRIOR TO FINAL BUILDING INSPECTION APPROVAL of ach WECS and tower, the coloration of all exterior components and towers allowed by this permit shall be galvanized gray, light gray or off-white, including blades; notwithstanding the previous statement, the final selection of WECS and tower coloration shall be as approved by the Planning Department based on the intent and purpose of this condition. The finish of all WECS exterior components allowed by this permit shall be flat, matte or galvanized. The finish of all WECS shall weather within a six (6) month period, beginning from the point in time the WECS produces electrical powere, to a lusterless condition. The approved coloration and finish shall be maintained, as required herein, throughout the life of this commercial WECS permit.

90.PLANNING. 4 WCS - UNDERGROUND LINES INEFFECT

PRIOR TO FINAL BUILDING INSPECTION APPROVAL of each WECS and tower, as applicable, and, for the entire WECS array, at the last WECS and tower, electrical collection lines or cables on the site shall be underground up to the low voltage side of the utility interface point of an on-site substation or step-up transformer. The electrical lines or cable shall be constructed underground from the WECS to the substation within Commercial WECS Permit No. 115 (or connected via underground lines or cable to any other

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 4 WCS - UNDERGROUND LINES (cont.) INEFFECT

substation constructed in accordance with a plot plan, as approved by the Planning Department).

On-site electrical transformers and other equipment separate from WECS and towers shall be pad-mounted.

THIS CONDITION WAS AMENDED BY THE PLANNING COMMISSION ON 6/28/06

90.PLANNING. 5 WCS - WARNING SIGNS INEFFECT

PRIOR TO THE FINAL BUILDING INSPECTION APPROVAL of the accessory WECS and tower, legible signs, warning of WECS electrical and other hazards, shall be posted on stationary positions of the WECS or its tower and at gated entry points to the project site, at a height of three to five feet above the ground. Warning signs shall be in English and Spanish.

90.PLANNING. 6 WCS - REQ. DRIVEWAY SURFACE INEFFECT

PRIOR TO FINAL BUILDING INSPECTION APPROVAL for each WECS and tower, all permanent private roads, internal circulation routes, parking areas, fire breaks, permanent storage areas, and substations serving that WECS and tower shall be treated with minimum one (1) inch thick gravel rock base, composed of 60 percent gravel, 40 percent crushed rock mixture and/or be treated with a South Coast Air Quality Management District (SCAQMD) best available control measure, as outlined in SCAQMD documents and maintained thereafter in accordance with the appropriate SCAQMD PM10 (dust and blowsand) abatement procedures, and, with the applicable sections of Ordinance No. 742 (Fugitive Dust/PM10 Control in Urban Areas) to the satisfaction of the Director of the Department of Building and Safety.

90.PLANNING. 7 WCS - REMOVE TEMPORARY USES INEFFECT

PRIOR TO FINAL BUILDING INSPECTION APPROVAL of the ast WECS and tower, all temporary storage uses and construction trash shall be removed from the project property and the temporary storage areas treated to prevent dust and blowsand, in accordance with the removal and restoration plan approved by the Planning Department.

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 8 WCS - EXIST PERIMETER FENCE INEFFECT

PRIOR TO FINAL BUILDING INSPECTION APPROVAL of the first WECS and tower, the existing (6) foot high chain-link fence or three (3) strand barbed-wire fence and locking portals along the overall perimeter shall be verified to be in good condition so as to prevent and discourage unauthorized entry at all times during the life of this WECS permit. Should the project be near I-10, Highway 62 or Highway 111, the existing fence shall be verified to be setback a minimum of 400 feet from the respective highway right-of-way unless otherwise approved by the Planning Department based on security requirements. Any changes to the existing fence shall be subject to the approval of the Department of Building and Safety.

90.PLANNING. 9 WCS - COMPLY W/ALL REQUIREMNTS INEFFECT

state licensed professional verifying that all WECS and towers comply with required setbacks, such as but not limited to, WECS safety setbacks, WECS wind access setbacks and WECS scenic setbacks, and verifying that all WECS and towers comply with the height restrictions indicated in this permit.

state licensed professional verifying that all WECS and towers comply with required setbacks, such as but not limited to, WECS safety setbacks, WECS wind access setbacks and WECS scenic setbacks, and verifying that all WECS and towers comply with the height restrictions indicated in this permit.

The Planning Department may require further verification by inspection by county staff.

The permit holder shall submit a written certification from

90.PLANNING. 10 WCS - ORD NO. 659 (DIF) INEFFECT

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new

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90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 10 WCS - ORD NO. 659 (DIF) (cont.) INEFFECT

development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as defined in the Ordinance, which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. The Project Area for Commercial WECS Permit No. 115 has been calculated to be 1.6 net acres.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING. 11 GEN - CULT RESOURCES RPT EOT 1 NOTAPPLY

Prior to final inspection of the first building permit, the developer/permit holder shall prompt the Cultural Resources Professional to submit two (2) copies of a Phase IV Cultural Resources Monitoring Report that complies with the Riverside County Planning Department's requirements for such reports. The report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Planning Department shall review the report to determine adequate mitigation compliance. Provided the report is adequate, the Planning Department shall clear this condition.

TRANS DEPARTMENT

90.TRANS. 1 WCS - DRIVEWAY NOTAPPLY

The driveway shall be constructed in accordance with the applicable County Standard(s) and shall be located in accordance with Exhibit No. "A" for WECS Permit No. 115

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

DATE: August 6, 2009

TO:

Coachella Valley Association of Governments (CVAG):
Attn: Jim Sullivan

The following items are part of the transmittal package:

- Cover Letter
- CVCC Application
- 2007 Aerial Image
- Exhibit B (Site Disturbance Plan)

cc:

Environmental Programs Department (EPD)
Desert File / Central Files

PRE-APPLICATION REVIEW NO. 1250 – CEQA EXEMPT – Applicant: Whitewater Energy Corp. – **Engineer/Representative:** N/A – **Fifth Supervisorial District – Painted Hills Zoning District – Western Coachella Valley Community Plan Area; Rural: Rural Desert (R: RD) (10 Acre Minimum) and Rural: Rural Mountainous (R: RM) (10 Acre Minimum) – Location:** Southerly of Avenue 16, westerly of Seely Road – **47.2 Gross Acres – Zoning:** Controlled Development Areas (W-2) and Wind Energy Resource Zone (W-E) – **REQUEST:** The project seeks to install two 411 foot high wind turbines previously approved under Commercial WECS permit No. 115 (unbuilt) with proposed temporary/permanent disturbance of approximately 1.61 acres on a portion of two parcels with separate off-site access road referred to as ATT&T Telephone Easement (not part of the 1.61 acres, previously disturbed). – **APN(s):** 668-150-005, 668-160-006 - **Concurrent Cases:** WCS00115, 1st Extension of Time, LLA04949 - **Related Cases:** WCS00003R1, EA38242, VAR01724, EA38372, WCS00003R2, EA38694, WCS00003S1, VAR01735, WCS00115, CZ07251, VAR01781, EA40556, CFG03998, GEO01604

Please review the case described above, along with the attached map(s) and/or exhibit(s). All LDC Members please have draft conditions in the Land Management System (LMS) **AS SOON AS POSSIBLE**. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the routing on or before the above date. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing.

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case. Should you have any questions regarding this project, please do not hesitate to contact Jay Olivas, Project Planner, at (760) 863-8277 or email at jolivas@rcilma.org / MAILSTOP# 4035.

COMMENTS:

EUGENE
AUG 10 2009

DATE: _____ SIGNATURE: _____
PRINT NAME: _____ TITLE: _____

If you do not use this letter for your response, please indicate case number and project planner's name. Thank You.

TML: CM

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

CVCC

COACHELLA VALLEY CONSERVATION COMMISSION

Cathedral City • Coachella • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage
County of Riverside • Coachella Valley Water District • Imperial Irrigation District

October 19, 2009

Jay Olivas
Riverside County Planning Department
38686 El Cerrito Road
Palm Desert, CA 92211

RE: Joint Project Review of PAR01250 (Wind Energy Partnership)

Dear Mr. Olivas:

The Coachella Valley Conservation Commission (CVCC) has completed the Joint Project Review (JPR) for PAR01250 (Wind Energy Partnership) a proposed development of two wind turbines and associated road access on an existing wind farm. The draft JPR was sent to U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), County of Riverside and the project applicant for comment on September 9, 2009. The only comment received was from project applicant. That comment is enclosed. The final JPR clarifies that a portion of the required Avoidance, Minimization, and Mitigation Measures for burrowing owl apply only to Coachella Valley Water District, Imperial Irrigation District and County Flood Control by removing the language related to those organizations. No other changes were made to the JPR.

A copy of the JPR (CVCC ID 09-008a) is enclosed. If you have questions on this JPR, please do not hesitate to contact Jim Sullivan or me at 760-346-1127.

Sincerely,



Katie Barrows
Director of Environmental Resources

Cc: Craig Weightman, CDFG
Kim Nicol, CDFG
Carol Roberts, USFWS
Ken Corey, USFWS
Greg Neal, County of Riverside, Environmental Programs Department
Bradford Adams, Whitewater Energy Corp.

enclosures

Jim Sullivan

From: WhitewaterWind@aol.com
Sent: Tuesday, October 13, 2009 9:55 AM
To: Jim Sullivan
Cc: Katie Barrows; mashley@rcbos.org; sahernan@rcbos.org; pweiland@rossaman.com; SanGorgon@aol.com
Subject: Written Public Comments - Joint Project Review 09-008a [Corrected Letterhead]

[Same comments with corrected letterhead]



WHITEWATER ENERGY CORPORATION
707 Esplanade #C
Redondo Beach, CA 90277
(310)316-7337 Fax: (310)316-7013
SanGorgon@aol.com, cc: WhitewaterWind@aol.com

Jim Sullivan
Coachella Valley Conservation Commission
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

October 12, 2009

RE: Request for Comments: Joint Project Review 09-008a

Dear Mr. Sullivan,

Thank you for the opportunity to be able to comment on the analysis and recommendations by Coachella Valley Conservation Commission ("CVCC") on our WECS 115 Project.

There are a number of recommendations that create additional expense, potential costly delays and onerous conditions that seem to run contrary to the ultimate goal of protecting the environment. I believe these requirements are incorporated into the Coachella Valley Multiple Species Habitat Conservation Plan ("CVMSHCP") and the CVCC may have little latitude to deviate from these requirements, however, I wish to point out our issues in the hope most if not all of our objections can be addressed resulting in a financeable project.

The project being developed, consisting of two 3 MW wind turbines, is a project that will provide renewable pollution-free energy. It is well documented, that wind turbines have a significant positive environmental effect and should be promoted, encouraged and assisted in its development. It is the local, state and federal government's goal to enhance our renewable energy development and to make our communities green. In addition, the CVMSHCP was also designed to protect habitat (whether or not the animal or plant actually exists at the project location) while trying to balance the sensitive nature of development with conservation efforts.

We wish to produce our clean energy at a competitive price, both to help keep energy rates low in these hard times and to be competitive with other brown power generators. We do this in the

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hopes that we can contribute to wind energy maintaining a viable alternative to pollution and fossil fuel based energy production. Layers of regulation, over zealous monitoring, reporting, excessive protective efforts on a surveyed area shown to have only a moderate probability of habitation hurt our efforts to produce financeable green power to an ever expanding population. These requirements increase our costs greatly and that in turn means we need to be paid more for our energy to cover costs, which results in higher bills to the citizens of Riverside County and CA.

Burrowing Owl / Desert Tortoise Requirements

Single family homes and non commercial uses are exempt; however our construction efforts for two foundations no wider than approximately 18 ft in diameter have layers of needless supervision, reporting and potential costly delays. We feel this to be unfair, and wish to have our small development exempt from these requirements much like two single family homes with similar activity enjoy.

The reason we wish to avoid the requirements as written:

We have been searching for three years to find two turbines to build this project that makes economic sense due to wind turbine demand exceeding supply, as well as other states competing for business with reduced bureaucracy and environmental review and the overall anti-business climate in California resulting in turbines going to other states. Developers and manufacturers would rather sell turbines in Texas than be held up in "green" tape in CA.

If ultimately we find two turbines and have them delivered, we will need to 'move in' a crane to unload the parts that can cost \$75,000 to move into the site and another \$75,000 to 'move out'. Because of this great expense, we schedule the 'move-in' and delivery with erection of the towers and turbine so that the crane is only on site and built up once. It will cost an additional \$3,000-\$4,000 a day, even at standby rates, should there be a stoppage in the construction of the project. Therefore we are very opposed to any and all language that allows delays and/or stop work.

L&L Environmental performed a biological and botanical review in 2005 and had the following important points in their report:

The project site is not located within any designated critical habitat for any sensitive species documents in the CA Natural Diversity Database ("NDDB") as occurring in the vicinity of the site.

The site is not located within critical habitat for the desert tortoise (DT) as designated by the USFWS (1994), and is about 40 miles southwest of the nearest mapped critical habitats unit (southeast of Twentynine Palms). Although suitable desert shrubland habitat for the tortoise is present within areas of the project area; during the protocol surveys neither tortoise nor tortoise sign were detected on the project site or within the zone of influence – emphasis added L&L 2005.

No threatened or endangered plant or animal species were detected during the present study. Additionally, the site is not mapped as occurring within critical habitat for any threatened or endangered plants or animal species. With the exception of the desert tortoise, no federal or state listed endangered or threatened species have a high, moderate or low-moderate potential to occupy the site. Therefore, additional botanical surveys or focused wildlife surveys for State and Federal threatened and/or endangered species are not recommended – *emphasis added L&L 2005.*

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Because of the above comments we **OPPOSE** the requirements listed below:

- Within one (1) year of Permit issuance, the CVCC with County Flood Control, CVWD and IID to conduct an inventory of levees, berms, dikes, and similar features in the Plan Area.
- Mapping of burrowing owls locations on the project property after project completion.
- Incorporating Burrowing Owl information into our O&M practices.
- Being given a manual by the CVCC for maintenance staff to review.
- Periodic updates of this monitoring program post construction.
- A continued monitoring program post construction.
- Limitation of O&M activities.
- The addition of Utility protocols/requirements listed on this project (unless these are more favorable than the alternative). We are not a public utility and do not have equipment of those commonly associated with a utility for example, transmission lines, substation, switching yards, storage, office or control rooms.
- All instances where a triggered event will cause a work stoppage. (Solution: More options need to be developed to allow construction once started to proceed as scheduled. Any stoppage of work is not business friendly, is costly to the developer, increases project risks and its associated financing and is considered a project risk and onerous.)

We appreciate the ability to comment on this analysis and the CVCC's recommendations. We hope that the CVCC will modify the key points and recommendations to address the concerns listed above.

Wind energy development is going to other states and counties. Riverside County needs to encourage green developments. Costly requirements without proven environmental benefits need to be eliminated.

Sincerely,

Bradford W. Adams
Director of Project Development

Cc:

Katie Barrows - CVAG
Supervisor Marion Ashley - County of Riverside
Steve Hernandez - Assistant to the Supervisor
Paul Weiland, Esq. Nossaman, Guthner, Knox & Elliott, LLO
William W. Adams - Whitewater Energy Corporation

PLEASE NOTE NEW ADDRESSES

Brad

Bradford W. Adams

Whitewater Energy Corp. - Director of Project Development
San Geronimo Farms, Inc. - Contractor
707 Esplanade #C
Redondo Beach, CA 90277

10/13/2009

United States of America
(310) 316-7337 (O)
(310) 316-7013 (F)
(213) 507-2274 (C)

Whitewater Maintenance Corp. - President
Whitewater Wind Energy, Inc. - President
P.O. Box 580777
17550 Karen Avenue
North Palm Springs, CA 92258-0777
(760) 251-1907 (O)
(760) 251-2948 (F)
(213) 507-2274 (C)

The information contained in this email (including attachments, if any) is proprietary and confidential to Whitewater Wind Energy, Inc., San Geronimo Farms, Inc., Whitewater Energy Corporation, Whitewater Maintenance Corporation, Wind Energy Partnership, a C.A.L.P., Energy Development and Construction Corporation, S/G of Ltd., Whitewater Development Corporation, Citizen Wind Energy, LLC, and their subsidiaries. It is intended only for the use of the individual or entity named on this email address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on or in consequence of the contents of this e-mailed information is strictly prohibited. If you are not the intended recipient of this email, please delete upon receipt.

10/13/2009

Coachella Valley Conservation Commission
Joint Project Review Application

The 30-day Joint Project Review timeline does not start until the CVCC receives this completed application as well as the required project information from the Permittee.

Date: 06/25/2009 **RECEIVED**
JUL 10 2009

SECTION 1

PROPERTY OWNER INFORMATION: PROPERTY OWNER(S)/OWNER'S REPRESENTATIVE

Riverside County
Planning and
Management Agency
GRADING - INDIO

Assessor's Parcel Number(s) (APNs): 668-160-005

A. Property Owner Name(s)/Owner's Representative: WIND ENERGY PARTNERSHIP, A CA LP.

Mailing Address: 21515 HAWTHORNE BLVD, SUITE 1059
TORRANCE CA 90503
City State ZIP

Daytime Phone No: 310 316-7337 Fax No: 310 316-7013

E-Mail: WHITEWATERWIND @ AOL.COM

BRAD ADAMS
PRINTED NAME OF PROPERTY OWNER(S)/OWNER'S REPRESENTATIVE

[Signature]
SIGNATURE OF PROPERTY OWNER(S)/OWNER'S REPRESENTATIVE

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

SECTION 2

Total Acres Planned for Development: 1.61 ACRES

Project Description: DEVELOPMENT OF 2 WIND TURBINES
& ASSOCIATED ROAD ACCESS

- Attach a map of the project location.
- Attach a map delineating;
 - the areas of proposed disturbance on the project site.
 - areas on the project site proposed to be left undisturbed
 - areas of proposed permanent conservation on the project site

The disturbed area is any portion of the earth's surface or natural vegetation that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition pursuant to a legally issued land use, grading or building permit. This definition does not include land that has been restored to a native condition, such that the vegetative ground cover and soil characteristics are equal to surrounding conditions.

Examples of Disturbance include but are not limited to: staging areas, areas of side casting, slough, stockpiling, and spillage or otherwise impacted in preparing the property for Development; areas to be disturbed in installing septic tanks and leach fields including the expansion area for leach fields; and any off-site improvements such as roads or sewers required as a condition of approval.

- An electronic file of the area of Disturbance in CAD or ESRI Shapefile format (applications for a single family dwelling are not required to submit electronic file)

SECTION 3

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf. As the owner of record/authorized agent, I hereby authorize the information to be released to Property Owner(s)/Owner's Representative/authorized agent.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

WIND ENERGY PARTNERSHIP, A CALIF
PRINTED NAME OF PROPERTY OWNER

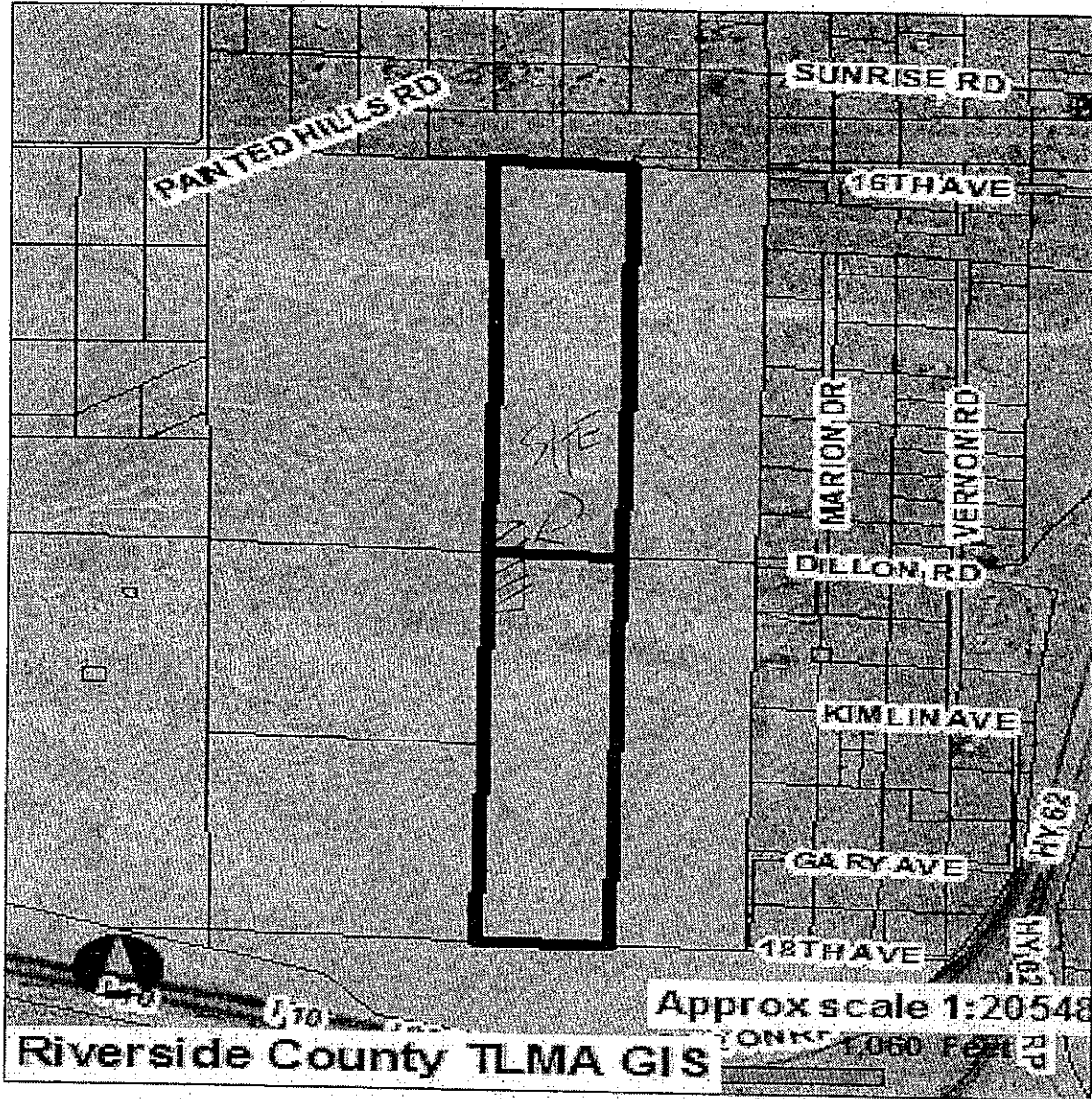
William W Adams, G.P.
SIGNATURE OF PROPERTY OWNER

BRADFORD W. ADAMS
PRINTED NAME OF PROPERTY OWNER
REPRESENTATIVE

Bradford W Adams
SIGNATURE OF PROPERTY OWNER
REPRESENTATIVE

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

RIVERSIDE COUNTY GIS



Selected parcel(s):
668-150-005 668-160-005

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

PLANNING REPORT

APN(s): 668-150-005-9 668-160-005-0

OWNER NAME / ADDRESS:

- 668-150-005
WIND ENERGY PARTNERSHIP
ADDRESS NOT AVAILABLE

- 668-160-005
WIND ENERGY PARTNERSHIP
ADDRESS NOT AVAILABLE

MAIL TO NAME/ADDRESS:

- 668-150-005
- C/O WILLIAM W ADAMS
- 21515 HAWTHORNE BLV 1000
- TORRANCE CA. 90503

- 668-160-005
- C/O WILLIAM W ADAMS
- 21515 HAWTHORNE BLV 1059
- TORRANCE CA. 90503

LOT SIZE:

- 668-150-005
- RECORDED LOT SIZE IS: 40.11 ACRES

- 668-160-005
- RECORDED LOT SIZE IS: 40 ACRES

PROPERTY CHARACTERISTICS:

-1. 668-150-005
- NO PROPERTY DESCRIPTION AVAILABLE

-2. 668-160-005
- NO PROPERTY DESCRIPTION AVAILABLE

ELEVATION (APPROXIMATE):

- 1068/1564 FEET

LEGAL DESCRIPTION:

- APN: 668150005
- RECORDED BOOK/PAGE: NOT AVAILABLE
- SUBDIVISION NAME: NOT AVAILABLE
- LOT/PARCEL: NOT AVAILABLE
- TRACT NUMBER: NOT AVAILABLE

- APN: 668160005
- RECORDED BOOK/PAGE: NOT AVAILABLE NOT AVAILABLE
- SUBDIVISION NAME: NOT AVAILABLE
- LOT/PARCEL: NOT AVAILABLE
- TRACT NUMBER: NOT AVAILABLE

TOWNSHIP/RANGE:

- T3SR4E SEC 7

CEMETERY DISTRICTS:

- PALM SPRINGS CEMETERY DISTRICT

CITY BOUNDARY/SPHERE:

- CITY: NOT WITHIN A CITY
- CITY SPHERE: DESERT HOT SPRINGS
- ANNEXATION DATE: FEB. 22, 2007
- LAFCO CASE #: 2006-25-4&5
- PROPOSALS: NONE

COMMUNITY:

- IN OR PARTIALLY WITHIN NORTH PALM SPRINGS. SEE MAP FOR MORE INFORMATION.

2001 SUPERVISORIAL DISTRICT:

- MARION ASHLEY, DISTRICT 5
as established by County Ordinance 813, August 14, 2001

AREA PLAN:

- WESTERN COACHELLA VALLEY

COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN FEE AREA:

- WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN - CONSERVATION AREA:

- WITHIN THE UPPER MISSION CREEK/BIG MORONGO CANYON CONSERVATION AREA

WESTERN RIVERSIDE MULTI-SPECIES HABITAT CONSERVATION PLAN FEE AREA:

- NOT WITHIN THE WESTERN RIVERSIDE COUNTY MSHCP FEE AREA

WESTERN RIVERSIDE COUNTY MSHCP AREA PLAN:

- NOT IN AN AREA PLAN

WESTERN RIVERSIDE COUNTY MSHCP CELL GROUP:

- NOT IN A CELL GROUP

WESTERN RIVERSIDE COUNTY MSHCP CELL NUMBER:

- NOT IN A CELL

IMPORTANT NOTICE: On October 7, 2003, the County of Riverside adopted a new General Plan. The General Plan provides new land use designations for all parcels in the unincorporated area of Riverside County. For any parcel, the General Plan may provide for a different type of land use than is provided for

under existing zoning. During the next one to two years, the County will undertake a program to review all the zoning in the unincorporated area, and where necessary, change the zoning, following advertised public hearings, to conform to the County's new General Plan. Until then, please be advised that there may be a difference between the zoning and General Plan designations on any parcel. This may result in, at a minimum, the need to change the zoning before desired development may proceed. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 863-8277.

LANDUSE DESIGNATION:

Click [here](#) for landuse descriptions.

- RD
- RM

- CHECK MAP TO CONFIRM LANDUSE DESIGNATION
- FOR MORE INFORMATION ABOUT LANDUSE DESIGNATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING CLASSIFICATION(S) ORD. 348:

Click [here](#) for zoning classifications.

- W-2
- W-E
- W-E (CZ 7251)

- CHECK MAP TO CONFIRM ZONING CLASSIFICATIONS
- FOR MORE INFORMATION ABOUT ZONING CLASSIFICATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING DISTRICT/AREA:

- PAINTED HILLS DIST

OUTDOOR BILLBOARDS:

- BILLBOARDS NOT PERMITTED BY ZONING

SPECIFIC PLAN:

- NOT WITHIN A SPECIFIC PLAN

NOTE: Non-mapped Policy Area issues may exist on this parcel. Please contact the Planning Department at (951)955-3200 for more information.

MAPPED POLICY AREAS:

- SAN GORGONIO PASS WIND ENERGY POLICY AREA

GENERAL PLAN POLICY OVERLAY:

- NOT IN A GENERAL PLAN POLICY OVERLAY AREA

DEVELOPMENT AGREEMENT #:

- NOT IN A DEVELOPMENT AGREEMENT AREA

REDEVELOPMENT AREAS:

- NOT IN A REDEVELOPMENT AREA

AGRICULTURE PRESERVE:

- NOT IN AN AGRICULTURE PRESERVE

AIRPORT INFLUENCE AREAS:

- NOT IN AN AIRPORT INFLUENCE AREA

AIRPORT COMPATIBILITY ZONES:

- NOT IN AN AIRPORT COMPATIBILITY ZONE

Planning Case Map information may not be complete, current, or up-to-date for this area. Please contact the Planning Department if more information is needed.

PLANNING CASE(S):

- PM17846 DESCRIPTION: NOT AVAILABLE

APPLIED DATE: 09/24/1996 STATUS AS OF 07/27/2009: NOTINLMS

- GEO01604 DESCRIPTION: GEOLOGIC SPECIAL REPORT: WCS00115

APPLIED DATE: 02/16/2006 STATUS AS OF 07/27/2009: APPROVED

- WCS00115 DESCRIPTION: INSTALL TWO (2) 3.0 MW TURBINES AT 411' IN HEIGHT

APPLIED DATE: 12/12/2005 STATUS AS OF 07/27/2009: APPROVED

- CFG01730 DESCRIPTION: CFG FEES FOR EA36242 (WCS00003R1)

APPLIED DATE: 05/03/2001 STATUS AS OF 07/27/2009: PAID

- WCS00059 DESCRIPTION: NOT AVAILABLE

APPLIED DATE: 09/23/1996 STATUS AS OF 07/27/2009: NOTINLMS

- VAR01724 DESCRIPTION: REDUCE WECS SAFETY SETBACK FROM 987' TO 366' REDUCE WIND ACCESS SETBACKS FROM 1157' TO 362'

APPLIED DATE: 06/28/2001 STATUS AS OF 07/27/2009: DENIED

- WCS00003R2 DESCRIPTION: REVISED WECS TO EXTEND LIFE/MODIFY SERVICE ROADS

APPLIED DATE: 05/22/2002 STATUS AS OF 07/27/2009: APPROVED

- PUP00443 DESCRIPTION: NOT AVAILABLE

APPLIED DATE: 09/23/1996 STATUS AS OF 07/27/2009: NOTINLMS

- LLA04949 DESCRIPTION: ADJUST 2 CONTIGOUS LOT LINES

APPLIED DATE: 09/10/2005 STATUS AS OF 07/27/2009: CNT

- CZ04127 DESCRIPTION: NOT AVAILABLE

- APPLIED DATE: 09/23/1996 STATUS AS OF 07/27/2009: NOT IN LMS
- EA38242 DESCRIPTION: EA FOR WCS00003R1
- APPLIED DATE: 03/05/2001 STATUS AS OF 07/27/2009: APPROVED
- EA38741 DESCRIPTION: EA FOR WCS00003S1
- APPLIED DATE: 07/12/2002 STATUS AS OF 07/27/2009: APPROVED
- WCS00003R1 DESCRIPTION: ADD 11 WECS AT HEIGHT OF 300' TO EXIST. WCS ARRAY
- APPLIED DATE: 03/05/2001 STATUS AS OF 07/27/2009: APPROVED
- CFG02153 DESCRIPTION: CFG FOR EA38741 (WCS00003S1)
- APPLIED DATE: 07/12/2002 STATUS AS OF 07/27/2009: PAID
- EA40556 DESCRIPTION: EA FOR WCS00115/CZ07251/VAR01781
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/27/2009: APPROVED
- PDB04318 DESCRIPTION: NOT AVAILABLE
- APPLIED DATE: 03/24/2006 STATUS AS OF 07/27/2009: REVIEWED
- CZ07251 DESCRIPTION: CHANGE OF ZONE FROM W-2 TO W-E
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/27/2009: APPROVED
- VAR01781 DESCRIPTION: VARIANCE TO REDUCE SAFETY SETBACKS FOR WCS00115
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/27/2009: APPROVED
- EA38372 DESCRIPTION: EA FOR VAR01724
- APPLIED DATE: 07/05/2001 STATUS AS OF 07/27/2009: DENIED
- CFG03998 DESCRIPTION: CFG FOR WCS00115/EA40556
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/27/2009: PAID
- PDB04319 DESCRIPTION: NOT AVAILABLE
- APPLIED DATE: 03/24/2006 STATUS AS OF 07/27/2009: REVIEWED

DEV. IMP. FEE AREA ORD. 659:

- WESTERN COACHELLA VALLEY

2000 CENSUS TRACT:

- 044503

2000 CENSUS DESIGNATION:

- CENSUS DESIGNATION REPORT IS NOT AVAILABLE

INDIAN TRIBAL LANDS:

- NOT IN A TRIBAL LAND

SCHOOL DISTRICT:

- PALM SPRINGS UNIFIED

* BOUNDARIES ARE APPROXIMATIONS; USE FOR REFERENCE ONLY. SURVEY INFORMATION MUST BE CONSULTED OR PREPARED TO ACCURATELY DETERMINE ANY RIGHT-OF-WAY BOUNDARY.

CETAP CORRIDORS:

- NOT IN A CETAP CORRIDOR.

CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY ROADS:

- NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY

EAST T.U.M.F. ORD. 673:

- IN OR PARTIALLY WITHIN THESE FEE AREAS. SEE MAP FOR MORE INFORMATION.
- EAST

WEST T.U.M.F. ORD. 824:

- NOT WITHIN THE WESTERN TUMF FEE AREA

WATER DISTRICT:

- DESERT WATER AGENCY (DWA)

FLOOD CONTROL DISTRICT:

- RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

FLOOD PLAIN REVIEW:

- NOT REQUIRED.

WATERSHED:

- WHITEWATER

VEGETATION:

- DATA NOT AVAILABLE

SKR FEE AREA ORD. 683.10:

- NOT WITHIN A FEE AREA

HANS/ERP PROJECT:

- NONE

FAULT ZONE:

- NOT IN A FAULT ZONE

- FAULTS:

 - WITHIN A 1/2 MILE OF
 - GARNET HILL FAULT
 - SAN ANDREAS FAULT
 - SAN ANDREAS FAULT SOUTH BRANCH
 - SAN ANDREAS FAULTS
 - UNNAMED FAULT IN SAN GORGONIO PASS FAULT ZONE
 - CONTACT THE COUNTY'S CHIEF ENGINEERING GEOLOGIST AT (951)955-6883.

- LIQUEFACTION POTENTIAL:

 - MODERATE

- SUBSIDENCE:

 - SUSCEPTIBLE

- HIGH FIRE AREA ORD. 787:

 - IN HIGH FIRE AREA - Grading And Building Permit Applications Require Fire Dept Clearance Prior To Permit Issuance.

- STATE RESPONSIBILITY AREAS:

 - NOT IN A STATE RESPONSIBILITY AREA

- LIGHTING ORD. 655:

 - ZONE B, 41.38 MILES.

- COUNTY SERVICE AREA:

 - NOT IN A COUNTY SERVICE AREA.

- CODE COMPLAINTS:

 - NO CODE COMPLAINTS

- SURFACE MINES:

 - NO SURFACE MINES

- PALEONTOLOGICAL SENSITIVITY:

 - LOW POTENTIAL.
FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

 - UNDETERMINED POTENTIAL.
AREAS UNDERLAIN BY SEDIMENTARY ROCKS FOR WHICH LITERATURE AND UNPUBLISHED STUDIES ARE NOT AVAILABLE HAVE UNDETERMINED POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES. THESE AREAS MUST BE INSPECTED BY A FIELD SURVEY CONDUCTED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST.

- COMMUNITY FACILITY DISTRICTS:

 - NAME: NOT IN A COMMUNITY FACILITY DISTRICT
 - DISTRICT NUMBER: NOT AVAILABLE

- THOMAS BROS. MAPS PAGE/GRID:

 - PAGE 725- GRID F1
 - PAGE 725- GRID F2
 - PAGE 725- GRID F3

- SPECIAL NOTES:

 - NO SPECIAL NOTES

REPORT PRINTED ON...Mon Jul 27 10:41:57 2009

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

August 6, 2009

Coachella Valley Conservation Commission
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

RE: Joint Project Review Request for PAR01250 (Wind Energy Partnership)

Dear Sir/Madam,

I am requesting to submit a Joint Project Review for PAR01250 that has been submitted to the Riverside County Planning Department. The project lies within APN's 668-150-005, 668-160-005 and is generally located southerly of 16th Avenue, westerly of Seely Road / SR 62. Our GIS maps indicate that the parcel is within the Upper Mission Creek / Big Morongo Canyon Conservation Area of the adopted Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

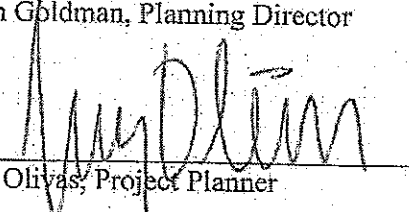
The project seeks to install two 411 foot high wind turbines previously approved under Commercial WECS permit No. 115 (unbuilt) with proposed temporary/permanent disturbance of approximately 1.61 acres on a portion of two parcels with separate off-site access road referred to as AT&T Telephone Easement (not part of the 1.61 acres, previously disturbed).

Attached is the joint project review request by the Riverside County Planning Department with project site and off-site street plan that depict the location and proposed development. The Planning Department does not feel a formal meeting is necessary at this time. Please prepare your request as soon as possible.

Should you desire, you may find general information about the Riverside County Planning Department, or land use, zoning and subdivision requirements as well as property specific zoning and development data via the *INTERNET* at the following address: www.rcilma.org. In the event you have any questions or further concerns, please feel free to contact the project planner, Jay Olivas, at (760) 863-8277.

Very truly yours,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Ron Goldman, Planning Director


Jay Olivas, Project Planner

cc: Applicant/Owner
Environmental Programs Department

**Coachella Valley Conservation Commission
Joint Project Review (JPR)**

Date: October 15, 2009

Project Information

Permittee: County of Riverside

Applicant/Project Name: Wind Energy Partnership / Bradford Adams

Permit ID: PAR01250

CVCC ID: 09-008a

Conservation Area: Upper Mission Creek / Big Morongo Canyon Conservation Area

Total Project Acreage: 80 acres on two parcels.

Project Acreage within Conservation Area: 80 acres

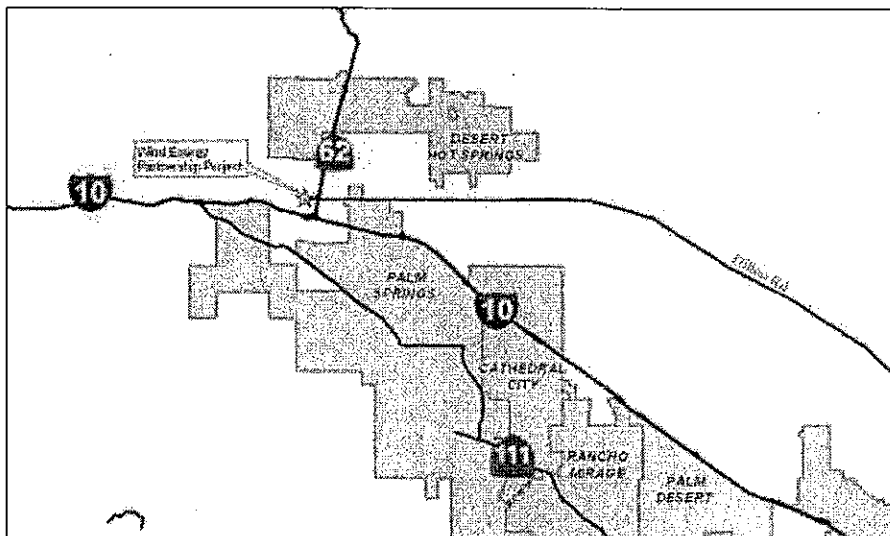
APNs within Conservation Area: 668-150-005, 668-160-005

Project Description: Development of two wind turbines and associated road access on an existing wind farm which has been previously approved under WECS Permit 115.

Acres of Proposed New Disturbance: 1.5 acres

Acres of Pre-1996 Disturbance on property: 0.5 acres (Existing access road – see map below)

Acres of Proposed Conservation: 0 acres



Conservation Objectives Review:

The Conservation Objectives for the Upper Mission Creek / Big Morongo Canyon Conservation Area are described in Section 4.3 of the CVMSHCP. The table below summarizes the results of the Conservation Objectives analysis for this project.

Wind Energy Partnership									
Upper Mission Creek / Big Morongo Canyon Conservation Area									
Conservation Objective	Total Acres of Proposed Disturbance ^{1,2}	Acres of Disturbance Authorized by Plan	Proposed Disturbance as Percentage of Authorized Disturbance	Rough Step (Acres of Disturbance Currently Available)	Total Acres of Proposed Conservation	Acres of Conservation Required by Plan	Proposed Conservation as Percentage of Required Conservation	Total Amount of Take Allocated to Other Projects	
Conserve Core Habitat for desert tortoise	1.50	887	0.17%	400	0.00	7984	0.00%	20.75	
Conserve sand source areas	1.50	721	0.21%	422	0.00	6488	0.00%	5.00	

Required Measures for the Conservation Area Applicable to this Proposed Project

Required Measure 4

The Permittees shall comply with applicable avoidance, minimization, and mitigation measures described in Section 4.4 and the Land Use Adjacency Guidelines as described in Section 4.5.

¹ The project plan submitted by the applicant defines some areas classified as temporary disturbance. Temporary disturbance counts towards take until it is restored to a native condition. If restoration is to be done, it should be completed to the standards identified in the CVMSHCP Implementation Manual.

² The acres of proposed disturbance analyzed for this project are based on a CVCC determination using a the UTM NAD 1983 Zone 11N coordinate system and are rounded to the nearest 0.25 acres.

Other Plan Requirements

Section 4.4: Avoidance, Minimization, and Mitigation Measures

Burrowing Owl. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities other than levees, berms, dikes, and similar features that are known to contain burrowing owl burrows. O&M of roads is not subject to this requirement. For other projects that are subject to CEQA, the Permittees will require burrowing owl surveys in the Conservation Areas using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies). Prior to Development, the construction area and adjacent areas within 500 feet of the Development site, or to the edge of the property if less than 500 feet, will be surveyed by an Acceptable Biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No Development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the Covered Activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

Desert tortoise. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities for Permittee infrastructure facilities. Within Conservation Areas, the Permittees will require surveys for desert tortoise for Development in modeled desert tortoise Habitat. Prior to Development, an Acceptable Biologist will conduct a presence/absence survey of the Development area and adjacent areas within 200 feet of the Development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required.

A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the Development site.

If fresh sign is located, the Development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the Development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the *Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises* and *Guidelines for Handling Desert Tortoises During Construction Projects*, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

For O&M activities in the Conservation Areas, the Permittees shall ensure that personnel conducting such activities are instructed to be alert for the presence of desert tortoise. If a tortoise is spotted, activities adjacent to the tortoise's location will be halted and the tortoise will be allowed to move away from the activity area. If the tortoise is not moving, it will be relocated by an Acceptable Biologist to nearby suitable Habitat and placed in the shade of a shrub. To the maximum extent Feasible, O&M activities will avoid the period from February 15 and October 31. Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, inactive and active season, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.
2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the

- potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.
3. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The construction right-of-way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent Feasible. Existing access roads shall be used when available, and rights-of-way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.
 4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.
 5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.
 6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attend a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.
 7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.
 8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

The following terms are established to protect the desert tortoise during utility-related construction activities in the Conservation Areas and are to be conducted by an Acceptable Biologist.

- ❖ An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.
- ❖ Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFG shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist
- ❖ No handling of tortoises will occur when the air temperature at 15 centimeters above ground exceeds 90 degrees Fahrenheit.
- ❖ Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by

construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.

- ❖ Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- ❖ For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- ❖ Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFG with respect to the tortoise. The response shall be carried out within 72 hours.
- ❖ Blasting is not permissible within 100 feet of an occupied tortoise burrow.

During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- ❖ All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.
- ❖ All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.
- ❖ Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.
- ❖ All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.
- ❖ Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows.
- ❖ In order to perform routine O&M of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.
- ❖ All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.

- ❖ Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.
- ❖ Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.
- ❖ In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.
- ❖ All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
- ❖ Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded. *Active Season Protocol*. This protocol is applicable to pre-construction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:
- ❖ Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.
- ❖ All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep-sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.
- ❖ If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.
- ❖ Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and

the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.

- ❖ If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

Section 4.5 Land Use Adjacency Guidelines

The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from Development adjacent to or within the Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred to as edge effects, and may include noise, lighting, drainage, intrusion of people, and the introduction of non-native plants and non-native predators such as dogs and cats. Edge effects will also be addressed through reserve management activities such as fencing. The following Land Use Adjacency Guidelines shall be considered by the Permittees in their review of individual public and private Development projects adjacent to or within the Conservation Areas to minimize edge effects, and shall be implemented where applicable.

4.5.1 Drainage

Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

4.5.2 Toxics

Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife

and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

4.5. Lighting

Numerous studies have shown artificial light to negatively impact a variety of wildlife species (see, for example, *Ecological consequences of artificial night lighting 2006*, Rich, C. and Longcore, T. (eds.). Island Press: Washington, D.C.). The purpose of this guideline is to minimize the impact of artificial light on wildlife within Conservation Areas. For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area. Projects requiring discretionary approval shall provide the permitting jurisdiction with a light study showing the proposed methods to minimize escape of light from the project into Conservation Areas. This study shall include all exterior lighting including street lights and security lighting.

4.5.4 Noise

Noise has been shown to negatively impact numerous species of wildlife (see, for example, Bowles, A.E. 1995. **Responses of wildlife to noise. pp. 109-156. In: Knight, R.L. and K.J. Gutzwiller. (eds.) Wildlife and Recreationists: Coexistence through Management and Research. Island Press: Washington, D.C.**). The purpose of this guideline is to minimize the impact the noise on wildlife within Conservation Areas. Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA L_{eq} hourly, as measured at the property line, shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area. Required Measures in any Conservation Area that preclude or limit berms or walls shall have precedence over this guideline. This guideline is intended to apply to land uses that generate noise on a permanent basis such as race tracks, night clubs and shooting ranges and does not apply to temporary noise due to construction or special events. Public safety activities are exempt from this guideline.

4.5.5 Invasives

Invasive species are a known threat to native wildlife and wildlife habitat in the Coachella Valley. Impacts of invasive species on wildlife in the Coachella Valley have been documented in research conducted by the Center for Conservation Biology at the University of California, Riverside. Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to a Conservation Area. This list may be amended from time to time through a Minor Amendment with Wildlife Agencies' concurrence.

Table 4-112: Coachella Valley Native Plants Recommended for Landscaping¹

BOTANICAL NAME	COMMON NAME
Trees	
<i>Washingtonia filifera</i>	California Fan Palm
<i>Cercidium floridum</i>	Blue Palo Verde
<i>Chilopsis linearis</i>	Desert Willow
<i>Olneya tesota</i>	Ironwood Tree
<i>Prosopis glandulosa var. torreyana</i>	Honey Mesquite
Shrubs	
<i>Acacia greggii</i>	Cat's Claw Acacia
<i>Ambrosia dumosa</i>	Burro Bush
<i>Atriplex canescens</i>	Four Wing Saltbush
<i>Atriplex lentiformis</i>	Quailbush
<i>Atriplex polycarpa</i>	Cattle Spinach
<i>Baccharis sergiloides</i>	Squaw Water-weed
<i>Bebia juncea</i>	Sweet Bush
<i>Cassia (Senna) covesii</i>	Desert Senna
<i>Condalia parryi</i>	Crucillo
<i>Crossosoma bigelovii</i>	Crossosoma
<i>Dalea emoryi</i>	Dye Weed
<i>Dalea (Psorothamnus) schottii</i>	Indigo Bush
<i>Datura meteloides</i>	Jimson Weed
<i>Encelia farinosa</i>	Brittle Bush
<i>Ephedra aspera</i>	Mormon Tea
<i>Eriogonum fasciculatum</i>	California Buckwheat
<i>Eriogonum wrightii membranaceum</i>	Wright's Buckwheat
<i>Fagonia laevis</i>	(No Common Name)
<i>Gutierrezia sarothrae</i>	Matchweed
<i>Haplopappus acradenius</i>	Goldenbush
<i>Hibiscus denudatus</i>	Desert Hibiscus
<i>Hoffmannseggia microphylla</i>	Rush Pea
<i>Hymenoclea salsola</i>	Cheesebush
<i>Hyptis emoryi</i>	Desert Lavender
<i>Isomeris arborea</i>	Bladder Pod
<i>Juniperus californica</i>	California Juniper
<i>Krameria grayi</i>	Ratany
<i>Krameria parvifolia</i>	Little-leaved Ratany
<i>Larrea tridentate</i>	Creosote Bush
<i>Lotus rigidus</i>	Desert Rock Pea
<i>Lycium andersonii</i>	Box Thorn
<i>Petalonyx linearis</i>	Long-leaved Sandpaper Plant
<i>Petalonyx thurberi</i>	Sandpaper Plant
<i>Peucephyllum schottii</i>	Pygmy Cedar
<i>Prunus fremontii</i>	Desert Apricot
<i>Rhus ovata</i>	Sugar-bush
<i>Salazaria mexicana</i>	Paper-bag Bush
<i>Salvia apiana</i>	White Sage
<i>Salvia eremostachya</i>	Santa Rosa Sage

BOTANICAL NAME	COMMON NAME
<i>Salvia vaseyi</i>	Wand Sage
<i>Simmondsia chinensis</i>	Jojoba
<i>Sphaeralcea ambigua</i>	Globemallow (Desert Mallow)
<i>Sphaeralcea ambigua rosacea</i>	Apricot Mallow
<i>Trixis californica</i>	Trixis
<i>Zauschneria californica</i>	California Fuchsia
Groundcovers	
<i>Mirabilis bigelovii</i>	Wishbone Bush (Four O'Clock)
<i>Mirabilis tenuiloba</i>	White Four O'Clock (Thin-lobed)
Vines	
<i>Vitis girdiana</i>	Desert Grape
Accent	
<i>Muhlenbergia rigens</i>	Deer Grass
Herbaceous Perennials²	
<i>Adiantum capillus-veneris</i>	Maiden-hair Fern (w)
<i>Carex alma</i>	Sedge (w)
<i>Dalea parryi</i>	Parry Dalea
<i>Eleocharis montevidensis</i>	Spike Rush (w)
<i>Equisetum laevigatum</i>	Horsetail (w)
<i>Juncus bufonis</i>	Toad Rush (w)
<i>Juncus effuses</i>	Juncus (w)
<i>Juncus macrophyllus</i>	Juncus (w)
<i>Juncus mexicanus</i>	Mexican Rush (w)
<i>Juncus xiphioides</i>	Juncus (w)
<i>Notholaena parryi</i>	Parry Cloak Fern
<i>Pallaea mucronata</i>	Bird-foot Fern
Cacti and Succulents	
<i>Agave deserti</i>	Desert Agave
<i>Asclepias albicans</i>	Desert Milkweed (Buggy-whip)
<i>Asclepias subulata</i>	Ajamete
<i>Dudleya arizonica</i>	Live-forever
<i>Dudleya saxosa</i>	Rock Dudleya
<i>Echinocereus engelmannii</i>	Calico Hedgehog Cactus
<i>Ferocactus acanthodes</i>	Barrel Cactus
<i>Fouquieria splendens</i>	Ocotillo
<i>Mamillaria dioica</i>	Nipple Cactus
<i>Mamillaria tetrancistra</i>	Corkseed Cactus
<i>Nolina parryi</i>	Parry Nolina
<i>Opuntia acanthocarpa</i>	Stag-horn or Deer-horn Cholla
<i>Opuntia bigelovii</i>	Teddy Bear or Jumping Cholla
<i>Opuntia basilaris</i>	Beavertail Cactus
<i>Opuntia echinocarpa</i>	Silver or Golden Cholla
<i>Opuntia ramosissima</i>	Pencil Cholla, Darning Needle Cholla
<i>Yucca schidigera</i>	Mojave Yucca, Spanish Dagger
<i>Yucca whipplei</i>	Our Lord's Candle

¹ Source: "Coachella Valley Native Plants, Excluding Annuals (0 ft. to approximately 3,000 ft. elevation)." Compiled by Dave Heveron, Garden Collections Manager, and Kirk Anderson, Horticulturist, The Living Desert, May, 2000, for the Coachella Valley Mountains Conservancy.

² Common names for herbaceous perennials that are followed by "(w)" indicate a water or riparian species.

Table 4-113: Prohibited Invasive Ornamental Plants¹

BOTANICAL NAME	COMMON NAME
<i>Acacia</i> spp. (all species except <i>A. greggii</i>)	Acacia (all species except native catclaw acacia)
<i>Arundo donax</i> (✓)	Giant Reed or Arundo Grass
<i>Atriplex semibaccata</i> (✓)	Australian Saltbush
<i>Avena barbata</i>	Slender Wild Oat
<i>Avena fatua</i>	Wild Oat
<i>Brassica tournefortii</i> (✓✓)	African or Saharan Mustard
<i>Bromus madritensis</i> ssp. <i>rubens</i> (✓)	Red Brome
<i>Bromus tectorum</i> (✓✓)	Cheat Grass or Downy Brome
<i>Cortaderia jubata</i> [syn. <i>C. atacamensis</i>]	Jubata Grass or Andean Pampas Grass
<i>Cortaderia dioica</i> [syn. <i>C. selloana</i>]	Pampas Grass
<i>Descurainia sophia</i>	Tansy Mustard
<i>Eichhornia crassipes</i>	Water Hyacinth
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Foeniculum vulgare</i>	Sweet Fennel
<i>Hirschfeldia incana</i>	Mediterranean or Short-pod Mustard
<i>Lepidium latifolium</i>	Perennial Pepperweed
<i>Lolium multiflorum</i>	Italian Ryegrass
<i>Nerium oleander</i>	Oleander
<i>Nicotiana glauca</i> (✓)	Tree Tobacco
<i>Oenothera berlandieri</i> (#)	Mexican Evening Primrose
<i>Olea europea</i>	European Olive Tree
<i>Parkinsonia aculeata</i> (✓)	Mexican Palo Verde
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i> (✓✓)	Fountain Grass
<i>Phoenix canariensis</i> (#)	Canary Island Date Palm
<i>Phoenix dactylifera</i> (#)	Date Palm
<i>Ricinus communis</i> (✓)	Castorbean
<i>Salsola tragus</i> (✓)	Russian Thistle
<i>Schinus molle</i>	Peruvian Pepper Tree or California Pepper
<i>Schinus terebinthifolius</i>	Brazilian Pepper Tree
<i>Schismus arabicus</i>	Mediterranean Grass
<i>Schismus barbatus</i> (✓✓)	Saharan Grass, Abu Mashi
<i>Stipa capensis</i> (✓✓)	No Common Name
<i>Tamarix</i> spp. (all species) (✓✓)	Tamarisk or Salt Cedar
<i>Taeniatherum caput-medusae</i>	Medusa-head
<i>Tribulus terrestris</i>	Puncturevine
<i>Vinca major</i>	Periwinkle
<i>Washingtonia robusta</i>	Mexican fan palm
<i>Yucca gloriosa</i> (#)	Spanish Dagger

¹ Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego Department of Agriculture.

Key to Table 4-113:

indicates species not on CalEPPC October 1999 "Exotic Pest Plants of Greatest Ecological Concern in California" list

- ✓ indicates species known to be invasive in the Plan Area
- ✓✓ indicates particularly troublesome invasive species

4.5.6 Barriers

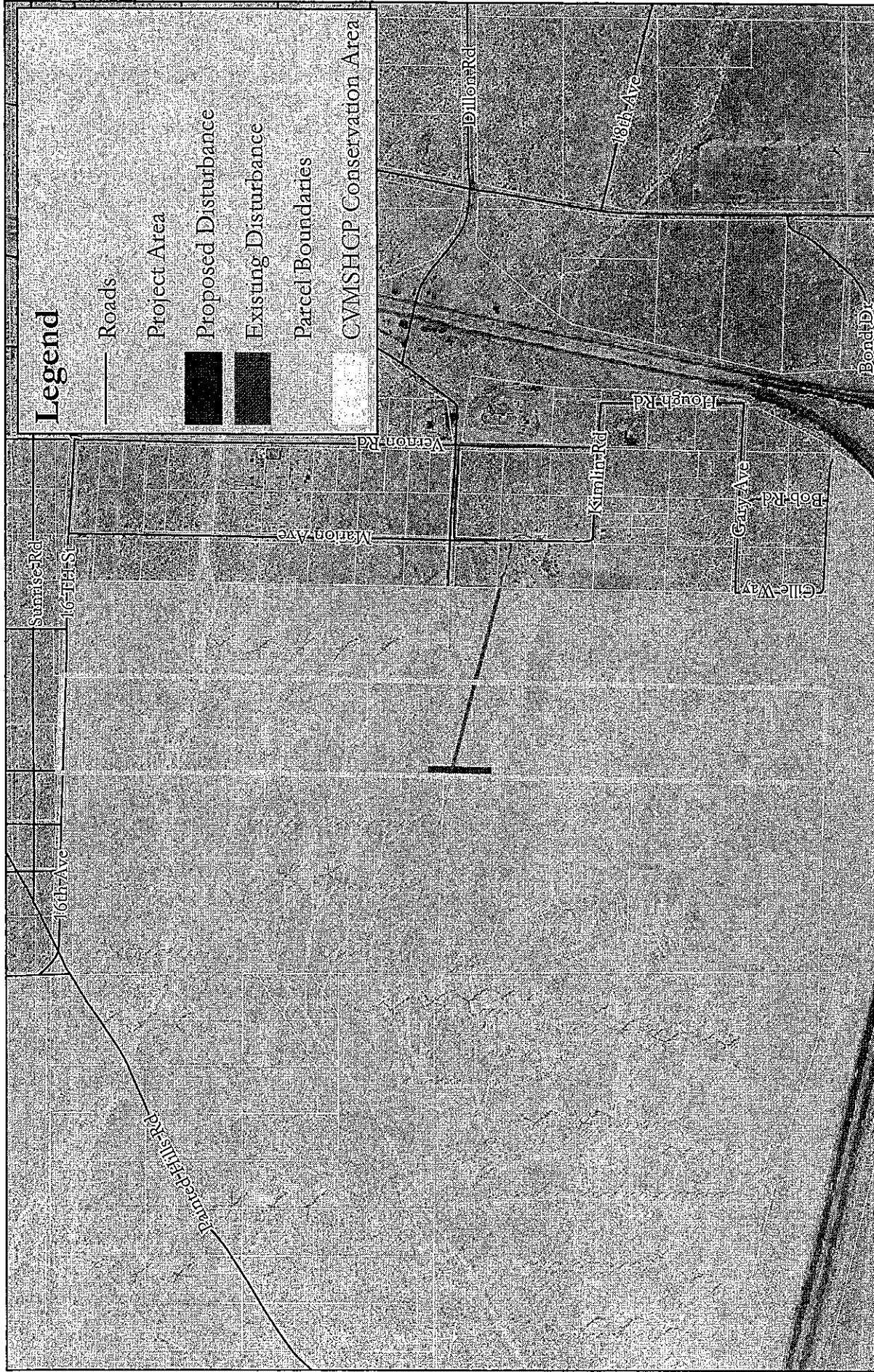
Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

4.5.7 Grading/Land Development

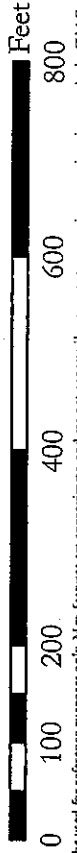
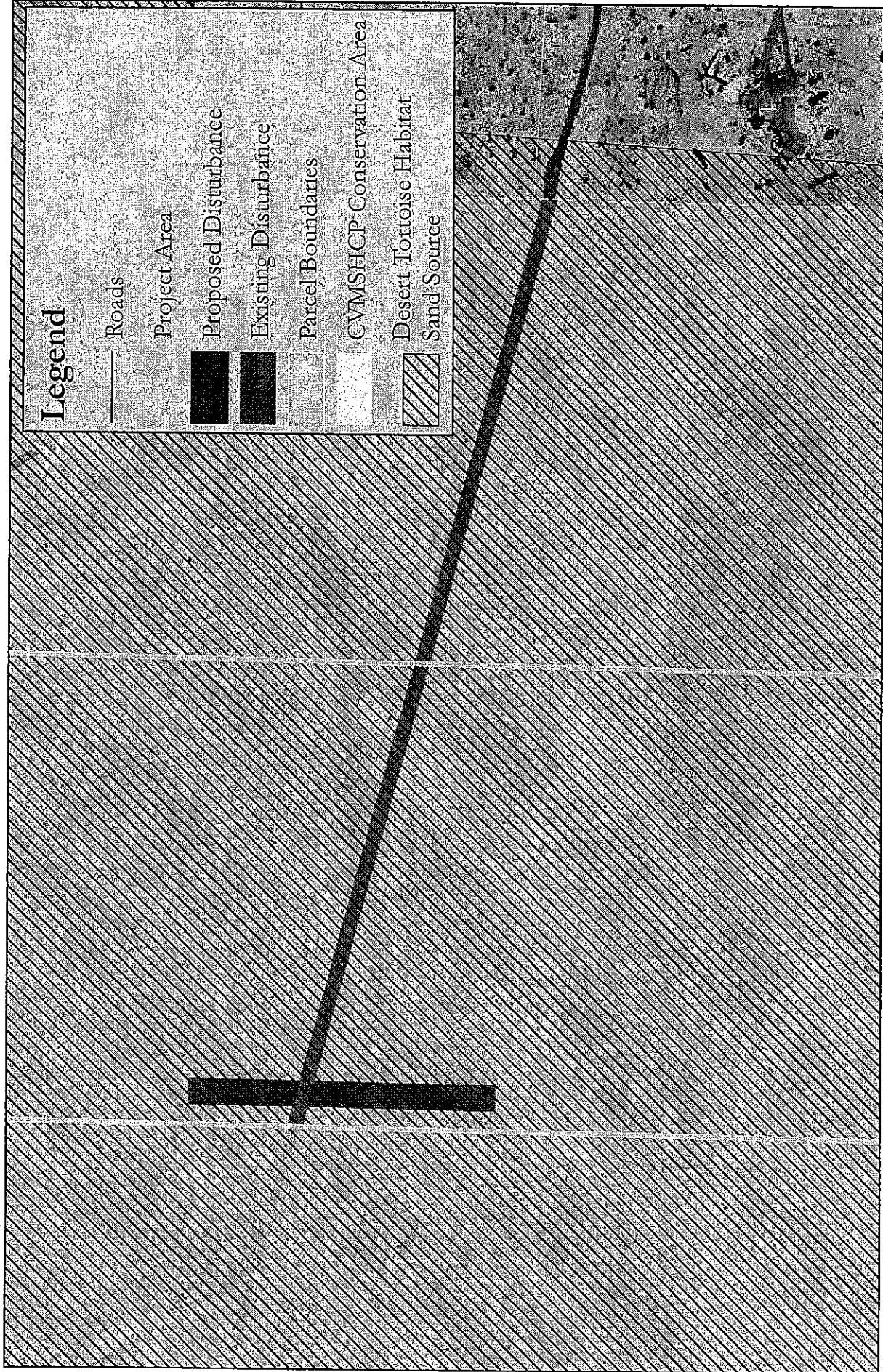
Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area.

Map of Project Vicinity in Conservation Area
Map(s) of Project Boundaries and Species etc Disturbance

Wind Energy Partnership - Project Area Upper Mission Creek / Big Morongo Canyon Conservation Area



Wind Energy Partnership - Conservation Objectives Upper Mission Creek / Big Morongo Canyon Conservation Area



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. CVAG and the County of Riverside make no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



APPLICATION FOR EXTENSION OF TIME

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

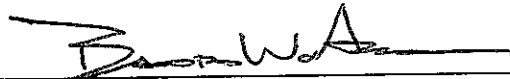
All approvals of extension of time must be consistent with the pertinent elements of the Riverside County General Plan, the Riverside County Land Use Ordinance (Ordinance No. 348), and the Multiple Species Habitat Conservation Plan (MSHCP).

An extension of time for a land division based on the filing of a phased final map shall not be granted unless the Planning Department determines that the requisite funds have been expanded to construct, improve, or finance the construction of public improvements outside the boundaries of the land division. Any other extension of time for a land division shall not be granted unless the land division conforms to the Comprehensive General Plan, is consistent with existing zoning, conforms to the currently applicable schedule of improvements specified by the Riverside County Land Division Ordinance (Ordinance No. 348) and does not affect the general health, safety, and welfare of the public. If required to bring the subject land division into conformance with current general plan, Ordinance No. 460 and public health, safety, and welfare requirements, additional conditions of approval may be imposed upon approval of an extension of time request.

I hereby request an extension of time for the above referenced project, and I acknowledge that if the basis for extension is something other than the filing of a phased final map, additional conditions of approval may be imposed upon approval of the extension of time and that I may refuse to accept additional conditions of approval only in writing prior to action by the Planning Director, or in writing or in person prior to action by the Planning Commission.

Brad Adams - Whitewater Energy Corporation

PRINTED NAME OF APPLICANT



SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are **not** acceptable.

Wind Energy Partnership, a CA LP

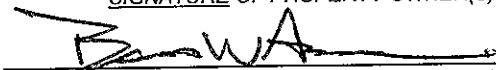
PRINTED NAME OF PROPERTY OWNER(S)

WIND ENERGY PARTNERSHIP, CA L.P.

SIGNATURE OF PROPERTY OWNER(S)

Brad Adams - Partner

PRINTED NAME OF PROPERTY OWNER(S)



SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

LAND DEVELOPMENT COMMITTEE
INITIAL CASE TRANSMITTAL
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE
P.O. Box 1409
Riverside, CA 92502-1409

DATE: September 21, 2010

TO:

Transportation Dept. – Palm Desert
Environmental Health Dept.
Flood Control District
Fire Department – Palm Desert
Dept. of Bldg. & Safety (Grading)

Regional Parks & Open Space District
Co. Geologist
Environmental Programs Dept.
P.D. Landscaping Section - Kristi Lovelady

SECOND EXTENSION OF TIME FOR WECS PERMIT NO. 115 – Applicant: Whitewater Energy Corporation – Fifth Supervisorial District – Painted Hills Zoning District – Western Coachella Valley Area Plan: Rural: Rural Desert (R: RD) (10 Acre Minimum) and Rural: Rural Mountainous (10 Acre Minimum) – Location: Northerly of I-10 westerly of Marion Road – 48 Acres Gross – Zoning: Wind Energy Resource Zone (W-E) – **APPROVED PROJECT DESCRIPTION:** The project proposes to construct and install two (2) wind turbines rated a 3.0 MW of electrical power production each, at a total WECS height of up to 411 feet, plus related Variance to reduce safety setbacks from approximately 452 feet to 0 feet. – **REQUEST:** SECOND EXTENSION OF TIME to October 17, 2011.

Please review the attached information, together with your existing records for the above-described project. This extension request is being placed on the **October 7, 2010 LDC Comment Agenda** in order to establish a deadline for review and comment. All County Agencies and Departments are to have completed their review prior to the above referenced LDC Comment date. Failure to complete the review and/or provide comments within the indicated time frame will result in a presumption that the affected Agency/Department has no comment, and the extension request will be moved forward to the Planning Commission based on that presumption.

If, it is determined necessary, that in order to maintain conformance with the County General Plan, and/or ensure that the project does not adversely affect the general health, safety and welfare of the public, each LDC Agency or Department may prepare recommended conditions of approval and place them in the County's Land Management System for the affected project.

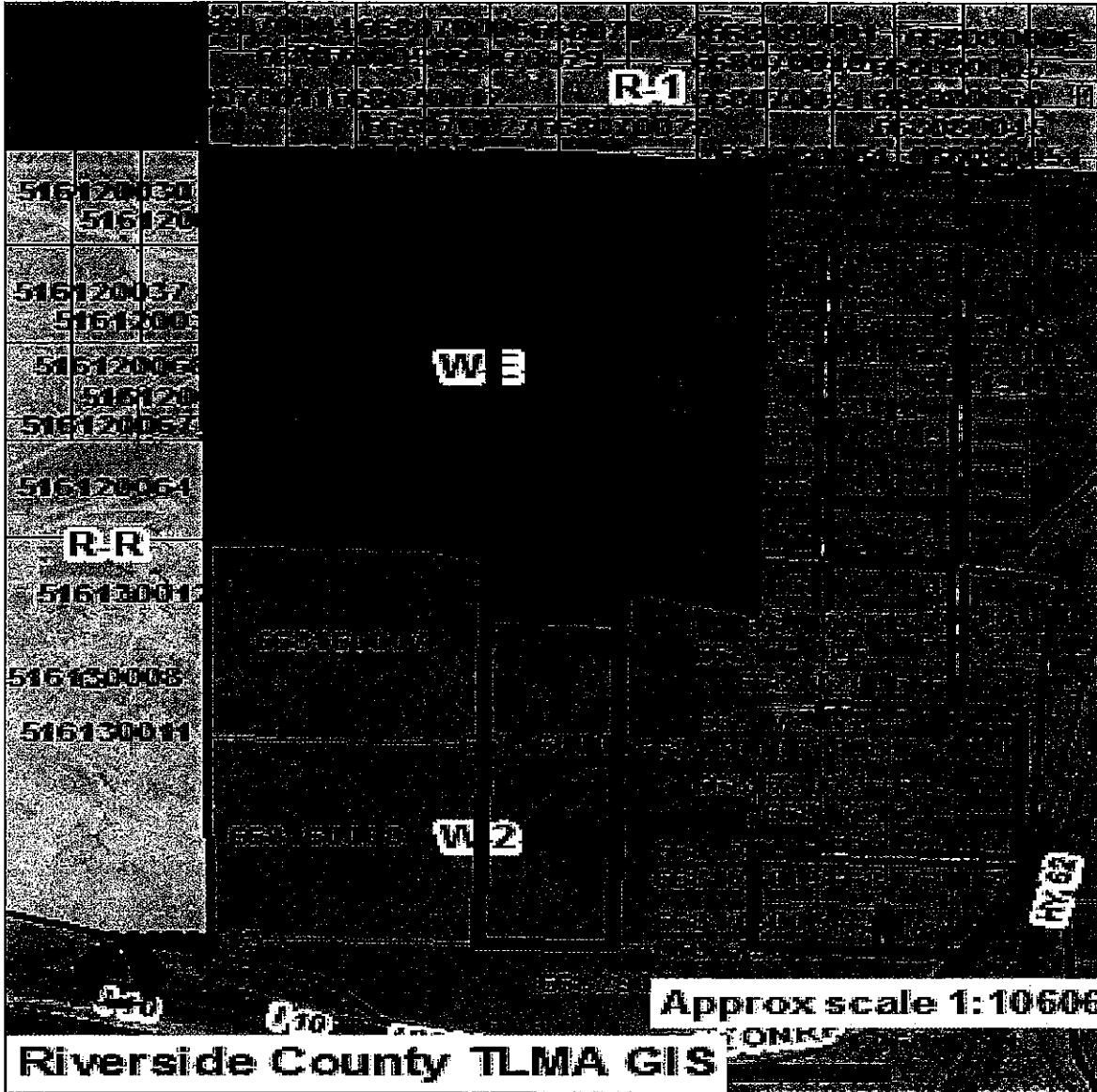
LDC MEMBERS ARE ENCOURAGED TO DIFFERENTIATE THOSE CONDITIONS ADDED AS PART OF THE EXTENSION BY ADDING A REFERENCE IN THE CONDITION TITLE AND/OR BODY OF THE CONDITION (ie. "EOT 1, EOT 2)

Each LDC Agency or Department who does so must then provide documentation to the Planning Department justifying the application of said conditions. Any such conditions, and their justification, will be presented to the Advisory Agency for their consideration as part of their action relative to the extension of time request.

If any LDC Agency or Department finds that the project, as approved, cannot be found to be in conformance with the General Plan and/or finds the project adversely affects the general health, safety and welfare of the public without the processing and approval of a Revised Permit to the Approved Use Permit, said Agency or Department must provide to the Planning such a recommendation and provide details as to what issues such an application must address.

Should you have any questions regarding this item, please do not hesitate to contact **Jay Olivas**, Project Planner, at (951) 955-1195 or email at **JOLIVAS@RCTLMA.org / MAILSTOP# 1070**.

RIVERSIDE COUNTY GIS



Selected parcel(s):
 668-150-005 668-160-005

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

PLANNING REPORT
APN(s):

668-150-005-9 668-160-005-0

OWNER NAME / ADDRESS:

- 668-150-005
 WIND ENERGY PARTNERSHIP
 ADDRESS NOT AVAILABLE

- 668-160-005
 WIND ENERGY PARTNERSHIP
 ADDRESS NOT AVAILABLE

MAIL TO NAME/ADDRESS:

- 668-150-005
 - C/O WILLIAM W ADAMS
 - 21515 HAWTHORNE BLV 1059
 - TORRANCE CA. 90503

- 668-160-005
 - C/O WILLIAM W ADAMS
 - 21515 HAWTHORNE BLV 1059
 - TORRANCE CA. 90503

LOT SIZE: - 668-150-005
 - RECORDED LOT SIZE IS: 40.11 ACRES

- 668-160-005
 - RECORDED LOT SIZE IS: 40 ACRES

PROPERTY CHARACTERISTICS: - 1. 668-150-005
 - NO PROPERTY DESCRIPTION AVAILABLE

- 2. 668-160-005
 - NO PROPERTY DESCRIPTION AVAILABLE

ELEVATION (APPROXIMATE): - 1068/1564 FEET

LEGAL DESCRIPTION: - APN: 668150005
 - RECORDED BOOK/PAGE: NOT AVAILABLE
 - SUBDIVISION NAME: NOT AVAILABLE
 - LOT/PARCEL: NOT AVAILABLE
 - TRACT NUMBER: NOT AVAILABLE

- APN: 668160005
 - RECORDED BOOK/PAGE: NOT AVAILABLE NOT AVAILABLE
 - SUBDIVISION NAME: NOT AVAILABLE
 - LOT/PARCEL: NOT AVAILABLE
 - TRACT NUMBER: NOT AVAILABLE

TOWNSHIP/RANGE: - T3SR4E SEC 7

CEMETERY DISTRICTS: - PALM SPRINGS CEMETERY DISTRICT

CITY BOUNDARY/SPHERE: - CITY: NOT WITHIN A CITY
 - CITY SPHERE: DESERT HOT SPRINGS
 - ANNEXATION DATE: FEB. 22, 2007
 - LAFCO CASE #: 2006-25-4&5
 - PROPOSALS: NONE

COMMUNITY: - IN OR PARTIALLY WITHIN NORTH PALM SPRINGS. SEE MAP FOR MORE INFORMATION.

2001 SUPERVISORIAL DISTRICT: - MARION ASHLEY, DISTRICT 5
 as established by County Ordinance 813, August 14, 2001

AREA PLAN: - WESTERN COACHELLA VALLEY

COACHELLA VALLEY MULTI-SPECIES HABITAT
 CONSERVATION PLAN FEE AREA: - WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

COACHELLA VALLEY MULTI-SPECIES HABITAT
 CONSERVATION PLAN - CONSERVATION
 AREA: - WITHIN THE UPPER MISSION CREEK/BIG MORONGO CANYON CONSERVATION AREA

WESTERN RIVERSIDE MULTI-SPECIES
 HABITAT CONSERVATION PLAN FEE AREA: - NOT WITHIN THE WESTERN RIVERSIDE COUNTY MSHCP FEE AREA

WESTERN RIVERSIDE COUNTY MSHCP AREA
 PLAN: - NOT IN AN AREA PLAN

WESTERN RIVERSIDE COUNTY MSHCP CELL
 GROUP: - NOT IN A CELL GROUP

WESTERN RIVERSIDE COUNTY MSHCP CELL
 NUMBER: - NOT IN A CELL

IMPORTANT NOTICE: On October 7, 2003, the County of Riverside adopted a new General Plan. The General Plan provides new land use designations for all parcels in the unincorporated area of Riverside County. For any parcel, the General Plan may provide for a different type of land use than is provided for

under existing zoning. During the next one to two years, the County will undertake a program to review all the zoning in the unincorporated area, and where necessary, change the zoning, following advertised public hearings, to conform to the County's new General Plan. Until then, please be advised that there may be a difference between the zoning and General Plan designations on any parcel. This may result in, at a minimum, the need to change the zoning before desired development may proceed. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 863-8277.

LANDUSE DESIGNATION:

Click [here](#) for landuse descriptions.

- RD
- RM

- CHECK MAP TO CONFIRM LANDUSE DESIGNATION
- FOR MORE INFORMATION ABOUT LANDUSE DESIGNATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING CLASSIFICATION(S) ORD. 348:

Click [here](#) for zoning classifications.

- W-2
- W-E
- W-E (CZ 7251)

- CHECK MAP TO CONFIRM ZONING CLASSIFICATIONS
- FOR MORE INFORMATION ABOUT ZONING CLASSIFICATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING DISTRICT/AREA:

- PAINTED HILLS DIST

OUTDOOR BILLBOARDS:

- BILLBOARDS NOT PERMITTED BY ZONING

SPECIFIC PLAN:

- NOT WITHIN A SPECIFIC PLAN

NOTE: Non-mapped Policy Area issues may exist on this parcel. Please contact the Planning Department at (951)955-3200 for more information.

MAPPED POLICY AREAS:

- SAN GORGONIO PASS WIND ENERGY POLICY AREA

GENERAL PLAN POLICY OVERLAY:

- NOT IN A GENERAL PLAN POLICY OVERLAY AREA

DEVELOPMENT AGREEMENT #:

- NOT IN A DEVELOPMENT AGREEMENT AREA

REDEVELOPMENT AREAS:

- NOT IN A REDEVELOPMENT AREA

AGRICULTURE PRESERVE:

- NOT IN AN AGRICULTURE PRESERVE

AIRPORT INFLUENCE AREAS:

- NOT IN AN AIRPORT INFLUENCE AREA

AIRPORT COMPATIBILITY ZONES:

- NOT IN AN AIRPORT COMPATIBILITY ZONE

Planning Case Map information may not be complete, current, or up-to-date for this area. Please contact the Planning Department if more information is needed.

PLANNING CASE(S):

- PM17846 DESCRIPTION: NOT AVAILABLE
APPLIED DATE: 09/24/1996 STATUS AS OF 07/10/2009: NOTINLMS
- GEO01604 DESCRIPTION: GEOLOGIC SPECIAL REPORT: WCS00115
APPLIED DATE: 02/16/2006 STATUS AS OF 07/10/2009: APPROVED
- WCS00115 DESCRIPTION: INSTALL TWO (2) 3.0 MW TURBINES AT 411' IN HEIGHT
APPLIED DATE: 12/12/2005 STATUS AS OF 07/10/2009: APPROVED
- CFG01730 DESCRIPTION: CFG FEES FOR EA38242 (WCS00003R1)
APPLIED DATE: 05/03/2001 STATUS AS OF 07/10/2009: PAID
- WCS00059 DESCRIPTION: NOT AVAILABLE
APPLIED DATE: 09/23/1996 STATUS AS OF 07/10/2009: NOTINLMS
- VAR01724 DESCRIPTION: REDUCE WECS SAFETY SETBACK FROM 987' TO 366' REDUCE WIND ACCESS SETBACKS FROM 1157' TO 362'
APPLIED DATE: 06/28/2001 STATUS AS OF 07/10/2009: DENIED
- WCS00003R2 DESCRIPTION: REVISED WECS TO EXTEND LIFE/MODIFY SERVICE ROADS
APPLIED DATE: 05/22/2002 STATUS AS OF 07/10/2009: APPROVED
- PUP00443 DESCRIPTION: NOT AVAILABLE
APPLIED DATE: 09/23/1996 STATUS AS OF 07/10/2009: NOTINLMS
- LLA04949 DESCRIPTION: ADJUST 2 CONTIGOUS LOT LINES
APPLIED DATE: 09/19/2005 STATUS AS OF 07/10/2009: DRT
- CZ04127 DESCRIPTION: NOT AVAILABLE

- APPLIED DATE: 09/23/1996 STATUS AS OF 07/10/2009: NOTINLMS
- EA38242 DESCRIPTION: EA FOR WCS00003R1
- APPLIED DATE: 03/06/2001 STATUS AS OF 07/10/2009: APPROVED
- EA38741 DESCRIPTION: EA FOR WCS00003S1
- APPLIED DATE: 07/12/2002 STATUS AS OF 07/10/2009: APPROVED
- WCS00003R1 DESCRIPTION: ADD 11 WECS AT HEIGHT OF 300' TO EXIST. WCS ARRAY
- APPLIED DATE: 03/06/2001 STATUS AS OF 07/10/2009: APPROVED
- CFG02153 DESCRIPTION: CFG FOR EA38741 (WCS00003S1)
- APPLIED DATE: 07/12/2002 STATUS AS OF 07/10/2009: PAID
- EA40556 DESCRIPTION: EA FOR WCS00115/CZ07251/VAR01781
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/10/2009: APPROVED
- PDB04318 DESCRIPTION: NOT AVAILABLE
- APPLIED DATE: 03/24/2006 STATUS AS OF 07/10/2009: REVIEWED
- CZ07251 DESCRIPTION: CHANGE OF ZONE FROM W-2 TO W-E
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/10/2009: APPROVED
- VAR01781 DESCRIPTION: VARIANCE TO REDUCE SAFETY SETBACKS FOR WCS00115
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/10/2009: APPROVED
- EA38372 DESCRIPTION: EA FOR VAR01724
- APPLIED DATE: 07/06/2001 STATUS AS OF 07/10/2009: DENIED
- CFG03998 DESCRIPTION: CFG FOR WCS00115/EA40556
- APPLIED DATE: 12/12/2005 STATUS AS OF 07/10/2009: PAID
- PDB04319 DESCRIPTION: NOT AVAILABLE
- APPLIED DATE: 03/24/2006 STATUS AS OF 07/10/2009: REVIEWED

- DEV. IMP. FEE AREA ORD. 659: - WESTERN COACHELLA VALLEY
- 2000 CENSUS TRACT: - 044503
- 2000 CENSUS DESIGNATION: - CENSUS DESIGNATION REPORT IS NOT AVAILABLE
- INDIAN TRIBAL LANDS: - NOT IN A TRIBAL LAND
- SCHOOL DISTRICT: - PALM SPRINGS UNIFIED

* BOUNDARIES ARE APPROXIMATIONS. USE FOR REFERENCE ONLY. SURVEY INFORMATION MUST BE CONSULTED OR PREPARED TO ACCURATELY DETERMINE ANY RIGHT-OF-WAY BOUNDARY.

- CETAP CORRIDORS: - NOT IN A CETAP CORRIDOR.
- CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY ROADS: - NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY
- EAST T.U.M.F. ORD. 673: - IN OR PARTIALLY WITHIN THESE FEE AREAS. SEE MAP FOR MORE INFORMATION.
- EAST
- WEST T.U.M.F. ORD. 824: - NOT WITHIN THE WESTERN TUMF FEE AREA
- WATER DISTRICT: - DESERT WATER AGENCY (DWA)
- FLOOD CONTROL DISTRICT: - RIVERSIDE COUNTY FLOOD CONTROL DISTRICT
- FLOOD PLAIN REVIEW: - NOT REQUIRED.
- WATERSHED: - WHITEWATER
- VEGETATION: - DATA NOT AVAILABLE
- SKR FEE AREA ORD. 663.10: - NOT WITHIN A FEE AREA
- HANS/ERP PROJECT: - NONE
- FAULT ZONE: - NOT IN A FAULT ZONE

FAULTS:
- WITHIN A 1/2 MILE OF
- GARNET HILL FAULT
- SAN ANDREAS FAULT
- SAN ANDREAS FAULT SOUTH BRANCH
- SAN ANDREAS FAULTS
- UNNAMED FAULT IN SAN GORGONIO PASS FAULT ZONE
- CONTACT THE COUNTY'S CHIEF ENGINEERING GEOLOGIST AT (951)955-6863.

LIQUEFACTION POTENTIAL: - MODERATE

SUBSIDENCE: - SUSCEPTIBLE

HIGH FIRE AREA ORD. 787: - IN HIGH FIRE AREA - Grading And Building Permit Applications Require Fire Dept Clearance Prior To Permit Issuance.

STATE RESPONSIBILITY AREAS: - NOT IN A STATE RESPONSIBILITY AREA

LIGHTING ORD. 655: - ZONE B, 41.38 MILES.

COUNTY SERVICE AREA: - NOT IN A COUNTY SERVICE AREA.

CODE COMPLAINTS: - NO CODE COMPLAINTS

SURFACE MINES: - NO SURFACE MINES

PALEONTOLOGICAL SENSITIVITY:
- LOW POTENTIAL.
FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

- UNDETERMINED POTENTIAL.
AREAS UNDERLAIN BY SEDIMENTARY ROCKS FOR WHICH LITERATURE AND UNPUBLISHED STUDIES ARE NOT AVAILABLE HAVE UNDETERMINED POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES. THESE AREAS MUST BE INSPECTED BY A FIELD SURVEY CONDUCTED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST.

COMMUNITY FACILITY DISTRICTS:
- NAME: NOT IN A COMMUNITY FACILITY DISTRICT
- DISTRICT NUMBER: NOT AVAILABLE

THOMAS BROS. MAPS PAGE/GRID:
- PAGE 725- GRID F1
- PAGE 725- GRID F2
- PAGE 725- GRID F3

SPECIAL NOTES: - NO SPECIAL NOTES

REPORT PRINTED ON...Fri Jul 10 15:31:15 2009