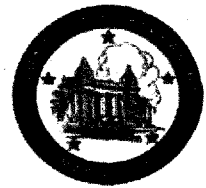


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

306B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
January 15, 2013

**SUBJECT: FIRST EXTENSION OF TIME for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)** – Fourth/Fourth Supervisorial District – Lower Coachella Valley Zoning District – Location: Northerly of Avenue 70, southerly of Avenue 68, easterly of Arthur Street, and westerly of Cleveland Street – 482 Gross Acres – Zoning: Controlled Development Areas (W-2)-  
**APPROVED PROJECT DESCRIPTION:** The use hereby permitted is to construct and operate a 75 megawatt electric generation facility consisting of a photo voltaic array with ground mounted solar panels up to approximately 12 feet in height on a 482 gross acre site, plus accessory 4,800 square foot office/warehouse building up to 16 feet in height with 16 space parking lot, a switching station, water tank, and storm water protection facilities, plus off-site extension of utilities and access roads, located within Assessor's Parcel Numbers 721-100-001, etc.  
**REQUEST: FIRST EXTENSION OF TIME REQUEST for CONDITONAL USE PERMIT 3635 (FTA 2010-08), extending the expiration date to November 2, 2013.**

Departmental Concurrence

*Carolyn Syms Luna*  
\_\_\_\_\_  
Carolyn Syms Luna  
Planning Director

Initials CSL:jo

(Continued on next page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2013

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: January 29, 2013  
xc: Planning

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
\_\_\_\_\_  
Deputy

**Prev. Agn. Ref.** | **District:** 4/4 | **Agenda Number:**

**3-40**

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

The Honorable Board of Supervisors

RE: FIRST EXTENSION OF TIME FOR CONDITION USE PERMIT NO. 3635 (FTA 2010-08)

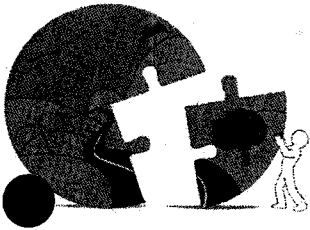
January 15, 2013

Page 2 of 2

**RECOMMENDED MOTION:**

**APPROVAL** of the **FIRST EXTENSION OF TIME REQUEST** for **CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)**, extending the expiration date to November 2, 2013, subject to all the previously approved and/or amended Conditions of Approval with the applicant's consent.

---



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna  
Director

3068

DATE: January 15, 2013

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: FIRST EXTENSION OF TIME for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)  
(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 <small>(Receive &amp; File; EOT)</small>           | <input type="checkbox"/> Set for Hearing <small>(Legislative Action Required; CZ, GPA, SP, SPA)</small>      |
| <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            | <b>**SELECT Advertisement**</b>  |
| <input type="checkbox"/> Place on Consent Calendar   | <input type="checkbox"/> <b>**SELECT CEQA Determination**</b>  |
| <input checked="" type="checkbox"/> Place on Policy Calendar <small>(Resolutions; Ordinances; PNC)</small> | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day              |
| <input type="checkbox"/> Place on Section Initiation Proceeding <small>(GPIP)</small>                      | <input type="checkbox"/> Notify Property Owners <small>(app/agencies/property owner labels provided)</small> |
|  | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                           |

**Need Director's signature ASAP**  
**Please schedule on the January 29, 2013 BOS Agenda**

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

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

"Planning Our Future... Preserving Our Past"

Handwritten initials/signature

Agenda Item No.  
Area Plan: Eastern Coachella Valley  
Zoning District: Lower Coachella Valley  
Supervisory District: Fourth/Fourth  
Project Planner: Jay Olivas  
Board of Supervisors: January 29, 2013

CONDITIONAL USE PERMIT NO. 3635  
(FTA 2010-08)  
FIRST EXTENSION OF TIME  
Applicant: Colgreen Energy, LLC

## 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. Unless specifically requested by the EOT applicant, this request will not be discussed at the time it is presented to the Board of Supervisors as a policy item.

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:

**FIRST EXTENSION OF TIME REQUEST for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)**

### JUSTIFICATION FOR EXTENSION REQUEST:

As per the correspondence from the applicant (dated January 15, 2013), substantial construction has not occurred within the required period of time for this project because of current economic conditions, continued discussion with potential power purchasers, and due to contract aspects of selling the energy.

### BACKGROUND:

On November 2, 2010, the Board of Supervisors approved Conditional Use Permit No. 3635.

Upon approval of the subject case, an approval letter was issued to the applicant, together with the final conditions of approval, indicating an approval date of November 2, 2010. The Planning Department established an expiration date two (2) years after this approval date, which was based upon the Board of Supervisor's approval action.

The County Planning Department, as part of the review of this extension of time request, and after transmittal to Land Development Committee Members, determined it necessary to recommend the addition of ten 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 Building and Safety, Grading Division is recommending the addition of ten (10) Conditions of Approval.

**CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)**  
**SECOND EXTENSION OF TIME REQUEST**  
**Board of Supervisors: January 29, 2013**  
**Page 2 of 2**

The Extension of Time applicant was informed of these recommended conditions and has agreed to accept them. Included in this staff report package are the recommended conditions of approval, and the correspondence from the Extension of Time applicant (dated January 15, 2013) indicating the acceptance of the ten (10) conditions.

**RECOMMENDATION:**

**APPROVAL** of the **FIRST EXTENSION OF TIME REQUEST** for **CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)**, extending the expiration date to November 2, 2013, subject to all the previously approved and/or amended Conditions of Approval with the applicant's consent.

**FIRST EXTENSION OF TIME for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08) - Applicant: Colgreen Energy, LLC – Fourth/Fourth Supervisorial District – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan: Agriculture: Agriculture (AG: AG) (10 Acre Minimum) - Location: Northerly of Avenue 70, southerly of Avenue 68, easterly of Arthur Street, and westerly of Cleveland Street – 482 Gross Acres - Zoning: Controlled Development Areas (W-2) - APPROVED PROJECT DESCRIPTION: The use hereby permitted is to construct and operate a 75 megawatt electric generation facility consisting of a photo voltaic array with ground mounted solar panels up to approximately 12 feet in height on a 482 gross acre site, plus accessory 4,800 square foot office/warehouse building up to 16 feet in height with 16 space parking lot, a switching station, water tank, and storm water protection facilities, plus off-site extension of utilities and access roads, located within Assessor's Parcel Numbers 721-100-001, etc. - REQUEST: FIRST EXTENSION OF TIME REQUEST for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08), extending the expiration date to November 2, 2013.**

# COLGREEN NORTH SHORE 75 MW PHOTOVOLTAIC GENERATION FACILITY

PROPOSED LAND USE: SOLAR FACILITY  
 EXISTING LAND USE: AC AGRICULTURE (VACANT)  
 ZONING: W2  
 AREA: 482 ACROSS 465.6 AC ± N1  
 FLOOD ZONE:  
 ASSESSOR'S PARCEL NO.: 71-100-001, 71-100-002, 71-100-003, 71-100-004  
 OWNER:  
 ADDRESS:  
 APPLICANT:  
 ENGINEER:

THE 210 PERMITS LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP  
 19855 7TH AVENUE, SUITE 200  
 THOMAS GULEZ (2008) PAGE 3885, 690, 61, 62, 14, 15, 16, 17, 18, 19, 20, 21, 22  
 MAILING ADDRESS:  
 2284 BARCLAY ROAD, #2  
 LL CENTER, CA 92543  
 (760) 227-8531  
 95070 101-825

APPLICANT: THE 210 PERMITS LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP  
 ENGINEER: WMB & ASSOCIATES INC.

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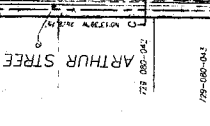
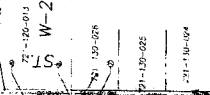
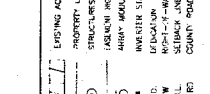
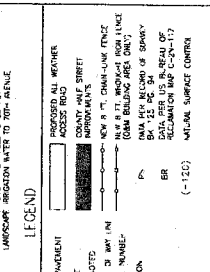
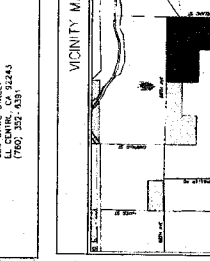
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 ENGINEER: WMB & ASSOCIATES INC.

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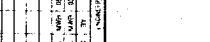
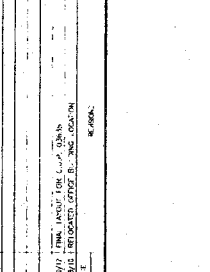
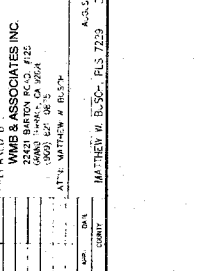
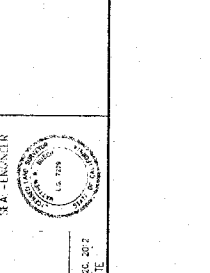
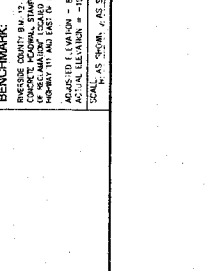
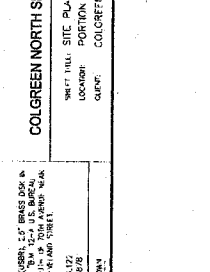
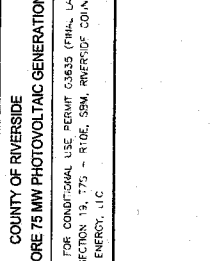
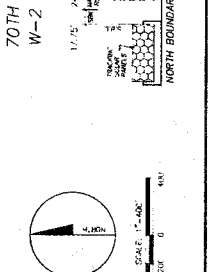
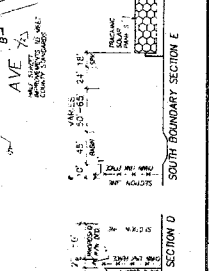
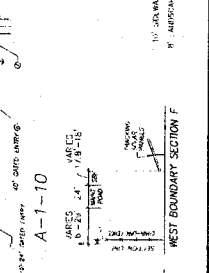
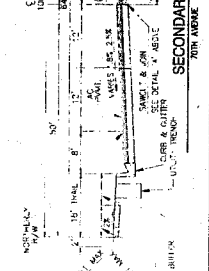
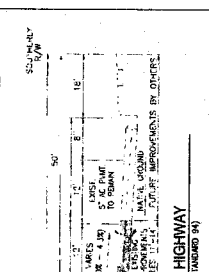
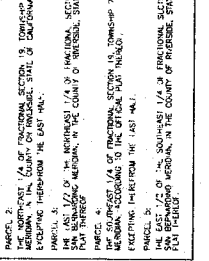
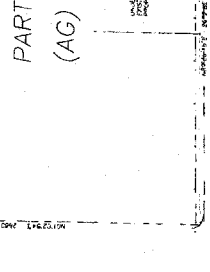
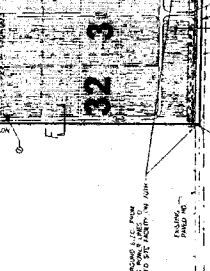
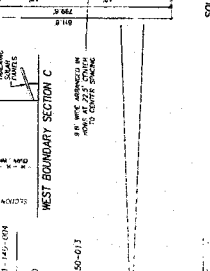
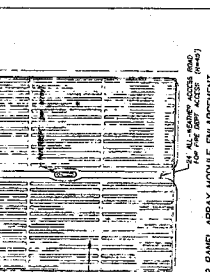
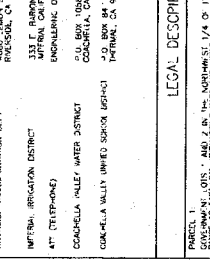
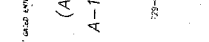
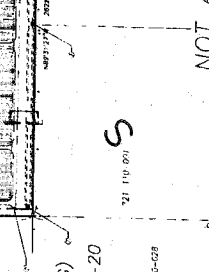
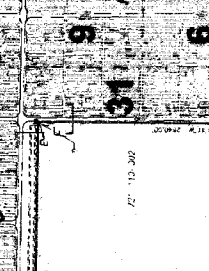
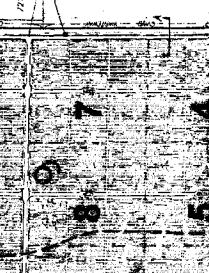
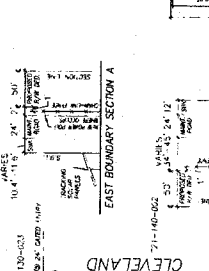
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 ENGINEER: WMB & ASSOCIATES INC.

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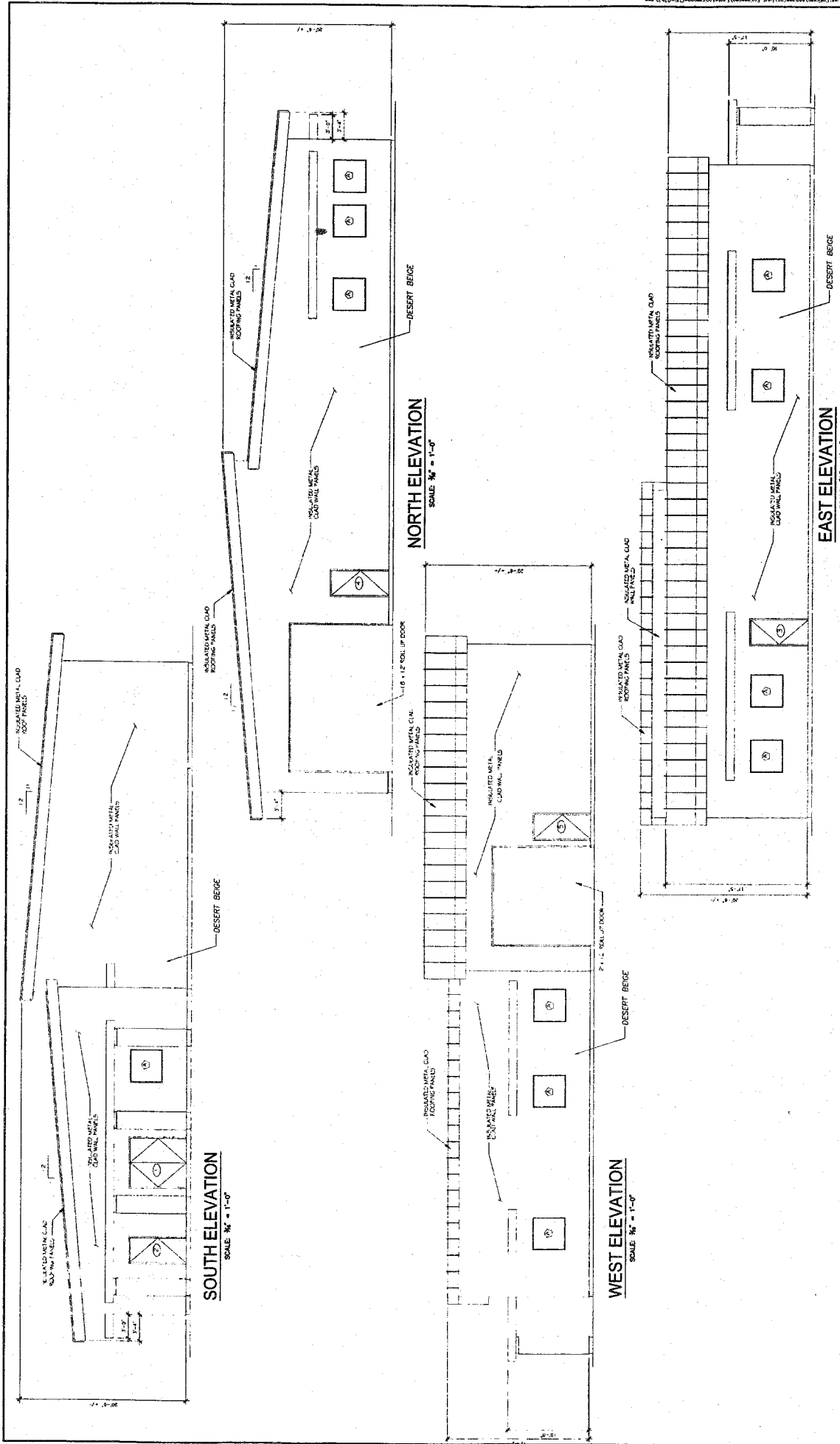


AGENCY TELEPHONE NUMBERS  
 RIVERSIDE COUNTY PLANNING  
 1555 W. COLTON BLVD  
 PALM DESERT, CA 92571  
 (951) 962-8277  
 INVERTECH TRANSPORTATION DEPT  
 4680 BAY STREET STE 100R  
 PLEASANTON, CA 94669-1090  
 (925) 935-8741  
 METROL INCORPORATED  
 333 L. BARON BLVD  
 METROL CALIFORNIA 92743  
 (714) 339-9374  
 4TH FLOOR  
 (888) 944-0487  
 COACHELLA VALLEY WATER DISTRICT  
 P.O. BOX 1008  
 COACHELLA, CA 92238  
 (760) 308-2081  
 COACHELLA VALLEY WATER DISTRICT  
 P.O. BOX 1008  
 COACHELLA, CA 92238  
 (760) 394-3337

LEGAL DESCRIPTION  
 PARCEL 1  
 1/4 SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, 0.015 ± ACRES, 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY MAPS.  
 PARCEL 2  
 1/4 SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, 0.015 ± ACRES, 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY MAPS.  
 PARCEL 3  
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 PARCEL 4  
 1/4 SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, 0.015 ± ACRES, 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY MAPS.  
 PARCEL 5  
 1/4 SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, 0.015 ± ACRES, 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 19N, RANGE 10E, SAN BERNARDINO COUNTY, CALIFORNIA, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY MAPS.







<b>PREPARED BY:</b> WMB & ASSOCIATES INC. 15001 W. 10TH AVE. SUITE 100 DENVER, CO 80242 PHONE: (303) 491-0813 FAX: (303) 491-0814 WWW: WWW.WMB-ASSOCIATES.COM		<b>DATE:</b> 11/11/11
<b>PROJECT:</b> COLGREEN NORTH SHORE 75 MW PHOTOVOLTAIC GENERATION FACILITY		<b>CLIENT:</b> COLGREEN ENERGY, LLC
<b>DESIGNER:</b> MATTHEW W. BUSCH, P.E., FLS 7229		<b>CITY:</b> DENVER
<b>SCALE:</b> 3/8" = 1'-0"		<b>PROJECT NO.:</b> 11111
<b>DATE:</b> 11/11/11		<b>SHEET NO.:</b> 3
<b>PROJECT LOCATION:</b> COUNTY OF RIVERIDE COLGREEN NORTH SHORE 75 MW PHOTOVOLTAIC GENERATION FACILITY		<b>DATE:</b> 08/29/2012
<b>PROJECT DESCRIPTION:</b> SHEET TITLE: SITE PLAN FOR CONDITIONAL USE PERMIT 036135 (FINAL LAYOUT) LOCAL: PORTION, SECTION 19, T7S - R10E, S8M, RIVERFORD COUNTY		<b>DATE:</b> 08/29/2012
<b>PROJECT LOCATION:</b> COUNTY OF RIVERIDE COLGREEN NORTH SHORE 75 MW PHOTOVOLTAIC GENERATION FACILITY		<b>DATE:</b> 08/29/2012
<b>PROJECT DESCRIPTION:</b> SHEET TITLE: SITE PLAN FOR CONDITIONAL USE PERMIT 036135 (FINAL LAYOUT) LOCAL: PORTION, SECTION 19, T7S - R10E, S8M, RIVERFORD COUNTY		<b>DATE:</b> 08/29/2012



RIVERSIDE COUNTY GIS



**Selected parcel(s):**

721-100-001 721-100-002 721-100-003 721-100-004 721-110-003 721-110-004

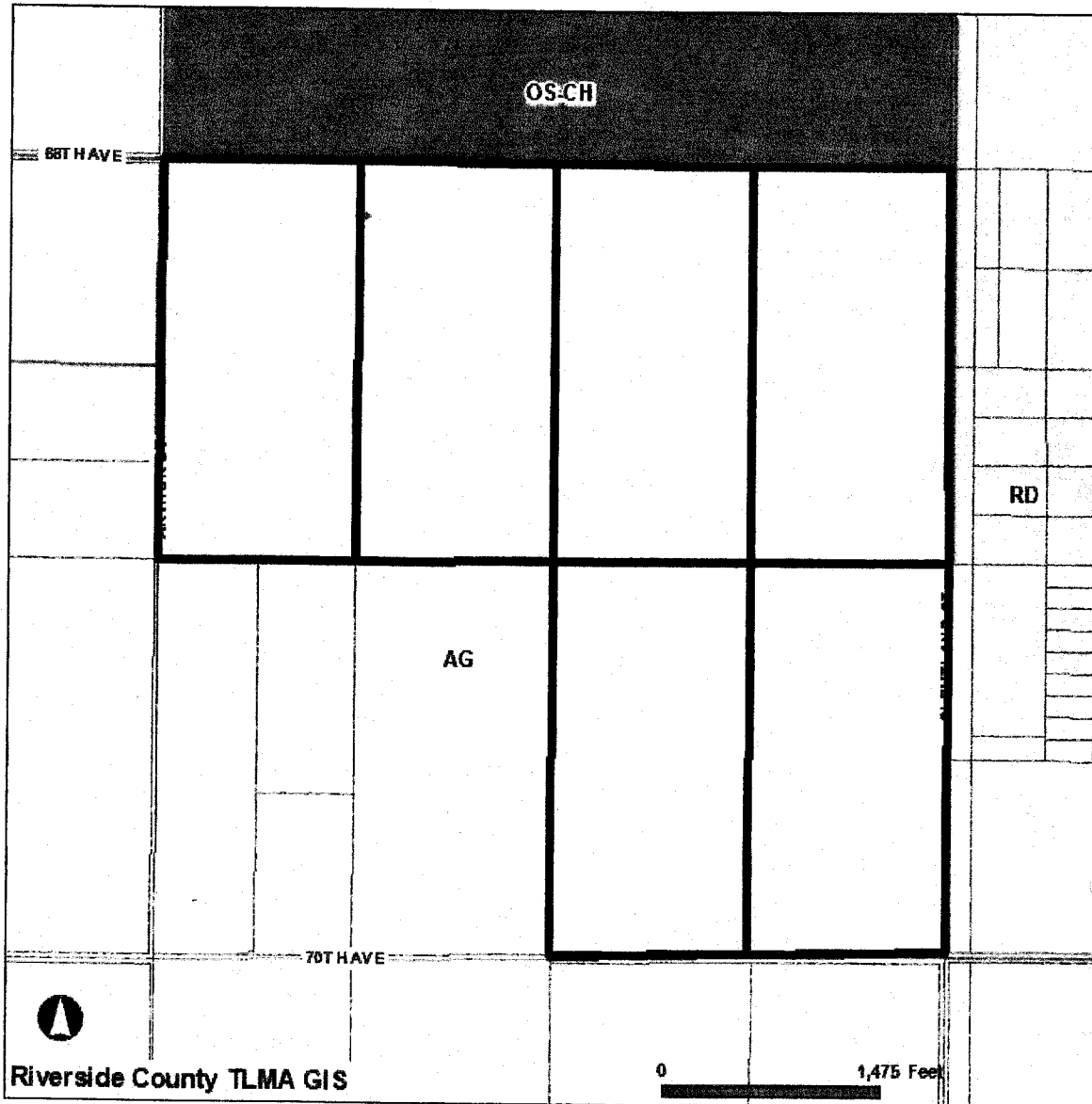
**\*IMPORTANT\***

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. The County of Riverside makes 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.

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Version 121101

RIVERSIDE COUNTY GIS



Riverside County TLMA GIS

Selected parcel(s):

721-100-001 721-100-002 721-100-003 721-100-004 721-110-003 721-110-004

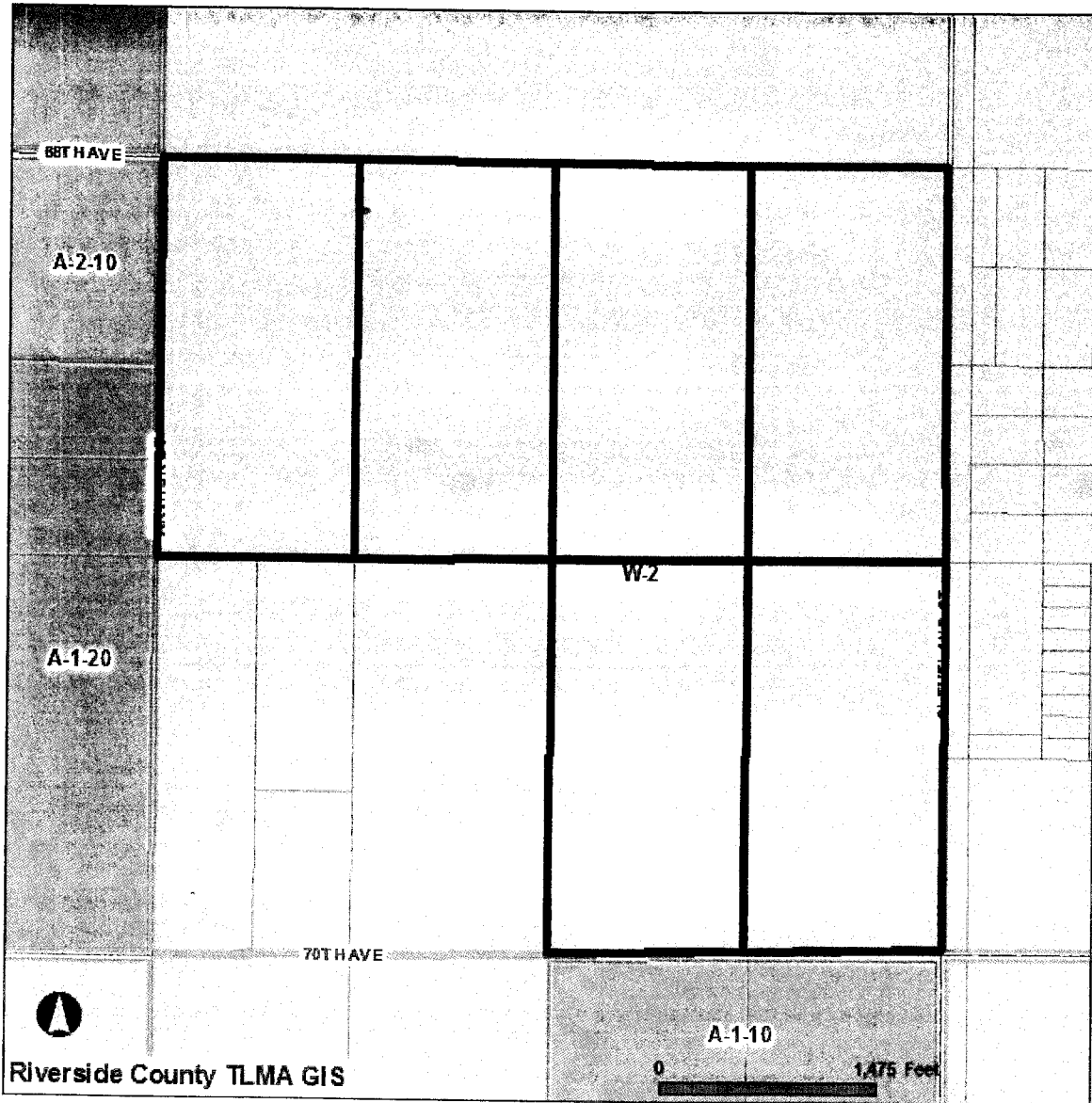
LAND USE

- SELECTED PARCEL
- AG - AGRICULTURE
- INTERSTATES
- OS-CH - CONSERVATION HABITAT
- HIGHWAYS
- RD - RURAL DESERT
- PARCELS

**\*IMPORTANT\***  
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 Version 121101

RIVERSIDE COUNTY GIS



Riverside County TLMA GIS

Selected parcel(s):

721-100-001 721-100-002 721-100-003 721-100-004 721-110-003 721-110-004

ZONING

- SELECTED PARCEL
- INTERSTATES
- HIGHWAYS
- PARCELS
- ZONING BOUNDARY
- A-1-10, A-1-20
- A-2-10
- W-2

\*IMPORTANT\*

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Version 121101

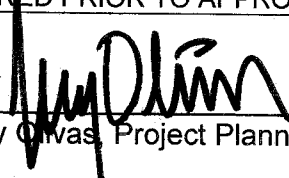
# Extension of Time Environmental Determination

Project Case Number: Conditional Use Permit No. 3635  
 Original E.A. Number: EA42244  
 Extension of Time No.: First  
 Original Approval Date: November 2, 2010  
 Project Location: Northerly of Avenue 70, southerly of Avenue 68, easterly of Arthur Street, and westerly of Cleveland Street.

Project Description: Construct and operate a 75 megawatt electric generation facility consisting of a photo voltaic array with ground mounted solar panels up to approximately 12 feet in height on a 482 gross acre site, plus accessory 4,800 square foot office/warehouse building up to 16 feet in height with 16 space parking lot, a switching station, water tank, and storm water protection facilities, plus off-site extension of utilities and access roads.

On January 15, 2013, this Conditional Use Permit 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 checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, <b>NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME</b> , 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 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, <b>NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME</b> , 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, <b>AN ENVIRONMENTAL ASSESSMENT/INITIAL STUDY IS REQUIRED</b> 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 <b>WHETHER OR NOT THE EXTENSION OF TIME SHOULD BE RECOMMENDED FOR APPROVAL</b> .
<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 <b>NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED PRIOR TO APPROVAL OF THE EXTENSION OF TIME</b> .

Signature:   
 Jay Olivas, Project Planner

Date: January 15, 2013  
 For Carolyn Syms Luna, Director

**Olivas, Jay**

---

**From:** Graeme R. Donaldson [g.donaldson@colgreenenergy.com]  
**Sent:** Tuesday, January 15, 2013 5:05 PM  
**To:** Olivas, Jay  
**Cc:** Rush, Adam  
**Subject:** RE: CUP03635 EOT Additional Conditions

**Importance:** High

Jay:

Please accept this email as ColGreen's documented approval of the proposed conditions for inclusion within the Extension of Time request application namely:

60 BS GRADE 12	Use – Approval WQMP EOT1
60 BS GRADE 13	Use – Pre – Constr Mtg EOT1
60 BS GRADE 14	Use – BMP NPDES permit EOT1
80 BS GRADE 2	Use – Rough Grade Apprvl EOT1
90 BS GRADE 2	Use – WQMP BMP Insp EOT1
90 BS GRADE 3	Use – WQMP BMP Cert EOT1
90 BS GRADE 4	Use – GPS Coordinates EOT1
90 BS GRADE 5	Use – BMP Registration EOT1
90 BS GRADE 6	Use – Req'd Grdg Insp's EOT1
90 BS GRADE 7	Use – Precise GrD Apprvl EOT1

Respectfully,

Graeme R. Donaldson  
Graeme R. Donaldson  
Senior Vice President



ColGreen Energy, LLC.  
77-948 Wildcat Drive  
Palm Desert, CA 92211

☎ Office: 760 360 4686

☎ Cell: 760 578 9400


☎ Fax: 760 360 0521

✉mailto: [G.Donaldson@ColGreenEnergy.com](mailto:G.Donaldson@ColGreenEnergy.com)

✉mailto: [GDonald386@aol.com](mailto:GDonald386@aol.com)

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Confidencialidad. Este e-mail y cualquiera de sus ficheros anexos son confidenciales y pueden constituir información privilegiada. Si usted no es el destinatario adecuado, por favor, notifíquelo inmediatamente al emisor y no revele estos contenidos a ninguna otra persona, no los utilice para otra finalidad, ni almacene o copie esta información en medio alguno.

 Please consider the environment prior to printing this e-mail. Thank you.

**From:** Olivas, Jay [mailto:JOLIVAS@rctlma.org]  
**Sent:** Tuesday, January 15, 2013 4:36 PM  
**To:** 'Graeme R. Donaldson'  
**Subject:** FW: CUP03635 EOT Additional Conditions

Graeme, please also let us know on these additional grading conditions if you are okay with them as soon as possible, we request a short letter or email that you accept these additional conditions which will be included in the EOT staff report. Thanks again. Jay

---

**From:** Olivas, Jay  
**Sent:** Tuesday, January 15, 2013 10:18 AM  
**To:** 'Graeme R. Donaldson'  
**Subject:** CUP03635 EOT Additional Conditions

Attn: Applicant

**RE: EXTENSION OF TIME REQUEST for No. 3635.**

The County Planning Department has transmitted this extension of time request to the Land Development Committee (LDC). The LDC has determined it necessary to recommend the addition of 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 is recommending the addition of Conditions of Approval.

Please review the proposed conditions of approval attached in this correspondence. If these conditions are acceptable, then submit a short written letter/memo/email that clearly references this case, the acceptance of each condition by name and number, and clearly state that you, the Extension of Time Applicant, accept these conditions. This documentation will then be included in the staff report package. The attached document is a copy of the recommended conditions which are identified as follows:

- 60 BS GRADE 12
- 60 BS GRADE 13
- 60 BS GRADE 14
- 80 BS GRADE 2
- 90 BS GRADE 2
- 90 BS GRADE 3
- 90 BS GRADE 4
- 90 BS GRADE 5
- 90 BS GRADE 6
- 90 BS GRADE 7

If the addition of the conditions is not acceptable, please notify me so we can discuss your concerns. If the issue cannot be resolved, then I will direct you to contact the individual Department representative to discuss this matter further.

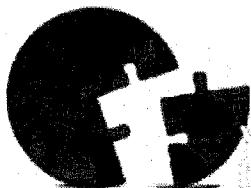
Once the conditions have been accepted, I will begin preparing the staff report package for the Board of Supervisors. County Ordinance requires that conditions added thru the extension of time process are presented to and accepted by the applicant. If you, the EOT applicant, is unable to accept these conditions, the Planning Department will recommend denial of this extension of time request. An opportunity will, if requested, be provided for arguments to be made to the hearing body justifying why this request should be approved without the recommended conditions of approval.

I am eager to move this case forward and continue the extension of time process. If you have not contacted me within thirty (30) days, I will begin preparing this case with a recommendation of denial. I need one of two items to proceed:

- 1) Correspondence from you, the EOT applicant, accepting the recommended conditions per the directions provided above; or,
- 2) Correspondence from you, the EOT applicant, advising me of the concerns with the recommended conditions. If the concern still exists after our discussion, then direction on how to approach the issue will be given and additional time will be provided until the issue is resolved.

If you have any questions, comments, or concerns regarding this email, please feel free to contact me as indicated below.

Thank you,



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

Jay Olivas, Planner IV  
Riverside County Planning Department  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
ph: (951) 955-1195

# ColGreen Energy, LLC



January 15, 2013

Jay Olivas, Planner IV  
Riverside County Planning Department  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501

Re: Extension of Time Request for CUP 03635

Dear Mr. Olivas:

We have recently requested a one-year extension of the referenced Conditional Use Permit. We leased the subject project site in August of 2009, and subsequently applied for and then received the CUP to construct and operate a 75 MW solar photovoltaic generating facility on the site in November 2010.

Since that time, the difficult economy, and the passage of new California legislation that significantly changed the renewable energy requirements in California and led to extreme turbulence in the renewable energy market has delayed the contracting aspects of selling the energy to be generated by the facility.

We have diligently worked to satisfy the individual permit conditions that are prerequisites to receiving a Grading Permit (the start of construction for the project), and have completed all of them except for the "Nesting Bird Survey" which itself is dependent of the date of starting grading work. Without an off-take contract for the power, financing for the project is in abeyance.

At this time we are in discussions with several potential power purchasers, and appreciate your consideration to give us the requested extension.

If you have questions or require further information, please contact me at 760-578-9400 or by e-mail at [g.donaldson@colgreenenergy.com](mailto:g.donaldson@colgreenenergy.com).

Respectfully,

*Graeme R. Donaldson*

Graeme R. Donaldson  
Vice President

ColGreenEnergy, LLC  
77-948 Wildcat Drive  
Palm Desert, CA 92211-1173



01/15/13  
09:31

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 1

CONDITIONAL USE PERMIT Case #: CUP03635

Parcel: 721-110-003

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 12 USE - APPROVED WQMP EOT1

RECOMMND

Prior to the issuance of a grading permit, the owner / applicant shall submit to the Building & Safety Department Engineering Division evidence that the project - specific Water Quality Management Plan (WQMP) has been approved by the Riverside County Flood Control District and that all approved water quality treatment control BMPs have been included on the grading plan.

60.BS GRADE. 13 USE-PRE-CONSTR MTG EOT1

RECOMMND

Upon receiving grading plan approval and prior to the issuance of a grading permit, the applicant is required to schedule a pre-construction meeting with the Building and Safety Department Environmental Compliance Division.

60.BS GRADE. 14 USE-BMP NPDES PERMIT EOT1

RECOMMND

Prior to the issuance of a grading permit, the owner / applicant shall obtain a BMP (Best Management Practices) Permit for the monitoring of the erosion and sediment control BMPs for the site. The Department of Building and Safety will conduct NPDES (National Pollutant Discharge Elimination System) inspections of the site based on Risk Level to verify compliance with the Construction General Permit, Stormwater ordinances and regulations until completion of the construction activities, permanent stabilization of the site and permit final.

80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 2 USE-ROUGH GRADE APPRVL EOT1

RECOMMND

Prior to the issuance of any building permit, the applicant shall obtain rough grade approval and/or approval to construct from the Building and Safety Department. The Building and Safety Department must approve the completed grading of your project before a building permit can be issued. Rough Grade approval can be accomplished by complying with the following:

1. Submitting a "Wet Signed" copy of the Soils Compaction Report containing substantiating data from the Soils

CONDITIONAL USE PERMIT Case #: CUP03635

Parcel: 721-110-003

80. PRIOR TO BLDG PRMT ISSUANCE

80.BS GRADE. 2

USE-ROUGH GRADE APPRVL EOT1 (cont.)

RECOMMND

Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for his/her certification of the project.

2.Submitting a "Wet Signed" copy of the Rough Grade certification from a Registered Civil Engineer certifying that the grading was completed in conformance with the approved grading plan.

3.Requesting a Rough Grade Inspection and obtaining rough grade approval from a Riverside County inspector.

4.Rough Grade Only Permits: In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide 100 percent vegetative coverage to stabilize the site prior to receiving a rough grade permit final.

Prior to release for building permit, the applicant shall have met all rough grade requirements to obtain Building and Safety Department clearance.

90. PRIOR TO BLDG FINAL INSPECTION

BS GRADE DEPARTMENT

90.BS GRADE. 2

USE-WQMP BMP INSP EOT1

RECOMMND

Prior to final building inspection, the applicant shall obtain inspection of all treatment control BMPs and/or clearance from the Building and Safety Department. All structural BMPs described in the project - specific WQMP and indicated on the approved grading plan shall be constructed and installed in conformance with the approved plans and specifications. The Building and Safety Department must inspect and approve the completed WQMP treatment control BMPs for your project before a building final can be obtained.

90.BS GRADE. 3

USE-WQMP BMP CERT EOT1

RECOMMND

Prior to final building inspection, the applicant/owner shall submit a "Wet Signed" copy of the Water Quality Management Plan (WQMP) Certification from a Registered Civil Engineer certifying that the project - specific WQMP treatment control BMPs have been installed in accordance

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09:31

Riverside County LMS  
CONDITIONS OF APPROVAL

Page: 3

CONDITIONAL USE PERMIT Case #: CUP03635

Parcel: 721-110-003

90. PRIOR TO BLDG FINAL INSPECTION

90.BS GRADE. 3                    USE-WQMP BMP CERT EOT1 (cont.)                    RECOMMND  
with the approved WQMP.

90.BS GRADE. 4                    USE- GPS COORDINATES EOT1                    RECOMMND  
Prior to final building inspection, the applicant/owner shall provide the Department of Building Safety with GPS coordinates for the location of the project - specific WQMP treatment control BMPs.

90.BS GRADE. 5                    USE- BMP REGISTRATION EOT1                    RECOMMND  
Prior to final building inspection, the applicant/owner shall register the project - specific WQMP treatment control BMPs with the Department of Building Safety Business Registration Division. Any person or entity that owns or operates a commercial and/or industrial facility shall register such facility for annual inspections.

90.BS GRADE. 6                    USE-REQ'D GRDG INSP'S EOT1                    RECOMMND  
The developer / applicant shall be responsible for obtaining the following inspections required by Ordinance 457.  
1.Sub-grade inspection prior to base placement.  
2.Base inspection prior to paving.  
3.Precise grade inspection of entire permit area.  
a.Inspection of Final Paving  
b.Precise Grade Inspection  
c.Inspection of completed onsite storm drain facilities  
d.Inspection of the WQMP treatment control BMPs

90.BS GRADE. 7                    USE-PRECISE GRD APPRVL EOT1                    RECOMMND  
Prior to final building inspection, the applicant shall obtain precise grade approval and/or clearance from the Building and Safety Department. The Building and Safety Department must approve the precise grading of your project before a building final can be obtained. Precise Grade approval can be accomplished by complying with the following:

1.Requesting and obtaining approval of all required grading

ADDITIONAL USE PERMIT Case #: CUP03635

Parcel: 721-110-003

90. PRIOR TO BLDG FINAL INSPECTION

90.BS GRADE. 7

USE-PRECISE GRD APPRVL EOT1 (cont.)

RECOMMND

inspections.

2. Submitting a "Wet Signed" copy of the Soils Compaction Report from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for the sub-grade and base of all paved areas.

3. Submitting a "Wet Signed" copy of the Sub-grade (rough) Certification from a Registered Civil Engineer certifying that the sub-grade was completed in conformance with the approved grading plan.

4. Submitting a "Wet Signed" copy of the Precise (Final) Grade Certification for the entire site from a Registered Civil Engineer certifying that the precise grading was completed in conformance with the approved grading plan.

5. Submitting a "Wet Signed" copy of the Certification certifying the installation of any onsite storm drain systems not inspected by Riverside County Flood Control District or the Riverside County Transportation Department.

6. Submitting a "Wet Signed" copy of the Water Quality Management Plan (WQMP) Certification from a Registered Civil Engineer certifying that the Water Quality Management Plan treatment control BMPs have been installed in accordance with the approved WQMP.

Prior to release for building final, the applicant shall have met all precise grade requirements to obtain Building and Safety Department clearance.



Established in 1918 as a public agency  
**Coachella Valley Water District**

**Directors:**

Peter Nelson, President - Div. 4  
John P. Powell, Jr., Vice President - Div. 3  
Patricia A. Larson - Div. 2  
Debi Livesay - Div. 5  
Franz W. De Klotz - Div. 1

**Officers:**

Steven B. Robbins, General Manager-Chief Engineer  
Julia Fernandez, Board Secretary

Redwine and Sherrill, Attorneys

November 29, 2012

File: 0163.1

0421.1

0721.1

Jay Olivas  
Riverside County Planning Department  
Post Office Box 1409  
Riverside, CA 92502-1409

Dear Mr. Olivas:

**Subject: Conditional Use Permit 3635, First Extension of Time**

This is in response to your request for comments dated November 27, 2012, for the above referenced project. Please reference the enclosed copy of Coachella Valley Water District's letter dated January 11, 2010.

If you have any questions, please contact Joe Cook, domestic water engineer, extension 2292.

Yours very truly,

Mark L. Johnson  
Director of Engineering

Enclosure/1/as

cc: Colgreen Energy, LLC (without enclosure)  
636 State Street  
El Centro, CA 92243

JC:pr/eng/sw/12/nov/Jay Olivas-Permit 3635 Extension

071019-1  
071019-2  
071019-3  
071019-4



Established in 1918 as a public agency  
**Coachella Valley Water District**

**Directors:**  
Patricia A. Larson, President  
Peter Nelson, Vice President  
Tellis Codekas  
John W. McFadden  
Russell Kitahara

**Officers:**  
Steven B. Robbins, General Manager-Chief Engineer  
Julia Fernandez, Secretary  
Dan Parks, Asst. General Manager  
Redwine and Sherrill, Attorneys

January 11, 2010

File: 0163.1  
0421.1 X  
0721.1 X  
071019-1  
071019-2  
071019-3  
071019-4

Jay Olivas  
Riverside County Planning Department  
38-686 El Cerrito Road  
Palm Desert, CA 92211

Dear Mr. Olivas:

Subject: Conditional Use Permit No. 3635

This area is designated Zone X on Federal Flood Insurance rate maps, which are in effect at this time by the Federal Emergency Management Agency (FEMA).

This area is protected from regional stormwater flows by a system of channels and dikes, and may be considered safe from regional stormwater flows except in rare instances.

The county shall require mitigation measures to be incorporated into the development to prevent flooding of the site or downstream properties. These measures shall require on-site retention of the incremental increase of runoff from the 100-year storm.

A portion of this area is adjacent to the right-of-way of Detention Channel No. 1. We request that the developer be required to install suitable facilities to prohibit access to this right-of-way.

The developer shall obtain an encroachment permit from the District prior to any activity within the right-of-way of the Detention Channel No. 1.

This project lies within the Study Area Boundary of the Coachella Valley Water Management Plan (September 2002).

The District will provide domestic water and sanitation service to this area and such service will be subject to the satisfaction of terms and conditions established by the District and exercised from time to time, including but not limited to fees and charges, water conservation measures, etc.

The District may need additional facilities to provide for the orderly expansion of its domestic water and sanitation systems. These facilities may include pipelines, wells, reservoirs, booster pumping stations, and lift stations. The developer may be required to install these facilities and provide land and/or easements on which some of these facilities will be located. These sites shall be shown on the tract map as lots and/or easements to be deeded to the District for such purpose.

SCAN/SHRED

21  
3'  
SCANNED

Jay Olivas  
Riverside County  
Planning Department

January 11, 2010

This notice of domestic water and sanitation service availability can only be used and relied upon for the specific property for which it was issued and shall expire three (3) years from date of issuance.

Domestic water and sanitation service remains at all times subject to changes in regulations adopted by the District's Board of Directors including reductions in or suspensions of service.

Plans for grading, landscaping and irrigation systems shall be submitted to the District for review. This review is for ensuring efficient water management.

The project lies within the Lower Whitewater River Subbasin Area of Benefit. Groundwater production within the area of benefit is subject to a replenishment assessment in accordance with the State Water Code.

All water wells owned or operated by an entity producing more than 25 acre-feet of water during any year must be equipped with a water-measuring device. A District Water Production Metering Agreement is required to ensure District staff regularly read and maintain this water-measuring device.

If you have any questions, please call Tesfaye Demissie, Stormwater Engineer, extension 2605.

Yours very truly,

Mark L. Johnson  
Director of Engineering

cc: Colgreen Energy, LLC  
636 State Street  
El Centro, CA 92243

Alan French (only if a Riverside County letter – not a City)  
Riverside County Transportation Department  
4080 Lemon Street, 8<sup>th</sup> Floor  
Riverside, CA 92501

Majeed Farshad (only if a Riverside County letter – not a City)  
Riverside County Department of Transportation  
38-686 El Cerrito Road  
Palm Desert, CA 92211

Michael Mistica  
Department of Environmental Health  
Post Office Box 1280  
Riverside, CA 92502

bc: Tommy Fowlkes  
Patti Reyes

*an 1/12/10*  
*GA*  
*1/12*  
**FILE**  
*T. Demissie*  
*1/11/10*

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

DATE: November 27, 2012

TO:

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

Regional Parks & Open Space District  
Co. Geologist  
Environmental Programs Dept.  
P.D. Archaeologist  
Coachella Valley Water District

**FIRST EXTENSION OF TIME for CONDITIONAL USE PERMIT NO. 3635 (FTA 2010-08)** - Applicant: Colgreen Energy, LLC – Fourth/Fourth Supervisorial District – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan: Agriculture: Agriculture (AG: AG) (10 Acre Minimum) - Location: Northerly of Avenue 70, southerly of Avenue 68, easterly of Arthur Street, and westerly of Cleveland Street – 482 Gross Acres - Zoning: Controlled Development Areas (W-2) - **APPROVED PROJECT DESCRIPTION:** The use hereby permitted is to construct and operate a 75 megawatt electric generation facility consisting of a photo voltaic array with ground mounted solar panels up to approximately 12 feet in height on a 482 gross acre site, plus accessory 4,800 square foot office/warehouse building up to 16 feet in height with 16 space parking lot, a switching station, water tank, and storm water protection facilities, plus off-site extension of utilities and access roads, located within Assessor's Parcel Numbers 721-100-001, etc. - **REQUEST: FIRST EXTENSION OF TIME REQUEST for CONDITIONAL USE PERMIT NO. 3635**, extending the expiration date to November 2, 2013.

Please review the attached information, together with your existing records for the subject case. This extension request is being placed on the **December 13, 2012 DRT Comment Agenda** in order to establish a deadline for review and comment. All County Agencies and Departments must complete their review prior to the LDC/DRT 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 based on that presumption.

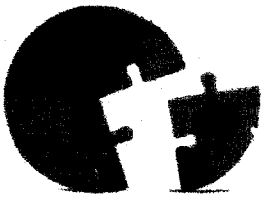
Each LDC/DRT Agency or Department may recommend conditions of approval to maintain conformance with the County General Plan, or to ensure the project does not adversely affect the health, safety or welfare of the general public. New or revised conditions of approval should be added to the subject case condition set the by LDC/DRT Comment date and placed in recommend status. After the LDC/DRT Comment date, the Planning Department will then forward all recommended extension of time conditions to the applicant for acceptance prior to moving this request forward for approval.

**LDC/DRT 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)**

If any LDC/DRT 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 at micro 5-1195 or via e-mail at [jolivas@rctlma.org](mailto:jolivas@rctlma.org). You can also send documents to **MAILSTOP# 1070**.





Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

## APPLICATION FOR EXTENSION OF TIME

THIS APPLICATION MUST BE ACCOMPANIED BY APPROPRIATE FILING FEES

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

### APPLICATION INFORMATION

CASE NUMBER: CUP03635 DATE SUBMITTED: 8/21/2012

Assessor's Parcel Number(s): 721-100-001 through 004, 721-110-003 & 721-110-004

EXTENSION REQUEST  First  Second  Third  Fourth  Fifth

Phased Final Map \_\_\_\_\_ Attach evidence of public improvement or financing expenditures.

NOTE: Land divisions may obtain a maximum of five 1-year extensions of time. Conditional Use Permits and Public Use Permits may obtain extensions of time only to the extent that the period in which to begin substantial construction does not exceed a maximum of three years from the original decision date. Plot Plans may obtain extensions of time only to the extent that the period in which to begin substantial construction does not exceed a maximum of five years from the original decision date. Variances may obtain extensions of time only to the extent that the period in which the variance is to be used does not exceed a maximum of three years from the original decision date, except that a variance in connection with a land division may be used during the same period of time that the land division may be used.

Date of Original Approval: November 2, 2010

Applicant's Name: Colgreen Energy, LLC E-Mail: g.donaldson@colgreenenergy.com

Mailing Address: 636 State Street  
El Centro CA 92243  
City State ZIP

Daytime Phone No: (760) 352-6391 Fax No: (760) 360-0521

Property Owner's Name: The 2010 Perricone Limited Partnership E-Mail: g.donaldson@colgreenenergy.com

Mailing Address: 1601 E Olympic Blvd, Building 100, Suite 102  
Los Angeles CA 90021  
City State ZIP

Daytime Phone No: (213) 623-2495 Fax No: ( )

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

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

**APPLICATION FOR EXTENSION OF TIME**

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

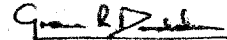
The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

*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.

Graeme Donaldson, Senior V.P.



PRINTED NAME OF APPLICANT

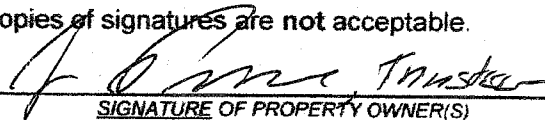
SIGNATURE OF APPLICANT

**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.

The 2010 Perricone Limited Partnership, Joseph Perricone,  
Trustee of the Sam Perricone Survivor's Trust, General Partner



PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

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.