

1 (c) County residents have reported adverse effects of solar energy
2 generation projects, including aesthetic impacts and potential impacts on residential
3 and other property values. Absent this ordinance, incompatible solar energy generation
4 projects may be established that could adversely impact the quality of life for the
5 residents of the County.

6 (d) There is a current and immediate threat to the public health, safety and
7 welfare if permits or entitlements for construction of new solar energy generation
8 projects are issued. Such permits or entitlements may result in development of projects
9 that would conflict with amendments to the County Development Code that may be
10 adopted as a result of the study that is to be undertaken.

11 (e) On June 12, 2013, the Board adopted Interim Urgency Ordinance No.
12 4198, which established a forty-five (45) day moratorium on commercial solar energy
13 generation projects. The Board directed staff to evaluate land use compatibility issues
14 related to development of commercial solar energy generation projects and to
15 commence work on Development Code amendments required to address the
16 immediate threats to public health, safety and welfare posed by continued development
17 of such projects.

18 (f) *The Report on Interim Urgency Ordinance No. 4198 Establishing a*
19 *Temporary Moratorium on the Approval of Commercial Solar Energy Generation*
20 *Projects* issued by the Land Use Services Department on July 17, 2013, constitutes the
21 written report issued in compliance with Government Code section 65858(d), and is
22 hereby adopted and ratified by the Board.

23 (g) Although staff has been working diligently since June 12, 2013, more time
24 is needed to complete the necessary research, analysis, and Development Code
25 amendments contemplated and required to address the land use compatibility conflicts
26 that resulted in adoption of Interim Urgency Ordinance No. 4198.

27
28 SECTION 2. For purposes of this ordinance, "solar energy generation project" is

1 an electrical power generation facility, as defined in Section 810.01.070(e) of the
2 County Development Code, using the sun as the source of power for the commercial
3 generation of electricity. For purposes of this ordinance, “solar energy generation
4 project” shall not include accessory solar energy equipment installed primarily for on-
5 site consumption.

6
7 SECTION 3. Notwithstanding anything to the contrary in existing County law,
8 including but not limited to the County Code and the County General Plan, no
9 application for any permit or entitlement that would authorize construction of a solar
10 energy generation project accepted as complete after adoption of Interim Urgency
11 Ordinance No. 4198 on June 12, 2013 shall be approved. Nevertheless, as required by
12 State law, the County may continue to accept and process applications for development
13 prohibited by this moratorium. Any application shall be processed at the applicant’s
14 sole cost and risk with the understanding that no permits for construction of new solar
15 energy generation projects shall be issued while this moratorium and any extension
16 thereof is in effect.

17
18 SECTION 4. This ordinance is an interim ordinance adopted as an urgency
19 measure pursuant to Government Code section 65858, and the intent is that this
20 Ordinance shall serve as an uninterrupted extension of Interim Urgency Ordinance No.
21 4198, and shall be of no further force and effect ten (10) months and fifteen (15) days
22 from its date of adoption, unless it is extended by further action of the Board of
23 Supervisors, pursuant to that statute, or on the effective date of a permanent ordinance
24 amending the Development Code, whichever occurs first.

25
26 SECTION 5. The Board of Supervisors declares that it would have adopted this
27 ordinance and each section, subsection, sentence, clause, phrase, or portion of it,
28 irrespective of the fact that any one or more sections, subsections, sentences, clauses,

1 phrases or portions of it be declared invalid or unconstitutional. If for any reason any
2 portion of this ordinance is declared invalid or unconstitutional, then all other provisions
3 of it shall remain valid and enforceable.

4

5 SECTION 6. The Board finds that this Ordinance is not subject to environmental
6 review under the California Environmental Quality Act (CEQA) pursuant to Title 15 of
7 the California Code of Regulations section 15060(c)(2) (the activity will not result in a
8 direct or reasonably foreseeable indirect physical change in the environment) and
9 section 15060(c)(3) (the activity is not project as defined in section 15378).

10

11 SECTION 7. This ordinance is declared an urgency measure necessary for the
12 immediate protection and preservation of the public peace, health, safety and welfare
13 for the reasons stated in Section 1, and it shall take effect immediately upon its
14 adoption, pursuant to Government Code section 65858 and clause (d) of Government
15 Code section 25123.

16

17

JANICE RUTHERFORD, Chair
Board of Supervisors

18

19 SIGNED AND CERTIFIED THAT A COPY OF THIS
20 DOCUMENT HAS BEEN DELIVERED TO THE
CHAIR OF THE BOARD

21

22 LAURA WELCH
Clerk of the Board of Supervisors
of the County of San Bernardino

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LAURA WELCH, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the ____ day of _____, 2013 at
7 which meeting were present Supervisors: _____

8 _____,
9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
10 wit:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
15 seal of the Board of Supervisors this ____ day of _____, 2013.

16 LAURA WELCH
17 Clerk of the Board of Supervisors of the
18 County of San Bernardino,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 JEAN-RENE BASLE
24 County Counsel

25 By: _____
26 MICHELLE D. BLAKEMORE
27 Chief Assistant County Counsel

28 Date: _____