

# INTEROFFICE MEMO



County of San Bernardino

**DATE:** July 17, 2013**PHONE:** 252-5105**FROM:** TOM HUDSON, Director  
Land Use Services Department**TO:** HONORABLE BOARD OF SUPERVISORS

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**SUBJECT:** REPORT ON INTERIM URGENCY ORDINANCE NO. 4198 ESTABLISHING A  
TEMPORARY MORATORIUM ON THE APPROVAL OF COMMERCIAL SOLAR  
ENERGY GENERATION PROJECTS

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## **Purpose of Communication**

A public hearing by the Board of Supervisors (Board) is scheduled for July 23, 2013, for consideration of a proposal to extend and amend the temporary moratorium regarding approval of commercial solar energy generation projects enacted by Interim Urgency Ordinance No. 4198. This memo is provided as a written report of measures taken to alleviate conditions resulting in adoption of the moratorium, as required by Section 65858 of the California Government Code.

## **Background – Previous Board Action**

On June 12, 2013, the Board adopted Interim Urgency Ordinance No. 4198, establishing a temporary (45-day) moratorium on approval of commercial solar energy generation projects. Complete applications for commercial solar energy generation projects that were already accepted for processing at the time of adoption of the ordinance were excluded from the moratorium.

## **Reasons for the Moratorium**

The purpose of the moratorium is to temporarily prevent entitlement and permitting of commercial solar energy generation projects while the County considers potential amendments to regulations in the Development Code. County residents have voiced concerns about land use compatibility and potential adverse impacts on property values and quality of life that may result from development of commercial solar energy generation projects in proximity to residential land uses. Existing regulations in the Development Code are not adequate to address these concerns.

## **Measures Taken to Alleviate the Conditions which Led to Adoption of the Moratorium**

The Land Use Services Department has been authorized to prepare a Renewable Energy Element of the General Plan, with a complementary Regulatory System for renewable energy projects. The Regulatory System will take the form of comprehensive amendments to the Development Code, detailing location criteria and design standards for renewable energy projects. Preparation of the Renewable Energy Element and Regulatory System will take approximately 18 months. In order to address the immediate concerns resulting in the moratorium, staff proposes to

prepare an interim amendment of the Development Code, which will take approximately three to six months.

A consultant has been retained to assist with the research, analysis, and preparation of Development Code amendments for presentation in public hearings before the Planning Commission and Board. The focus of the consultant's work on Development Code regulations will be location criteria and design standards that will enhance land use compatibility with nearby properties, especially for commercial solar energy generation projects proposed within or near rural desert communities. Initiation of this work on the Development Code is intended to alleviate the conditions that led to adoption of the temporary moratorium. Complexity of relevant issues and options warrant extension of the moratorium until work on the Development Code is completed.

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