

RESOLUTION NO. 2019-17

**AMENDMENT OF THE RENEWABLE ENERGY AND CONSERVATION ELEMENT
OF THE COUNTY GENERAL PLAN**

On Tuesday February 28, 2019, on motion of Supervisor Lovingood, duly seconded by Supervisor Rowe and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, Section 65303 of the California Government Code allows cities and counties to include any optional element in the jurisdiction's general plan which, in the judgment of the legislative body of the jurisdiction, relates to the physical development of the city or county; and

WHEREAS, the County of San Bernardino applied for and received grant funding from the California Energy Commission (CEC) to prepare a Renewable Energy and Conservation Element for the County General Plan; and

WHEREAS, the County of San Bernardino has prepared the Renewable Energy and Conservation Element pursuant to the requirements specified in Sections 65303 of the California Government Code; and

WHEREAS, the San Bernardino County Board of Supervisors adopted the Renewable Energy and Conservation Element on August 8, 2017; and

WHEREAS, the San Bernardino County Planning Commission and Board of Supervisors have conducted noticed public hearings during which amendments to the Renewable Energy and Conservation Element were considered and public testimony was heard; and

WHEREAS, the Board of Supervisors has made the findings necessary to adopt the proposed amendments to the Renewable Energy and Conservation Element of the General Plan;

THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby amends the San Bernardino County General Plan Renewable Energy and Conservation Element as follows:

SECTION 1.

FINDINGS: The text of the Renewable Energy and Conservation Element (RECE) is hereby amended by the addition of RE Policy 4.10, the addition of RE Policy 5.2 (x) and re-numbering of subsequent sub-policies, and the addition of RE Policy 5.9, pursuant to California Government Code Section 65303 and based on the following findings required for amendment of the San Bernardino County General Plan:

- (1). The proposed amendments to the RECE are internally consistent with all other provisions of the General Plan. By adopting the RECE, the Board of Supervisors has already determined that the RECE, as a whole, is consistent with the other elements of the General Plan. The proposed amendments are refinements that are entirely consistent with the existing goals, objectives and policies of the RECE.

Proposed RE Policy 4.10 prohibits development of utility-oriented renewable energy generation facilities in adopted Community Plan areas and in Rural Living land use districts, to avoid conflicts with rural communities. This is consistent with:

RE Objective 4.1: The County will continue its efforts to meet or exceed state greenhouse gas reduction goals, by encouraging renewable energy development that will be compatible with the natural environment and the integrity of unincorporated communities; and

RE Policy 4.3: Require construction and operation of all renewable energy facilities to minimize negative effects and optimize benefits to unincorporated communities.

The proposed amendment of RE Policy 5.2 would add “existing energy generation sites” to the list of site-types appropriate for renewable energy development. This addition is entirely consistent with the list of disturbed and degraded sites already adopted in RE Policy 5.2.

Proposed RE Policy 5.9 directs the County to collaborate with utilities, the CEC and the Bureau of Land Management to encourage development of utility-oriented renewable energy generation facilities on public lands, apart from unincorporated communities. This is consistent with:

RE Policy 4.8.1: Collaborate with appropriate state and federal agencies to facilitate mitigation/habitat conservation activities on public lands.

- (2). The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the proposed RECE amendments would enhance protection of the public interest and convenience by limiting potential encroachment of incompatible renewable energy project development in rural communities.
- (3). An Addendum to the Program Environmental Impact Report for the San Bernardino County General Plan Update (2007), and including the Supplemental Environmental Impact Report for the Greenhouse Gas Reduction Plan (2011), has been completed for the Renewable Energy and Conservation Element, to document compliance with the California Environmental Quality Act (CEQA). The Addendum presents evidence to support the conclusion that no additional environmental analysis is required to adopt the Renewable Energy and Conservation Element as a new element of the County General Plan, because none of the conditions specified in Section 15162 of the State CEQA Guidelines apply to the Renewable Energy and Conservation Element. The proposed RE Policy 4.10 was included in the draft RECE analyzed for the Addendum. Because the additional amendments proposed for RE Policy 5.2 and proposed RE Policy 5.9 are minor in nature, use of the Addendum is also appropriate to document compliance with CEQA, and no further environmental review is required.

SECTION 2.

AMENDMENTS: The text of the Renewable Energy and Conservation Element is hereby amended to add RE Policy 4.10, replace RE Policy 5.2, and add RE Policy 5.9 to read as follows:

RE Policy 4.10: Prohibit utility-oriented RE project development on sites that would create adverse impacts on the quality of life or economic development opportunities in existing unincorporated communities. Any exceptions or revisions to the following policy direction would require approval by the Board of Supervisors.

RE 4.10.1: Prohibit development of utility-oriented RE projects in the Rural Living land use districts throughout the County.

RE 4.10.2: Prohibit development of utility-oriented RE projects within the boundaries of existing community plans, which at the time of adoption of this Element are the Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen,

Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinon Hills Community Plans.

RE 4.10.3: Establish exclusion areas in the Development Code regulations for renewable energy development, beginning with the prohibitions in Policies 4.10.1 and 4.10.2 and provide for additional exclusion areas, such as new community plan areas, to be designated by amendment to the Development Code.

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RE Policy 5.2: Utility-oriented RE generation projects on private land in the unincorporated County will be limited to the site-types below, in addition to meeting criteria established herein and in the Development Code:

- i. Private lands adjacent to the federal Development Focus Areas supported by the Board of Supervisors that meet siting criteria and development standards
- ii. Waste disposal sites
- iii. Mining sites (operating and reclaimed)
- iv. Fallow, degraded and unviable agricultural lands
- v. Airports (existing and abandoned or adaptively re-used)
- vi. Brownfields
- vii. California Department of Toxic Substance Control Cleanup Program sites
- viii. Resource Conservation and Recovery Act sites
- ix. Sites within or adjacent to electric transmission and utility distribution corridors
- x. Existing energy generation sites
- xi. Industrial zones proven to not conflict with economic development needs
- xii. Other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions of those listed above

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RE Policy 5.9: Collaborate with utilities, the California Energy Commission (CEC) and the Bureau of Land Management (BLM) to plan for RE generation facilities to be located on public lands, apart from existing unincorporated communities.

SECTION 3.

The amendments to the Renewable Energy and Conservation Element established herein shall become effective immediately upon adoption of this resolution. Any application for development of a renewable energy generation project that has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of this Resolution shall be processed in compliance with the policies and regulations in effect at the time the application was accepted as complete. These applications may be relocated to other sites under the same policies and regulations.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe
Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, **LAURA H. WELCH**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of February 28, 2019. Item #1 jll

LAURA H. WELCH
Clerk of the Board of Supervisors

By


Deputy

