

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

August 8, 2017

**FROM: TOM HUDSON, Director  
Land Use Services Department**

**SUBJECT: GENERAL PLAN RENEWABLE ENERGY AND CONSERVATION ELEMENT**

**RECOMMENDATION(S)**

**AMENDED**

1. Conduct a public hearing to consider adoption of a new Renewable Energy and Conservation Element of the County General Plan.
2. Adopt the Addendum to the Program Environmental Impact Report for the San Bernardino County General Plan Update (2007), including the Supplemental Environmental Impact Report for the Greenhouse Gas Reduction Plan (2011).
3. Adopt the **Resolution No. 2017-167** amending the County General Plan with the addition of a Renewable Energy and Conservation Element.
  - a. The Renewable Energy Conservation Element is amended to eliminate Section 4.10 and its subsections, and to remove reference in section 5.2, and elsewhere in the document, to the 10 megawatt or greater criteria for utility scale projects and refer those two issues back to the Planning Commission for further study.
4. Adopt the Findings as recommended by the Planning Commission.
5. Direct the Clerk of the Board to file a Notice of Determination.

**Hearing Opened**

Public Comment: Laura Abram, Ileene Anderson, Alex Artiaga, Steve Bardwell, Johnny Cahgey, Scott Castro, Michael Cavasas, Cat Celebreeze, Sabra Chili, Chris Corsello, Justin Dillman, Tom Egan, Yuda Fersht, , Susan Gladding, Brian Hammer, Sue Hammer, Robert Howells, Norman Jensen, Peggy Lee Kennedy, Sarah Kennington, Jonell Kosa, Edward LaRue, Bill Lembright, Renee Lynn, Tony Malone, Tim Mason, Joel McCabe, Steve Mills, John Monohan, Paul Moreno, Dennis Morrison, Neil Nadler, John Orta, Linda Parker, Bill Perez, Jim Porter, Richard Ravana, Clifford Reed, Mark Rostafin, Walter Royle, Thomas Ruiz, Claudia Sall, Jim Sargent, Dilip Sheth, John Smith, John Stauffer, Lorrie Steely, Ted Stimpfel, Tom Tomlinson, Rebecca Unger, Glen Van Dam, Robert Vega, Fred Viszneri, Peter Whittingham, John Zemankie

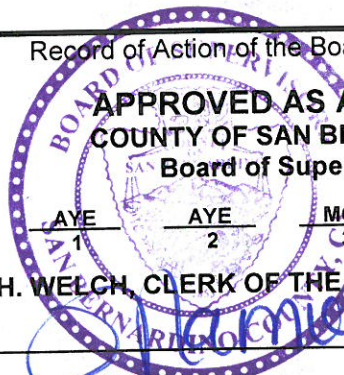
**Hearing Closed**

(Presenter: Terri Rahhal, Planning Director, 387-4431)

cc: w/resolution  
LUSD-Hudson  
LUSD-Rahhal w/NOD  
CAO-Trussell  
File - Land Use Services w/attach  
jr 8/17/17

**ITEM 51**

Record of Action of the Board of Supervisors



**APPROVED AS AMENDED  
COUNTY OF SAN BERNARDINO  
Board of Supervisors**

MOTION	<u>  AYE  </u>	<u>  AYE  </u>	<u>  MOVE  </u>	<u>  SECOND  </u>	<u>  AYE  </u>
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY \_\_\_\_\_

DATED: August 08, 2017

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES**

**Implement the Countywide Vision.**

**Create, Maintain and Grow Jobs and Economic Value in the County.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**FINANCIAL IMPACT**

Approval of this item will not result in the need for additional Discretionary General Funding (Net County Cost). Adequate appropriation has been included in the Land Use Services (LUS) Department Planning Division (PLN) 2017-18 adopted budget associated with processing this item.

**BACKGROUND INFORMATION**

The Renewable Energy and Conservation Element (REC Element) is a new element of the County General Plan, designed to define County goals and policies related to renewable energy development and energy conservation. The REC Element is an optional General Plan element authorized by Section 65303 of the California Government Code, which states, "The general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city".

**History of Renewable Energy Land Use Conflicts**

State mandates on electric utilities to acquire specified percentages of their power portfolios from renewable energy generators to reduce greenhouse gas (GHG) emissions led to local utilities offering generous incentives to renewable energy developers. This created a sudden influx of renewable energy (primarily solar energy) development applications in the County. The sudden increase in the number, size and intensity of such projects raised concerns about the adequacy of County Development Code regulations to address land use and environmental issues related to renewable energy development projects. As a result, the Board of Supervisors (Board) adopted Interim Urgency Ordinance No. 4198 on June 12, 2013 (Item No. 12), to enact a temporary moratorium on the approval of commercial solar energy generation projects. The Board then directed staff to work on an amendment of the Development Code to address land use compatibility concerns, with the goal of completing the work by the end of 2013.

On December 17, 2013 (Item No. 103), the Board adopted an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities, of the County Development Code and terminating the temporary moratorium on commercial solar energy generation projects. The amendments to Chapter 84.29 of the Development Code established 31 specific findings that must be made for approval of a commercial solar energy generation project. These findings require site-specific evaluation of each project for suitability of the site and compatibility with the surrounding land uses. The amendment of Chapter 84.29 was presented as an interim solution, pending more fundamental work on renewable energy policies in the General Plan.

**Renewable Energy Planning Grant Initiatives**

Early in 2013, the California Energy Commission (CEC) announced a planning grant program to assist counties with renewable energy policy planning initiatives. The County applied for and

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received two consecutive planning grants. The first CEC grant in the amount of \$700,000 was received by the Board on April 23, 2013 (Item No. 34). This grant initiative, the San Bernardino County Partnership for Renewable Energy and Conservation (SPARC) included robust community engagement conducted through a web site designed to share information and promote participant interaction: [www.sparcforum.org](http://www.sparcforum.org). The first phase of the SPARC initiative culminated in presentation of the *Renewable Energy and Conservation Element Framework: Purpose, Values and Standards* at a listening session/public forum held on March 5, 2015.

Upon completion of the first phase of the SPARC initiative, a second CEC grant in the amount of \$400,000 was received by the Board on March 11, 2014 (Item No. 16). This grant funded the second phase of SPARC, a cost-benefit analysis which utilized a triple-bottom-line approach to evaluating economic, environmental and social costs/impacts and benefits of renewable energy on the County and its communities. This analysis focused heavily on the merits of **Community-Oriented Renewable Energy (CORE)**, defined as renewable energy developed to be used primarily by the local community. In contrast, a utility-oriented renewable energy generation project would produce energy for transmission and use anywhere in the energy grid. The Draft REC Element is the work product resulting from the second phase of SPARC, and is based on the *Renewable Energy and Conservation Element Framework: Purpose, Values and Standards* from SPARC Phase 1.

REC Element Key Issues Summary

A detailed summary of the contents of the REC Element is presented in the staff report to the Planning Commission, dated November 3, 2016. Key issues identified through public engagement in the SPARC forum were focused on land use compatibility and environmental impacts of utility-oriented renewable energy project development. The following concerns and sentiments expressed through the SPARC forum about renewable energy development have informed the goals and policies proposed in the REC Element:

- Preference for small-scale accessory solar and wind power over utility-oriented projects, expressed as a high priority for “roof-top and parking lot” solar panels.
- Concerns about environmental quality, particularly stable desert soils, air quality and wildlife movement.
- Strong desires to limit large-scale renewable energy development to disturbed lands.
- Land use compatibility concerns about dust control and water consumption during construction and long-term visual impacts.

REC Element response to Key Issues

The goals and policies of the REC Element are all focused on encouraging responsible and sustainable use of renewable energy. As a local energy policy document for the County, the REC Element emphasizes principles and priorities responsive to key issues and concerns identified by County residents, including the following:

- Community-oriented renewable energy (CORE) that primarily benefits the local area is preferred, while utility-oriented projects face more stringent siting requirements.

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- Roof-top and parking lot solar energy projects are encouraged through the simplest permitting requirements.
- Utility-oriented renewable energy projects are directed to the five Development Focus Areas previously supported by the Board, as well as disturbed and degraded lands exemplified by a list of typical sites identified in the REC Element.
- Utility-oriented renewable energy projects are prohibited in community plan areas and in the Rural Living land use district.
- More specific siting requirements and development standards are referred to a regulatory update to the County Development Code.

Public Comments

Eighteen letters and e-mails with editorial comments and suggested modifications for the Draft REC Element were included with the Planning Commission Staff Report at the Planning Commission Hearing. Twenty-seven additional letters were received in response to the April 2017, Final Public Hearing Draft REC Element since posting and have been attached to the Board Agenda item. All input has been carefully considered throughout the process of preparing the REC Element, beginning with the SPARC forum. Many comments include recommendations for specific development standards, location criteria, and development project review requirements, which will be addressed in a Development Code amendment anticipated for implementation of REC Element policies.

Tribal Consultation

Seventeen Native American tribes were notified of preparation of the REC Element pursuant to the requirements of SB-18. Four tribes responded with a request for consultation: San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Colorado River Indian Tribes, and Agua Caliente Band of Cahuilla Indians. Valuable collaborative input has been received, and recommendations from consulting tribes have been incorporated in the REC Element. Consultation activities will continue beyond adoption of the REC Element, as implementing regulations and procedures are prepared.

California Environmental Quality Act

An Addendum to the Program Environmental Impact Report for the San Bernardino County General Plan Update (2007), including the Supplemental Environmental Impact Report for the Greenhouse Gas Reduction Plan (2011), has been completed for the REC 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 REC 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 REC Element.

Planning Commission Recommendation

The Planning Commission held a public hearing on November 3, 2016, to consider the REC Element and recommended adoption, pending completion of minor modifications discussed during the hearing. The Planning Commission's recommendation for approval was unanimous, with four members present (Commissioner Rider absent). Modifications made after the Planning

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Commission hearing are primarily clarifications of proposed policies related to siting of renewable energy projects, and are tracked in the June 2017, Final Public Hearing Draft REC Element.

**PROCUREMENT**

Not Applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel, 387-5455, and Kenneth Hardy, Deputy County Counsel, 387-5455) on July 11 2017; Finance (Amanda Trussell, Principal Administrative Analyst, 387-4773) on July 17, 2017; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on July 18, 2017.