



**COUNTY OF SAN BERNARDINO
LAND USE SERVICES DEPARTMENT
PUBLIC COMMENT WORKSHOP ON
SOLAR ENERGY DEVELOPMENT REGULATIONS**

AGENDA

**Tuesday, September 10, 2013
2:00 – 5:00 p.m.**

LOCATION: County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA

**VIDEO
CONFERENCE
LOCATIONS:** Jerry Lewis High Desert
Government Center
15900 Smoke Tree Street
Hesperia, CA

Bob Burke Joshua Tree
Government Center
63665 Twentynine Palms Highway
Joshua Tree, CA

1. Welcome and Introductions

Mary O'Toole, County Administrative Office

2. Staff Presentation

a. **Background and Purpose of Solar Energy Project Moratorium**

b. **Overview of Proposed Approach to a Development Code Amendment**

3. Public Comments

4. Next Steps and Adjournment

Speaker cards will be provided at each workshop location. Speakers will be called in the order of submittal of speaker cards at each location. In order to allow as much public participation as possible, individual speakers will be limited to 3 minutes. Please keep your comments focused on the workshop topic, and try to avoid repeating points made by other speakers. Written comments are also welcome. See the reverse side of this agenda for additional information on submission of written comments.

Proposed Solar Energy Ordinance Revisions

PURPOSE of the ORDINANCE

San Bernardino County desires to protect communities, neighborhoods, and the natural and scenic values of the landscape within the County from increased impacts of new commercial solar energy generation facilities. In protecting natural and scenic values of the landscape, the County recognizes not only the substantial intrinsic value of the desert's natural and scenic setting, but also the importance of this setting for the quality of life of area residents and the economic value it creates for the area's tourism industry.

The County's current ordinance (§ 84.29.040, SBCDC) lacks sufficient development standards to guide new commercial solar development to areas that minimize potential conflicts. Thus, the proposed ordinance revisions will refine the County's existing conditional use permit requirements by providing environmental and community compatibility criteria for the Planning Commission to use in making findings on proposed CUPs. These criteria aim at providing reasonable opportunities for commercial solar energy development while also protecting communities, neighborhoods, and the natural and scenic values of the landscape by focusing new commercial solar energy development onto lands that are both (1) less desirable for development of communities and rural residential areas and (2) less environmentally sensitive.

The proposed ordinance would amend the County's existing solar energy development review process to incorporate findings that would be required to be made for approval of a new commercial solar energy generation facility. These findings would facilitate productive discussion and analysis of proposed facilities, and would focus decision-making on ensuring protection of communities, neighborhoods, and natural and scenic values. The findings will place the "burden of proof" that proposed commercial solar energy facilities are compatible with the County's objectives on the developers of these projects, and thus serve as a valuable screen for potential conflicts. These findings can be further amended and/or refined upon the completion of the upcoming Renewable Energy and Conservation Element to the General Plan and companion regulatory strategy.

WORKING DEFINITION OF "COMMERCIAL SOLAR ENERGY"

"Commercial Solar Energy Generation Facility" means the components and subsystems that, in combination, convert solar energy into electric or thermal energy for the purpose of off-site consumption, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems and solar thermal systems.

APPLICABILITY

The proposed ordinance amendment would apply to all new commercial solar energy generation facilities that are proposed as a primary use of property. The proposed ordinance amendment would not apply to solar systems that are ancillary in nature and supply energy to a primary on-site use.

Commercial solar energy generation facilities are currently a permitted use in the RC (Resource Conservation), AG (Agricultural), FW (Floodway), and RL (Rural Living) zoning districts, subject to the approval of a Conditional Use Permit.

KEY CONCEPTS TO BE INCLUDED IN FINDINGS

The proposed findings to be included in the amended ordinance would include the following statement, introducing the required findings:

In addition to the findings required under Section 85.06.040 (a) of the San Bernardino County Development Code, the Planning Commission shall make all of the following additional findings of fact, in order to approval a commercial solar energy generation facility.

Following is an outline of subjects to be addressed in the required findings:

- a) Development of the proposed commercial solar energy facility site will be compatible with the natural environment, considering:
 - i) Availability of groundwater supplies for existing communities and existing/future development of rural residential areas.
 - ii) Site grading, excavating, and ground disturbance.
 - iii) Dust generation.
 - iv) Proximity to existing electrical infrastructure such as transmission lines, utility corridors and roads.
 - v) Potential impacts on habitat and wildlife movement.
 - vi) Flood and drainage impacts
 - vii) Potential impacts on agricultural production or potential use of important farmlands.
 - viii) Potential impacts on mining activities or future access to mineral resources.
 - ix) Potential impacts on scenic resources and natural formations.
- b) The location of the proposed commercial solar energy facility is appropriate in relation to the existing character and future development of communities and rural residential areas, and with respect to the scenic qualities of the desert that are key to maintaining a vibrant desert tourist economy. In making this finding, consideration will be given to:
 - i) Proximity and relationship to existing communities and rural residential areas.
 - ii) Potential impacts on scenic values, as demonstrated by a visual impact analysis.
 - iii) Provisions made to ensure removal of the facility and related improvements to restore the site in the event that operation of the facility ceases in the future.