



## **Renewable Energy and Conservation Element Framework: Purpose, Values and Standards**

### **Purpose**

The State of California has established a set of renewable energy mandates and incentives<sup>1</sup> that have major implications for the County of San Bernardino and its people. These mandates and technology advances have created unprecedented volumes of permit applications for renewable energy development in the County. In this context, the County needs to strengthen its policies and regulatory system to manage renewable energy development while protecting our environment, communities, residents and economy. These refinements will be organized in the form of an all-new Renewable Energy and Conservation Element in the General Plan. The planning initiative, known as SPARC<sup>2</sup>, to complete the Element is well under way. The core of this new Element will be a framework, consistent with the Countywide Vision, that:

- Clarifies our collective community, environmental and economic values;
- Articulates what we want to achieve and to avoid;
- Establishes goals to manage renewable energy development;
- Specifies a set of standards for the renewable energy regulatory system.

This document is a first draft of the County's proposed framework.

### **Core Values and Goals**

The citizens of the County of San Bernardino share the following core values, as articulated in the Countywide Vision:

- A high quality of life for residents of the County;
- Ample economic opportunities for current residents and businesses, as well as new investment in economic growth;
- Conservation of the scenic, recreational and cultural assets that define San Bernardino County for its residents and make it a destination for tourists;
- Sustainable development that is complementary to the natural environment and to existing communities.

In the context of these values, the County seeks to manage renewable energy development to help attain the following goals:

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<sup>1</sup> The Renewables Portfolio Standard, or RPS, is a state law mandating increased production of renewable electricity by California utilities. Under the targets of California's RPS, all electricity providers in the state must procure at least 33% of the electricity they sell from eligible renewable resources by the end of 2020. Governor Brown announced in January, 2015, his intent to raise this to 50% by 2050. California's RPS was first authorized under Senate Bill 1078 in 2002 and was later adjusted by Senate Bill 107 in 2006 and by Senate Bill X1-2 in 2011. It is administered jointly by the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC). For more information, see <http://www.energy.ca.gov/portfolio/>.

<sup>2</sup> San Bernardino County Partnership for Renewable Energy and Conservation: The planning initiative led by the County and funded by California Energy Commission, to prepare the Renewable Energy and Conservation Element for the County General Plan.

- Guide community and regional development to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- Encourage distributed generation that addresses local needs while allowing excess energy to be sold to the grid.
- Ensure that new renewable energy development is located, designed and constructed in a manner that reflects community values and respects private property rights.
- Conserve and sustain sensitive natural resources and habitats.
- Encourage economic growth that complements local values and lifestyles.
- Reduce greenhouse gas emissions in response to State mandates.
- Pursue energy security and independence.

The County recognizes the presence of statewide mandates and other pressures to accommodate and expand renewable energy production. However, land use decisions on lands within the unincorporated area of the County, not owned by federal or state governments, are still governed by the County's regulatory standards, which reflect our legitimate demands for responsible development. Through our Renewable Energy and Conservation Element, the County intends to guide renewable energy generation facilities to areas that can accommodate them in a manner that is consistent with the core values and goals stated above. Specifically, we will focus such development in areas that are: (1) less desirable for the development of communities, neighborhoods, commerce and industry, and (2) less environmentally sensitive. Exceptions will be carefully defined for situations where communities or businesses seek to generate renewable energy for their own use. The County also intends to encourage small scale distributed generation that addresses local needs and allows excess energy to be sold to the grid.

In a world of constant technological advances and economic fluctuation, it is essential that our regulatory system be clear as to its values, goals, and standards so that current and future technologies can be evaluated and permitted in a highly predictable manner. While regulatory updates will be necessary from time to time, our guiding framework should be highly stable.

## **Standards**

The County seeks to ensure that regulatory systems and land use decision-making are consistent with the values and goals expressed here. Toward this end, a more specific set of standards is proposed. These standards, stated below, are still being refined and will include more details once we have given the public an opportunity for input on the development of a final draft Renewable Energy and Conservation Element.

### *Location Standards*

- a. Locate renewable energy generation facilities in a Resource Conservation district or other non-residential districts to preserve neighborhood integrity.
  - i. Require a zone change, if necessary, before accepting applications for such projects.
  - ii. Upon establishment of appropriate zoning, permit renewable energy project development in accordance with adopted standards, subject to a Conditional Use Permit.
- b. Respect established land uses and communities by avoiding or minimizing significant negative development impacts.
- c. Refine zoning standards to focus renewable energy generation facilities in areas that are less desirable for community development and less environmentally sensitive.
- d. Locate renewable energy generation facilities in areas that have been previously disturbed, that leverage existing transmission networks and/or respond to local distributed generation priorities.

- i. The County should support renewable energy development on reclaimed mining sites and other previously disturbed sites and within areas identified for future disturbance (e.g., mining sites, landfills, etc.) consistent with the values, goals and standards in this document.
- ii. Previously disturbed lands in low-lying or low visibility areas that meet other siting requirements to be defined in the Renewable Energy and Conservation Element should be identified, targeted and zoned for renewable energy development.
- iii. Renewable energy production sites dedicated to transmission outside the county should be located within a specified distance of an existing transmission corridor.
- e. Prohibit renewable energy production in areas identified as critical habitat or as a wildlife corridor for species of special concern as defined in the Conservation Element, without comprehensive and feasible mitigation or avoidance of potential impacts.
- f. Prohibit renewable energy production in areas of steep slopes (typically exceeding 15 percent) and where sites or grading methods will create on-site erosion or drainage impacts on other properties. Site-specific analysis will be required to determine suitability of the site.
- g. Exception: When a community or neighborhood proposes renewable energy generation facilities on nearby sites predominantly for local consumption, the County should provide for conditions under which this may occur.

#### *Design Standards*

- a. Height, setbacks, landscaping, and fencing regulations should give priority to minimizing visual impacts on protected viewsheds, in accordance with the California Environmental Quality Act (CEQA) and County General Plan policies.
- b. Construction techniques and landscaping design should focus on minimizing ground disturbance to control soil erosion, flooding, blowing sand and dust, and the need for irrigation.
- c. Standards shall include mechanisms for compliance monitoring and penalties for non-compliance.

#### *Regulatory System Standards*

- a. Ensure predictability, consistency, clarity and timeliness in the development permitting process for renewable energy projects.
- b. Encourage and simplify the permitting of onsite renewable energy production for onsite consumption.
- c. Encourage design, materials and technologies to support responsible, equitable and highly efficient energy consumption.
- d. Inform affected communities and stakeholders about proposed renewable energy development in a manner that allows for meaningful, timely engagement in the review process.
- e. Actively advocate for the County's adopted policies and regulatory system when state and federal governments pursue development of projects that may affect our jurisdiction.
- f. Maintain a system of fees and taxation that adequately covers County costs of providing necessary public services to renewable energy project sites.
- g. Encourage more direct benefits to local residents and businesses from renewable energy.

#### *Conservation & Environmental Standards*

- a. Give priority to locating renewable energy generation facilities on disturbed lands (e.g., lands that have been previously graded, mined, farmed or developed).
- b. Require renewable energy development projects to have water consumption rates similar to or less than those expected from development of other permitted land uses.

- i. Measure actual water consumption during construction and for on-going operations.
  - ii. Assumptions for water use related to land disturbance and dust control should include all onsite and offsite grading activity necessary for site development.
  - iii. Require actual usage monitoring, with penalties for exceedance of stated rates.
- c. Require land preparation methods for renewable energy generation facilities to minimize “scraping” of previously undisturbed soil. All reasonable methods should be adopted to eliminate unnecessary soil and vegetation disturbance, leaving root structures in place whenever feasible.
- d. Construction and other land disturbances that may result in significant dust generation should not be allowed during peak wind events.
- e. Construction traffic should be directed around community corridors, if possible.
- f. Require all commercial renewable energy projects to post financial assurance mechanisms to ensure remediation, including re-vegetation of the site upon decommissioning.

### *General Standards*

- a. Encourage local renewable energy production to meet local energy demand.
- b. Emphasize smaller scale distributed generation.
- c. Collaborate with county residents and other stakeholders to improve understanding of renewable energy issues and pursue a joint vision for renewable energy.
- d. Encourage systems that make energy for residents more affordable, reliable, diverse, and safe.
- e. Encourage energy development that promotes a strong economy and healthy environment.
  - i. Hiring for construction and operations should give priority to local residents as feasible.
- f. Emphasize renewable energy development that provides for local demand, stimulates creation of permanent jobs and contributes to economic diversification and vitality.
- g. Ensure development of County-owned properties is consistent with the goals and policies of the Renewable Energy and Conservation Element.
  - i. Incorporate renewable energy production technologies into County facilities when feasible.
  - ii. Incorporate energy conservation and efficiency technologies into new County facilities when feasible.
- h. Seek to optimize the benefits of renewable energy to county residents, businesses, organizations and government, while ensuring fiscal integrity, accountability and consistency with our core values.
  - i. All required infrastructure for construction and operations should be paid for by the developer.

### **Conclusion**

The Renewable Energy and Conservation Element will set forth County policies and frame the regulations necessary to ensure reasonable opportunities for development of renewable energy, in a manner that will not conflict with the core values of this County. Our recent experiences with renewable energy projects have demonstrated the need to avoid:

- Disturbance of desert lands by methods that create nuisance dust during construction and require on-going dust abatement
- Excessive use of water and underestimated water use that impacts availability to existing communities and potential economic development
- Development of projects that do not fit the desired rural character of desert communities in prominently visible locations, or amid rural desert residential clusters

- Construction projects that result in unacceptable losses of birds and other species
- Construction of large projects on sites that inhibit extension of infrastructure for economic development
- Intrusion of passive energy production on land suitable for economic development and growth of communities

These lessons learned, combined with the core values expressed in the Countywide Vision, will guide the writing of policies and regulations for renewable energy development in the County of San Bernardino. At the same time, the Renewable Energy and Conservation Element will contain a framework to encourage new opportunities for renewable energy to benefit the residents and businesses within the County.