



SAN BERNARDINO COUNTY
SPECIAL PLANNING COMMISSION MEETING MINUTES
County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, May 24, 2018

COMMISSIONERS PRESENT

Jonathan Weldy, Chair, First District
Ray Allard, Vice Chair, Second District
Paul Smith, Commissioner, Third District
Audrey Mathews, Commissioner, Fifth District

STAFF PRESENT

Terri Rahhal, Planning Director, LUSD
Bart Brizzee, Principal Assistant County Counsel
Linda Mawby, Senior Planner, LUSD
Chrystale Sonick, Executive Secretary II, LUSD

Absent: Fourth District seat vacant

The Planning Commission Meeting of May 24, 2018, was called to order at 9:10 a.m. by Chair Weldy. Chair Weldy led the Invocation and Commissioner Smith led the Pledge of Allegiance.

1. a. ADVANCE SCHEDULE

The advanced schedule was presented by Chrystale Sonick.

b. DIRECTORS REPORT

Terri Rahhal, Planning Director, had no comments.

c. COMMISSIONER COMMENTS

The Commissioners had no comments.

2. PUBLIC COMMENTS:

Chair Weldy opened the Public Comment at 9:12 a.m. Having no requests to speak, Chair Weldy closed the Public Comments at 9:12 a.m.

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3. PUBLIC HEARING

APPLICANT: Land Use Services Department
COMMUNITY: Countywide
STAFF: Linda Mawby, Senior Planner
Terri Rahhal, Planning Director
PROPOSAL: General Plan Amendment to modify the Renewable Energy and Conservation Element relative to siting of utility-oriented renewable energy generation projects and potential impacts on communities.

RECOMMENDATION: Staff recommends that the Planning Commission make the following recommendation to the Board of Supervisors:

- A. **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).
- B. **ADOPT** the recommended amendments to the General Plan Renewable Energy and Conservation Element, including Exhibit B (addition to Policy 5.2), Exhibit C (revised Policy 4.10) and Exhibit D (new Policy 5.9) based on the recommended findings in Exhibit F.

ALTERNATIVE RECOMMENDATION

As an alternative, the Planning Commission may substitute Exhibit A (the original version of Policy 4.10) for Exhibit C, and recommend adoption of Exhibits A, B and D.

COMMISSION COMMENTS:

Commissioner Smith stated concerns with blowing dust, and the close proximity to residential homes. Ms. Rahhal stated that staff studies each project on a case-by-case basis. George Kenline, Engineering Geologist, addressed Commissioner Smith's concerns regarding dust control plans and treatment pertaining to the soils and use of native vegetation.

Chairman Weldy asked Mr. Kenline about utility solar mass grading before construction versus construction installation without grading. In response, Mr. Kenline explained the ground disturbance differences.

Commissioner Allard asked for clarification of the recommended amendments before the Commission, Ms. Rahhal provided clarification.

Commissioner Allard asked if staff had considered previously disturbed sites as appropriate to be used for solar development. Ms. Rahhal stated that they did and further explained the policy.

Chairman Weldy asked for clarification on the Board of Supervisors (Board) direction. Ms. Rahhal explained that the Board did not provide specific direction, but instead advised that Policy 4.10 should be reviewed by the Commission before action is taken

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by the Board as a result of public testimony that was heard at the previous hearing from developers and union representatives. She further explained that the recommendation before the Commission was staff's best efforts to minimize restrictions to Policy 4.10.

PUBLIC COMMENTS:

Bob Burke Joshua Tree Government Center, Joshua Tree:

Chris Clarke, resident of Joshua Tree and representing National Parks Conservation Association of California, spoke in opposition to the recommended amendment to Policy 4.10. He stated that the community spent many hours at public meetings and working with staff. He pressed that the community has spoken and approved the original Policy 4.10 language.

Rebecca Unger, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10. She stated concerns that the amendment did not take into consideration the community plans and she did not see the benefit to the amendment.

Ruth Rieman, resident of Yucca Valley, spoke in opposition to the recommended amendment to Policy 4.10, expressing her approval for the original language of Policy 4.10 and stated that the community would be impacted by the recommended amendment.

Joseph Bottari, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating that the community has opposed the industrial solar projects in the past. Rural Living -RL -should not be industrial. He encouraged having solar on rooftops.

Dawn Davis, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, expressing concerns on the impact the amendment would have on the environment, tourism and scenic vistas.

Gayle Austin, business owner and resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10, stating that the community wanted to protect the night sky and scenic vistas. She was in favor of original Policy 4.10, not loopholes.

David Fick, 33-year resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10, stating that he supported the original language and encouraged the Commission to protect real stakeholders in the community. Two previous projects, both abandoned, are creating problems for the community.

Tom O'Key, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating that the community and staff spent a lot of time together discussing the element, expressing that the amendment would undo hard work spent by both parties.

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Tina Bluefield, resident of Landers, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10. She stated concerns that the amendment profited the developers and not the community. She encouraged rooftop solar. There is not enough staff to keep up with promises for oversight.

Eva Soltes, resident of Joshua Tree, registered her opposition to the Exhibit C amendment.

Jerry Lewis High Desert Government Center, Hesperia:

Chuck Bell, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10. He stated that he submitted comments and supported original Policy 4.10 language. He discussed highway 247 scenic vistas, PUC over abundance of solar generation, and that new developments will be required to incorporate solar power by 2020. He opined that there is no economic benefit to Lucerne Valley.

Kenneth Lair, resident of Apple Valley, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating concerns about large scale grading and revegetation, weed management and erosion control measures.

County Government Center, San Bernardino:

Ted Stimpfel, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10. He stated that he was upset about not being allowed to present a video describing health hazards of sand transport and he was angry about various processes taking so long, meanwhile massive application filings have taken place.

Robert Vasseur, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10, stating that the community enjoyed the desert quality of life and the amendment would jeopardize that. He also stated that he supported original Policy 4.10 language.

Tim Mason, resident of Berkley and representing the Large Scale Solar Association, spoke in favor to the recommended amendment, stating that it facilitates the conversation between residents and developers, and that solar was a good neighbor. He spoke of the benefits of having solar and enhancing communities within the County.

Vickie Paulsen, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10, referencing the NRG application in their community that would hinder scenic views and is actually much higher (20 feet) than portrayed at their EIR scoping meeting (4 feet). She stated that she supported the original Policy 4.10 language.

Cynthia Charlton, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating

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concerns for endangered species. She also stated that the projects that have been approved should be required retroactively to comply with the new policy.

Robert Howells, resident of Los Angeles but a native of the High Desert and representing the Alliance for Desert Preservation, spoke in opposition to the recommended amendment to Policy 4.10. He stated that he has been a part of the community involvement of the language and was in favor of original Policy 4.10 language. He stated concerns that the community was not consulted regarding the amendment, only developers.

Linda Parker, part of the renewable energy industry since 1995, spoke in favor of the recommended amendment to Policy 4.10. She stated that she agreed with Mr. Mason and referred to property owners' rights. She stated that they have worked with the public and provided jobs.

Daniel Brown, resident of Victorville and representing the IBEW 477 Union, spoke in favor of the recommended amendment to Policy 4.10, stating that he and his fellow co-workers benefit from renewable energy projects in their local communities and also reduced commute time to work.

Sean Seanbock, resident of Lake Arrowhead and representing the IBEW 477 Union, spoke in favor of the recommended amendment to Policy 4.10; stating that solar would reduce air pollution and he stated that the projects would provide local jobs. He also stated that property owners should be able to build solar on their land and, if restricted, the County should buy the land and put it into a park. He also discussed having community hiring agreements.

Jim Cashel, resident of Sonoma and a land owner in the desert, spoke in favor of the recommended amendment to Policy 4.10, stating that the projects would benefit the land owners to generate income for their properties.

Gwen Barker, resident of Pioneertown and business owner, spoke in opposition to the recommended amendment to Policy 4.10. She stated concerns for local tourism and the effect the projects would have on scenic views. Long-term job growth is not there. She stated that she supported the original Policy 4.10 language.

Sarah Kennington, resident of Pioneertown, spoke in opposition to the recommended amendment to Policy 4.10, stating that the community invested thousands of hours in the SPARC and REVEAL processes for the Element, that utility scale solar is not compatible and the damage to the desert cannot be undone. She expressed concerns with the impacts the amendment would have and stated she supported the original Policy 4.10 language.

Judy Coral-Lorono, resident of Yucca Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating that she supported the original Policy 4.10 language and the protection of scenic route 247. She stated concerns with dust, COPD, and years to restore desert vegetation.

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Pat Flanagan, resident of Twentynine Palms, spoke in opposition to the recommended amendment to Policy 4.10. She provided sand transport maps to the Commission and spoke about concerns regarding dust and long-term climate change.

Thomas Ruiz, resident of San Bernardino and representing Laborers Local Union, spoke in favor of the recommended amendment, stated that each project should be looked at on a case-by-case basis and judged on the individual merits. He stated that the projects would provide local jobs to the community.

Jack Unger, resident of Newberry Springs and downwind of large solar project, stated wind blows all the time and spoke in opposition to the recommended amendment to Policy 4.10. He stated that he understood that jobs were needed but spoke of concerns for local communities being effected by the projects and reiterated that he supported the original Policy 4.10 language.

[The hearing was adjourned for a lunch break.]

Dennis Morrison, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10 that was tailored to corporate energy developers, expressing concerns that some projects might be grandfathered in and stated that he supported the original Policy 4.10 language and rooftop solar.

Neville Slade, resident of Apple Valley and representing the Mojave Desert Resource Conservation, spoke in opposition to the recommended amendment to Policy 4.10, stating that there needed to be a balance of economic, social, and environmental health towards a sustainable future for all, including the Mojave Desert. He spoke of cost benefit analysis and the impacts local communities would face due to the amendment.

Brian Hammer, resident of Adelanto, discussed enduring negative financial impacts from solar development in County near homes, \$4.7 M tourism/ORV recreation and limited local job creation. He spoke in opposition to the recommended amendment to Policy 4.10, stating his concerns that the County received a rush on solar projects to avoid the original Policy 4.10 language.

Steve Bardwell, resident of Pioneertown, spoke in opposition to the recommended amendment to Policy 4.10, stating concerns with the health and environmental impacts that would be created by the projects. He stated his support for original Policy 4.10 language.

Sue Hammer, resident of Adelanto, spoke in opposition to the recommended amendment to Policy 4.10. She stated that large scale solar should not be in communities. She explained concerns about nearby projects with 35,000 sf. batteries and panels surrounding homes on all sides. She stated that solar projects would impact the desert and that there should be laws protecting communities.

Gary Crevelia, resident of Landers, spoke in opposition to the recommended amendment to Policy 4.10, and stated that he supported original Policy 4.10 language,

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point of use solar and input the communities previously provided. He stated concerns regarding large scale solar and conflict with the scenic route 247.

Laraine Turk, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of the original Policy 4.10, stating that it contradicted community plans in rural areas that support local views and protect desert properties.

Veronica Shaw, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10. She stated that utility solar would reduce quality of life, and degrade air quality, and stated her support for the original Policy 4.10 language. She also spoke of concerns that projects would be grandfathered in and requested that restriction be retroactive.

Erica Zolezzi, resident of San Francisco and representing First Solar, spoke in favor of the recommended amendment, stating that solar projects deliver clean energy. She spoke about the positive impacts various projects had on the communities and that the goal for their company was to minimize impacts, listen carefully to communities and provide local jobs. Their project in the Ivanpah Valley provided 500 jobs, \$10.8 M in sales and use tax, \$1M in property tax, and supported local commerce.

Bill Perez, resident of Rialto, representing the IE Building Trades, spoke in favor of the recommended amendment, stating that he was an electrician by trade and thanked the staff for their work on the amendment. He stated that the amendment would provide local jobs.

Eric Negrete, resident of Fort Irwin, registered in favor of the recommended amendment but was not present to speak.

Glen Van Dam, resident of Daggett, spoke in opposition to the recommended amendment to Policy 4.10, stating that he was a local farmer and expressed concerns with water usage and dust.

John Zemanek, resident of Los Angeles and representing the Alliance for Desert Preservation, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of the original Policy 4.10. He stated that he owned a home in Lucerne Valley. He expressed concerns for incompatibility of utility scale solar in the communities and did not see local benefits.

Steve Mills, resident of Los Angeles and representing the Alliance for Desert Preservation, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of the original Policy 4.10. He stated that he owned a home in Lucerne Valley and expressed concerns that studies were not completed for the amendment and the impact that the utility solar projects would bring to the communities and environment.

Elaine Harris, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating that there were no

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benefits to the communities, and that solar projects reduce property values, create dust, and destroy the habitat. Solar should be placed in industrial zones.

Neil Nadler, resident of Lucerne Valley for 20+ years, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10. He stated that he was a stakeholder during the SPARC and REVEAL process. He stated concerns that the amendment did not reflect the communities' input and stated they would continue to support neighborhood protections to keep large solar out of rural communities.

Lee Risler, 44-year resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of original Policy 4.10, stating that he supports rooftop solar but does not support utility solar.

Wayne Vogel, 55-year resident of Hesperia, spoke in opposition to the recommended amendment to Policy 4.10 and supported the original language, stated concerns that projects would impact scenic views.

David Sikurski, resident of Grand Terrace and representing International Union of Operating Engineers Local Union 12, spoke in support of the recommended amendment to Policy 4.10 and stated that projects would support families and the economy.

Lorrie Steeley, resident of Apple Valley, spoke in opposition to the recommended amendment to Policy 4.10. She stated that the Commission had heard a variety of opinions and reiterated the support for the original language. She also stated concerns that there was not a public meeting offered to the public requesting input on the amendment language.

Pamalla Barber, 52-year resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10, stating concerns with the communities being severely impacted by large solar development. She stated that large solar development is more appropriate to site outside of communities.

Miriam Seger, resident of Joshua Tree, spoke in opposition to the recommended amendment to Policy 4.10, urging to go back to original Policy 4.10 language to prevent environmental harm. She indicated that intangible assets such as clean air, open vistas, rural way of life should be protected.

Bill Lembright, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating that the original Policy 4.10 language was crafted by the community working with the County.

Faye Miller, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating concerns about residents' health and spoke on cell tower impacts of RF waves reflecting off solar panels. She reiterated that she agreed with the original Policy 4.10 language.

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Louis Kannenberg, 18-year resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating that he chose to live in the desert for the natural beauty. He referred to other solar projects that impacted the community. Impacts are permanent from roads, transmission, and off roaders. He reiterated that he agreed with the original Policy 4.10 language and that projects should not be allowed to be grandfathered in.

Frank Francis, 67-year resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of the original Policy 4.10, requesting that the desert not be destroyed by utility solar.

Marie Brashear, resident of Lucerne Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating that changes were made up to two days prior to the hearing and the public was not given the opportunity to respond. She also stated she was in favor of original Policy 4.10 language. She indicated that she was pro-solar and pro-union but projects need to go where they are wanted.

John Smith, resident of Apple Valley, spoke in opposition to the recommended amendment to Policy 4.10, stating that he was tired of coming to the Commission having to oppose solar projects and was in favor of original Policy 4.10 language.

Wayne Snively, resident of Newberry Springs, spoke in opposition to the recommended amendment to Policy 4.10 and in favor of the original Policy 4.10, referencing other solar projects that impacted the communities. He also indicated there is not enough water to support these projects, urging the commission to give Newberry Springs a future.

Rick Sayers, resident of Yucca Valley, registered his opposition to the recommended amendment, but did not stay to speak.

Charles Ballew, resident of Redlands and representing IBEW 477 Union, spoke in favor of the recommended amendment, stating that there were benefits to the property owner and communities to provide revenue and local jobs. He spoke of his experience working on other solar projects and stated the positive impacts they had.

Peter Whittingham, resident of Rancho Santa Margarita and representing NRG Energy, spoke in favor of the recommended amendment, commended staff for their hard work and stated the positive outcomes of solar and a desire to develop in a responsible, conscientious manner; work with stakeholders and support property owner rights.

Robert Berkman, resident of Newberry Springs, registered his opposition to the recommended amendment, but did not wish to speak.

Linda Snively, resident of Newberry Springs, registered her opposition to the recommended amendment, but did not wish to speak.

Richard Lutringer, resident of Palm Desert and Newberry Springs, registered his opposition to the recommended amendment, but did not wish to speak.

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[The hearing was adjourned for a break.]

COMMISSIONER'S COMMENTS:

Chairman Weldy thanked and commended all the speakers and participants that attended the meeting.

The Planning Commission looked to the County staff, as the project applicant, for other comments. Ms. Rahhal discussed extensive public involvement, including numerous public meetings and workshops over approximately two and a half years, many related to the San Bernardino County Partnership for Renewable Energy and Conservation (SPARC). She discussed the previous hearing on this item at the Board and the concerns expressed on behalf of the solar industry and in regard to property rights, generally. Ms. Rahhal also discussed the outreach to existing solar project applicants and how they have been encouraged to make a greater outreach to the community and to property owners who would be most directly impacted by these projects. This was, in part, the impetus for the proposed revisions.

Commissioner Smith expressed his concerns that areas he visited, like Newberry Springs, Daggett and Lucerne Valley, appear to be in areas that are susceptible to Aeolian (wind blown) dust. Some of these areas should be disqualified for solar development because of the inherent difficulties in dealing with the blown sand and dust. Valley Fever is also a concern. He also expressed reservations about the amended 4.10 because of the lack of identifiable benefits to the residents, other than those whose property could be sold or leased to the solar companies. There is also an impact to the County in diminution of property taxes.

Ms. Rahhal responded that the issue of soils is not unique to solar projects and suggested that some uses could actually stabilize the soil conditions.

Commissioner Mathews suggested the Planning Commission should do nothing with 4.10 but that additional analysis could move toward a reconciliation of issues between the community and the solar advocates.

Commissioner Allard raised a question about the proposed environmental finding. Ms. Rahhal responded that the Environmental Impact Report addendum previously adopted with the Renewable Energy and Conservation Element would be utilized when the Board makes the final decision on Policy 4.10.

Commissioner Allard, in reviewing the Community Plans, noted that some of them cover very large areas. If they could be more closely defined, then a prohibition of large scale solar in Community Plan areas may be appropriate. He said he also believes it would be difficult for a large scale solar project to be consistent with the Community Plans. The prohibition of 4.10.1 in Rural Living areas, and 4.10.2 in Community Plans seems to prohibit them everywhere. Ms. Rahhal noted that a large portion of the County is also zoned Resource Conservation, a land use district where renewable energy projects would still be permitted. Commissioner Allard responded by complementing staff on bringing the pertinent issues to the Planning Commission. He also thought that prohibition in the Rural Living Zone was excessive and that the Community Plan areas need to be more tightly defined if solar was to be prohibited within them.

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Commissioner Smith observed that the County had been served that day with a 40 page letter with a significant amount of information and suggested the Planning Commission could proceed as far as it could but continue the hearing to fully consider the information it had received.

Chair Weldy noted that as long as there is consistent sunlight in the desert, there will be solar development pressure, so trying to cordon it off with a single action is problematic. He was also troubled by the applications that may have come in over the last nine months, that the public might perceive as having "snuck under the fence." He also expressed concern that the Community Plans are not adequately backed by zoning so developers are attracted by zoning and communities, especially Joshua Tree, feel that the County does not adequately enforce the policies in the Community Plans.

Chair Weldy summarized the possible actions available to the Planning Commission as: (1) adopt the original 4.10 language, which prohibits commercial grade solar in Rural Living areas, but applications for a zone change are still available; (2) adopt the revised 4.10 as staff has drafted, which doesn't seem to be widely supported by the community but appears to get high marks from the industry; (3) take no action and forward this to the Board without a recommendation; (4) attempt to craft something that everybody would probably be unhappy with; (5) issue some direction back to staff for yet another revision to come back to the Planning Commission. Mr. Brizzee suggested an additional option (6) of continuing the matter as suggested by Commissioner Smith.

Chair Weldy stated that a continuance would be appropriate if anyone thought they needed more time to consider the new information. Commissioner Smith stated that he was comfortable moving forward.

Commissioner Smith expressed his concerns about large scale solar as a viable future technology. California is ahead of its current needs. He also mentioned studies that the optimal locations for solar development are the Midwest and East Coast since they would be displacing fossil fuels such as oil while the less impactful natural gas is being displaced in the west. He also mentioned studies that installing solar may be releasing more carbon dioxide than the projects are saving.

Commissioner Smith asked about the proposal in terms of other Community Plans in the mountains or the valley. Ms. Rahhal responded that the desert communities are most impacted, namely, Joshua Tree, Homestead Valley, Lucerne Valley, and Newberry Springs. Community Plans were identified as areas of concern since they were established where concentrations of people exist.

Commissioner Smith urged the Commission to follow the original 4.10 since it would satisfy the objectives of protecting the rural standard of living of people, and would avoid the health impacts and other damages. He noted that growth in employment from the construction of these projects is only short term.

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Commissioner Mathews suggested a continuance to evaluate the newly-received evidence and also to see if the item could be more carefully crafted to address the concerns of the public.

In response to Commissioner Allard's issues about Aeolian dust, Ms. Rahhal responded that the environmental concerns are already wrapped into this policy as well as in CEQA and that 4.10 was intended to go a little bit farther than typical environmental concerns and address land use impacts and compatibility. Commissioner Allard suggested allowing projects in Community Plans if they meet certain thresholds. Ms. Rahhal analogized the approach to CEQA: the original 4.10 was impact avoidance; the revised 4.10 seeks to mitigate the impacts.

Commissioner Smith asked about scenic highways, specifically Highway 247 and current efforts to have it designated by the state. Commissioner Allard suggested that a solar field may be near a scenic highway but not visible because of topography.

Chair Weldy asked about the prohibition of 4.10 and its interplay with the Board memo about disturbed areas. Ms. Rahhal interpreted that the site types listed in 5.2 would be considered suitable only if they were outside of the areas that are prohibited by 4.10.

Commissioner Smith interpreted 4.10 as a public policy statement by the Board to preserve the quality of life of the local residents.

Commissioner Allard questioned whether Interstate 15 is a scenic highway. Ms. Rahhal responded that portions of it have been designated as a scenic route under the County General Plan. Commissioner Allard noted that the Ivanpah solar field is visible and not very scenic. By contrast, you can drive through the Ridgecrest area and not see a quarry within the scope of a scenic highway. Ms. Rahhal noted that a scenic highway designation comes with a scenic view management plan defining specific scenic resources for that highway, and specific standards for protection. Highway 247 is eligible for designation but that will not preclude all development.

Commissioner Allard proposed a modification of the old 4.10 by its three bullet points. The first one prohibits solar in Rural Living area of the County, which is too far-reaching. Solar may be possible in some Rural Living areas, subject to very extensive studies. The second bullet prohibits them within the Community Plans. He noted that there are identifiable communities within Community Plans that could be protected. Ms. Rahhal explained the third bullet point as a "housekeeping" matter to shift this back to the Development Code so that changes in the future would require a code change instead of a General Plan change.

Commissioner Smith stated there does not have to be many houses out there for there to be an impact on rural living. A few areas with houses dotting the hillside would be a rural area that should be protected.

Commissioner Mathews raised the issue of areas that are not out in the middle of the desert, for example, Muscoy and Bloomington. For solar on buildings, Ms. Rahhal stated that the applications go straight to the permit counter. She noted that staff is not

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encountering any issues in those areas. Commissioner Smith questioned why solar installations are not required on warehouses. Ms. Rahhal responded that warehouses are typically built without an end user identified, but the rooftops are solar-ready.

Commissioner Smith made a motion to recommend that the Board adopt section 4.10 as it was originally written, along with Exhibits B and D, and the findings. Ms. Rahhal explained that Exhibit B adds to the siting criteria in policy 5.2 that existing power generation facilities would be suitable to be upgraded or maintained. Chair Weldy read the list of disturbed sites available for solar development with previous electrical generation sites added.

Commissioner Smith agreed with the characterization of his motion by the chair as (1) the original 4.10 and (2) the modification to 5.2, along with the addendum to the Environmental Impact Report and the findings. Ms. Rahhal raised the issue of proposed 5.9, a collaboration with utilities, the California Energy Commission and the Bureau of Land Management to plan for renewable energy generation facilities to be located on public land apart from existing unincorporated communities.

In response to a question by Commissioner Allard about the County's control of Bureau of Land Management, Ms. Rahhal confirmed that the County does not have jurisdiction on federal lands, but has opportunities for input via a Memorandum of Understanding between the County and the Bureau of Land Management.

Commissioner Smith asked about the scope of collaboration. Ms. Rahhal responded that the main point of that policy is to be part of solutions that would move projects onto public lands to the extent possible and away from unincorporated communities.

Chair Weldy clarified Commissioner Smith's motion as having three parts: (1) 4.10 original version, (2) Exhibit B, 5.2 existing sites amendment, and (3) 5.9, which allows for additional coordination.

Ms. Rahhal further clarified the coordination proposed. In the statewide planning of the DRECP, the Board has gone on record emphasizing that on a broad scale, their preference would be for development and mitigation requirements to occur on public lands. This policy will serve as a reminder of this preference for public lands. The County has in place a Memorandum of Understanding with the Bureau of Land Management to coordinate any projects that they might have on Bureau of Land Management lands.

Commissioner Allard expressed his reluctance at seconding the motion since prohibiting solar in Rural Living and in the Community Plans seems a prohibition in the entire County. Ms. Rahhal noted significant amounts of land that are designated Resource Conservation and there's also the option that someone could obtain a land use designation change if it's suitable to go from Rural Living to Resource Conservation. She also noted that getting a zone change lengthens and complicates the approval process.

Commissioner Mathews seconded the motion.

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Ms. Rahhal clarified that the findings are not so specific that they would have to be modified for adoption of one version of Policy 4.10 versus the other, because the findings speak to what the policy is trying to accomplish. She noted that the Notice of Determination is a requirement for the final Board action.

Commissioner Allard again expressed his reservations at the overly broad effect of the proposal. Chair Weldy proposed suggesting to the Board that they may want to look at, under their purview, loosening it a bit because it is so restrictive. Commissioner Allard agreed with this approach, and having staff synthesizing the Planning Commission's concerns as a communication to the Board to loosen up the proposal. Commissioner Smith agreed to this approach as to the Rural Living portion but not as to the Community Plans.

COMMISSION ACTION:


The motion passed by a 4-0 vote, the Fourth District seat being vacant.


COMMISSION VOTE


MOTION: Smith
SECOND: Mathews
AYES: Weldy, Allard, Smith, Mathews
NOES: None
RECUSED: None
ABSENT: Fourth District seat vacant
ABSTAIN: None

4. ADJOURNMENT:

There being no further business, Commissioner Smith made a motion to adjourn the meeting. Vice Chair Allard seconded the motion. The meeting was adjourned at 4:46 p.m.


Chair Weldy 11-8-18 **Date**
Chair Weldy, Planning Commission


Terri Rahhal 11-8-18 **Date**
Planning Director, Land Use Services Department


Chrystale Sonick 11-8-18 **Date**
Executive Secretary II, Land Use Services Department
