Section 3.10
Land Use and Planning

This section evaluates land use and planning impacts that may result from the project. The following discussion addresses the existing land use and planning conditions of the affected environment, identifies applicable County goals and policies, identifies and analyzes environmental impacts, and lists measures required to reduce or avoid adverse impacts, as applicable.

Information for this section is largely based on the *San Bernardino County Code*, Title 8, Development Code, Chapter 82.01, *Land Use Plan, Land Use Zoning Districts, and Overlays*; and the *County of San Bernardino 2007 General Plan*. Additionally, information provided in the *Land Evaluation and Site Assessment* (LESA) prepared by Tetra Tech pertaining to suitability of the site for agricultural use has been incorporated (2018a; see **Appendix C**). Issues pertaining to airport operations and public safety relative to the proposed project are based on the findings of the *Airport Safety and Compatibility Technical Memorandum* prepared by Tetra Tech (2019; see **Appendix H-3)**. All of the technical reports referenced above were peer reviewed by Michael Baker International.

ENVIRONMENTAL SETTING

The project site is generally bounded by the town of Daggett approximately 0.5 miles to the west; the Mojave River, Yermo, and Interstate 15 (I-15) to the north; Barstow-Daggett Airport, State Route 66 (SR 66), and Interstate 40 (I-40) to the south; and Newberry Springs and Mojave Valley to the east.

The project site is located within the boundaries of the Desert Planning Region of unincorporated San Bernardino County. The Desert Planning Region consists of mountain ranges interspersed with long, broad valleys that often contain dry lakes.

Lands affected by the project largely comprise active or formerly active agriculture land, as well as existing infrastructure associated with the nearby Coolwater Generating Station (no longer in service) and an associated transmission corridor. Railroad infrastructure and other supporting infrastructure used to deliver coal to the power plant is present. The general project area also contains electric utility-related uses on land owned by Southern California Edison (SCE). Private lands in the central and eastern portions of the site consist of agricultural lands that produce primarily alfalfa and pistachios, sparsely spaced rural residential dwellings, previously disturbed and now fallow farmland, and some undeveloped desert land.

Immediately adjacent to the project site is an approximately 1,000-foot-wide high-voltage transmission corridor owned by the Los Angeles Department of Water and Power (LADWP). The transmission corridor contains several high-voltage transmission lines and diagonally bisects to the project site. Additionally, the Burlington Northern and Santa Fe (BNSF) railroad tracks are to the south of the project site; the Union Pacific tracks lie to the north. The 44 megawatt (MW) photovoltaic Sunray Solar project is located directly west of the subject site. Barstow-Daggett Airport, a County-owned, public-use, general-aviation airport, is located directly south of the site. Refer also to **Exhibit 2.0-1, Project Location** (see Section 2.0, *Project Description*)**.**

COUNTY OF SAN BERNARDINO GENERAL PLAN LAND USE DESIGNATIONS AND ZONING

The County of San Bernardino General Plan designates the project site with the following land uses: General Industrial, Residential, Open/Non-Developed, and Agricultural. San Bernardino County zoning districts for the project site are listed in **Table 3.10-1, Existing Zoning Districts**.

Table 3.10-1:
Existing Zoning Districts

Zoning District	Zoning Category Description	Gross Acres
AG	Agriculture	~ 287
RC	Resource Conservation	~ 2,455
IR	Regional Industrial	~ 284
RL	Rural Living	~ 367
	Total	± 3,393[1]

Source: HDR Engineering 2018

[1] Although the total gross acreage of project parcels is approximately ± 3,393 acres, the full project is described as ± 3,500 acres, which would include any easements, the gen-tie line, potentially temporary construction impacts, and any other miscellaneous project features. Where gen-tie routes are outside of existing rights-of-way, they traverse the same zoning districts identified above.

County zoning for the project site allows the development of renewable energy generation facilities with County approval of a Conditional Use Permit (CUP). Development would occur on privately owned land.

The project is being designed in accordance with San Bernardino County's Solar Ordinance (an ordinance amending Development Code Chapter 84.29, Renewable Energy Generation Facilities) and the County's General Plan Renewable Energy and Conservation Element (August 8, 2017), which strives to preserve the character of the project area and surrounding communities.

REGULATORY FRAMEWORK

FEDERAL

Federal Aviation Administration Regulations

Federal Aviation Administration (FAA) regulations address potential aircraft obstruction for structures taller than 200 feet or within 20,000 feet of an airport. Specifically, Code of Federal Regulations Title 14, Part 77, establishes standards and notification requirements for objects that have the potential to affect navigable airspace. In 1993, Part 77.13(a)(5)(ii) was revised to include only those airports under construction and excluded proposed airports. Nonetheless, the Part 77 standards are intended to evaluate the effect of the construction or alteration of structures on airport operating procedures; determine if there is a potential hazard to air navigation; and identify measures to enhance safety. Specifically, the FAA requires notification through the filing of FAA Form 7460, Notice of Proposed Construction or Alteration, if a structure is over 200 feet in height or closer than 20,000 feet to an existing airport or airport under construction (Title 14, Part 77.13).

STATE

California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000–66499.58. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

California Codes

The California Codes are 29 legal codes enacted by the State Legislature, which together form the general statutory law for the state. Unlike the United States Code or other state legal codes, the California Codes have never been consolidated into a single unified code. The official codes are maintained by the California Legislative Counsel for the Legislature.

California Government Code Section 53091(d) states, "Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency."

Furthermore, Section 53091(e) states, "Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, or for the production or generation of electrical energy, facilities that are subject to Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency, if the zoning ordinances make provision for those facilities."

California Public Utilities Commission

California Public Utilities Commission's (CPUC) review of transmission line applications occurs under two concurrent and parallel processes: (1) environmental review pursuant to the California Environmental Quality Act (CEQA); and (2) review of project needs and costs pursuant to Public Utilities Code Section 1001 et seq. and General Order 131-D. Since SCE would be making modifications to their existing substation to accommodate this project, the CPUC's regulatory process is described below.

CPUC General Order 131-D, Rules relating to the planning and construction of electric generation, transmission/power/distribution line facilities, and substations located in California, states that no electric public utilities will begin construction in the state of any new electric generating plant, or of the modification, alteration, or addition to an existing electric generating plant, or of electric transmission/power/distribution line facilities, or of new, upgraded, or modified substations, exceeding 50 kilovolts (kV), without first complying with the provisions of the General Order. For the purposes of the General Order, a transmission line is a line designated to operate at or above 200 kV. A power line is a line designated to operate between 50 and 200 kV. A distribution line is a line designated to operate under 50 kV.

REGIONAL

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the metropolitan planning organization for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The region encompasses a population exceeding 19 million in an area of more than 38,000 square miles. As the designated metropolitan planning organization, SCAG is mandated

by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. Additional mandates exist at the state level.

SCAG is responsible for the maintenance of a continuous, comprehensive, and coordinated planning process. The agency is also responsible for the development of demographic projections and the development of integrated land use, housing, employment, transportation programs, measures, and strategies for portions of the Air Quality Management Plan.

SCAG Regional Transportation Plan/Sustainable Communities Strategy Plan

SCAG adopted the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in April 2016. The RTP/SCS is intended to provide guidance for increasing mobility for the region's residents and visitors while emphasizing sustainability and integrated planning. The RTP/SCS encompasses three key principles for the region's future: mobility, economy, and sustainability. The RTP/SCS emphasizes a commitment to reduce emissions from transportation sources in conformance with Senate Bill 375, improve public health, and meet the federal Clean Air Act National Ambient Air Quality Standards (NAAQS).

Intergovernmental Review

SCAG's Intergovernmental Review Section is responsible for performing consistency review of regionally significant local plans, projects, and programs with SCAG's adopted regional plans. The criteria for projects of regional significance are outlined in CEQA Guidelines Sections 15125 and 15206 and include projects that directly relate to the policies and strategies contained in the Regional Comprehensive Plan (RCP) and the RTP. SCAG's Intergovernmental Review Section uses the criteria recommended by CEQA Guidelines Section 15206 to determine whether a project is considered regionally significant.

A proposed plan, project, or program is directed to demonstrate how it is consistent with the 2016–2040 RTP/SCS, which is established through consistency with RTP/SCS goals and adopted growth forecasts. SCAG encourages the use of 2016–2040 RTP/SCS program EIR mitigation measures to aid in demonstrating consistency with regional plans and policies.

LOCAL

San Bernardino County General Plan

Relevant goals and policies of the County's General Plan are identified below. The General Plan identifies three diverse planning regions in the county (Valley, Mountain, and Desert), which offer varied terrain and natural features, as well as in the specific issues of concern and in the

development opportunities that they offer. The project site is in the Desert Planning Region, which is the largest of the three planning regions. This region includes a significant portion of the Mojave Desert and contains approximately 93 percent (18,735 square miles) of all land in San Bernardino County. This region is defined as including all of the unincorporated area of the county lying north and east of the Mountain Planning Region.

Policies have been drafted to specifically address each particular planning region and are called Regional Policies. These Regional Policies are in addition to the countywide policies under each of the eight General Plan elements.

Land Use Element

GOAL LU 1 The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Policy LU 1.1 Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

GOAL LU 4 The unincorporated communities within the County will be sufficiently served by industrial land uses.

Policy LU 4.1 Protect areas best suited for industrial activity by virtue of their location and other criteria from residential and other incompatible uses.

Desert Region Goals and Policies of the Land Use Element

GOAL D/LU 1 Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.

Policy D/LU 1.2 Limit future industrial development to those uses which are compatible with the Community Industrial Land Use Zoning District or zone, are necessary to meet the service, employment and support needs of the region, do not have excessive water requirements, and do not adversely impact the desert environment.

GOAL D/LU 3 Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

Renewable Energy and Conservation Element

The County adopted a Renewable Energy and Conservation Element (RECE) for inclusion in the San Bernardino County General Plan in August 2017. The element includes land use guidance regarding renewable energy projects. One of the element's guiding principles includes keeping utility-oriented projects separate from or sufficiently buffered from existing communities to avoid adverse impacts on community development and quality of life.

The County Board of Supervisors adopted an amendment to the RECE on February 28, 2019, prohibiting utility-scale renewable energy development on lands designated as Rural Living or on lands located within the boundary of an existing community plan, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution. Therefore, the proposed project is not subject to this new policy because it's application was deemed complete on March 22, 2018.

RE GOAL 2	The County will be home to diverse and innovative renewable energy systems that provide reliable and affordable energy to our unique Valley, Mountain, and Desert regions.
RE Policy 2.1	Support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan.
RE Policy 2.2	Promote use of energy storage technologies that are appropriate for the character of the proposed location.
RE Policy 2.3	Encourage the use of feasible emerging and experimental renewable energy technologies that are compatible with County regulatory standards.
RE GOAL 3	Community-oriented renewable energy facilities will be prioritized to complement local values and support a high quality of life in unincorporated communities.
RE Policy 3.6	Encourage renewable energy facilities to meet community goals, including supporting community health, wellness, and recreational needs.
RE GOAL 4	The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.

RE Policy 4.7 RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation:

- Avoid sensitive habitat, including wildlife corridors, during site selection and project design.
- Where necessary and feasible, conduct mitigation on-site.
- When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designated for habitat conservation.

RE GOAL 5 Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental priorities.

RE Policy 5.1 Encourage the siting of RE generation facilities on disturbed or degraded sites in proximity to necessary transmission infrastructure.

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. Industrial zones proven to not conflict with economic development needs

xi. Other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions of those listed above

RE Policy 5.8 Discourage conversion of productive or viable prime agricultural lands to RE generation facilities.

County Ordinances

In 2013, the County of San Bernardino passed an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities, and Chapter 810.01, Definitions, of the San Bernardino County Development Code, relating to the regulation of commercial solar energy generation facilities. The ordinance requires that the County make findings for solar renewable energy projects prior to approving such projects. The findings require that prior to approval of a commercial solar facility, it must be determined that the location of the proposed commercial facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses. Additionally, the ordinance requires that the Planning Commission consider (1) the characteristics of the commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to nearby communities, neighborhoods, and rural residential uses; and (2) the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether in a city or unincorporated territory, or on state or federal land. The proposed project would be subject to these and additional findings requirements during the County's review and CUP application process.

Airport Land Use Plan

The project area is located within the boundaries of the Airport Comprehensive Land Use Plan for Barstow-Daggett Airport (County of San Bernardino 1992). The airport operates as a County-owned, public use, general aviation airport and is located directly to the south of the project site, north of I-40.

Community Plans and Action Plans

The project site is not located in an area covered by a Community Plan adopted in support of the County's General Plan. However, the County is currently preparing action plans for review by the Board of Supervisors to address land use planning issues relative to the Daggett, Newberry Springs and Yermo areas. The documents will be included in the County Policy Plan once adopted by the Board of Supervisors. After the adoption of the County Policy Plan, the Development Code will be updated to reflect the new policies.

No specific goals or policies for guiding future development are applicable to the project as Community Plans are still being reviewed for inclusion in the County Policy Plan.

IMPACT ANALYSIS AND MITIGATION MEASURES

THRESHOLDS FOR DETERMINATION OF SIGNIFICANCE

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact related to land use if it would do any of the following:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 3.10-1	**The project would not physically divide an established community. Impacts would be less than significant.**

As described above, in addition to the existing natural gas-fired Coolwater Generating Station, uses in the area surrounding the project site include electric utility and transportation infrastructure, agricultural lands, limited rural residential uses, undeveloped land, the 44 MW photovoltaic Sunray Solar Project, and Barstow-Daggett Airport. Route 66, the National Trails Highway, is to the south of the project site and I-15 is to the north. The Burlington Northern Santa Fe railroad tracks run south of the project site, and the Union Pacific tracks are to the north. An LADWP high-voltage transmission corridor approximately 1,000 feet wide traverses the project site. In addition, high-voltage transmission lines and electrical substations owned by SCE and the Sunray Solar Project are located in the project area. Residential uses in the area are limited but are generally concentrated just north of Santa Fe Street/Elkhorn Street and north of Valley Center Road, with other scattered residential uses in the vicinity.

Construction vehicles would access the project site from I-15 and I-40. During construction, materials would be placed within the project boundaries adjacent to the then-current phase of construction, and therefore would not interfere with or restrict any existing off-site roadways.

SCE would conduct a limited scope of work within and surrounding the existing Coolwater substations to facilitate connection of the proposed project to the SCE system, including extending the gen-tie from the last pole structure into the substation and installing underground telecom facilities both inside and outside the existing substation fence line. However, such improvements would not restrict or otherwise affect existing access routes or existing development.

The project as designed would maintain all existing access routes in the area. The project would not result in the construction of new access routes or the elimination of existing area roadways that could have the potential to isolate existing uses or create a division between existing local uses.

As described above, the project does not include the construction of any components that would physically divide an established community. Impacts would be less than significant.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH AN APPLICABLE PLAN

Impact 3.10-2	**The project could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant with mitigation.**

General Plan

The San Bernardino County General Plan designates the project site with the following land uses: General Industrial, Residential, Open/Non-Developed, and Agricultural. County zoning for the project site allows the development of renewable energy generation facilities with County approval of a CUP (Development Code Section 85.06).

Additionally, the County's General Plan Renewable Energy and Conservation Element is intended to establish goals and policies to manage renewable energy development and conservation. The project is subject to such goals and policies contained in the Renewable Energy and Conservation

Element and will be evaluated for conformance with such policies during County environmental review and processing. The project's consistency with the applicable goals and policies is described in **Table 3.10-2**.

As previously stated, the County adopted an amendment to the RECE on February 28, 2019 prohibiting utility-scale renewable energy development on lands designated as Rural Living or on lands located within the boundary of an adopted community plan, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution. As the proposed project application was deemed complete on March 22, 2018, it is not subject to this new policy.

A discussion of how the project has been designed in accordance with San Bernardino County's Solar Ordinance (an ordinance amending Development Code Chapter 84.29, Renewable Energy Generation Facilities) is discussed further in **Table 3.10-3** below.

Height Variance

The project is also seeking an exception and a variance from the height restrictions pursuant to Development Code Chapters 83.02.040(c)(2)(T) and 85.17. The general height limits within the Desert District are 75 feet within the IR zone and 35 feet within the AG, RC and RL zones. Development Code Chapter 83.020.040 allows for miscellaneous structures to be increased by up to 50 percent of the height limit for the applicable zone. With a height exception, the applicable height limits would be 112.50 feet in the IR zone and 52.5 feet in the AG, RC and RL zones. The project is proposing to obtain a variance pursuant to Development Code Chapter 85.17 from this height restriction to allow gen-tie poles up to 159 feet in height.

While the gen-tie line poles would generally be up to 120 feet in height to accommodate engineering and safety clearance requirements, some poles may need to be up to 159 feet in height at locations where the lines would cross over the existing 60-foot high-voltage transmission lines in the area, while other poles may be considerably shorter than 120 feet. Additionally, some sections of the gen-tie line may be placed underground where necessary, particularly in the areas of the Barstow-Daggett Airport and the LADWP right-of-way, thereby eliminating the need for poles in those sections. The final gen-tie alignments and associated pole locations and heights will not be known until the proposed project's final engineering stage.

The project site is located near several existing transmission lines of varying heights. Variance from the County's height restrictions would not be distinctive in this area due to the presence of the existing transmission lines and therefore the variance would not result in significant impacts

to the aesthetics of the area; refer to Section 3.1, Aesthetics and Visual Resources, for additional discussion.

Proposed Subdivision and Road Vacations

The Daggett Solar Power Facility consists of 51 Assessor Parcels totaling approximately 3,393 acres. The project proposes to subdivide and/or merge 47 of these 51 parcels into 14 new parcels. After the recordation of all phases of the Final Map, the site would consist of these 14 new parcels. The smallest legal parcel would be 5.0 acres and the largest would be 635 acres. All of the newly created parcels will have both physical and legal access to a public road. Lot mergers and/or lot line adjustments may be used in lieu of a tentative map on some project areas.

- *Subdivision Map(s)* - It is anticipated that the applicant would file a tentative map to create the new parcels followed by the phased recordation of 5 final maps. A number of dedications will be required by the County as part of the mapping process to help establish proper access (ingress/egress) based on County requirements.

- *Road Vacations* - It is anticipated that the County Public Works Department may require one or more road vacations on Assessor Parcels 0515-111-14, 15 & 16. Many of the dirt roads surrounding the site have offers of dedication that have not been accepted by the County. It is possible that the County may require a vacation on one or more of these roads if a solar array is planned to be constructed across one of these roads.

The Subdivision Map would result in mapping changes only and the road vacations would not preclude access to properties. Therefore, these changes would not result in significant land use impacts.

Table 3.10-2:
Project Consistency with Applicable Policies of General Plan

General Plan Policy	Consistency Analysis
GOAL LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.	**Consistent.** The project is compatible and harmonious with surrounding properties and land uses. The project provides an important source of clean and renewable energy.
Policy LU 1.1. Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.	**Consistent.** The project is in the Desert region and provides an important source of clean and renewable energy, compatible with surrounding land uses.

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
GOAL LU 4. The unincorporated communities within the County will be sufficiently served by industrial land uses.	**Consistent.** The project provides an important source of clean and renewable energy.
Policy LU 4.1.Protect areas best suited for industrial activity by virtue of their location and other criteria from residential and other incompatible uses.	**Consistent.** The project is properly sited adjacent to existing energy infrastructure and is compatible with surrounding land uses.
GOAL D/LU 1. Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.	**Consistent.** The project will place new energy infrastructure near existing utility infrastructure, consistent and compatible with surrounding rural properties.
D/LU 1.2. Limit future industrial development to those uses which are compatible with the Community Industrial Land Use Zoning District or zone, are necessary to meet the service, employment and support needs of the region, do not have excessive water requirements, and do not adversely impact the desert environment.	**Consistent.** The project proposes industrial development compatible with surrounding land uses. The project has prepared a Water Supply Assessment demonstrating that the project does not have excessive water requirements; refer to Section 3.9 Hydrology and Water Quality and Section 3.13 Utilities and Service Systems.
GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.	**Consistent.** The project proposes energy infrastructure adjacent to existing energy infrastructure, compatible with surrounding land uses. The project will provide an important source of clean and renewable energy.
RE Policy 2.1: Support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan.	**Consistent.** The proposed project design is consistent with the County's Solar Ordinance (an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities) and Renewable Energy and Conservation Element (August 8, 2017). The project would preserve the character of the project area and surrounding communities and avoid the loss of the qualities that contribute to the local economy. The project would use existing transmission infrastructure adjacent to the existing Coolwater Generating Station, a recently retired natural gas-fired power plant. The project site contains existing industrial and utility uses and is adjacent to the Sunray Solar Project. The site is traversed by the LADWP high voltage transmission corridor of approximately 1,000 feet in width and is near several high-voltage substations and transmission lines owned by Southern California Edison. The project is designed to minimize impacts to surrounding properties by including measures such as setbacks, fencing and impact minimization measures (e.g., dust control during construction).
RE 2.1.1: Utilize renewable energy development standards in the Development Code to minimize impacts on surrounding properties.	
RE Policy 2.2: Promote use of energy storage technologies that are appropriate for the character of the proposed location.	**Consistent.** The project includes up to 450 MW of battery storage.

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
RE 2.2.1: Encourage onsite energy storage with RE generation facilities, consistent with County Development Code requirements.	
RE 2.2.2: Encourage and allow energy storage facilities as an accessory component of RE generation facilities.	
RE Goal 4: The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.	**Consistent.** The project would assist in achieving the State's Renewable Portfolio Standard (RPS) and greenhouse gas emissions reduction objectives by developing and constructing California RPS-qualified solar power generation. The project would contribute to the County's greenhouse reduction goals by reducing the need for fossil fuel use for energy generation.
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.	
RE Policy 4.1: Apply standards to the design, siting, and operation of all renewable energy facilities that protect the environment, including sensitive biological resources, air quality, water supply and quality, cultural, archaeological, paleontological and scenic resources.	**Consistent.** The site has been previously disturbed by former industrial or agricultural activities. Prior surveys have documented that the project area includes mostly marginal habitat for sensitive species due to previous disturbance and that cultural and scenic resources can be avoided.
RE 4.1.1: Consult with Native American tribes in the identification, evaluation, and treatment of cultural resources and in the preparation and implementation of measures required to identify, evaluate, protect, and manage cultural resources.	**Consistent.** In compliance with AB 52, the County of San Bernardino distributed letters to applicable tribes that had previously requested to be notified of future projects proposed by the County, notifying each tribe of the opportunity to consult with the County regarding the proposed project. Tribal consultation efforts remained ongoing; refer to Section 3.5, Cultural Resources.
RE 4.1.2: RE development applications shall be subject to thorough environmental review, including consideration of water consumption, before being permitted.	**Consistent.** The County has prepared a draft Water Supply Assessment and Environmental Impact Report analyzing the project, including water consumption; refer to Section 3.9 Hydrology and Water Quality, and 3.13 Utilities and Service Systems.
RE Policy 4.2: Ensure that renewable energy facilities do not disrupt, degrade, or alter the local hydrology and hydrogeology.	**Consistent.** The project is designed to avoid significant hydrology and hydrogeology impacts. Jurisdictional waters surveys have been completed and show that aquatic resources will be avoided. Minimal paving is proposed. Site drainage is designed to follow the natural drainage pattern. Project facilities will not prevent storm water flow. Retention basins will mitigate any potential increases in runoff.

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
RE Policy 4.2.1: Require a groundwater impact assessment that evaluates the short and long-term impacts to groundwater usage.	**Consistent.** The County has prepared a draft Water Supply Assessment evaluating short and long-term impacts to groundwater, which demonstrates there is adequate groundwater to serve the project and other anticipated users.
RE Policy 4.3: Require construction and operation of all renewable energy facilities to minimize negative effects and optimize benefits to unincorporated communities.	**Consistent.** The project will be a positive economic stimulus locally in the form of job creation and associated spending during construction and operation, and to San Bernardino County in the form of property taxes and fee revenues. The project is designed to minimize aesthetic, water consumption and air quality impacts.
RE 4.3.1: Define measures required to minimize ground disturbance, soil erosion, flooding, and blowing of sand and dust, with appropriate enforcement mechanisms in the Development Code.	**Consistent.** Minimal site grading is proposed for the majority of the site. The project will apply dust control measures in compliance with Mojave Desert Air Quality Management District regulations, including using water trucks to apply water and/or dust palliatives to minimize the production of visible dust emissions in areas where grading occurs, within the staging areas, and on any unpaved roads used during project construction and will employ other required mitigation measures to minimize ground disturbance, soil erosion and flooding; refer to Section 3.6 Geology and Soils, and Section 3.9 Hydrology and Water Quality.
RE 4.3.2: Require operators to track and report energy production and other benefits cited in a project proposal, in addition to tracking efforts to avoid and minimize negative impacts.	**Consistent.** The County will adopt a Mitigation Monitoring and Reporting Program that will track compliance with mitigation measures to minimize negative impacts and any conditions of approval requiring the tracking and reporting of energy production.
RE 4.3.3: Give preference to the utilization of existing infrastructure to minimize the need for additional transmission development.	**Consistent.** The project is designed to include the use of existing transmission and access infrastructure in the area developed in part for the retired Coolwater Generating Station. The project will deliver its electrical output to two existing substations owned and operated by SCE.
RE 4.3.4: Establish inspection protocols and programs to ensure that RE facilities are constructed, operated, and eventually decommissioned consistent with the requirements of the San Bernardino County Code, and in a manner that will not be detrimental to the public health, safety, or welfare.	**Consistent.** The County will conduct inspections are required to ensure compliance with the conditional use permit. Decommissioning would comply with applicable requirements including the requirements of San Bernardino County Development Code Section 84.29.060.
RE Policy 4.4: Encourage siting, construction and screening of RE generation facilities to avoid, minimize or mitigate significant changes to the visual environment including minimizing light and glare.	**Consistent.** A Visual Impact Analysis has been prepared for the project by HDR (see **Appendix B-1**). The project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
RE 4.4.1: Reduce visual impacts through a combination of minimized reflective surfaces, context-sensitive color treatments, nature-oriented geometry, minimized vegetation clearing under and around arrays, conservation of pre-existing native plants, replanting of native plants as appropriate, maintenance of natural landscapes around the edges of facility complexes, and lighting design to minimize night-sky impacts, including attraction of and impact to nocturnal migratory birds.	are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to not be a substantial source of glare. Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic fixtures on local homes.
RE Policy 4.5: Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable (i.e. with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses. Decommissioning plans shall:	**Consistent.** Decommissioning would comply with applicable regulations including the requirements of San Bernardino County Development Code Section 84.29.060. The Development Code requires a decommissioning plan that includes a cost estimate of the decommissioning and site restoration work and which provides for an inspection after all decommissioning and site restoration has been completed.
RE 4.5.1: Include a cost estimate of the decommissioning and site restoration work for the purpose of providing a bond to guarantee completion of decommissioning.	
RE 4.5.2: Provide for an inspection after all decommissioning and site restoration work to ensure that the work has been completed to the standards required by the County, prior to release of the decommissioning bond.	
RE 4.5.3: Require any structures created during construction to be decommissioned and all material recycled to the greatest extent possible.	**Consistent.** The majority of components used to construct the proposed system are recyclable. Solar panels typically consist of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete, in addition to motors and control systems. All of these materials can be recycled. Numerous recyclers for the various materials to be used on the project site operate in San Bernardino and Riverside Counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state, and local standards and all regulations that exist when the project is shut down, including the requirements of San Bernardino County Development Code Section 84.29.060.
RE 4.5.4: Require all material recovered during decommissioning and site restoration work of a renewable energy facility, including the renewable energy technology itself, to be reused or recycled to the greatest extent possible.	
RE Policy 4.6: Require all recyclable electronic and/or toxic materials to be recycled in accordance with the requirements of the Basel Convention or comparable standard.	

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
RE Policy 4.7: RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation: • Avoid sensitive habitat, including wildlife corridors, during site selection and project design. • Where necessary and feasible, conduct mitigation on-site. • When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designated for habitat conservation.	**Consistent.** General vegetation mapping, identification of all observed plant and animal species, a habitat assessment for special-status species, and an assessment for potential federally regulated waters of the U.S. and state-regulated streambed have been conducted and a Biological Resources Technical Report for the project has been prepared by HDR (see **Appendix E-1**). The project is designed to minimize impacts to these resources; refer to Section 3.4 Biological Resources.
RE Policy 4.8: Encourage mitigation for RE generation facility projects to locate habitat conservation offsets on public lands where suitable habitat is available.	**Consistent.** No required habitat conservation offsets have been identified in the EIR.
RE 4.8.1: Collaborate with appropriate state and federal agencies to facilitate mitigation/habitat conservation activities on public lands.	
RE Policy 4.9: Encourage RE facility developers to design projects in ways that provide sanctuary (i.e., a safe place to nest, breed and/or feed) for native bees, butterflies and birds where feasible and appropriate, according to expert recommendations.	**Consistent.** The project is designed to minimize impacts to potential habitat and associated native vegetation. Planting native vegetation that may provide benefits to native bees, butterflies, and birds is incorporated into the project design where feasible and appropriate.
RE Goal 5: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.	**Consistent.** The site and design meets County standards, preserves the character of the project area and surrounding communities, and protects environmental and cultural resources.
RE Objective 5.2: Utility-oriented RE facilities will be subject to site selection criteria consistent with County priorities expressed in this Element.	
RE Policy 5.1: Encourage the siting of RE generation facilities on disturbed or degraded sites in proximity to necessary transmission infrastructure.	**Consistent.** The project is designed to include the use of existing transmission and access infrastructure in the area formerly utilized by the retired Coolwater Generating Station.
RE 5.1.2: Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.	**Consistent.** See above. The project will comply with all Development Code requirements.
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	**Consistent.** The project site is located on private lands adjacent to Development Focus Areas and is composed of degraded agricultural and fallow lands with significant previous disturbance and close to existing high voltage electrical infrastructure which it intends to utilize. The solar project is not a permanent use and therefore, once the solar project is decommissioned, the site can be returned to uses

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
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. Industrial zones proven to not conflict with economic development needs xi. Other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions of those listed above.	such as agriculture. Long-term viability of agriculture in this area is uncertain due to groundwater supply constraints.
RE Policy 5.3: Collaborate with utilities and RE generation facility developers to encourage collocation of transmission and intertie facilities.	**Consistent.** The project is located close to existing high voltage electrical infrastructure.
RE Policy 5.4: Utility-oriented RE generation facilities will be required to meet a higher standard of evaluation for appropriate site selection due to its size and distance from population centers.	**Consistent.** The project has been evaluated in accordance with the policies of the Renewable Energy Element and is appropriately sited and designed to be away from population centers.
RE 5.4.2: Encourage utility-oriented RE generation to occur in the five DRECP Development Focus Areas (DFAs) that were supported by the Board of Supervisors on February 17, 2016, Resolution No. 2016-20 and on adjacent private lands.	**Consistent.** This project is located adjacent to appropriate Development Focus Areas.
RE Policy 5.6: Consult Native American tribes early in the site selection process, with joint evaluation of a Phase 1 Cultural Resources Analysis prior to approval of a site for utility-oriented RE generation.	**Consistent.** The Cultural Resources Inventory prepared by HDR (see **Appendix F-1**) has been provided by the County to Native American Tribes.
RE Policy 5.7: Support renewable energy projects that are compatible with protection of the scenic and recreational assets that define San Bernardino County for its residents and make it a destination for tourists.	**Consistent.** The site is in close proximity to existing infrastructure historically used for the Coolwater Generating Station, and other industrial and transportation uses. The Visual Impact Analysis prepared by HDR (see **Appendix B-1**) determined that the project would have a limited potential to adversely impact the destination for tourists. Although the project would be constructed on some
RE 5.7.1: Site RE generation facilities in a manner that will avoid, minimize or substantially mitigate adverse impacts to sensitive habitats, cultural resources, surrounding land uses, and scenic viewsheds.	

Table 3.10-2, continued

General Plan Policy	Consistency Analysis
RE Policy 5.8: Discourage conversion of productive or viable prime agricultural lands to RE generation facilities.	lands that are currently in agricultural production, the solar project would not be a permanent use and in the future, the facility may be decommissioned and the affected lands could be returned to agricultural uses.

Findings per Development Code Section 85.06.035 (Findings for a Commercial Solar Energy Facility)

Per Development Code Section 85.06.035, the following are the required findings that the reviewing authority must determine to be true before approving a commercial solar energy facility. Project consistency with each finding is described in **Table 3.10-3**.

Table 3.10-3:
Project Consistency with Applicable Policies of Development Code Section 85.06.035

Goal/Objective/Policy	Consistency Analysis
The proposed commercial solar energy facility is either (a) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (b) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.	**Consistent.** The project site is in close proximity to infrastructure historically used for the Coolwater Generating Station and other transportation and industrial and uses, including solar. The project would be located in an area with few residences. The project design includes setbacks from roads as well as fencing to shield the facility from public view.
Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility will minimize the visual impact of the project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.	**Consistent.** Chain-link fencing with one foot of barbed wire is proposed along the perimeter of the project site or set back a minimum of 15 feet along existing or proposed County right-of-way. Access gates would be provided at each site entry road. The project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to not be a substantial source of glare. Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic fixtures on local homes.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
The siting and design of the proposed commercial solar energy generation facility will be either: (a) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (b) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.	**Consistent.** The site is located in an area with previous industrial development, electric transmission lines and transportation uses. The project area contains a majority of land that has been previously disturbed. The visual resources report for the project shows that the facility will be compatible with the overall character of the area.
The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site.	**Consistent.** Within the project site, a minimum 20-foot-wide perimeter access route would be constructed along the project site's fence line. All interior access routes would be a minimum of 20 feet in width. All roads within the site would consist of compacted native soil per Fire Department requirements. These project features have been incorporated into the project's visual analysis; refer to Section 3.1, Aesthetics.
The proposed commercial solar energy generation facility will not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or will be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).	**Consistent.** No element of the proposed project is expected to impact the feasibility of financing infrastructure development for the local area. Furthermore, pursuant to Development Code Section 84.29.040, the project is also required to pay public safety services impact fees to offset any increased need for possible services.
The proposed commercial solar energy generation facility will not adversely affect to a significant degree the availability of groundwater supplies for existing communities and existing and developing rural residential areas.	**Consistent.** The project will be using water from existing on-site wells. The project's demand for water is not expected to exceed the water allotted to the landowners who are part of the project. A Water Supply Assessment has been prepared that analyzes groundwater supplies for the project and other users and determines that the project will not adversely affect availability of groundwater supplies to a significant degree.
The proposed commercial energy generation facility will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.	**Consistent.** Minimal site grading is proposed for the majority of the site with finished topographical grades being similar to existing conditions, and less than five percent on average.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
The proposed commercial solar energy generation facility will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that: (a) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the project site and the location and capacity of the transmission grid, (b) new electrical generation tie lines will be co-located on existing power poles whenever possible, and (c) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.	**Consistent.** The project is designed to include use of existing transmission and access infrastructure in the area developed for the retired Coolwater Generating Station. The project will connect and deliver its output to two existing substations.
The proposed commercial solar energy generation facility will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.	**Consistent.** General vegetation mapping, identification of all observed plant and animal species, a habitat assessment for special-status species, and an assessment for potential federally regulated waters of the U.S. and state-regulated streambed have been conducted and a biological resources technical report for the project site has been prepared. The project site has habitat that has been mostly disturbed by previous industrial or agricultural activities. Any significant habitat for special status species can be avoided.
Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.	**Consistent.** The project includes measures to minimize the growth of invasive weeds during and following construction.
The proposed commercial solar energy generation facility will be located so as to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes.	**Consistent.** A cultural resources inventory of the proposed project site has been conducted. The project is designed to avoid impacts to significant cultural and historic resources.
The proposed commercial solar energy generation facility will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.	**Consistent.** The project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. The retention basins proposed to attenuate anticipated increases in on-site runoff volume are long, shallow strip basins placed at locations designed to allow for normalization discharged basin flows.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
The proposed commercial solar energy generation facility will not be located within a floodway designated by the Federal Emergency Management Agency (FEMA), has been evaluated for flood hazard impacts pursuant to Chapter 82.14 of the Development Code, and will not result in increased flood hazards to upstream or downstream properties.	**Consistent.** The applicable FEMA Flood Insurance Rate Maps for the project site are Map Numbers 06071C3975H, 06071C4000H, 06071C4600H, and 06071C4625H (effective date 8/28/2008). Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. The *Preliminary Hydrology Study & Flood Analysis* (2018a; see **Appendix I-1**) and the *Addendum to Preliminary Hydrology Study & Hydraulics Analysis* (2018b, see **Appendix I-2**) prepared by Joseph E. Bonadiman & Associates is included in this document. The Study and Analysis describes the site's hydrology and mitigation measures that will be implemented to minimize impacts.
All on-site solar panels, switches, inverters, transformers, and substations shall be located at least one foot above the base flood elevation as shown on the Flood Insurance Rate Maps.	**Consistent.** Based on the National Flood Hazard Map, the entire project site is within Zone D, which indicates flooding hazards for the site have not been determined. However, a hydrology report was prepared and mitigation measures that would be implemented by the Applicant would minimize impacts.
For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.	**Consistent.** The project site is located north of undeveloped alluvial fans of the Newberry Mountains, but the solar facility is sited to avoid potential channel migration zones and associated erosion impacts.
For proposed facilities located on prime agricultural soils or land designated by the California Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, where use of the land for agricultural purposes is feasible, the proposed commercial solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.	**Consistent.** According to data from the California Department of Conservation's Farmland Mapping and Monitoring Program, the Project site includes lands in the following Important Farmland categories: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. However, a Land Evaluation and Site Assessment (LESA) analysis was prepared, which indicates that the project would not result in a substantial loss of Farmland that would be of significant value to the County; refer to Section 3.2, Agriculture and Forestry Resources. Furthermore, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime. The project would not have an adverse effect on the agricultural viability of surrounding lands.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
If the proposed site is subject to a Williamson Act contract, the proposed commercial solar energy generation facility is consistent with the principals of compatibility set forth in California Government Code Section 51238.1.	**Consistent.** The project site is not subject to Williamson Act contracts.
The proposed commercial solar energy generation facility will not preclude access to significant mineral resources.	**Consistent.** The project site is not located in an area of known, significant mineral resources. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.
The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.	**Consistent.** The project would avoid any further modification of scenic natural formations.
The proposed commercial solar energy generation facility will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure.	**Consistent.** The project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance.
All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.	**Consistent.** The project will apply dust control measures in compliance with permit conditions and MDAQMD regulations.
For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility.	**Consistent.** The project will comply with required measures to mitigate wind-blown dust.
Any unpaved roads and access ways will be treated and maintained with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust, and paving requirements will be applied pursuant to Chapter 83.09 of the Development Code.	**Consistent.** See above.
On-site vehicle speed will be limited to 15 miles per hour.	**Consistent.** See above.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
For proposed commercial solar energy generation facilities within two (2) miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature along the main access roads to the park (Park Boulevard and Utah Trail), nor will it substantially impair views from hiking/nature trails, campgrounds, and backcountry camping areas within the National Park.	**Consistent.** The project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 70 miles to the southeast.
For proposed facilities within two (2) miles of the Mojave National Preserve boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Preserve.	**Consistent.** The project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 67 miles to the east.
For proposed facilities within two (2) miles of Death Valley National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Park.	**Consistent.** The project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 55 miles to the northeast.
For proposed facilities within two (2) miles of the boundaries of a County, state or federal agency designated wilderness area, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, the designated wilderness area.	**Consistent.** The project is located approximately 2 from the Newberry Mountains Wilderness Area. The panels are specially designed with anti-reflective coatings to absorb as much of the sun's energy as possible, to maximize efficiency. They reflect much less of the sun's energy than normal glass because the panels are intended to absorb, not reflect sunlight in order to convert it to electrical current. The panels are designed with an anti-reflective coating for solar energy conversion efficiency and the project would not be a substantial source of glare. Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic fixtures on local homes. A visual analysis was conducted and found that the project will not significantly impact views from the Newberry Mountains Wilderness Area; refer to Section 3.1, Aesthetics.

Table 3.10-3, continued

Goal/Objective/Policy	Consistency Analysis
For proposed facilities within two (2) miles of the boundaries of any active military base, the location, design, and operation of the proposed commercial solar energy facility will not substantially impair the mission of the facility.	**Consistent.** The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 7.5 miles to the northwest. Fort Irwin also conducts helicopter training at the Daggett Airport. Construction and/or operation of the project would not preclude military operations from occurring within the project area.
When located within a city's sphere of influence, in addition to other County requirements, the proposed commercial solar energy facility will also be consistent with relevant city zoning requirements that would be applied to similar facilities within the city.	**Consistent.** The project site is not located within the sphere of influence of a city. The City of Barstow sphere of influence is located approximately three miles west of the project site.
On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of commercial solar energy generation facility sites should energy production cease for a continuous period of 180 days and/or if the site is abandoned.	**Consistent.** Decommissioning of the site will occur in compliance with Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the project.

Agriculture/Farmlands

The project site is not subject to a Williamson Act contract (California Department of Conservation 2016a); therefore, no conflicts would occur in this regard. Portions of the site contain lands that are under active cultivation, as well as agricultural lands that are currently in a fallow state. The proposed project would result in the on-site conversion of land designated as Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance (Farmland), as shown on the California Department of Conservation's (2016b) San Bernardino County Important Farmland 2016 map, to nonagricultural use as portions of the project site are designated as such; refer also to **Exhibit 3.2-2, Farmland Map**, in Section 3.2, Agricultural and Forestry Resources.

Although the project would result in the loss of designated Farmland, such impacts are not considered to be significant as use of the site is not restricted by an agricultural contract and the site is not otherwise designated as preserve lands intended for the long-term protection of agricultural resources. Additionally, a Land Evaluation and Site Assessment (LESA) was prepared for the project (Tetra Tech 2018a; see **Appendix C**) which determined that, due to the character and quality of resources on-site, the project would not result in a substantial loss of Farmland that would be of significant value to the County.

For the above reasons, the project is not considered to conflict with an applicable land use plan, policy or regulation (e.g., Williamson Act or formal preserve dedication) adopted for the purpose

of avoiding or mitigating an environmental effect. Impacts are considered less than significant. Refer to Section 3.2, Agriculture and Forestry Resources, for additional discussion.

Airport Land Use Plans

The project area is in proximity to existing high voltage electrical infrastructure, existing energy generation facilities, and other industrial uses. These include the existing non-operating Coolwater Generating Station, a 626 MW natural gas-fired power plant, the 44 MW photovoltaic Sunray Solar Project, several high-voltage substations and transmission lines owned by SCE, the LADWP high-voltage transmission corridor of approximately 1,000 feet in width and Barstow-Daggett Airport. Therefore, structural elements similar to those proposed with the project are present in the surrounding setting and in proximity to ongoing operations at Barstow-Daggett Airport.

The Airport Comprehensive Land Use Plan (ACLUP) for Barstow-Daggett Airport was prepared to comply with state planning law and is the primary land use document for the airport (County of San Bernardino 1992 and FAA 2012). The project is being designed in conformance with ACLUP policies and with input received from Airport and Fort Irwin Training Center staff. Additionally, an Obstruction Evaluation and Airspace Analysis was prepared by Capital Airspace Group for the project to identify aviation safety data necessary to be incorporated into the final project design (Tetra Tech 2019; see **Appendix H-3**).

The ACLUP establishes land uses for the area in the vicinity of the airport. The plan area is divided into three Safety Areas, each of which reflects a particular level and type of hazard or risk within its borders. Portions of the project site is located within Safety Area 1 and Safety Area 3, although Safety Area 1 represents a relatively small portion of the overall project site. In general, land uses in Safety Review Area 3 are typically compatible with the airport's activities, while development in Safety Area 1 is more restrictive and prohibitive.

Safety Area 1 is designated as both a runway object-free area (OFA) and a runway protection zone (RPZ). The project portion within Safety Area 1 is located within the RPZ, while no project features are located in the OFA. The intention of the RPZ is to identify and preserve an area off each runway end that has significant potential for aircraft crashes during takeoffs and landings. Therefore, development in the RPZ is either prohibited or restricted based on FAA requirements.

Development, and associated design features, that might create glare, produce misleading lights, or lead to the construction of residences, fuel handling and storage facilities, smoke generating activities, and places of public assembly are prohibited in the RPZ. Furthermore, according to current FAA guidance, solar panels are prohibited within runway protection zones (RPZs). Therefore, impacts are potentially significant.

The applicant will be required to obtain a Determination of No Hazard from the Federal Aviation Administration (FAA) prior to issuance of building and grading permits from the County. Development of the project in the RPZ would be in accordance with guidance for Safety Review Areas, and in consultation with the FAA and Airport Land Use Commission (ALUC). FAA review and issuance of a Determination of No Hazard will require the project applicant would incorporate final design modifications and safety features (e.g., maximum height, clearance requirements) in accordance with the Obstruction Evaluation. In addition, project facilities including solar panels, fences and transmission line poles within the RPZ or Safety Area 1 would be reviewed by the FAA for compatibility with airport operations. If the FAA finds that development within the Safety Areas does not pose a hazard to airport activities based on height, glare, proximity to runways, and other air navigation safety factors, the FAA may issue a Determination of No Hazard, which gives the applicant approval to proceed with the project as designed. If the FAA finds that the structures within the RPZ do not comply with FAA requirements, the FAA may require project alterations, such as removing solar panels from the RPZ or undergrounding utilities, before a Determination of No Hazard is granted to the applicant. Potential impacts to airport operations and public safety would be minimized to a less than significant level with implementation of mitigation measure **HM-2** because the mitigation measure requires the applicant to provide the County with a Determination of No Hazard from the FAA prior to issuance of building or grading permits.

Mitigation Measures: The mitigation measure for Impact 3.10-2 is the same as mitigation measure **HM-2** which was previously described under Impact 3.8-5. Mitigation measure **HM-2** is repeated in this section for the reader's convenience.

HM-2 Prior to issuance of building and grading permits, the Applicant shall provide to the County a Determination of No Hazard issued by the Federal Aviation Association (FAA).

Level of Significance: Less than significant with mitigation.

HABITAT CONSERVATION PLAN

Impact 3.10-3	**The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.**

Currently, there is not a regional multiple species habitat conservation program in place in San Bernardino County. As discussed in the discussion for Impact 3.4-6 in Section 3.4, Biological Resources, the proposed project would not conflict with any applicable habitat conservation plans or natural community conservation plans.

The project site is not located within 2 miles of Joshua Tree National Park, Mojave National Preserve, Death Valley National Park, or any wilderness area designated by a county, state, or federal agency. The northern boundary of the Bureau of Land Management's (BLM) Newberry Mountain Wilderness is approximately 1.2 miles south of the project site; the Mojave National Preserve is over 70 miles from the nearest project site boundary.

Additional areas under varying levels of conservation management within the project vicinity include the 11 Desert Region areas designated by the BLM as Areas of Critical Environmental Concern and Special Areas, as well as the Big Morongo Canyon Preserve recognized by The Nature Conservancy. Although these conservation and preservation planning areas are co-located in the Desert Region of San Bernardino County with the project site, the project would not impact these areas.

Of these conservation planning areas, Johnson Valley and Soggy Dry Lake are the closest to the project site, approximately 29 miles and 27 miles away, respectively. The project would not impact these or any of the other conservation and preservation planning areas in the Desert Region.

The West Mojave Plan is a habitat conservation plan and federal land use plan amendment implemented on BLM-administered public lands. The project lies within the boundaries of the West Mojave Plan planning area. A Record of Decision was signed in 2006 implementing Alternative B of this plan, which applies only to BLM-administered public lands. The proposed project occurs on private land and therefore is not subject to the West Mojave Plan.

The Desert Renewable Energy Conservation Plan (DRECP) has been developed for the Mojave and Colorado deserts that would, when complete, provide long-term endangered species permit assurances and facilitate renewable energy project review and approval processes. The DRECP is being implemented using a phased approach starting with the BLM component (Phase I) that designates development focus areas, conservation areas, and recreation areas on public lands. The project site is identified as a development focus area in the DRECP; however, the proposed project would occur on private land and is therefore not currently subject to the DRECP.

The project site is not currently located within an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan that would require project conformance, and no take of critical habitat would occur with project implementation. Therefore, the project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. No impact would occur in this regard.

Mitigation Measures: None required.

Level of Significance: No impact.

CUMULATIVE IMPACTS

Impact 3.10-4	**The project would not result in cumulative impacts related to land use and planning. Impacts would be less than significant.**

Cumulative land use and planning impacts may occur when project-specific impacts evaluated in an EIR are combined with the effects of other projects which, when examined individually, may not be considered to be significant. Projects depicted in **Table 3.0-1, Cumulative Projects**, were included in review of the potential for significant cumulative land use impacts. The inclusion of all projects in **Table 3.0-1** was based on the location of these projects in the general site vicinity and the possibility that these projects, in combination with the proposed project, may conflict with their respective land use plans and policies.

As discussed above, the proposed project would not physically divide an established community; would not conflict with the goals and objectives of the County General Plan; and would not conflict with any applicable habitat conservation plan or natural community conservation plan. Similarly, it is not anticipated that any of the cumulative projects identified in **Table 3.0-1** would result in land use conflicts. If incompatibilities or land use conflicts are identified for any of the cumulative projects, like the proposed project, the County would require mitigation to avoid or minimize this type of land use impact. Therefore, no cumulatively considerable land use and planning impacts would occur and accordingly the proposed project would not contribute considerably to a significant cumulative impact.

Mitigation Measures: None required.

Level of Significance: Less than significant.