LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: October 21, 2021 **AGENDA ITEM #3**

Project Description

Applicant:	Land Use Services Department
Community:	Countywide
Location:	Countywide
Project No:	PMISC-2020-00005
Staff:	Karen Watkins, Planning Manager
Proposal: An ordinance to amend various sections of Divisions 2, 3, 4, 5, and 10 of Title 8 of the San Bernardino County Code, related to renewable energy land uses, regulations and the implementation of goals and policies of the Renewable Energy and Conservation Element.	

Newspaper Publication Date: October 10, 2021 Report Prepared By: Karen Watkins

PROJECT DESCRIPTION

The proposal is an ordinance amending Title 8 of the San Bernardino County Development Code (Development Code) related to renewable energy land uses, regulations and the implementation of the goals and policies of the Renewable Energy and Conservation Element (Project or Development Code Amendment). The Development Code Amendment is intended primarily to revise regulations for Renewable Energy Facilities in Chapter 84.29, but also requires updates to various additional sections in Divisions 2, 3, 4, 5, and 10 of the Development Code related to renewable energy. The proposed Development Code Amendment codifies the goals and policies in the adopted Renewable Energy and Conservation Element, combine most renewable energy related code sections together, and establishes the categorical framework presented in the Renewable Energy and Conservation Element in the Development Code.

The Development Code Amendment includes text revisions related to renewable energy regulations to the following:

- Division 2: Tables 82-4, 82-7, 82-11, and 82-17, related to allowed land use and permit requirements; Section 82.02.040, related to exemptions for planning permit requirements; and Chapter 82.17, related to mineral resources overlay;
- Division 3: Sections 83.02.010 and 83.02.040, related to general development and use standards including height measurement and height limits; exceptions;

- Division 4: Chapter 84.26, related to wind energy systems – accessory regulations; and Chapter 84.29, related renewable energy facilities regulations;
- Division 5: Table 85-1, related to review authority; Sections 85.03.080 and 85.03.120, related to notice of pending land use decisions and expiration of inactive applications; and
- Division 10: Various sections related to definitions.

BACKGROUND

The Renewable Energy and Conservation Element (REC Element) is an optional element of the Countywide Policy Plan and defines County goals and policies related to renewable energy use, development and energy conservation, including goals and policies governing siting and development of renewable energy generation projects. The next step in the implementation of the REC Element is to codify the appropriate goals and policies and clarify where renewable energy development is allowed and prohibited, and establish application requirements and development standards for renewable energy facilities. The proposed Development Code Amendment is consistent with the adopted goals and policies of the REC Element.

History of the Renewable Energy and Conservation Element

The REC Element was first presented to the Planning Commission on November 3, 2016. The staff report for that Planning Commission hearing contains a detailed report of the planning process and public outreach conducted with grant funds from the California Energy Commission to prepare the REC Element, as well as a detailed outline of the REC Element contents. This previous report to the Planning Commission is available on the County web site at: http://www.sbcounty.gov/uploads/lus/pc/RECELEMENTLEMENTSTAFFREPORT1.pdf

The REC Element was adopted by the Board of Supervisors (Board) on August 8, 2017 (Agenda Item 51). One policy recommended in the Draft REC Element (Policy 4.10) proposed areas where development of commercial renewable energy projects would not be permitted. Because prohibiting renewable energy development as proposed in Policy 4.10 lacked consensus among the various stakeholders, the Board omitted Policy 4.10 from the adopted REC Element and directed staff to review the proposed policy with the Planning Commission for a final recommendation. The Planning Commission reviewed Policy 4.10 and other various changes to the REC Element on May 24, 2019 and recommended a modified Policy 4.10. The Board adopted the amendment to the REC Element on February 28, 2019 (Agenda Item 1). The REC Element adopted by the Board on February 28, 2019 is also posted at: REC Element.pdf (sbcounty.gov). On October 27, 2020, the Board adopted the Countywide Plan. The Countywide Plan includes a Policy Plan, which serves as a comprehensive updated to the County's general plan. The Policy Plan adopts and incorporates the REC Element into the updated general plan as previously adopted.

Issues of Concern and Controversy During REC Element Process

The REC Element encourages energy conservation and technology innovation and the use of community-oriented renewable energy (CORE). All of these topics and the related REC Element goals and policies have been well-received by the public. The issues of controversy about renewable energy in San Bernardino County are centered on the impacts and conflicts that arise from development of large utility-oriented solar energy projects near communities in the desert. These include environmental impacts and land use compatibility conflicts related to site selection and project design. These issues of concern and controversy are addressed in Chapters 4 and 5 of the REC Element.

Other Requirements on Utility-Oriented Renewable Energy

The REC Element is a General Plan element that provides policy direction regarding renewable energy use and development and energy conservation. The REC Element is not the only source of requirements to be considered in the development of renewable energy facilities.

- Code Compliance: The Development Code, Chapter 84.29 Renewable Energy Facilities, contains development standards and application procedures for Renewable Energy (RE) project development. These Development Code amendments update the code to implement REC Element goals and policies. One of the existing requirements for RE projects is that, in addition to the approval of the permits for project development, a Special Use Permit is required to fund and schedule code compliance reviews.

- Project Review Procedures: Land Use Services reviews and places requirements on utility-oriented renewable energy projects following the model of our procedures for approval of mining and land reclamation. There are many parallels since both land uses (mining and RE facilities) are long-term but have defined end-dates and reclamation or decommissioning requirements. In both instances, financial assurances are required to guarantee completion of the plan to restore the site to a stable condition suitable for another approved use. Both uses often require disturbance of desert soils, requiring significant efforts to control dust and to stabilize the soil upon removal of the interim use. The project review team involved in mining and reclamation also reviews RE project dust management plans and decommissioning plans.

- Environmental Analysis: Every discretionary project will be reviewed pursuant to the environmental review requirements of the California Environmental Quality Act (CEQA). These requirements are in state law, and do not have to be duplicated in County policies of the REC Element.

ANALYSIS OF PROPOSAL

Content of the Proposal: The Development Code Amendment is intended primarily to revise regulations for RE Facilities in Chapter 84.29 of the Development Code, titled "Renewable Energy Generation Facilities", but also requires updates to various additional sections in Divisions 2, 3, 4, 5, and 10 of the Development Code summarized in a table in **Exhibit A**. The Development Code Amendment also codifies goals and policies in the REC Element, clarifies where renewable energy development is allowed and prohibited, and sets development standards for the different categories of RE facilities.

Table 1 is from the adopted REC Element and identifies the categories and types of RE facilities. Renewable energy storage facilities were not included in the adopted table, however the goals and policies included storage technologies, therefore the amendments include reference to renewable energy storage facilities:

RE Policy 2.2: Promote use of energy storage technologies that are appropriate for the character of the proposed location.

- 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 2.2.3: Establish thresholds for conditions under which energy storage facilities are a primary use and subject to separate permit processes.
- RE 2.2.4: Periodically review and encourage appropriate technology types for energy storage facilities.
- RE 2.2.5: Support state policies and efforts by utility companies to plan for and develop energy storage technologies through legislative advocacy and coordination with utility companies.

RE Policy 2.3: Encourage the use of feasible emerging and experimental renewable energy technologies that are compatible with County regulatory standards.

- RE 2.3.1: Monitor emerging renewable energy technologies and amend County development standards as needed to accommodate suitable new technology types.
- RE 2.3.2: Monitor improvements in existing renewable energy technologies, and consider allowing additional types of renewable energy facilities as they become compatible with County regulatory standards

RE Policy 3.3: Promote an adaptive distributed energy infrastructure that sustains local communities and improves resiliency to grid failures and increasing energy prices.

- RE 3.3.1: Support research, planning and investment in accessory and community-oriented energy generation, distribution, and storage infrastructure by adapting regulatory tools to respond to rapidly evolving RE technologies.
- RE 3.3.2: Encourage new institutional campuses and large residential/commercial developments to include microgrids with onsite renewable energy generation and energy storage systems

TABLE 1: Renewable Energy Categories	**Community-Oriented**				**Utility-Oriented***
	Accessory (For On-Site Use)		**Neighborhood**	**Community**	
Key Traits	**Rooftop**	**Ground-Mounted Accessory**			
Typical Use	Accessory structure in support of on-site consumption	Accessory structure in support of on-site consumption	Provides electricity primarily for adjacent use	Provides electricity primarily for a local area	Supplies electricity to the transmission grid
Preferred Technology Types	Solar PV systems Small Wind energy systems	Solar PV and water heater energy systems Wind energy systems Storage	Solar PV energy systems Geothermal Storage	Solar PV energy systems Bioenergy Geothermal Storage	Solar PV energy systems Bioenergy Storage
Permit Type	Building Permit or Wind Energy System Permit > 35 ft. high		Minor Use Permit	Conditional Use Permit	Conditional Use Permit
Approval	Staff	Staff	Zoning Administrator	Planning Commission	Planning Commission

*Limited sites for utility-oriented development are specified in the Development Code

The following are key points in understanding the proposed Development Code Amendment:

- Two main categories of renewable energy facilities: Community-Oriented Renewable Energy (CORE) and Utility-Oriented.

  Community-Oriented Renewable Energy (CORE) *is energy generated for consumption by local end-users. This includes roof-top or on-site, or even shared energy generation that is mainly used locally. If more than 50% of output is sold into the energy grid, it is not CORE.*

Utility-Oriented Renewable Energy *is defined as energy generated primarily (more than 50% of output) for use outside the local area, by connection to the energy grid.*

- Community-Oriented is divided into two main categories and subcategories: (1) Accessory (rooftop and ground-mounted); and (2) Primary (Neighborhood and Community).
- Utility-Oriented is a Primary use.
- The proposed regulations are based around the Accessory and Primary subcategories and the preferred technology types (solar photovoltaic, water heater energy systems, wind energy systems, geothermal and bioenergy, and storage).

The following is the overarching framework used in preparing proposed Development Code Amendment:

- Twenty-two chapters and sections include renewable energy facilities and/or projects. Four of these chapters have no proposed amendments.
- All renewable energy standards have been brought together into Chapter 84.29.
- Chapter 84.29 is proposed to be repealed and replaced with minor amendments to the other chapters and sections.

Exhibit A is a table listing the chapters, sections and summary of the code amendments. The Redline Development Code Amendments that will serve as the proposed ordinance are included in **Exhibit B**.

ENVIRONMENTAL DETERMINATION

The proposed Development Code Amendment is within the scope of the previously adopted CEQA Addendum utilized for the adoption of the REC Element. In conformance with CEQA, the REC Element was adopted concurrently with an Addendum to the Program Environmental Impact Report for the San Bernardino County General Plan Update (2007), including the Supplemental Environmental Impact Report for the Greenhouse Gas Reduction Plan (2011)(SCH NO. 2005101038). The Addendum (Exhibit C) documents compliance with CEQA and provides the evidentiary supporting for the conclusion that no additional environmental analysis is required to adopt the REC Element , because none of the conditions specified in Section 15162 of the State CEQA Guidelines applied to adoption of the REC Element. The same conclusion applies for the current proposal to amend the Development Code to provide consistency with the REC Element. The Addendum specifically analyzed and defined the CEQA “Project” as the adoption of the REC Element and the future rules and implementation strategies to be codified in the proposed Development Code amendments. In adopting the Countywide Plan, the Board concluded that the REC Element is internally consistent with the Policy Plan. Since adoption of the Addendum for the REC Element, none of the conditions specified in Section 15162 of the State CEQA Guidelines applied to adoption of the

Development Code Amendment. Therefore, staff recommends reliance on the previously adopted Addendum to comply with CEQA, as noted in the recommended Findings.

FINDINGS

The following findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendments:

1. The proposed amendment is consistent with the Policy Plan. The proposed amendment is specifically intended to implement and codify the core values, goals and policies of the Renewable Energy and Conservation Element.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the County, but in fact protects the public interest by encouraging the reduction of greenhouse gas emissions with renewable energy. The public interest, convenience and welfare are also served by the requirements to protect the quality of life in existing communities contained in the proposed amendment for utility-oriented renewable energy facilities.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code and enhances the usefulness and understanding of the code by combining renewable energy related code sections together into a single chapter. The proposed amendment also amplifies the Renewable Energy and Conservation Element's goals and policies into codified regulations for renewable energy facilities in order to enhance the relationship between the goals and policies of the Renewable Energy and Conservation Element and the Development Code.

4. For the reasons stated in the Addendum, the County finds and determines that adoption and implementation of the proposed amendment will not have a significant impact on the environment (either by creating new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the previous California Environmental Quality Act (CEQA) documents, the Program Environmental Impact Report, the Greenhouse Gas Plan Supplemental EIR, collectively, the "EIR Documents" SCH 2005101038). The analysis included in the Addendum to the EIR Documents demonstrates that no further CEQA review is required and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the Guidelines, including Public Resources Code Section 21166 and Guidelines Sections 15162 and 15163, are present. In making this finding, the County has considered the Addendum along with the EIR Documents and finds that the Addendum reflects the independent judgment and analysis of the County.

PUBLIC COMMENTS

Written public comments received on the subject of the REC Element subsequent to the 2017 adoption of the REC Element were compiled for the Board on February 28, 2019 is also posted at: http://media.legistar.com/SanBernardino/278032.html .

RECOMMENDATION

That the Planning Commission take the following actions:

(1) **DIRECT** staff to prepare an ordinance amending various sections in Divisions 2, 3, 4, 5, and 10 of Title 8 of the San Bernardino County Code as illustrated in Exhibit B as redline changes to the existing Development Code text (the Ordinance).

(2) **RECOMMEND** that the Board of Supervisors take the following action:

A. **ADOPT** the Addendum to the Program Environmental Impact Report and Supplemental Environmental Impact Report (SCH No. 2005101038).

B. **ADOPT** the findings as contained in the staff report.

C. **ADOPT** the proposed Ordinance amending various sections in Divisions 2, 3, 4, 5, and 10 of Title 8 of the San Bernardino County Code, related to renewable energy land uses, regulations and the implementation of goals and policies of the Renewable Energy and Conservation Element.

D. **DIRECT** the Clerk of the Board to file a Notice of Determination.

ATTACHMENTS

Exhibit A: Summary Table of Code Amendments
Exhibit B: Redline Changes to Existing Development Code Text (Ordinance)
Exhibit C: Current Chapter 84.29
Exhibit D: Renewable Energy & Conservation Element General Plan Amendment – CEQA Addendum
Exhibit E: http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FinalEIR2007.pdf
http://www.sbcounty.gov/Uploads/lus/Countywide/GreenhouseGas/Full-Vol-1.pdf
http://www.sbcounty.gov/Uploads/lus/Countywide/GreenhouseGas/Full-Vol-2.pdf

EXHIBIT A

Summary Table of Code Amendments

Exhibit A:
Summary Table of Code Amendments

The following code chapters and sections are related to renewable energy. The proposed code amendments are summarized and only those chapters and sections with proposed amendments are included the redlines located in **EXHIBIT B**.

CHAPTER	SECTION	AMENDMENTS
TITLE 8: DEVELOPMENT CODE – Division 2: Land Use Zoning Districts and Allowed Land Uses		
Chapter 82.02: Allowed Land Uses and Development	82.02.040 Exemptions from Planning Permit Requirements	Section (b)(6) relates to Solar Collectors as accessory to residential uses. Added storage batteries to the section.
Chapter 82.03: Agricultural and Resource Management Land Use Zoning Districts	82.03.040 Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements	Added RE Facilities Section to Table 82-4. Removed current "Renewable Energy Generation Facilities" and "Wind energy system, accessory" rows. Added Note (9) regarding prohibition of utility-oriented re development.
Chapter 82.04: Residential Land Use Zoning Districts	82.04.040 Residential Land Use Zoning District Allowed Uses and Permit Requirements	Added RE Facilities Section to Table 82-7. Removed current "Renewable Energy Generation Facilities" and "Wind energy system, accessory" rows.
Chapter 82.05: Commercial Land Use Zoning Districts	82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements	Added RE Facilities Section to Table 82-11. Removed current "Renewable Energy Generation Facilities" and "Wind energy system, accessory" rows.
Chapter 82.06: Industrial and Special Purpose Land Use Zoning Districts	82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements	Added RE Facilities Section to Table 82-17. Removed current "Renewable Energy Generation Facilities" and "Wind energy system, accessory" rows. Added Note (16) regarding prohibition of utility-oriented RE development.
Chapter 82.17: Mineral Resources (MR) Overlay		82.17.010 Purpose - Added Subsection (b)(5) encouraging RE facilities as temporary or accessory uses to mining. 82.17.040 Development Standards - Added to subsection (a) regarding interim and accessory use of RE facilities. Added subsections (e)(2) and (e)(3) relating to interim and accessory RE facilities.
TITLE 8: DEVELOPMENT CODE – Division 3: Countywide Development Standards		
Chapter 83.02: General Development and Use Standards	83.02.040 Height Measurement and Height Limit Exceptions	(c)(2)(Q) revised "noncommercial windmills" to "accessory wind energy systems". This is the only use of the term windmills in the code and it is not defined. Changed reference to Chapter 84.26 to Section 84.29.060 (Accessory Wind Energy Development Standards).

<table>
<tr><td colspan="3">TITLE 8: DEVELOPMENT CODE – Division 4: Standards for Specific Land Uses and Activities</td></tr>
<tr><td>Chapter 84.26: Wind Energy Systems - Accessory</td><td></td><td>RESERVED. Information moved to 84.29.030 so all RE Development Standards are in one Chapter.</td></tr>
<tr><td>Chapter 84.29: Renewable Energy <s>Generation</s> Facilities</td><td></td><td>Chapter 84.29 Renewable Energy Generation Facilities is proposed to be repealed and replaced with Chapter 84.29 Renewable Energy Facilities.</td></tr>
<tr><td colspan="3">TITLE 8: DEVELOPMENT CODE – Division 5: Permit Application and Review Procedures</td></tr>
<tr><td>Chapter 85.01: Permit Application Filing and Processing</td><td>85.01.030 Authority for Land Use and Zoning Decisions, Table 85-1 Review Authority</td><td>Added row for Renewable Energy Generation Facilities.
Added Footnote:
(11) Review authority, approval and appeal body depends on the category of renewable energy generation. See Table 84.1 of Section 84.29.030.
<table><tr><td>Renewable Energy Facilities</td><td>Ch. 84.29</td><td>(11)</td><td>(11)</td><td>(11)</td></tr></table></td></tr>
<tr><td rowspan="2">Chapter 85.03: Application Procedures</td><td>85.03.080 Notice of Pending Land Use Decisions</td><td>Yes, added (E) to (a)(1) and Note (2) to Table 85-2 for Primary categories.</td></tr>
<tr><td>85.03.120 Expiration of Inactive Applications</td><td>Correcting an error in (b) that says, “deemed <s>expired</s> abandoned if the Director determines”.</td></tr>
<tr><td rowspan="2">Chapter 85.14: Special Use Permits</td><td>Table 85-3</td><td>Added RE Facilities Primary to table.</td></tr>
<tr><td>85.14.060 Findings for Specific Special Uses</td><td>Moved 84.29.040(d) & (e) to 85.14.060(b) and added additional information on compliance.</td></tr>
<tr><td colspan="3">TITLE 8: DEVELOPMENT CODE – Division 10: Land Use Zoning Districts and Allowed Land Uses</td></tr>
<tr><td>Chapter 810.01: Definitions</td><td></td><td>Numerous additions, deletions and edits for renewable energy-related terms.</td></tr>
</table>

EXHIBIT B

Redline Changes to Existing Development Code Text (Ordinance)

Exhibit B:
Redlines Development Code Amendments

§ 82.03.040 Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-3 identifies the uses of land allowed by this Development Code in each agricultural and resource land use zoning district established by Chapter 82.01 (Land Use Plan and Land Use Zoning Districts, and Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-4 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires a Site Plan Permit, Conditional Use Permit, Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-4

Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
Land Use ***See Division 10 (Definitions) for land use definitions***	***Permit Required by District***				***Specific Use Regulations***
	RC	***AG***	***FW***	***OS***	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P(1)	P(1)	P(1)	P(1)	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
Recreation, Education & Public Assembly					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP(2)				
Rural sports and recreation	CUP	CUP	—	—	

School - College or university	CUP	CUP	—	—	
School - Private	CUP	CUP	—	—	
School - Specialized education/training	CUP	CUP	—	—	
Renewable Energy Facilities (see Specific Use Regulations for all in 84.29)					
Accessory (on-site use): roof top, ground mounted, wind under 35', and energy storage	A	A	A	A	84.29
Accessory (on-site use): wind over 35'	S	S	S	S	84.29 and 85.18
Community-Oriented: Neighborhood	MUP	MUP	MUP	—	84.29
Community-Oriented: Community	CUP	CUP	CUP	—	84.29
Energy Storage: Stand-Alone	CUP (9)	CUP (9)	CUP (9)	—	84.29
Utility-Oriented	CUP (9)	—	—	==	84.29
Residential[8]					
Accessory use or structure - Residential	A[3]	A[3]	—	—	84.01
Accessory dwelling (labor quarters, etc.)	P[4]	P[4]	—	—	84.01
Guest housing	A[3]	A[3]	—	—	84.01
Accessory dwelling unit	A[5]	A[5]	—	—	84.01
Single dwelling	A	A	—	—	
Retail					
Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A[6]	A	—	—	84.03
Services - Business & Professional					
Medical services - Hospital	M/C	M/C	—	—	
Medical services - Rehabilitation centers	M/C	M/C	—	—	
Office - Accessory	P	P	—	—	
Office - Government	M/C	M/C	—	—	
Services - General					
Cemetery including pet cemeteries	CUP	CUP	—	—	
Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
Emergency Shelter	—	CUP	—	—	84.33
Home Occupation	SUP	SUP	—	—	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
Public safety facility	M/C	M/C	—	—	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	
Transportation, Communications & Infrastructure					
Broadcasting antennae and towers	M/C	M/C	—	—	
Electrical power generation	CUP	CUP	—	—	

Pipelines, transmission lines, and control stations[7]	[7]	[7]	[7]	[7]	
~~Renewable Energy Generation Facilities~~	~~CUP~~	~~CUP~~	~~CUP~~	~~—~~	
Sewage treatment and disposal facility	CUP	CUP	—	—	
Solid waste disposal	CUP	CUP	—	—	
Transportation facility	CUP	CUP	—	—	
Utility facility	CUP	CUP	CUP	—	
~~Wind energy system, accessory~~	~~S~~	~~S~~	~~S~~	~~—~~	~~84.26~~
Wireless telecommunications facility	S	S	S	—	84.27
Other					
Accessory structures and uses	A	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	TSP	85.16
Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:
(1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
(3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(4) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
(5) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short- term rental in the Mountain Region.

(6) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
(7) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050 (Alternate Review Procedures).
(8) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.
(9) Utility-oriented renewable energy development and utility-oriented stand-alone storage are prohibited within the boundaries of existing community planning areas: Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinon Hills Community Plans.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4230, passed - -2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 82.04.040 Residential Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-7 identifies the uses of land allowed by this Development Code in each residential land use zoning district established by Chapter 82.01 (Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-7 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-7

Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts

Land Use **See Division 10 (Definitions) for land use definitions**	**Permit Required by District**			**Specific Use Regulations**
	RL[1]	**RS**	**RM**	
Agricultural, Resource & Open Space Uses				
Accessory crop production	A[2]	A[2]	A[2]	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03

Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
Industry, Manufacturing & Processing, Wholesaling				
Composting operations	CUP	—	—	
Recycling facilities - reverse vending machine, accessory	S	—	—	84.19
Recreation, Education & Public Assembly Uses				
Agritourism enterprises	S	—	—	84.03
Campgrounds[3]	CUP	—	—	
Commercial entertainment - Indoor[3]	CUP	—	—	
Conference/convention facility[3]	CUP	—	—	
Equestrian facility[3]	M/C	S[4]	—	
Golf course[3]	CUP	—	—	
Library, museum, art gallery, outdoor exhibit[3]	M/C	M/C	M/C	
Meeting facility, public or private[3]	CUP	CUP	CUP	
Park, playground[3]	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation[3]	M/C	—	—	
School - College or university	CUP	CUP	—	
School - Private	CUP	CUP	—	
School - Specialized education/training	CUP	—	—	
Sports or entertainment assembly[3]	CUP	—	—	
Renewable Energy Facilities (see Specific Use Regulations for all in 84.29)				
Accessory (on-site use): roof top, ground mounted, wind under 35', and energy storage	A	A	A	84.29
Accessory (on-site use): wind over 35'	S	S	S	84.29 and 85.18
Community-Oriented: Neighborhood	MUP	MUP	MUP	84.29
Community-Oriented: Community	CUP	CUP	CUP	84.29
Energy Storage: Stand-Alone	—	—	—	84.29
Utility-Oriented	—	—	—	84.29
Residential[11]				

Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C[5]	M/C	M/C	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Accessory dwelling unit	A[6]	A[6]	A[6]	84.01
Single dwelling	A	A	PD[7]	
Retail				
Produce stand	A[8]	A[8]	A[8]	
Services - General				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP[9]	SUP[9]	SUP[9]	84.05
Public safety facility	M/C	M/C	M/C	

Short-Term Residential Rentals	SUP	SUP	SUP	84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
Transportation, Communications & Infrastructure				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations[(10)]	(10)	(10)	(10)	
~~Renewable Energy Generation Facilities~~	~~CUP~~	~~—~~	~~—~~	~~84.29~~
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
~~Wind energy accessory~~	~~S~~	~~S~~	~~S~~	~~84.26~~
Wireless telecommunications facility	S	S	S	84.27
Other				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)

CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:
(1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [§ 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [§ 84.03.030(b)(5)].
(2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
(3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in § 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
(4) A boarding facility only with a Home Occupation Permit.
(5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.
(6) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.
(7) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.
(8) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.
(9) A CUP shall be required for three or more rooms.
(10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
(11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010; Am. Ord. 4162, passed - -2012; Am. Ord. 4230, passed - -2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4304, passed - -2016; Ord. 4331, passed - -2017; Am. Ord. 4341, passed - -2018)

§ 82.05.040 Commercial Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-11 identifies the uses of land allowed by this Development Code in each commercial land use zoning district established by Chapter 82.01(Land Use Plan, and Land Use Zoning Districts, and Overlays), in compliance with § 82.01.020 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-11 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Land Use Review, or Conditional Use Permit or Minor Use Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-11

Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts

Land Use **See Division 10 (Definitions) for land use definitions**	**Permit Required by District**						**Specific Use Regulations**
	CR	**CN**	**CO**	**CG**	**CS**	**CH**	
Agricultural, Resource & Open Space Uses							
Agriculture support services	P[2]	—	—	P[1, 2]	P[2]	—	
Industry, Manufacturing & Processing, Wholesaling							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P[2]	—	—	—	P[2]	—	84.09
Manufacturing Operations I	M/C[3]	—	—	—	P[2]	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C[4]	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P[2]	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C[4]	—	—	P[1,2]	P[2]	—	
Recreation, Education & Public Assembly							
Adult business	—	—	—	ABP	—	—	84.02
Commercial entertainment - Indoor	P[2]	P[2]	—	P[2]	P[2]	P[2]	
Commercial entertainment - Outdoor	P[2]	—	—	P[2]	P[2]	P[2]	
Conference/convention facility[4, 5]	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility[5]	P[2]	P[2]	—	P[2]	P[2]	P[2]	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit[5]	M/C	—	—	M/C	M/C	M/C	

Meeting facility, public or private[5]	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university[5]	M/C	—	M/C	M/C	M/C	M/C	
School - Private[5]	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training[5]	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater[5]	M/C	—	—	M/C	M/C	M/C	
Renewable Energy Facilities (see Specific Use Regulations in 84.29)							
Accessory (on-site use): roof top, ground mounted, wind under 35', and energy storage	A	A	A	A	A	A	84.29
Accessory (on-site use): wind over 35'	S	S	S	S	S	S	84.29 and 85.18
Community-Oriented: Neighborhood	MUP	MUP	MUP	MUP	—	—	84.29
Community-Oriented: Community	CUP	—	—	CUP	—	—	84.29
Energy Storage: Stand-Alone	—	—	—	—	—	—	84.29
Utility-Oriented	—	—	—	—	—	—	84.29
Residential[10]							
Accessory dwelling (caretakers residence, etc.)	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P[6, 7]	P[6, 7]	P[6, 7]	P[6, 7]	P[6, 7]	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	P[7]	—	—	—	—	—	84.01
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Accessory dwelling unit	A	—	—	—	—	—	84.01
Single dwelling	A	—	—	—	—	—	

Retail							
Auto and vehicle sales and rental	P[2]	—	—	P[2]	P[2]	—	
Bar, tavern	P[2]	M/C	—	P[2]	P[2]	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P[2]	P[2]	—	
Groceries, specialty foods	M/C	M/C	—	P[2]	P[2]	—	
Manufactured home, boat, or RV sales	P[2]	—	—	M/C	M/C	—	
Night club	P[2]	M/C	—	M/C	P[2]	—	
Restaurant, café, coffee shop	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	P[2]	—	—	P[2]	P[2]	—	
Services - Business, Financial, Professional							
Medical services - Hospital	—	—	CUP[5]	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	
Professional services	P[2]	P[2]	P	P[2]	P[2]	—	
Services - General							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Convenience and support services	P[2]	P[2]	—	P[2]	P[2]	P[2]	
Emergency shelter	CUP	CUP	CUP	A	A	CUP	84.33
Equipment rental	P[2]	—	—	P[2]	P[2]	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot	M/C/S	—	—	—	M/C/S	—	84.04

area							
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P[(2)]	—	—	P[(2,8)]	P[(2,8)]	P[(2)]	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P[(2)]	P[(2)]	—	P[(2)]	P[(2)]	P[(2)]	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P[(2)]	—	—	P[(2)]	P[(2)]	P[(2)]	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
Transportation, Communications & Infrastructure							
Ambulance, taxi, or limousine dispatch facility	P[(2)]	—	—	—	P[(2)]	P[(2)]	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P[(2)]	—	—	P[(2)]	P[(2)]	—	
Parking lots and structures, accessory	P[(6)]	P[(6)]	P[(6)]	P[(6)]	P[(6)]	P[(6)]	
Pipelines, transmission lines, and control stations[(9)]	(9)	(9)	(9)	(9)	(9)	(9)	
~~Renewable Energy Generation Facilities~~	~~CUP~~	~~CUP~~	~~CUP~~	~~CUP~~	~~CUP~~	~~CUP~~	~~84.29~~
Sewage treatment and disposal facility	CUP	—	—	—	—	CUP	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
Truck Terminal	—	—	—	—	M/C	—	
Utility facility	CUP	—	—	—	CUP	—	
~~Wind energy system, accessory~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~84.26~~
Wireless telecommunications facility	S	S	S	S	S	S	84.27
Other							
Accessory structures and uses	P	P	P	P	P	P	84.01
Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:
(1) Not allowed in the Phelan planning area.
(2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
(3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
(4) The use is allowed in Lucerne Valley with a MUP.
(5) A MUP shall not be allowed if the use requires more than 200 parking spaces.
(6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
(7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
(8) A CUP shall be required for this use in the Phelan planning area.
(9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.
(10) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4085, passed - -2009; Am. Ord. 4098, passed - -2010; Am. Ord. 4230, passed - -2014; Ord. 4239, passed - -2014; Am. Ord. 4245, passed - -2014; Am. Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -2018)

§ 82.06.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirements.

(a) *General Permit Requirements.* Table 82-17 identifies the uses of land allowed by this Development

Code in each Industrial and special purpose land use zoning district established by Chapter 82.01 (Land Use Plan, Land Use Zoning Districts, Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) *Requirements for Certain Specific Land Uses.* Where the last column in Table 82-17 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires Site Plan Permit, or Conditional Use Permit or Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

(c) *Allowed Land Uses in the SD Land Use Zoning District.* A special development may allow intermixing of residential, commercial and industrial uses, provided that the review authority determines that there is a specific need for the special development standards. The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A "RES" suffix indicates that the focus is on residential Planned Development projects. A "COM" suffix indicates that the focus is on commercial Planned Development projects. An "IND" suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

Table 82-17

Allowed Land Uses and Permit Requirements
for Industrial and Special Purpose Land Use Zoning Districts

	PERMIT REQUIRED BY DISTRICT						
LAND USE See Division 10 (Definitions) for land use definitions	IC	IR	IN	SD-RES (1)	SD-COM (1)	SD-IND (1)	Specific Use Regulations
Agricultural, Resource & Open Space Uses							
Agriculture Support Services	P(2)	P(2)	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P(2)	P(2)	P(2)	P(2)	
Industry, Manufacturing & Processing, Wholesaling							
Adult Business	ABP	—	—	—	—	—	84.02
Construction contractor storage yard	M/C	P(2)	—	M/C	M/C(3)	M/C	
Hazardous waste operation	—	CUP	—	—	—	—	
Firewood contractor	P	P	—	—	—	M/C	84.09
Manufacturing Operations I	P(2)	P(2)	—	CUP(4)	CUP(4)	CUP(4)	
Manufacturing Operations II	— (5), (6)	M/C	—	—	—	CUP(4)	
Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP(3)	CUP	84.19
Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP(3)	CUP	84.19
Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
Salvage operations - General	—	CUP	—	—	—	—	
Storage - Personal storage (mini-storage)	P(2)	P(2)	—	M/C	M/C	M/C	

Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
Recreation, Education & Public Assembly							
Campgrounds	—	—	—	CUP	—	—	
Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
Conference/convention facility	—	—	—	CUP[4]	CUP[4]	CUP[4]	
Equestrian facility	—	—	—	M/C	M/C	M/C	
Fitness/health facility	P[2]	P[2]	—	M/C	M/C	M/C	
Golf course	—	—	—	CUP[4]	CUP[4]	CUP[4]	
Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
Park, playground	—	—	P	P	P	P	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Rural sports and recreation	—	—	—	CUP	CUP	CUP	
School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
Renewable Energy Facilities (see Specific Use Regulations for all in 84.29)							
Accessory (on-site use): roof top, ground mounted, wind under 35', and energy storage	A	A	A	A	A	A	84.29
Accessory (): wind over 35'	S	S	S	S	S	S	84.29 and 85.18
Community-Oriented: Neighborhood	MUP	MUP	MUP	—	—	—	84.29
Community-Oriented: Community	CUP	CUP	CUP	—	—	—	84.29
Energy Storage: Stand-Alone	CUP (16)	CUP (16)	CUP (16)	—	—	—	84.29
Utility-Oriented	—	—	—	—	—	—	84.29
Residential[14]							
Accessory dwelling (labor quarters, etc.)	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	84.01
Accessory structures and uses - Residential (conforming and non-conforming uses)	P[7,8]	P[7,8]	P[7,8]	P[7]	P[7]	P[7]	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
Guest housing	—	—	—	P[8]	—	—	84.01
Live/work unit	M/C	—	—	M/C	M/C	—	
Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
Multiple residential use	—	—	—	PD	PD	PD	
Parolee and/or probationer home	—	—	—	CUP	CUP	—	
Residential use with retail, service, or industrial use	—	—	—	PD	PD	PD	
Accessory dwelling unit	—	—	—	A[15]	—	—	84.01

Single dwelling	—	—	—	A	—	—	
Retail							
Auto and vehicle sales and rental	P[2]	P[2]	—	M/C	M/C	M/C	
Bar, tavern	—	—	—	M/C	M/C	M/C	
Building and landscape materials sales - Indoor	P[2]	P[2]	—	M/C	M/C	M/C	
Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
Convenience store	P[2]	P[2]	—	M/C	M/C	M/C	
Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
Night Club	—	—	—	M/C	M/C	M/C	
Restaurant, café, coffee shop	P[2]	P[2]	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P[2]	—	—	M/C	M/C	M/C	
Service station	P[2]	P[2]	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
Warehouse retail	P[2]	P[2]	—	—	CUP	CUP	
Services - Business, Financial, Professional							
Medical services - Hospital[4]	M/C	M/C	M/C	M/C	M/C	M/C	
Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
Office - Accessory	P[8]	P[8]	P[8]	P[8]	P[8]	P[8]	
Professional Services	P[2]	—	—	M/C	M/C	M/C	
Services - General							
Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
Correctional institution	—[4]	—[4]	CUP	—[4]	—[4]	—[4]	
Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
Equipment rental	P[2]	P[2]	—	—	M/C	M/C	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery	M/C	—	—	—	—	M/C	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
Lodging - Bed and breakfast inn (B&B)	—	—	—	SUP[9]	SUP[9]	—	
Lodging - Hotel or motel - 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
Lodging - Hotel or motel - More than 20 guest rooms	—	—	—	M/C	M/C	—	
Personal services	P[2]	—	—	M/C	M/C	M/C	

Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
Vehicle services - Major repair/body work	P[2]	P[2]	—	—	M/C[10]	M/C	
Vehicle services - Minor maintenance/repair	P[2]	P[2]	CUP[11]	—	M/C[10]	M/C	
Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
Transportation, Communications & Infrastructure							
Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
Parking lots, accessory	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	
Broadcasting studio	M/C	M/C	M/C	CUP[4]	CUP[4]	CUP[4]	
Communication contractor	M/C	M/C	M/C	M/C[10]	M/C[10]	M/C[10]	
Electrical power generation	CUP	CUP	CUP	—	—	—	
Parking structures	P[12]	P[12]	P[12]	M/C	M/C	M/C	
Pipelines, transmission lines, and control stations[13]	(13)	(13)	(13)	(13)	(13)	(13)	
~~Renewable Energy Generation Facilities~~	~~CUP~~	~~CUP~~	~~CUP~~	~~—~~	~~—~~	~~—~~	~~84.29~~
Sewage treatment and disposal facility [6]	CUP	CUP	CUP	—	—	—	
Solid waste disposal[6]	CUP	CUP	CUP	—	—	—	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	M/C	—	—	—	M/C	
Truck Terminal	M/C	M/C	—	—	—	M/C	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
~~Wind energy system, accessory~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~84.26~~
Wireless telecommunications facility	S	S	S	S	S	S	84.27
Other							
Accessory structures and uses	P	P	P	P	P	P	84.01
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit		
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use	S	Permit requirement set by Specific Use Regulations (Division 4)

	Permit)		
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
		TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

Notes:

(1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A "RES" suffix indicates that the focus is on residential Planned Development projects. A "COM" suffix indicates that the focus is on commercial Planned Development projects. An "IND" suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.

(2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).

(3) This use shall be located completely within an enclosed structure.

(4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.

(5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.

(6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.

(7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.

(8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.

(9) A CUP shall be required for three or rooms.

(10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.

(11) When associated with an institutional use.

(12) Use allowed as an accessory use only, on the same site as a retail service, or industrial use allowed by this table.

(13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.

(14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

(15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.

(16) Utility-oriented renewable energy development and utility-oriented stand-alone storage are prohibited within the boundaries of existing community planning areas: Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinon Hills Community Plans.

(Ord. 4011, passed - -2007; Am. Ord. 4043, passed - -2008; Am. Ord. 4057, passed - - 2008; Am. Ord. 4098, passed - -2010; Am. Ord. 4188, passed - -2012; Am. Ord. 4230, passed - -2014; Am. Ord. 4239, passed - -2014; Am. Ord. 4245, passed - -2014; Am Ord. 4251, passed - -2014; Am. Ord. 4341, passed - -2018)

CHAPTER 82.17: MINERAL RESOURCES (MR) OVERLAY

Section

§ 82.17.010 Purpose.

The Mineral Resources (MR) Overlay established by §§ 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created with the following intent and objectives.

(a) *Intent.*

(1) The extraction of mineral resources is essential to the economic well-being of the County and the needs of the society and reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(2) Certain privately owned land areas ~~of~~ throughout the County contain significant amounts of important mineral resources. Mineral Resources Overlays are created to protect these resource~~s~~ areas for present and future extraction~~s~~. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Resources Overlay functions as a "holding district" since the land will be redesignated and reclaimed for other land uses when the mineral resource is either depleted or mining operations permanently cease. Also, the district will ~~insure~~ensure that land ~~disturbances are~~ degradation is minimized through appropriate regulations and ~~through the~~ prohibition of ~~any~~ other land uses in these districts that are likely incompatible with mining.

(3) Once the mining activity ceases, the mined lands shall be reclaimed ~~for new uses~~to a beneficial condition that can be adaptable for other desirable land uses ~~in order to~~and prevent or minimize adverse effects on the environment ~~and~~ to protect the public health, safety and welfare.

(b) *Objectives.* The MR Overlay shall have the following objectives:

(1) Prevent or minimize all adverse environmental effects.

(2) Reclaim mined lands to a usable condition that is readily adaptable for alternative land uses.

(3) Encourage the production and conservation of minerals while preserving areas relating to environmental and recreational amenities if such amenities are located within the mining locale.

(4) Eliminate residual hazards to the public health and safety.

(5) Encourage renewable energy facilities as a temporary use for lands within the Mineral Resources Overlay where mining activities are not anticipated in the near future, and as an accessory use for active mining activities.

(Ord. 4011, passed - -2007)

§ 82.17.020 Location Requirements.

The MR Overlay shall be applied on the following areas:

(a) Areas with existing ~~major~~ or vested surface mining activities;

(b) Areas where mining activity is expected to take place in the future; and

(c) Areas adjacent to a current or proposed mining activity to prohibit the ~~intrusion~~ potential threat of incompatible uses.

(Ord. 4011, passed - -2007)

§ 82.17.030 Application Requirements.

A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a MR Overlay, subject to the requirements of this Development Code regarding surface mining and land reclamation and the California Surface Mining and Reclamation Act of 1975 (SMARA).

(Ord. 4011, passed - -2007)

§ 82.17.040 Development Standards.

(a) MR Overlays shall be free from any permanent land use that is incompatible with mining activity. Interim renewable energy facilities may be permitted within the MR Overlay on parcels where mining

activities are not anticipated in the near future. In addition, renewable energy facilities may be used as an accessory use for existing mining operations. Such facilities shall be consistent with SMARA and all other requirements for renewable energy facilities in this Development Code.

(b) When the mineral resource is depleted or mining activity~~y~~ies permanently cease~~s~~, the landowner and/or the mining ~~company~~ operator shall be responsible for ~~the~~ completing reclamation of the site in accordance with the approved reclamation plan.

(c) Reclamation shall include but not be limited to the combined process of land treatment that reasonably mitigates for environmental degradation and ~~reasonable mitigation or~~ eliminate~~sion of~~all ~~residual~~physical hazards.

(d) Incompatible land uses shall be ~~suitably~~ adequately buffered from mining activity~~y~~ies. Appropriate transition measures shall be ~~taken~~ implemented in order to insure compatibility between ~~mining activity~~mineral extraction and surrounding land uses.

(e) Non-mining projects located within the MR Overlay may be approved only if one of the following finding~~s~~ is made in the affirmative:

(1) Even though the project may otherwise be determined to be incompatible with mineral resource protection policies, conditions of approval shall be applied to minimize potential conflicts with these policies.

(2) The project is an interim renewable energy facility on a parcel where mining activities are not anticipated in the near future.

~~(1)~~(3) The project is an accessory renewable energy facility that will not substantially affect approved mining and reclamation activities on the site.

(Ord. 4011, passed - -2007)

CHAPTER 83.02: GENERAL DEVELOPMENT AND USE STANDARDS

Section

§ 83.02.010 Purpose.

The purpose of this Chapter is to ensure that all development produces a~~n~~ sustainable environment ~~of stable and~~that is resilient, desirable in character, socially just ~~that is,~~ harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. (Ord. 4011, passed - -2007)

§ 83.02.040 Height Measurement and Height Limit Exceptions.

All structures shall meet the standards in this Section relating to height, except for fences and walls, which shall comply with Chapter 83.06 (Fences, Hedges, and Walls).

(2) *Miscellaneous Structures.* The maximum structure height specified in a land use zoning district may be exceeded by no more than 50 percent for the following structures, except that a lower maximum height may be specified in the conditions of an approved Conditional Use Permit:

(A) Barns, silos, grain elevators, and other farm structures in Rural Resource Conservation (RC), Agricultural (AG), or Rural Living (RL) land use zoning districts.

(B) Birdhouses.

(C) Architectural features of religious institutions.

(D) Cooling towers, smokestacks or other structures that are required by allowed industrial processes in industrial land use zoning districts.

(E) Cupolas, domes, skylights, and gables.

(F) Elevator housings.

(G) Fire and hose towers.

(H) Fire or parapet walls.

(I) Flag poles.

(J) Mechanical equipment and its screening to include roof-mounted wireless telecommunications support facilities.

(K) Monuments.

(L) Noncommercial antennae up to 65 feet in residential land use zoning districts.

(M) Observation and carillon towers.

(N) Ornamental towers and spheres.

(O) Radio and television station towers.

(P) Residential chimneys, flues, smokestacks, and enclosures.

(Q) Solar, wind or storage energy ~~collectors~~ systems in the RS (Single Residential) and RM (Multiple Residential) land use zoning districts. In other land use zoning districts, these structures shall be allowed up to 65 feet. These structures shall be set back from all property lines and habitable structures at least 100 percent of the height of the structure. For ~~noncommercial~~ accessory wind energy systems~~windmills~~, refer to ~~Chapter 84.26 (Wind Energy Systems~~ Section 84.29.060 (Accessory Wind Energy Development Standards). Small solar or storage ~~collectors~~ energy systems (less than three feet by three feet) are exempt from this requirement to be setback from property lines.

(R) Stairway housing.

(S) Water tanks and water towers.

(T) Distribution and transmission cables and towers.

(U) Other roof structures and mechanical equipment similar to those listed above.

(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010; Am. Ord. 4245, passed - -2014)

CHAPTER 84.26: RESERVED ~~WIND ENERGY SYSTEMS – ACCESSORY~~

~~Section~~

~~§ 84.26.010 Purpose.~~

~~The purpose of this Chapter is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.~~
~~(Ord. 4011, passed - -2007; Ord. 4188, passed - -2012)~~

~~§ 84.26.020 Applicability.~~

~~This Chapter provides development standards for accessory wind energy systems.~~
~~(Ord. 4011, passed - -2007; Ord. 4188, passed - -2012)~~

~~§ 84.26.030 Development Standards.~~

~~(a) *Maximum Number of Accessory Wind Energy Systems*. The maximum number of accessory wind energy systems on a single parcel is determined by the total combined rated kW hours for all the wind turbines in a system. Wind turbines are defined in § 810.010.250(m)(4) of this Title. The maximum number of accessory wind energy systems is as follows:~~

~~*Table 84-14a*~~		
~~*Maximum Number of Accessory Wind Energy Systems*~~		
	~~*Type of System*~~	~~*Requirements*~~
~~Maximum number of kW~~	~~Residential~~	~~10 kW~~
	~~Non-residential~~	~~50 kW or verified actual energy use~~
~~Maximum number of turbines in the system~~	~~Building-mounted turbines~~	~~Based on the maximum number of kW~~
	~~Tower-mounted turbines~~	~~Based on the maximum number of kW. Only 1 turbine shall be attached to each tower.~~
	~~Combined building-mounted and tower turbines~~	~~Based on the maximum number of kW. Only 1 turbine shall be attached to a tower.~~

~~(b) *Maximum tower height*. The tower height limitations in Table 84-14b (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.~~

~~*Table 84-14 b*~~			
~~*Maximum Tower Heights for Accessory Wind Energy Systems*~~			
	~~*Region*~~		
~~*Land Use Zoning District (parcel size*~~	~~*Valley*~~	~~*Mountain*~~	~~*Desert*~~

~~*within zoning district)*~~			
~~AG~~	~~80 feet~~	~~80 feet~~	~~120 feet~~
~~RC~~	~~80 feet~~	~~80 feet~~	~~120 feet~~
~~RL (minimum one-half acre)~~	~~65 feet~~	~~65 feet~~	~~80 feet~~
~~RL-5, RL-10, RL-20, RL-40~~	~~80 feet~~	~~80 feet~~	~~100 feet~~
~~RM (minimum one-half acre)~~	~~52.5 feet~~	~~52.5 feet~~	~~52.5 feet~~
~~RS (minimum one-half acre)~~	~~52.5 feet~~	~~52.5 feet~~	~~52.5 feet~~
~~All other land use zoning districts~~	~~65 feet(1)~~	~~65 feet(1)~~	~~80 feet(1)~~
~~(1) Or the maximum structure height specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning district in which the system is located, whichever is greater.~~			

~~(c) *System Separation Requirements*. All units located on the same parcel shall be separated from each other in accordance with the manufacturer's recommended distances.~~

~~(d) *Setbacks*. The minimum setback from any property line shall be equal to the system height.~~

~~(e) *Climbing apparatus*. Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.~~

~~(f) *Lighting*. Tower structure lighting shall be prohibited unless required by another code or regulation.~~

~~(g) *Noise*. The noise performance standards in § 83.01.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).~~

~~(h) *Visual effects*. An accessory wind energy system shall not substantially obstruct views of adjacent property owners.~~

~~(i) *Location*.~~

~~(1) An accessory wind energy system shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).~~

~~(2) An accessory wind energy system shall not be:~~

~~(A) Located within a scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).~~

~~(B) Allowed where otherwise prohibited by any of the following:~~

~~(I) The Alquist-Priolo Earthquake Fault Zoning Act.~~

~~(II) The terms of any easement.~~

~~(III) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.~~

~~(j) *Turbine certification*. All wind turbines in an accessory wind energy system must be approved by the California Energy Commission as eligible in the Emerging Renewables Program or certified by a national program recognized and approved by the Energy Commission including the Clean Energy States Alliance.~~

~~(k) *Engineering analysis*. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code (CBC) or the California Residential Code (CRC) and certification by a professional mechanical, structural, or civil engineer licensed by the State. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the:~~

~~(1) CBC or CRC requirements for the applicable wind speed and exposure;~~

~~(2) CBC or CRC requirements for the applicable seismic design category;~~

~~(3) Requirements for a soil strength of not more than 1,000 pounds per square foot; or~~

~~(4) Other relevant conditions normally required by a local agency.~~

~~(l) *Compliance with aviation law*. The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 et seq.).~~

~~(m) *Compliance with electrical code*. The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the installation conforms to the California Electric Code (CEC).~~

~~(n) *Reduction in onsite electricity consumption*. The system shall be used primarily to reduce onsite consumption of electricity.~~

~~(Ord. 4011, passed - -2007; Am. Ord. 4098, passed - -2010; Am. Ord. 4188, passed - -2012)~~

CHAPTER 84.29: RENEWABLE ENERGY FACILITIES

Section

§ 84.29.010 Purpose.

The purpose of this Chapter is to establish standards and permit procedures for the establishment, maintenance and decommissioning of new applications for renewable energy and storage facilities. These regulations are intended to ensure that renewable energy facilities are located and designed in a manner that minimizes visual and safety impacts on the surrounding community for the present and into the future, consistent with the Renewable Energy and Conservation Element.

§ 84.29.020 Applicability.

(a) This Chapter provides permit and application requirements, review procedures, and general and specific development standards for all renewable energy facilities, in addition to other appropriate sections of the Development Code.

(b) Where substantial modifications or alterations are proposed to a previously permitted renewable energy project, the standards of this Chapter shall apply to the modification or alteration only.

(c) In the event the provisions of this Chapter conflict with the standards established elsewhere in the Development Code, the most restrictive requirement shall control.

(d) Due to the rapid expansion of new renewable energy technologies, a technology not specifically stated in this chapter may be allowed at the discretion of the Planning Director after a formal request of an applicant and review by staff.

§ 84.29.030 Renewable Energy Categories and Permit Requirements.

(a) Renewable energy systems can be developed for a variety of end-users at a range of sizes and types. Table 84-19 provides a list of renewable energy tiers and categories that serve as a guide to siting, construction, operation, and decommissioning of renewable energy facilities. The two main tiers of renewable energy facilities are Community-Oriented and Utility-Oriented. The underlying categories fall into accessory or primary renewable energy facilities. Accessory systems include Rooftop and Ground-Mounted. Primary facilities include Neighborhood, Community and Utility-Oriented facilities and may be rooftop or ground-mounted.

(b) Table 84-19 provides the general categories of renewable energy facilities allowed if they meet the development standards and requirements in this Chapter. Table 84-19 shall be used to identify the category of facility proposed and will serve as a guide to the specific development standards and requirements in this Chapter for each type and/or category of renewable energy facilities. The typical size information is a relative guide, but not a specific measure for each category. The main determinant of category type is the ultimate use of the energy produced by the facility.

(c) Renewable energy facilities include solar collectors and energy storage systems. Storage systems may be added to an existing renewable energy facility or as a standalone facility subject to the requirements in Table 84-19.

(d) An appeal of a decision on the Permit Type listed in Table 84-19 shall be made in compliance with Chapter 86.08 (Appeals) for primary renewable energy facilities and Section 63.0105 for accessory renewable energy facilities.

(e) Renewable energy projects shall be subject to the general standards and relevant technology standards presented in this Chapter.

Table 84-19					
	COMMUNITY-ORIENTED				**UTILITY-ORIENTED** [2]
	Accessory (for on-site use)		***Primary***		***Primary***
Key Traits			***Neighborhood***	***Community***	
	Rooftop	**Ground-Mounted**			
Typical Use	Accessory structure in support of on-site consumption	Accessory structure in support of on-site consumption	Provides electricity primarily for adjacent use	Provides electricity primarily for local area	Supplies electricity to the transmission grid
Preferred Technology Types (includes storage systems)	• Solar photovoltaic energy systems • Small Wind energy systems	• Solar photovoltaic energy systems • Solar water heater energy systems • Wind energy systems • Geothermal	• Solar photovoltaic energy systems • Geothermal	• Solar photovoltaic energy systems • Geothermal • Bioenergy	• Solar photovoltaic energy systems • Bioenergy
Permit Type	Building Permit or Wind energy system permit[1]		Minor Use Permit	Conditional Use Permit	Conditional Use Permit
Approval (Appeal)	Staff (Building & Safety Appeals Board)	Staff (Solar & Water Heater - Building & Safety Appeals Board; Wind – Planning Commission)	Zoning Administrator (Planning Commission)	Planning Commission (Board of Supervisors)	Planning Commission (Board of Supervisors)

(1) A single accessory wind energy system that is 35 feet or less in height shall be exempt from the requirement to obtain an accessory wind energy system permit.
(2) Utility-Oriented renewable energy development is limited to site-types and locations stated in the Renewable Energy and Conservation Element.

§ 84.29.040 Application Submittal and Noticing Requirements.

General application procedures and noticing provisions are provided in Chapter 85.03 (Application Procedures). This subsection provides additional or alternate requirements that shall apply in the event of a conflict with Chapter 85.03 (Application Procedures).

(a) *Primary Community-Oriented Renewable Energy (CORE) Project Requirements.* The following documents shall be submitted to attest the proposed project qualifies as a CORE project:

(1) Power Purchase Agreement with adjacent or local users or proof of a community solar program grant from a utility company.

(2) List of signatures from local customers interested in purchasing energy from a community solar project.

(3) Calculations showing the estimated use by adjacent and local users and what is expected to be sent to the grid. Annual reports of energy use by users shall be submitted as part of the annual Special Use Permit application for review.

(b) *Community Engagement for Primary Use Renewable Energy Projects.* The applicant is required to review the Community Action Guide, if applicable, for the local community where the project is proposed, speak with neighboring property owners adjacent to the project boundaries, meet with members of the community at one or two open house meetings, and prepare a report for submittal either before application submittal or with 90 days after the application is deemed complete. The intent is to ensure that the relationship of the project to the community will be a significant consideration at every stage of project planning, beginning with application submittal. The interaction report shall include at a minimum:

(1) Copies of notices or social media posts, handouts, sign-in sheets for open house meetings and a list of direct contacts with neighbors to demonstrate compliance with this section.

(2) A summary of concerns and questions with responses.

(3) An analysis and report of project-related benefits to the community and steps taken to enhance compatibility of the project with adjacent properties and the surrounding community.

(4) Report will be augmented as site design and environmental analyses proceed.

(c) *Photo Simulations*. Depending on the proposed location, photo simulations of a proposed primary renewable energy facility as viewed from sensitive receptors (i.e., residences, trails, parks) and public roadways in the area may be required as part of the project's application package.

(d) *Water Use by Primary Renewable Energy Facilities.* Additional application materials addressing water use by renewable energy facilities as follows:

(1) A hydrologic analysis with application materials that details whether and how the flow of permanent, seasonal, or temporary waters will be affected by the facility.

(2) Projections for water use related to construction and operation activities, including but not limited to water use for dust control for all on- and off-site grading activity necessary for site development. In addition, applications should identify the primary and secondary water supply for construction and operation.

(e) *Additional Application Submittals for Primary Renewable Energy Facilities.* All ground-mounted renewable energy facilities in the Desert region shall submit a dust-abatement plan identifying dust control measures during construction and operation phases.

(f) *Notification procedures.*

(1) *Area to be Notified.* The area to be notified shall include property owners located within 1,000 feet of the external boundaries of the parcel(s) of the proposed site.

(2) *Community Groups and Local Districts.* Notice of an application for approval shall include notice to the local community groups interested in renewable energy development for the area, any Community Service District or water agency serving the project site.

(3) *Military Installations.* Notice of an application shall be provided for proposed renewable energy facilities within two miles of the boundaries of any active military base.

§ 84.29.050 General Development Standards.

The following development standards apply to primary renewable energy systems.

(a) *Facilities Adjoining Agricultural Operations.* Supporting off-site facilities, such as transmission lines, shall be designed and sited in a manner that will allow for continued use of adjoining agricultural operations.

(b) *Large Bird Protection.* Transmission lines and all electrical components shall be designed, installed, and maintained to reduce the likelihood of large bird electrocutions and collisions.

(c) *Outdoor Lighting*. Outdoor lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting) of this Development Code.

(d) *Fencing.* Special fencing standards may be applied without a variance in recognition of the capital costs of renewable energy facilities. Total fence heights allowed are inclusive of any height extension devices such as slanted razor-wire panels.

(1) *Fencing on Street Side.* Chain-link fencing up to eight feet in height shall be installed no closer than 15 feet from the right-of-way on streetside boundaries. Security devices such as razor-wire height extensions shall only be directed inward to the property and may not extend beyond the property boundary to overhang the right-of-way.

(2) *Fencing on Interior Boundaries.* Chain-link fencing up to eight feet in height may be installed along the property line on interior (non-streetside) boundaries. Security devices such as razor-wire height extensions may only be directed inward to the property and may not extend beyond the property boundary to overhang any other property.

(3) *Electric Fencing.* Electric fencing is not allowed.

(e) *Setbacks.* Ground mounted solar energy generating equipment and their mounting structures and devices shall be set back from the property line either pursuant to the standards in the land use zoning district, or 130 percent of the mounted structure height, whichever is greater.

(f) *Glare.* Solar energy facilities shall be designed to preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way.

(g) *Associated Transmission Facilities.*

(1) Minimal ground disturbance and aboveground infrastructure shall 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,

(2) New electrical generation tie lines shall be co-located on existing power poles whenever possible, and

(3) Existing rights-of-way and designated utility corridors shall be utilized to the extent practicable.

Plans that discourage or preclude development.

(h) *Landscaping.* The project site shall be maintained to promote native vegetation and avoid the proliferation of invasive weeds during and following construction.

(i) *Flood Hazards.* The proposed renewable energy facility shall be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and shall not result in erosion or substantially affect area water quality

(j) *Infrastructure.* The proposed facility shall not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or shall be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).

(k) *Mineral Resources.* The proposed renewable energy facility shall not preclude access to important mineral resources.

(l) *Military Installations.* The location, design, and operation of the proposed utility-scale renewable energy facility shall not substantially impair the mission of the facility.

§ 84.29.060 Accessory Wind Energy Development Standards.

These development standards provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

(a) *Maximum Number of Accessory Wind Energy Systems.* The maximum number of accessory wind energy systems on a single parcel is determined by the total combined rated kW hours for all the wind turbines in a system. The maximum number of accessory wind energy systems is as follows:

Table 84-20

Maximum Number of Accessory Wind Energy Systems

	Type of System	***Requirements***
Maximum number of kW	Residential	Varies depending on facility/residence size
	Non-residential	50 kW or verified actual energy use
Maximum number of turbines in the system	Building-mounted turbines	Based on the maximum number of kW
	Tower-mounted turbines	Based on the maximum number of kW. Only 1 turbine shall be attached to each tower.
	Combined building-mounted and tower turbines	Based on the maximum number of kW. Only 1 turbine shall be attached to a tower.

(b) *Maximum Tower Height.* The tower height limitations in Table 84-21 (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

Table 84-21			
Maximum Tower Heights for Accessory Wind Energy Systems			
	Region		
Land Use Zoning District (parcel size within zoning district)	***Valley***	***Mountain***	***Desert***
AG	80 feet	80 feet	120 feet
RC	80 feet	80 feet	120 feet
RL (minimum one-half acre)	65 feet	65 feet	80 feet
RL-5, RL-10, RL-20, RL-40	80 feet	80 feet	100 feet
RM (minimum one-half acre)	52.5 feet	52.5 feet	52.5 feet
RS (minimum one-half acre)	52.5 feet	52.5 feet	52.5 feet
All other land use zoning districts	65 feet(1)	65 feet(1)	80 feet(1)
(1) Or the maximum structure height specified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) for the land use zoning district in which the system is located, whichever is greater.			

(c) *System Separation Requirements*. All units located on the same parcel shall be separated from each other in accordance with the manufacturer's recommended distances.

(d) *Setbacks*. The minimum setback from any property line shall be equal to the system height.

(e) *Climbing apparatus*. Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

(f) *Lighting*. Tower structure lighting shall be prohibited unless required by another code or regulation.

(g) *Noise*. The noise performance standards in § 83.01.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).

(h) *Visual effects*. An accessory wind energy system shall not substantially obstruct views of adjacent property owners.

(i) *Location*.

(1) An accessory wind energy system shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).

(2) An accessory wind energy system shall not be:

(A) Located within a scenic corridor as identified in the Open Space Element of the General Plan and in Chapter 82.19 (Open Space (OS) Overlay).

(B) Allowed where otherwise prohibited by any of the following:

(I) The Alquist-Priolo Earthquake Fault Zoning Act.

(II) The terms of any easement.

(III) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

(j) *Turbine certification*. All wind turbines in an accessory wind energy system must be approved by the California Energy Commission as eligible in the Emerging Renewables Program or certified by a national program recognized and approved by the Energy Commission including the Clean Energy States Alliance.

(k) *Engineering analysis*. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code (CBC) or the California Residential Code (CRC) and certification by a professional mechanical, structural, or civil engineer licensed by the State. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the:

(1) CBC or CRC requirements for the applicable wind speed and exposure;

(2) CBC or CRC requirements for the applicable seismic design category;

(3) Requirements for a soil strength of not more than 1,000 pounds per square foot; or

(4) Other relevant conditions normally required by a local agency.

(l) *Compliance with aviation law*. The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 et seq.).

(m) *Compliance with electrical code.* The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the installation conforms to the California Electric Code (CEC).

(n) *Reduction in onsite electricity consumption*. The system shall be used primarily to reduce onsite consumption of electricity.

(o) *Permits.* Accessory wind energy systems are permitted in compliance with Chapter 85.18 (Accessory Wind Energy System Permit)

§ 84.29.070 Utility-Oriented Exclusionary Areas and Siting Criteria.

The following exclusionary areas and limited site-types shall apply for Utility-Oriented Renewable Energy Systems.

(a) *Exclusion Areas.* Utility-oriented projects are excluded on the following sites:

(1) Within the Rural Living (RL) land use zoning district throughout the County.

(2) Within the boundaries of existing community planning areas established in Division 2.

(3) Within two miles of Joshua Tree National Park, the Mojave National Preserve and Death Valley National Park or the boundaries of a County, State or Federal agency designated wilderness area.

(4) Within such other additional exclusion areas, such as new community planning areas, when designated by amendment to the Development Code.

(b) *Site-Types*. Subject to the exclusionary areas provided in Section 84.29.040(a), utility-oriented projects are limited on private land in the unincorporated County to the following site-types below:

(1) Private lands adjacent to the federal Development Focus Areas supported by the Board of Supervisors that meet siting criteria and development standards.

(2) Waste Disposal Sites.

(3) Mining Sites (operating and reclaimed).

(4) Fallow, degraded and unviable agricultural lands.

(5) Airports (existing and abandoned or adaptively re-used).

(6) Brownfields.

(7) California Department of Toxic Substance Control Cleanup Program Sites.

(8) Resource Conservation and Recovery Act Sites.

(9) Sites within or adjacent to electric transmission and utility distribution corridors.

(10) Existing energy generation sites.

(11) Industrial zones proven to not conflict with economic development needs.

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

§ 84.29.080 Geothermal Energy Standards.

(a) *Applicability.* These standards apply to all accessory rooftop or ground-mounted and primary neighborhood- or community-oriented geothermal heat pump facilities as allowed by land use zoning district. Other types of geothermal facilities are not permitted on private lands.

(b) Geothermal direct-use systems typically involve two components:

(1) Below-ground installations include drilling wells, casing and pumps.

(2) Above-ground installations include pipelines, pumps, valves, heat exchangers, in-building heat convectors, refrigeration equipment, and low temperature components such as heat pumps.

(c) *Setbacks.* Geothermal facilities shall comply with all setbacks of the underlying land use zoning district. Greater setbacks may be established for large facilities

(d) *Permits.* Geothermal heat pump facilities require a Building Permit.

§ 84.29.090 Bioenergy Standards.

(a) *Applicability.* These standards apply to all primary use community- or utility-oriented bioenergy facilities.

(b) *Accessory Bioenergy Production.* Bioenergy and cogeneration facilities serving up to 125 percent of the on-site energy demand for a legally established use are permitted as accessory to the primary use when feedstocks are produced on-site or the feedstocks are the by-product of on-site agricultural processing. Where feedstocks are imported from another site or where biofuels are exported off-site, a use permit shall be required. Oversized accessory bioenergy systems located on or within existing structures or existing developed areas are not subject to the 125 percent threshold when producing electricity for a feed-tariff or Community Choice Aggregation Program, but shall be limited to existing developed area of the site, as determined by the Director.

(c) *Setbacks.* Bioenergy facilities shall comply with all setbacks of the underlying zone district, except that on parcels adjacent to a residential land use zoning district or off-site residential use, bioenergy production facilities shall maintain a minimum setback of 200 feet from the residential use or land use zoning district. Greater setbacks may be established for large facilities.

(d) *Storage.* The bioenergy production facility shall include sufficient storage for both raw materials and fuel production. On-site storage shall also be provided for all additional by-products resulting from bioenergy production, unless those additional products are used on-site through land application, livestock consumption, or similar as part of the approved land use permit.

(e) *Regulatory Compliance.* Buildings, facilities and equipment used in the production and/or storage of biofuels shall comply with all local, state and federal laws. The owner or operator of the bioenergy production facility shall provide proof that all necessary approvals have been obtained from state and

federal agencies involved in permitting any of the following aspects of biofuel production:

(1) Air pollution emissions,

(2) Transportation of biofuel or additional products resulting from biofuel production,

(3) Use or reuse of additional products resulting from biofuel production,

(4) Storage of raw materials, fuel and additional products used in, or resulting from, biofuel production.

§ 84.29.100 Visual Impact of Primary Renewable Energy Projects.

(a) The characteristics of the renewable energy facility development site, physical and environmental setting and physical layout and design shall consider nearby uses and visibility from nearby communities, neighborhoods and rural residential uses.

(b) The siting and design of project site access and maintenance roads shall be incorporated in the visual analysis and shall minimize visibility from public viewpoints while providing needed access to the development site.

(c) The proposed facility shall avoid modification of scenic natural formations.

(d) Proposed fencing, walls, landscaping, and other perimeter features of the proposed facility shall 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.

§ 84.29.110 Dust Control Requirements of Primary Renewable Energy Projects.

(a) The proposed facility shall 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 shall occur at a minimum of three 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.

(b) All clearing, grading, earth moving, and excavation activities shall 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.

(c) For sites where the boundary of a new primary energy facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier shall be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the renewable energy facility.

(d) Any unpaved roads and access ways shall 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 shall be applied pursuant to Chapter 83.09 (Infrastructure Improvement Standards) of the Development Code.

(e) On-site vehicle speed shall be limited to 15 miles per hour to minimize dust plumes.

§ 84.29.120 Decommissioning Requirements for Primary Renewable Energy Facilities.

Following the operational life of the project, the project owner shall perform site closure activities for the rehabilitation and revegetation of the project site after decommissioning. A Decommissioning Plan shall be submitted prior to construction, and shall include the following:

(a) *Closure, Revegetation, and Rehabilitation Plan.*

(1) The project owner shall prepare a Closure, Revegetation, and Rehabilitation Plan in accordance with the approved end use and submit it to the Planning Division for review and approval prior to building permit issuance.

(2) Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade and removed offsite for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place.

(3) Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered.

(4) As it relates to revegetation, this plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover or density and species richness, where appropriate, sufficient to stabilize the surface against effects of long-term erosion, and shall be similar to naturally occurring habitats in the surrounding area.

(A) The vegetative density, cover and species richness of naturally occurring habitats shall be documented in baseline studies. For existing developed areas, the use of data from reference areas in lieu of baseline site data may be permissible.

(B) Standards of success shall include revegetation success rate compared to baseline conditions and shall include annual monitoring for two years. If revegetation has not been achieved within two years due to lack of water or other environmental factors, the applicant shall identify and implement an alternate solution to achieve the identified success rate.

(b) *Surety.* On terms and in an amount acceptable to the Director, adequate surety shall be provided for reclamation of renewable energy facility site in the event energy production ceases for a continuous period of 180 days and/or if the site is abandoned.

(1) The surety shall remain in effect for the duration of the operation and any additional period until reclamation and revegetation is completed.

(2) The surety amount shall be adjusted, if necessary, to account for additional lands disturbed, inflation, and restoration of lands accomplished in accordance with the approved decommissioning plan.

(3) Calculation of the surety amount shall include costs for any additional permits, an analysis of the physical activities and materials necessary to implement the approved Decommissioning Plan, costs for third party contracting, supervision of reclamation activities, profit and overhead, contingencies and mobilization, and include a reasonable guarantee amount to ensure transplant survival.

(c) *Plant Protection.* Succulents and other protected plant species native to the area shall be salvaged prior to construction, transplanted into adequately spaced islands or windrows, maintained and guaranteed for survival, and later transplanted, if appropriate, following decommissioning. Shrubs and other plant species shall be revegetated with transplanted or nursery stock, the collection of seeds and re-seeding following decommissioning.

(d) Compliance with Other Requirements.

(1) Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans include the following as applicable:

(A) Water Quality Management Plan.
(B) Erosion and Sediment Control Plan.
(C) Drainage Report.
(D) Notice of Intent and Stormwater Pollution Prevention Plan.
(E) Air Quality Permits.
(F) Biological Resources Report.
(G) Incidental Take Permit, Section 2081 of the Fish and Game Code.
(H) Cultural Records Report.

(2) The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

DIVISION 5: PERMIT APPLICATION AND REVIEW PROCEDURES

CHAPTER 85.01: PERMIT APPLICATION FILING AND PROCESSING

§ 85.01.030 Authority for Land Use and Zoning Decisions.

Table 85-1 (Review Authority) identifies the County official or authority responsible for reviewing and making initial decisions on each type of application or land use entitlement required by this Development Code, the nature of the initial decision (i.e. issue, approve, or recommend), and the nature of the response of the subsequent review authority.

Table 85-1

Review Authority

Type of Entitlement or Decision	***Applicable Citation***	***Director***[1] [2]	***Planning Commission***[3]	***Board of Supervisors***[4]
ABC Licensing	Ch. 85.04	Issue	Appeal[5]	Appeal
Adult Business Regulatory Permit	Ch. 84.21	Recommend	Approve	Appeal
Amendments (General Plan, Development Code, Community Plan, and Area Plan)	Ch. 86.12	Recommend	Recommend	Approve
Airport Comprehensive Land Use Plan and Amendments	Ch. 86.11	Recommend	Recommend	Approve
Certificates of Land Use Compliance	Ch. 85.05	Issue	Appeal	Appeal
Conditional Use Permits	Ch. 85.06	Recommend	Approve/ Recommend	Approve/Appeal
Development Agreements and Amendments	Ch. 86.13	Recommend	Recommend	Approve
Home Occupation Permits	Ch. 84.12	Approve	Appeal	–
Housing Incentives Program[6]	Ch. 83.03	Recommend	Recommend	Approve
Interpretations	Ch. 81.02	Issue	Appeal	Appeal
Major Variances	Ch. 85.17	Approve	Appeal	–
Minor Use Permits	Ch. 85.06	Approve	Appeal	Appeal
Minor Variances	Ch. 85.17	Approve	Appeal	–
Planned Development Permits	Ch. 85.10	Recommend[10]	Recommend	Approve
Renewable Energy Facilities	Ch. 84.29	(11)	(11)	(11)
Revisions to an Approved Actions	Ch. 85.12	Approve	Appeal	Appeal
Sign Permits	Ch. 85.13	Issue	Appeal	Appeal
Sign Registration	Ch. 85.13	Issue[8]	Appeal	Appeal
Site Plan Permits	Ch. 85.08	Issue	Appeal	–
Special Use Permits	Ch. 85.14	Issue[7 or 8]	Appeal	Appeal
Specific Plans and Amendments	Ch. 85.14	Recommend	Recommend	Approve
Subdivision Sign Location Plans	Ch. 85.13	Issue[8]	Appeal	—
Surface Mining & Reclamation	Ch. 85.06	Recommend	Approve	Appeal

Temporary Special Event Permits	Ch. 85.15	Approve	Appeal	Appeal
Temporary Use Permits	Ch. 85.15	Issue(7 or 8)	Appeal	Appeal
Tenant Improvement Permits	Ch. 85.09	Issue(7)	Appeal	Appeal
Wind Energy Systems Permit	Ch. 85.18	Approve	Appeal	—

Notes:

(1) The Director may defer action and refer any permit or approval application to the Commission for final determination.

(2) All decisions of the Director are appealable to Commission, and then to the Board, in compliance with Division 11, Article 6 (Appeals), except for those decisions addressed in Note (3).

(3) The Commission may refer consideration of an appeal to the Board, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission's decision shall be the final and conclusive decision. The Board will not accept nor consider an appeal of these Commission decisions.

(4) All decisions of the Board are final.

(5) "Recommend" means that the review authority makes a recommendation to a higher review authority; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with Division 11, Chapter 8 (Appeals).

(6) The Housing Incentives Program application shall only be filed concurrently with one of the following applications: Conditional Use Permit, Tentative Parcel Map, Tentative Tract, or Planned Development Permit.

(7) Issued by the Building Official.

(8) Issued by Code Enforcement.

(9) Concurrent processing. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this Development Code for any of the required applications (e.g., a project with applications for both a Zoning Map amendment and a Conditional Use Permit shall have both applications decided by the Board, instead of the Commission acting on the Conditional Use Permit as otherwise provided by Table 85-1 [Review Authority]).

(10) Initial review by the Development Review Committee is required in compliance with § 85.10.040(a).

(11) Review authority, approval and appeal body depends on the category of renewable energy facility. See Table 84.1 of Section 84.29.030.

(Ord. 4011, passed - -2007; Am. Ord. 4239, passed - -2014)

CHAPTER 85.03: APPLICATION PROCEDURES

§ 85.03.080 Notice of Pending Land Use Decisions.

(a) *Public Hearing or Staff Review with Notice Procedures.* Upon receipt of a request for a land use decision that utilizes the public hearing or staff review with notice procedures, the applicable review authority shall give notice specifying the time and place for the decision at least ten calendar days before the date of the scheduled land use approval/denial by the following applicable methods:

(1) Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the public hearing procedure:

(A) Amendments to the text of the General Plan or a specific plan.

(B) Development Code amendments.

(C) General Plan map amendments.

(D) Subdivisions, where a tentative and final map are required.

(E) Renewable Energy Generation Primary Categories – Community-Oriented: Neighborhood; Community-Oriented: Community; and Utility-Oriented.

(2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.

(3) Notice shall be given by first class mail or delivery to all surrounding property owners within a certain distance of the exterior boundaries of the subject site for land use decisions using the public hearing or staff review with notice procedures. The distances shall be in compliance with the Table 85-2 (Distance Requirements of Noticing Purposes), below.

Table 85-2

Distance Requirements for Noticing Purposes

Size of Project Parcel(s)	***Property owners of parcels located within the following distances of the exterior boundaries of the subject parcel*** [(1)] [(2)]
20 acres or less	300 feet
20.1 to 160 acres	700 feet
160.1 acres or greater	1,300 feet

Notes:

(1) ~~(1)~~ Refer to Chapter 85.04 (ABC Licensing) for special noticing requirements for ABC Licensing projects.

~~(1)~~(2) Refer to Chapter 84.29 (Renewable Energy Facilities) for special noticing requirements for primary renewable energy projects.

(4) Notice shall be given by first class mail or delivery to all contiguous property owners for land use decisions using the staff review with notice procedures.

(5) Notice shall also be given, as required by Government Code § 66451.3, in the case of a conversion of residential real property to a community apartment project, condominium project, or stock cooperative.

(6) Notice may be given in any other manner as is deemed necessary or desirable by the Director.

(b) *Required Information for Notices.* The notice shall include sufficient information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision making process. Furthermore, notices for land use decisions involving subdivisions for which a tentative and final map are required shall inform the recipient of their right to request, before the noticed land use decision date, that the proposal be reviewed by the County under the public hearing procedures.

(c) *One-Eighth Page Optional Notice.* An one-eighth page legal display advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of more than 1,000 property owners.

(d) *Ownership and Addresses of Properties.* Ownership and addresses of contiguous and surrounding properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.

(e) *Continued Hearings.* During the public hearing, items that are continued by the review authority to a specific date shall not be re-noticed unless specifically requested by the review authority.

(Ord. 4011, passed - -2007)

§ 85.03.120 Expiration of Inactive Applications.

(a) An application shall expire and be considered abandoned 180 days after the last date that additional information, revisions, or funds (items) are requested, if the applicant has failed to provide the items requested, except as set forth below:

(1) *Special Studies*. Whenever special studies (e.g., CEQA, etc.) are requested by the County that are reasonably expected to take longer than 180 days to complete, the application will not be considered inactive on the basis of the time required to complete such special studies. Staff will estimate a completion date and should these studies be delayed beyond the initial projected completion date, a new projected date of completion shall be established after which the application shall expire and be considered abandoned in 180 days if no action occurs on the project.

(2) The Director may grant one 90-day extension if the following criteria are met:

(A) A written request for extension is submitted at least 30 days prior to the expiration date;

(B) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested revisions or information; and

(C) The applicant provides a reasonable schedule for submittal of the requested revisions or information.

(3) At the sole discretion of the Director, the Department may extend any expiration date, as set forth in this Subdivision (a), of an application without a written request from an applicant when additional time for County processing or scheduling of appointments is required; when the Department needs information or responses from other agencies; or under other similar circumstances as determined by the Director or authorized designee thereof.

(b) Notwithstanding Subdivision (a), an application made subsequent to the initiation of any enforcement action by the County concerning the use of land, a structure, and/or the use or occupancy of a structure(s) (as set forth in § 86.09.050) that is the subject matter of that enforcement action, shall be deemed ~~expired~~abandoned if the Director determines, in the exercise of his or her discretion, that the applicant has failed to substantially comply with the application process in a timely manner, given the type of land-use approval required and the nature of the violation(s) to be corrected. The submission of requested items in a piecemeal fashion resulting in unnecessary delays shall constitute prima facie evidence of the applicant's failure to substantially comply with the application process in a timely manner. The Department shall provide written notice to the applicant of any determination of expiration under this Subdivision. Following the abandonment of an application pursuant to this Subdivision, the County may continue with the enforcement action unless the subject matter of that enforcement action has already been abated, removed, corrected, or enjoined pursuant to § 85.03.020, Chapter 86.09, or any other provision of this Code.

(Ord. 4244, passed - -2014; Am. Ord. 4360, passed - -2019)

CHAPTER 85.14: SPECIAL USE PERMITS

§ 85.14.020 Types of Special Use Permits and Review Authorities.

Table 85-3 (Special Use Permits) identifies the various types of Special Use Permits with the appropriate review authorities:

Table 85-3				
Special Use Permits				
Type of Entitlement or Decision	***Applicable Citation***	***Director*** [1] [2]	***Commission*** [3]	***Board*** [4]
Bed and Breakfast Permit	Ch. 84.05	Issue[5]	Appeal	Appeal
Exotic Animals	Ch. 84.04	Issue[5]	Appeal	Appeal
Home Occupations	Ch. 84.12	Issue[5]	Appeal	----
Private Kennels	Ch. 84.04	Issue[5]	Appeal	Appeal
Recycling Facilities	Ch. 84.19	Issue[5]	Appeal	Appeal
Renewable Energy Facilities: Primary	Ch. 84.29	Issue[5]	Appeal	Appeal
Short-Term Residential Rentals	Ch. 84.28	Issue[5]	Appeal	----
Notes:				
(1) The Director may defer action and refer any permit or approval application to the Commission for final determination.				
(2) All decisions of the Director are appealable to Commission, and then to the Board, in compliance with Chapter 86.08 (Appeals), except for those decisions addressed in Note (3).				
(3) The Commission may refer consideration of an appeal to the Board, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Short-Term Private Home Rental, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission's decision shall be the final and conclusive decision. The Board will not accept nor consider an appeal of these Commission decisions.				
(4) All decisions of the Board are final.				
(5) Issued by Code Enforcement.				

§ 85.14.060 Findings for Specific Special Uses.

(a) *Findings for Bed and Breakfast Uses.* Before acting upon an application for a Special Use Permit for a bed and breakfast use, the review authority shall first find all of the following to be true:

(1) The site upon which the bed and breakfast use is to be established, shall conform to all standards of the land use zoning district in which it is located, and the site for the proposed use is adequate in terms of shape and size to accommodate the use and parking areas, setbacks, structure coverage, yards, and other applicable requirements of this Development Code; and

(2) The residential character of the neighborhood in which the use is located shall be maintained and preserved and the issuance of the Special Use Permit shall not be significantly detrimental to the public health, safety, and welfare or injurious to the vicinity and land use zoning district in which the use is located.

(b) *Findings for Primary Renewable Energy Facilities.* Before acting upon an application for a Special Use Permit for a non-accessory renewable energy facility (solar or storage), the review authority shall first ensure compliance with the following:

(1) *Inspection.* An annual Special Use Permit inspection shall be conducted by the review authority in order to review and confirm the site is in compliance with performance standards included in the project's conditions of approval and/or mitigation measures and to demonstrate compliance with the requirements of

paragraph 3 of this subdivision. Failure to comply shall be grounds for denial of a Special Use Permit and may result in an enforcement action authorized by Chapter 86.09 (Enforcement). Additional inspections deemed necessary by the review authority shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule.

(2) *Public Safety Services Impact Fees.* The developer of an approved non-accessory renewable energy facility shall pay a fee on an annual basis according to the following schedule:

Parcel Size	***Fee***
0—4.99 acres	$580.00 per acre
5—14.99 acres	$280.00 per acre
15 acres or greater	$157.00 per acre

Alternatively, the developer of an approved utility-oriented energy facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project's public safety services impacts, which study shall be paid at the developer's expense, using a consultant approved by the County. Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

(3) *Demonstration of Compliance with Special Use Permit.* The developer of an approved renewable energy facility shall demonstrate on an annual basis compliance with the following:

(A) The project is not detrimental to the public health, safety or welfare in unincorporated communities.

(B) The project regularly measures and reports actual water consumption during construction and for ongoing operations. Projects that exceed allowed water use rates as directed by conditions of approval may be subject to penalties for exceedance of stated rates.

(C) Implementation of plans to monitor and halt any construction and other land disturbance activities during peak wind events.

(D) Implementation efforts on minimizing ground disturbance to control soil erosion, flooding, and blowing of sand and dust.

(E) Implementation of grading or construction plans that minimize the amount of disturbance necessary to site the solar system and establish access.

(F) Projects in the Desert region shall demonstrate compliance with the dust-abatement plan, including dust control measures during construction and operation phases.

(G) Revegetation of all areas cleared during the construction of renewable energy facilities using drought-tolerant and regionally appropriate landscaping to minimize blowing of sand and dust.

(H) Compliance with applicable decommissioning requirements established by Chapter 84.29 (Renewable Energy Facilities) following the completion of construction activities and at the end of the facility's operational life.

(Ord. 4011, passed - -2007; Am. Ord. 4341, passed - -2018)

810.01.030. A

(j) ***ACCESSORY WIND ENERGY SYSTEM.*** See ***RENEWABLE ~~WIND~~ ENERGY ~~SYSTEM~~.***

810.01.050. C

(gg) RESERVED ***~~COMMERCIAL SOLAR ENERGY GENERATION FACILITY.~~*** ~~The components and subsystems that, in combination, convert solar energy into electric or thermal energy primarily for the purpose of off-site consumption, and may include other appurtenant structures and facilities. The definition includes, but is not limited to, photovoltaic power systems and solar thermal systems.~~

810.01.070. E

(f) ***ELECTRICAL POWER GENERATION.*** (See Land Use Tables.) A facility that generates and distributes electrical energy for sale. The electricity may be generated from oil, gas, coal or fuels or from "alternate" sources including water, wind, ~~the~~ sun, ground, bio~~gas~~, municipal or agricultural wastes. This includes ***COGENERATION***, which means the sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. See also ***~~WIND~~ RENEWABLE ENERGY ~~SYSTEM~~.***

810.01.200. R

(aa) ***RENEWABLE ENERGY.***

(1) ***BIOENERGY FACILITY***: A facility that produces energy converted from biomass or biogas, from sources such as animal waste and plant residues produced on farms and in forests, crops grown specifically to produce energy (energy crops), and urban-derived food, yard, and other organic waste, as well as energy produced from landfill emissions and gas or waste from water treatment facilities.

(2) ***COMMUNITY-ORIENTED RENEWABLE ENERGY FACILITIES***: Community-Oriented Renewable Energy (CORE) facilities are constructed to serve a local community with more than 50 percent of the generated or stored energy. Facility types include: Accessory: Site-Oriented rooftop and ground-mounted systems of solar photovoltaic, solar water heater, geothermal or wind technology and associated energy storage; or Non-Accessory Neighborhood and Community systems of solar photovoltaic, bioenergy or geothermal technology and associated energy storage. An accessory system is located on the building or next to a building to supply energy to the site. A non-accessory system is a ground-mounted system generally between 5 acres and 60 acres which generates energy for local, off-site use that primarily serves the local needs of off-site users before supplying energy to the grid.

(3) ***COMMUNITY RENEWABLE ENERGY FACILITY (NON-ACCESSORY)***: A renewable energy facility covering up to approximately 60 acres with a net maximum power capacity no greater than 10 megawatts in general, which generates energy primarily for local, off-site use (greater than 50 percent), limited to solar photovoltaic, bioenergy, geothermal and energy storage facilities.

(4) ***DISTURBED LAND***: Areas where the natural environment has been altered by human activity to a point of significant change, including but not limited to existing buildings and structures, including paved surfaces such as parking lots; lands with significant grading, excavation, or stockpiling that have not been restored to their natural state; sites with industrial operations such as mining or mineral extraction; land developed for former industrial or

commercial sites that were previously degraded or contaminated and then abandoned or underused; and areas that were developed and contaminated by hazardous or potentially hazardous materials.

(5) ***ENERGY STORAGE FACILITY***: A facility that stores electrical energy for use at a later time, using technologies including but not limited to batteries, flywheels, and compressed air.

(6) ***GEOTHERMAL ENERGY SYSTEM.*** Geothermal heating and cooling systems are comprised of a series of pipes, a geothermal unit, and a heat pump. The heat absorbed at the earth's surface from solar energy is transported to the geothermal unit located inside your home. These may be combined with solar photovoltaic energy systems.

(7) ***GROUND-MOUNTED RENEWABLE ENERGY FACILITY***: A ground-mounted renewable energy facility that is physically located on the primary end-user's property and serves the on-site needs of the primary use before supplying less than 50 percent of the energy to the grid, limited to energy storage facilities, solar photovoltaic facilities, solar water heating facilities, geothermal and wind energy facilities. A ground-mounted renewable energy facility may support energy use on other parcels if serving the same owner of the renewable energy facility or common property development that is also under the same ownership.

(8) ***NEIGHBORHOOD RENEWABLE ENERGY FACILITY (NON-ACCESSORY)***: A renewable energy facility generally up to 5 acres in total area that provides energy (greater than 50 percent) primarily for adjacent, off-site uses before supplying energy to the grid, limited to solar photovoltaic, geothermal and energy storage facilities.

(9) ***ROOF-MOUNTED RENEWABLE ENERGY FACILITY***: A renewable energy facility mounted to the roof of a building or on top of a structure that is physically located on the primary end-user's property and serves the on-site needs of the primary use before supplying energy to the grid, limited to solar photovoltaic, solar water heating, geothermal, wind and energy storage facilities. Facility may be accessory to support the primary use or non-accessory.

(10) ***SOLAR ENERGY SYSTEM*****:** A system that collects solar energy and converts it to one or more usable forms using electrical and/or mechanical processes. Solar energy systems include but are not limited to photovoltaic, solar thermal, and solar water heating technologies as well as separate energy storage battery systems for on-site use. Solar energy systems do not include passive solar technologies, including solar cooking or passive solar features in a building for space heating and cooling.

(11) ***SOLAR PHOTOVOLTAIC FACILITY***: A renewable energy facility that converts sunlight directly into electricity by allowing solar photons to heat electrons from their ground state.

(12) ***SOLAR WATER HEATING FACILITY***: A facility that uses sunlight to heat water for use in a home or nonresidential building.

(13) ***UTILITY-ORIENTED RENEWABLE ENERGY FACILITY***: A renewable energy facility developed to provide energy to the grid with a net maximum power capacity in excess of 10 megawatts or generally greater than 60 acres in total area. Includes solar photovoltaic, bioenergy and associated storage facilities. Utility-oriented renewable energy is defined as energy generated primarily (more than 50 percent of output) for use outside the local area, but connection to the energy grid.

(14) ***WIND ENERGY SYSTEM.*** (See Land Use Tables.) A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

A. ***ACCESSORY WIND ENERGY SYSTEM.*** An accessory wind energy system consists of one or more wind turbines that generate electricity of which more than 50 percent shall be

used on site. An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An accessory wind energy system typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.

B. ***SYSTEM HEIGHT.*** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

C. ***TOWER HEIGHT.*** The height above grade of the fixed portion of the tower, excluding the wind turbine.

D. ***WIND TURBINE.*** A device which converts the kinetic energy of wind into a usable form of electric energy. A wind turbine may consist of a tower, turbine, support structures, electrical wires, guy wires and other related equipment.

810.01.210. S

(uu) ***SOLAR ENERGY SYSTEM.*** ~~Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. ***SOLAR ENERGY SYSTEMS*** include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.~~See ***RENEWABLE ENERGY, SOLAR ENERGY SYSTEM***.

(zzzz) ***SYSTEM HEIGHT.*** See ***RENEWABLE ENERGY, WIND ENERGY SYSTEM***.

810.01.220. T

(p) ***TOWER HEIGHT.*** See ***RENEWABLE ENERGY, WIND ENERGY SYSTEM~~S~~.***

810.01.250. W

(m) ***WIND ENERGY SYSTEM.*** See ***RENEWABLE ENERGY, WIND ENERGY SYSTEM***. ~~(See Land Use Tables.) A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:~~

~~(1) ***ACCESSORY WIND ENERGY SYSTEM.*** An accessory wind energy system consists of one or more wind turbines that generate electricity of which more than 50 percent shall be used on site. An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An accessory wind energy system typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.~~

~~(2) ***SYSTEM HEIGHT.*** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.~~

~~(3) ***TOWER HEIGHT.*** The height above grade of the fixed portion of the tower, excluding the wind turbine.~~

~~(4) ***WIND TURBINE.*** A device which converts the kinetic energy of wind into a usable form of electric energy. A wind turbine may consist of a tower, turbine, support structures, electrical wires, guy wires and other related equipment.~~

EXHIBIT C

Current Chapter 84.29

CHAPTER 84.29: RENEWABLE ENERGY GENERATION FACILITIES

Section

§ 84.29.010 Purpose.

The purpose of this Chapter is to establish standards and permit procedures for the establishment, maintenance and decommissioning of renewable energy generation facilities. These regulations are intended to ensure that renewable energy generation facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

(Ord. 4098, passed - -2010)

§ 84.29.020 Applicability and Land Use Zoning Districts.

(a) This Chapter provides findings and development standards for commercial wind and solar renewable energy facilities.

(b) The Land Use Zoning Districts that allow commercial renewable energy facilities are limited to the following:

RC (Resource Conservation).

AG (Agricultural).

FW (Floodway).

RL (Rural Living).

CR (Rural Commercial).

CN (Neighborhood Commercial).

CO (Office Commercial).

CG (General Commercial).

CS (Service Commercial).

CH (Highway Commercial).

IC (Community Industrial).

IR (Regional Industrial).

IN (Institutional).

(Ord. 4098, passed - -2010; Am. Ord. 4213, passed - -2013)

§ 84.29.030 Wind Energy Development Standards.

(a) *Height Limits.* Wind generator machine and associated meteorological tower overall height shall not exceed 500 feet. For the purposes of this Chapter, machine height shall be measured as follows:

(1) Overall machine height of horizontal axis of machines shall be measured from grade to the top of the structure, including the uppermost extension of any blades.

(2) Machine height of vertical axis or other machine designs shall be measured from grade to the highest point of the structure. Further restrictions may apply to ensue aviation safety.

(b) *Setbacks and Spacing.* Wind generator setbacks shall be as follows:

(1) *Setbacks Where Adjacent Parcels Contain Less than 40 Acres.*

(A) A minimum wind generator setback of two times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from exterior project boundaries where the project site is adjacent to existing parcels of record that contain less than 40 acres and

are not zoned as any of the compatible districts, which are as follows:

RC (Resource Conservation).

AG (Agriculture).

FW (Floodway).

RL (Rural Living).

IR (Regional Industrial).

(B) The Director may allow a reduction in this setback, not to exceed a minimum setback of one times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) if a letter of consent from the owner(s) of record of adjacent parcels is filed with the County Advance Planning Division.

(2) *Setback Where Adjacent Parcels Contain 40 Acres or More.* A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from all exterior project boundaries. The Director may allow a reduction or waiver of this setback requirement in accordance with both of the following provisions:

(A) The project exterior boundary is a common property line between two (2) or more approved wind energy projects or both properties are located within compatible districts as listed above; and

(B) The property owner of each affected property has filed a letter of consent to the proposed setback reduction with the Director.

(3) *Setback from Off-Site Residence(s) on Adjacent Parcels.* In all cases, regardless of parcel area, a minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 1,500 feet, whichever is greater, shall be maintained from any off-site residence. The Director may allow a reduction in this setback, not to exceed a minimum setback of one times the overall machine height, if a letter of consent from the owner(s) of record of the adjacent parcel is filed with the Director.

(4) *Setback from On-Site Residences and Accessory Structures Designed for Human Occupancy.* A minimum wind generator setback of one times the overall machine height (measured from grade tot he top of the structure, including the uppermost extension of any blade) shall be maintained from any on-site residence or accessory structure designed for human occupancy.

(5) *Setback from Public Highways and Streets, Public Access Easements, Public Trails, and Railroads.* A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any publicly maintained public highway or street. A minimum wind generator setback of one times the overall machine height shall be maintained from any public access easement or railroad right-of-way. A minimum wind generator setback of 150 feet shall be maintained from the outermost extension of any blade to any public trail, pedestrian easement, or equestrian easement.

(6) *Project Interior Wind Generator Spacing.* Wind generator spacing within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.

(c) *Compliance with Aviation Law and Department of Defense Restrictions.* The wind generator machines shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 *et seq.*). Additionally, the local Department of Defense contact person(s) shall be notified and clearance from the Department of Defense shall be required for all wind generators.

(d) *Lighting.* Wind energy generation facilities shall be lighted in compliance with FAA (Federal Aviation Administration) regulations.

(e) *Site Design for Protection of Biological Resources.* Wind energy generation facilities will be designed in such a manner as to protect special-status species and avian and bat species, including the following:

(1) The design will discourage the use of the site by raptors by including landscaping and ground conditions that are unattractive to raptors.

(2) The design and siting of these facilities shall avoid the placement of turbines on or immediately adjacent to the upwind side of ridge crests;

(3) The design may include other design features to minimize impacts to bats and birds; and

(4) An avian and bat management plan shall be required for all projects to address unanticipated significant adverse impacts on the population of avian or bat species or with any other migratory corridor.

(Ord. 4098, passed - -2010; Am. Ord. 4156, passed - - 2011)

§ 84.29.035 Required Findings for Approval of a Commercial Solar Energy Facility.

(a) In order to approve a commercial solar energy generation facility, the Planning Commission shall, in addition to making the findings required under § 85.06.040(a) of the San Bernardino County Development Code, determine that the

location of the proposed commercial solar energy facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses, and will not lead to loss of the scenic desert qualities that are key to maintaining a vibrant desert tourist economy by making each of the findings of fact in Subdivision (c).

(b) In making these findings of fact, the Planning Commission shall 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 within a city or unincorporated territory, or on State or Federal land.

(c) The finding of fact shall include the following:

(1) The proposed commercial solar energy generation 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.

(2) 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.

(3) 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,[1] 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.

(4) 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.

(5) 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).

(6) 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.

(7) The proposed commercial solar 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 percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.

(8) 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.

(9) 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.

(10) Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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 § 51238.1.

(18) The proposed commercial solar energy generation facility will not preclude access to significant mineral resources.

(19) The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.

(20) 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 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.

(21) 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.

(22) 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.

(23) 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.

(24) On-site vehicle speed will be limited to 15 miles per hour.

(25) For proposed commercial solar energy generation facilities within two miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed commercial solar energy generation 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.

(26) For proposed facilities within two 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.

(27) For proposed facilities within two 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.

(28) For proposed facilities within two 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.

(29) For proposed facilities within two 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.

(30) 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.

(31) 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.

(Ord. 4213, passed --2013)

[1] To assist in this determination, photo simulations of the proposed commercial solar energy generation facility as viewed from sensitive receptors (i.e., residences, trails, parks) and public roadways in the area may be required as part of the project's application package.

§ 84.29.040 Solar Energy Development Standards.

(a) *Setbacks.* Solar energy generating equipment and their mounting structures and devices shall be set back from the property line either pursuant to the standards in the Land Use Zoning District, or 130 percent of the mounted structure height, whichever is greater.

(b) *Glare.* Solar energy facilities shall be designed to preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way.

(c) *Night Lighting.* Outdoor lighting within a commercial solar energy generation facility shall comply with the provisions of Chapter 83.07 of this Development Code.

(d) *Public Safety Services Impact Fees.* The developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:

Parcel Size	***Fee Per Acre***
0—4.99 acres	$580.00
5—14.99 acres	$280.00
15 acres or greater	$157.00

Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project's public safety services impacts, which study shall be paid at the developer's expense, using a consultant approved by the County.

Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

(e) *Special Use Permit.* Prior to the start of construction, the developer of an approved commercial solar energy generation facility shall submit for review, and gain approval for, a Special Use Permit (SUP) from County of San Bernardino Code Enforcement. Thereafter, the SUP shall be renewed annually subject to annual inspections and the payment of fees required in Subsection (d) of this Section. The annual SUP inspections shall review and confirm continuing compliance with the performance standards included in the Planning Commission's findings of fact and the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the operation and maintenance of the entire commercial solar energy generation facility. Failure to comply shall cause enforcement actions against the operator and owner of the facility. Such actions may cause a hearing or an action that could result in revocation of the facility's Conditional Use Permit and imposition of additional sanctions and/or penalties in accordance with established County of San Bernardino land use enforcement procedures. Any additional inspections that are deemed necessary by the County of San Bernardino Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three hours per inspection.

(f) *Project Notices.* Notice of an application for approval of a commercial solar energy generation facility shall be provided to the Municipal Advisory Council (MAC) for the area, any Community Service District or water agency serving the project site, and to all property owners, whether located in a city or in the unincorporated area of the County, within the following parameters:

(1) *Area to be Notified.* Owners of property located within 1,000 feet of the external boundaries of the parcel of the proposed site, or owners of property located up to 20 separate parcels away but not to exceed one quarter mile (1,320 feet), whichever is greater.

(2) *Notification Timing.* Notification shall be accomplished upon acceptance of a new Conditional Use Permit application or a revision to an approved action application for a commercial solar energy generation facility, with additional notice of public hearings provided as required by law to property owners within the area to be notified cited above.

(Ord. 4098, passed - -2010; Am. Ord. 4156, passed - -2011; Am. Ord. 4213, passed --2013)

§ 84.29.050 Special Fencing Standards.

Special fencing standards may be applied without a variance in recognition of the capital costs of renewable energy facilities. Total fence heights allowed are inclusive of any height extension devices such as slanted razor-wire panels.

(a) *Fencing on Street Side.* Chainlink fencing up to eight feet in height may be installed no closer than 15 feet from the right-of-way on streetside boundaries. Security devices such as razor-wire height extensions may only be directed inward to the property, and may not extend beyond the property boundary to overhang the right-of-way.

(b) *Fencing on Interior Boundaries.* Chainlink fencing up to eight feet in height may be installed along the property line on interior (non-streetside) boundaries. Security devices such as razor-wire height extensions may only be directed inward to the property, and may not extend beyond the property boundary to overhang any other property.

(c) *Electric Fencing.* Electric fencing is not allowed.

(Ord. 4098, passed - -2010)

§ 84.29.060 Additional Wind and Solar Energy Development Standards.

(a) *Facilities Adjoining Agricultural Operations.* Supporting off-site facilities, such as transmission lines, shall be designed and sited in a manner that will allow for continued use of adjoining agricultural operations.

(b) *Large Bird Protection.* Transmission lines and all electrical components shall be designed, installed, and maintained to reduce the likelihood of large bird electrocutions and collisions.

(Ord. 4156, passed - -2011)

§ 84.29.070 Decommissioning Requirements.

(a) *Closure Plan.* Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and revegetation of the project site after decommissioning. The project owner shall prepare a Closure, Revegetation, and Rehabilitation Plan and submit it to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed offsite for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be revegetated by the collection of seeds and re-seeding following decommissioning.

(b) *Compliance with Other Requirements.*

(1) Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans include the following as applicable:

(A) Water Quality Management Plan.

(B) Erosion and Sediment Control Plan.

(C) Drainage Report.

(D) Notice of Intent and Stormwater Pollution Prevention Plan.

(E) Air Quality Permits.

(F) Biological Resources Report.

(G) Incidental Take Permit, Section 2081 of the Fish and Game Code.

(H) Cultural Records Report.

(2) The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

(Ord. 4156, passed - -2011)

EXHIBIT D

Renewable Energy & Conservation Element
General Plan Amendment – CEQA Addendum

COUNTY OF SAN BERNARDINO

RENEWABLE ENERGY & CONSERVATION ELEMENT GENERAL PLAN AMENDMENT

CEQA ADDENDUM

PROGRAM ENVIRONMENTAL IMPACT REPORT
GENERAL PLAN AND DEVELOPMENT CODE

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
GENERAL PLAN AMENDMENT AND
GREENHOUSE GAS REDUCTION PLAN

STATE CLEARINGHOUSE NO. 2005101038

Prepared by:
COUNTY OF SAN BERNARDINO
LAND USE SERVICES DEPARTMENT
385 N. ARROWHEAD AVENUE, FIRST FLOOR
SAN BERNARDINO, CA 92415

SEPTEMBER 2016

CEQA Addendum for a General Plan Amendment and Development Code Update to add a Renewable Energy & Conservation Element

PROJECT DESCRIPTION:

In conformance with the California Environmental Quality Act ("**CEQA**"), this Addendum to the Program Environmental Impact Report for the San Bernardino County General Plan Update ("**Program EIR**") has been prepared to describe the impacts expected to occur as a result of the addition of a new Renewable Energy & Conservation Element ("**REC Element**") to the 2007 General Plan, as Amended ("**General Plan**"). Considering the broad scope of the General Plan, an Environmental Impact Report ("**Program EIR**") was prepared and certified in conjunction with the General Plan. A Supplement to the General Plan EIR was certified with the adoption of the County's Greenhouse Gas Reduction Plan ("**GHG Plan**") by the Board of Supervisors ("**Board**") in 2011 ("**GHG Plan SEIR**") . The GHG Plan SEIR was utilized (as opposed to a stand-alone EIR) to evaluate whether the GHG Plan would result in new significant environmental effects not previously addressed in the General Plan EIR, or whether the GHG Plan would result in a substantial increase in the severity of previously identified significant environmental effects.
The GHG Plan SEIR and the Program EIR collectively comprise the foundational documents to which this document is addended, and are referred to herein as the "**General Plan EIR**".

Since the GHG Plan was adopted, the County of San Bernardino ("**County**") has processed numerous solar energy generation projects. This activity has caused the County to reconsider its legislative framework for the evaluation of these projects, culminating in the adoption by the Board on December 17, 2013, of additional criteria to be met before these projects can be approved.[1] These legislative adjustments were seen as temporary and in anticipation of the adoption of the REC Element.

The REC Element presents a vision for the future of renewable energy in the County, provides goals and policies to encourage renewable energy development that will meet the vision, and incorporates recommended actions and approaches for its implementation. Recommended actions include administrative procedures and processes, incentives, design standards, and collaboration with other agencies and utilities.

In addition to the REC Element, the Addendum evaluates associated changes to the County Development Code, as Amended ("**Development Code**"). Changes to the Development Code are required in order to implement the policies in the REC Element. Development Code amendments work in tandem to codify the rules and strategies associated with and guided by the vision, goals, policies and objectives identified in the REC Element. Both the General Plan and the Development Code amendments are referred to herein as the "**Proposed Project**".

The nature of the Proposed Project is to guide and direct the development of renewable energy generation facilities within the County by adding the REC Element to the County's General Plan. The REC Element is a programmatic planning document, created to guide and direct the development and operation of renewable energy generation facilities within the County. The REC Element does not approve or authorize any particular development or project that will alter the environment. Rather, it

[1] See Chapter 84.29 of the County Development Code

outlines the need for, and commits the County to, plans and programs to advance the goals and policies of the REC Element.

Although the General Plan is solely a policy document and, in and of itself, does not authorize future construction without subsequent environmental review, it none the less "paves the way" for future development to occur. As such, its policies have "potential for a direct physical change or a reasonably foreseeable indirect physical change in the environment" and thus it can be defined as a "project" under CEQA. Adoption of the REC Element will not directly cause any new construction, nor would it directly impose other changes that would create significant environmental impacts. All new development proposals will also be evaluated under CEQA at the time of application and processing through County's routine planning and building permitting process and will also comply with existing policies and requirements in the County's General Plan and Development Code.

Purpose and Scope of the Addendum

This Addendum addresses the environmental effects of the Proposed Project in light of previous environmental review in the General Plan EIR (CEQA Guidelines Sections 15162 and 15163). Section 15164(b) allows the preparation of an addendum to a previously certified EIR "if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

Under CEQA Guidelines § 15162(a)(1), a further EIR may be required if proposed changes to the project will require "major revisions" to the previous EIR or a negative declaration because of "new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

Thus, a proposed change in a project will require preparation of a subsequent or supplemental EIR if four conditions are all found to exist:

(1) The change in the project is substantial;

(2) The change involves new or more severe significant environmental impacts;

(3) The change will require major revisions to the previous EIR or negative declaration based on the new or more severe impacts; and

(4) The new or more severe impacts were not considered in the previous EIR or negative declaration.

Inclusion of the REC Element into the General Plan, as reviewed by this Addendum, would not represent a substantial change to the General Plan, nor would it require major revisions to the General Plan EIR. As discussed in more detail herein, none of the conditions outlined in Guidelines Section 15162 requiring preparation of a subsequent or supplemental EIR apply to the Proposed Project. Specifically, the Proposed Project will not cause a substantial changes in the General Plan and GHG Plan, as analyzed in the General Plan EIR, nor will the Proposed Project involve new or more severe significant environmental impacts, thereby requiring major revisions to the General Plan EIR, as any impacts from the Proposed Project were considered in the General Plan EIR.

In conformance with Guidelines Section 15121, the General Plan EIR, along with this Addendum, are intended to serve as the documents that will generally inform the decision-makers and the public of the environmental effects of the proposed project and the mitigation measures that may be used to lessen the effects. CEQA requires the decision-making body (the Lead Agency) taking action on the Proposed Project (in this case the County of San Bernardino) to consider the Addendum along with the General Plan EIR prior to making a decision on the Proposed Project.

Relationship of the Addendum to Previous CEQA Documents

The Program EIR was certified with the adoption of the General Plan Update in 2007 and the GHG Plan SEIR was certified with the adoption of the GHG Plan in 2011, as set forth above, collectively, the "**General Plan EIR**" No legal actions were filed challenging these previous CEQA documents, and thus they are presumed valid.

By utilizing provisions of the CEQA Guidelines ("**Guidelines**") authorizing the incorporation of previous documents [See Guidelines Sections 15148 (Citation) and 15150 (Incorporation by Reference)] in preparing this Addendum, the County has been able to make maximum feasible and appropriate use of previous analyses and technical information. As a result, following key documents are incorporated herein by reference:

- San Bernardino County General Plan Update Program EIR, 2007 (State Clearinghouse No. 2005101038)
- Facts, Findings, and Statement of Overriding Considerations Regarding the Environmental Effects from Implementation of the San Bernardino County General Plan Update, 2007
- San Bernardino County General Plan Amendment and Greenhouse Gas Reduction Plan Supplemental EIR, 2011 (State Clearinghouse No. 2005101038)
- Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects from Implementation of the San Bernardino County Greenhouse Gas Reduction Plan and Associated General Plan And Development Code Amendments, November 2011

  Germane to the analysis in the GHG Plan SEIR were the following greenhouse gas ("**GHG**") related documents:

  - Functional Equivalent Document for Renewable Electricity Standard (California Air Resources Board 2010f) • Functional Equivalent Document for Climate Change Scoping Plan (California Air Resources Board 2008, SCH# 2008102060)
  - Functional Equivalent Document for California Cap on GHG Emissions and Market-Based Compliance Mechanisms (California Air Resources Board 2010d, SCH# 2010102056)

CEQA review of the REC Element in this Addendum must be approached, not independently, but in light of the entire General Plan and the General Plan EIR. By utilizing provisions of the CEQA Guidelines, the County, in preparing this Addendum, has been able to make maximum feasible and appropriate use of the technical information in these previous documents. Accordingly, the Addendum need contain only the information necessary to respond to the project changes, changed circumstances, or new information that triggered the need for additional environmental review (CEQA Guidelines Section 15163).

Relationship of the REC Element to the General Plan and Development Code

The General Plan takes immediate concerns into consideration, but focuses primarily on the future to project conditions and needs as a basis for determining objectives. It also establishes long-term policies for day-to-day decision-making based upon those objectives. Currently, the County's General Plan consists of eight Elements (or areas of focus): Land Use, Circulation and Infrastructure, Housing, Conservation, Open Space, Noise, Safety, Economic Development. The REC Element will join the General Plan, as its ninth Element. Within each Element are the vision, goals, policies, and objectives that direct implementation within its identified purpose. All of the Elements work together, forming a comprehensive set of planning policies. The General Plan also encompasses a series of

linked documents, e.g. associated Land Use Zoning District maps; Hazard, Circulation, and Resource Overlay maps, and an Alternate Housing Map. Also included are 13 individual Community Plans, the GHG Plan, and multiple supporting documents and reports. Policies in the General Plan then guide the rules and strategies that become codified in the County's Development Code.

The REC Element will identify the goals and policies that guide the siting, design, construction, maintenance, and decommissioning of renewable energy generation facilities, and recommend various measures with which such goals and policies may be attained. The vision, goals, policies, and programs described in the REC Element, and the associated rules and implementation strategies codified in the proposed Development Code amendments maintain consistency with the existing General Plan's vision, goals, policies, programs, and their implementing ordinances.

In 2011, the Conservation Element of the General Plan was amended and an Energy section (Section 7) included to guide policies related to multiple forms of energy production, including electricity infrastructures and renewable energy. Several goals and policies directly related to renewable energy will be removed from the Conservation Element and replaced by the proposed REC Element.

Summary of REC Element Focus and Policies

The REC Element has been prepared to augment existing General Plan policies related to renewable energy, consistent with a "Renewable Energy and Conservation Element Framework: Purpose, Values and Standards" of guiding principles for renewable energy policies ("**Framework**"). The Framework was adopted by the Board of Supervisors in March 2015. The Framework and the resulting REC Element policies tend toward restricting the siting of large scale renewable energy projects and toward encouraging increased production of on-site, smaller scale community oriented systems with the purpose of reducing environmental impacts.

The REC Element proposes a standards-based approach to identify where new renewable energy projects should be sited. A standards-based approach starts with meeting a need, and then follows by identifying appropriate and inappropriate site conditions. This approach enables protection of environmentally sensitive areas while allowing projects to locate where they are most beneficial and financially viable. Knowing the end-use enables project design to meet functionality rather than maximum capacity that transports the beneficial use elsewhere. The standards-based method also enables advancements in technology to occur without requiring continual reassessments. Developers will be required to demonstrate they meet standard County protocol in order to receive development permits.

The REC Element will encourage the construction of community-oriented renewable energy projects to ensure the benefits of a project offset its costs to the community. Project siting and design is anticipated to consist primarily of small solar photovoltaic (PV) of 6 acres or less and onsite or adjacent to already developed properties. Such small scale projects can more easily avoid environmental concerns that have made implementation of renewable energy in the County controversial.

REC Element policies are designed to direct utility-oriented projects toward degraded lands that are not of substantial value for other developed uses. In addition, the County has identified five Bureau of Land Management ("**BLM**") Desert Renewable Energy Conservation Plan "Development Focus Areas" where suitable land may be available that is separated from protected conservation lands and valuable wildlife habitat.

The REC Element builds on the Countywide Vision and General Plan with a set of policies designed to promote renewable energy development in a responsible manner, consistent with the protections

identified in the Environment and Quality of Life elements of the Countywide Vision and the County's existing General Plan Conservation Element. The County has long been a proponent of responsible conservation of its many and varied natural resources. The County has incorporated into the REC Element strong language in this regard, and will continue to uphold these values while at the same time encouraging renewable energy development that is appropriately sited, designed, constructed, and maintained.

APPROACH TO ANALYSIS OF ENVIRONMENTAL FACTORS:

Passage in 2006 of the Global Warming Solutions Act (AB 32) was a major turning point in California's history. By legislating GHG emission reductions, AB 32 set the stage for transitioning to a sustainable, low-carbon future. Implementation of the County's REC Element is intricately connected to the GHG Plan component of the General Plan as it, in effect, encourages and enables, through its policies and performance measures, implementation of mitigation measures to reduce greenhouse gas emissions.

The degree to which the REC Element may quantifiably affect the type, amount, and geographic distribution of future renewable energy projects cannot be known – and attempts to evaluate actual physical effects to the environment must, by nature, be an exercise in conjecture. With nearly two million unincorporated privately-held acres under County jurisdiction, it is far too speculative to translate the vision and processes into a quantifiable renewable energy project development future or any form of "build out scenario". With the General Plan EIR as its foundation, the review and analysis herein is based on general statements of unquantified impacts. Nonetheless, unquantified statements of impact maintain a place of value in identifying qualitative environmental impacts, alternatives, and mitigation measures.

That said however, the GHG Plan SEIR embraced and evaluated multiple renewable energy and conservation scenarios that, as applied to new and existing development, resulted in a level of quantified impacts used as a base for its impact analysis. These impacts also apply directly to the REC Element, as many of its greenhouse gas reduction policies are directly tied to implementation of policies in the REC Element. In a sense, the REC Element can be considered as a policy document that will enable implementation of many of the implementation measures outlined in the GHG Plan. Achieving this vision and implementing these goals will consequently result in projects that beneficially affecting the regions source of energy and contribute to its reduction in fossil fuel dependency. Implementation of the REC Element's performance standards will also enhance existing protections for the County's natural resources, valued landscapes, and built environments.

The certified Program EIR prepared for the 2007 General Plan Update evaluated potentially significant effects for the following 16 environmental areas of potential concern: 1) aesthetics; 2) agricultural resources; 3) air quality; 4) biological resources; 5) cultural and paleontological resources; 6) geology and soils; 7) hazards and hazardous materials; 8) hydrology, flood hazards and water quality; 9) land use and planning; 10) mineral resources; 11) noise; 12) population and housing; 13) public services; 14) recreation; 15) transportation/traffic; and 16) utilities and service systems. Of these 16 categories, the Board adopted findings concurring with the conclusions in the Program EIR that six of them remained incapable of being mitigated to a less-than-significant level: 1) aesthetics, 2) agricultural resources, 3) air quality, 4) biological resources, 5) hazards and hazardous materials and 6) transportation/traffic. (See Table 1, Summary of Environmental Impacts by CEQA Document.)

The certified GHG Plan SEIR evaluated 10 relevant environmental categories: 1) aesthetics, 2) agricultural and forestry resources, 3) air quality, 4) biological resources, 5) cultural resources, 6)

hazards & hazardous materials, 7) hydrology/water quality, 8) noise, 9) public services, and 10) utilities/service systems. Mandatory Findings of Significance were also evaluated. Of these 10, only three were found to cause new or substantially more severe significant impacts beyond those considered in the Program EIR: 1) aesthetics, 2) agricultural and forestry resources, and 3) biological resources. For these three topics it was determined that impacts would remain significant and unavoidable, even with implementation of mitigation measures.

The Board of Supervisors adopted a Statement of Overriding Considerations that determined the benefits of the project outweighed their significance for both the Program EIR and the GHG Plan SEIR for those areas in which environmental impacts remained significant and unavoidable even with implementation of mitigation measures.

As the Addendum is related to impacts from GHG reduction measures, those categories applicable to the GHG Plan SEIR will also be evaluated in the Addendum. One addition to these categories will include Cultural Resources. Requirements for Cultural Resource consultation have been implemented and will be added to the evaluation. **The analysis covering the Proposed Project resulted in the summary of conclusions shown in Table 1, below. As shown, the Addendum reveals no significant changes would occur beyond what was previously determined** and analyzed in the General Plan EIR, nor will the Proposed Project involve new or more severe significant environmental impacts, thereby requiring major revisions to the General Plan EIR, as any impacts from the Proposed Project were considered in the General Plan EIR.

Table 1
SUMMARY OF ENVIRONMENTAL IMPACTS BY CEQA DOCUMENT

	Program EIR	GHG Plan SEIR	Addendum
Aesthetics	SOC	SOC	No change
Agriculture and Forestry Resources	SOC	SOC	No change
Air Quality	SOC	Less Than	No change
Biological Resources	SOC	SOC	No change
Cultural Resources	Less Than	Less Than	No change
Geology and Soils	Less Than	---	---
Greenhouse Gas Emissions	Less Than	---	---
Hazards and Hazardous Materials	SOC	Less Than	No change
Hydrology/Water Quality	Less Than	Less Than	No change
Land Use and Planning	Less Than	---	---
Mineral Resources	Less Than	---	No change
Noise	Less Than	Less Than	---
Population and Housing	Less Than	---	---
Public Services	Less Than	Less Than	No change
Recreation	Less Than	---	---
Tansportation/Traffic	SOC	---	---
Utilities and Service Systems	Less Than	Less Than	---
Mandatory Findings of Significance	**YES**	**YES**	**NO CHANGE**

SOC: A State of Overriding Considerations was adopted for an impact not able to be fully mitigated
Less Than: A Less Than Significant determination was made.
- - - Considered and not found to be relevant to the analysis

Eight topics were considered but eliminated found not to be relevant to the Proposed Project evaluated in the Addendum for the: 1) geology and soils, 2) greenhouse gas emissions, 3) land use and planning, 4) noise, 5) population and housing, 6) recreation, 7) transportation and traffic, and 8) utilities and service systems.

CEQA ANALYSIS:

The section numbers and letters, with corresponding analysis below, relate to the categories and relevant questions only found in the CEQA Guidelines Appendix G-Environmental Checklist.

1) AESTHETICS AND VISUAL RESOURCES

a, b, c) Scenic Vista, Scenic Resources, and Routes or Existing Scenic Character

The County contains vast undeveloped tracts of land that offer significant scenic vistas. There are numerous designated federal, state and local open space and recreational areas throughout the County that offer scenic vistas and views.

Primary scenic concerns of County residents include the preservation of views within the desert communities and limits development on ridge tops within the mountain communities. Given that wind generators are often located along hillsides and ridgelines (in order to take advantage of wind conditions) creating objectionable intrusions on the landscape and that the County does not have land use jurisdiction on federal and state lands for many large scale energy developments, there are no feasible mitigation measures to mitigate this impact.

The Program EIR determined that implementation of the General Plan would result in significant and unavoidable impacts to scenic vistas, scenic resources, and the existing scenic character of the county (Program EIR Impacts AES-1 and 2) and the GHG Plan SEIR determined that it would result in a substantial increase in the severity of this impact, a significant and unavoidable impact (GHG SEIR Impact 3.1.1). Programmatic mitigation will be imposed on individual projects as they are evaluated in the future through the County development review process, however, it is not likely that the impacts will be mitigated to a less than significant level. **The impact to aesthetics and visual resources was overridden and outweighed by project benefits set forth in the Statement of Overriding Considerations for the GHG Reduction Plan.**

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of aesthetic and visual impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

d) New Source of Substantial Light or Glare

New renewable energy projects, in response to the growth anticipated during the planning horizon of the General Plan, will incrementally increase ambient light and glare and continued intrusion on natural, scenic viewsheds. However, REC Element policies and performance standards will not increase the severity of the impacts anticipated in the GHG Plan SEIR. This is due to the stated goal of promoting small scale community oriented renewable energy projects near populated areas, and directing larger utility-oriented projects to outlying degraded land areas.

The Program EIR determined that implementation of the General Plan would result in significant and unavoidable impacts associated in glare and nighttime lighting (Program EIR Impact AES-3 and GHG Plan SEIR Impact 3.1.2)**. REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of light or glare impacts beyond what were previously identified.**

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

2) AGRICULTURAL AND FORESTRY RESOURCES

a, b, e) Agricultural Resources

Agricultural has historically been an important part of San Bernardino County's economy. The Valley region was once dominated by citrus groves, vineyards, dairy farms and the related industries. Much of the agricultural industry has left the region due to increases in traffic congestion. Strict air and water regulations have caused many dairy owners and other agricultural businesses to relocate out of the state. Areas in the eastern portion of the valley still maintain fruit orchards and nursery and vegetable production. Continued urban expansion is resulting in the conversion of agricultural uses. Economic pressures favor developing the land for other uses such as shopping centers, industrial logistics, and master planned communities.

Agriculture within the Mountain Region has is limited to the Oak Glen area which maintains a thriving economy which is centered on apple orchards. In the Desert Region, agricultural development is limited primarily to areas bordering the Mojave River as far north as Newberry Springs, though, due to the adjudication of the Mojave River watershed, it is a limited resource.

New renewable energy generating facilities and supporting facilities such as transmission lines that would convert or cross agricultural lands could occur as a result of the Proposed Project. However, proposed policies in the REC Element will limit new utility-oriented projects to degraded lands only, thus significant agricultural impacts are not anticipated beyond that identified in the precious CEQA documents.

The Program EIR determined that implementation of the General Plan would result in significant and unavoidable impacts to agricultural uses in the County due to urban

expansion and economic considerations (Program EIR Impacts AG-1 and 2). Renewable energy generating facilities are an allowed use in the Agriculture Zone and could result in increased severity of agricultural use impacts beyond what was considered in the Program EIR. The GHG Plan SEIR determined its policies to promote renewable energy would result in an increase in the severity of this impact and identified it as a substantial increase that would result in a significant and unavoidable impact. **Mitigation was incorporated into the GHG Plan SEIR, but did not mitigate the impacts to a less than significant level. A Statement of Overriding Considerations was adopted by the Board of Supervisors for impacts to agricultural resources for the GHG Reduction Plan.**

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of agricultural impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

3) AIR QUALITY

a - e) Air Quality and Pollutants

Air quality within a region is impacted by the amount of air pollution generated from stationary, mobile, area, and natural sources located within that region. California is divided geographically into 15 air basins in order to manage the State's air resources on a regional basis. San Bernardino County is located in two air basins, the South Coast Air Basin ("**SCAB**") and the Mojave Desert Air Basin ("**MDAB**").

The topography and climate of Southern California combine to make the SCAB an area with a high potential for air pollution. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. Light winds during the summer further limit ventilation. Sunlight triggers photochemical reactions which produce ozone, and this region experiences more days of sunlight than many other major urban areas in the nation. The cool moist coastal air from the SCAB is blocked by the San Gabriel and San Bernardino mountain ranges. Poor air quality conditions also exist in the MDAB. The area is characterized by hot, dry summers and mild winters with annual rainfall averaging two to five inches per year. Prevailing winds are a major contributor to poor air quality in the Desert Region.

The Program EIR determined that implementation of the General Plan would result in significant and unavoidable impacts to air quality (Program EIR Impacts AQ-1, 2, and 3). The purpose of the GHG Plan is to reduce GHG emissions within the County, and the GHG SEIR determined that implementation of the GHG Plan would not result in an

increased severity of previously identified Program EIR air quality impacts. In addition, implementation of these General Plan and Development Code provisions would ensure that construction air pollutant emissions are adequately addressed. Thus, the GHG Plan also would not result in a substantial increase in the severity of this impact, which was previously identified in the Program EIR as a significant and unavoidable impact.

Implementation of REC Element policy provisions and the continued implementation of the County Development Code, as amended, would generally ensure that implementation of the Proposed Project would not result in increased severity of these impacts. **As a result, the Proposed Project would not result in a new significant or substantially more severe impact related to air quality.**

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of air quality impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

4) BIOLOGICAL RESOURCES

a - d) Natural Habitat Areas/Sensitive Species/Wildlife Corridors

The County has been divided into three sub-regions for planning purposes: the Valley Region, the Mountain Region and the Desert Region. The Valley Region is urbanized with few existing natural open space areas. The predominant vegetation communities within the undeveloped areas of the Valley are chaparral, coastal sage scrub, deciduous woodlands and grasslands. The most sensitive vegetation types found within the Valley area are wetlands, including riparian woodland, riparian scrub and freshwater marsh. All riparian areas in the County are within federal and state protected areas.

The dominant aquatic feature within the Valley Region is the Santa Ana River Watershed. Key riverine resources include Day Creek, Etiwanda Creek and Sevaine Creek. Other areas are important biologically because they support flora or fauna that are limited in their distribution or require or tolerate unusual conditions that occur there.

The vegetation communities in the Mountain Region include scrubs, woodlands, wetlands and the relic pavement plains. The County coordinates with federal and state management plans as most of the Mountain Region is under the jurisdiction of federal or state agencies. The California Department of Fish and Wildlife ("**CDFW**") recognizes 14 Areas of Special Biological Importance ("**ASBIs**") within this region, including key areas that support herds of both resident and seasonally migratory mule deer. CDFW also recognizes principal wintering areas for waterfowl migrating along the Pacific Flyway.

The Desert Region encompasses approximately 93 percent of the County land area, and includes a great diversity of biological resources in one of the most fragile ecosystems in the United States. Most of the Desert Region is made up of land managed by the BLM

and other federal agencies. These federal lands support various important biological resources, including areas of deer, bighorn sheep, and desert tortoise habitat. The Desert Region also supports a high number of sensitive plant species.

In general, the GHG reduction measures envisioned as part of the GHG Plan and the REC Element involve expansion of existing facilities in urbanized or already developed areas, and/or within existing rights-of-way, rather than extension of infrastructure into undeveloped portions of the County. New policies are to allow utility-oriented projects on degraded lands only. Therefore, most contemplated improvements would not be expected to adversely affect important biological habitats.

The GHG Plan determined that implementation of new renewable energy projects could involve installation of wind generators and other renewable energy facilities that have the potential to impact sensitive and special-status species in unique ways compared with other development not anticipated or evaluated in the Program EIR. Wildlife may be potentially affected by electrocution from transmission lines; noise; presence of, or collision with, turbines, meteorological towers, and transmission lines, maintenance activities; special-status avian and bat strikes from wind-generating facilities; exposure to contaminants; and increased potential for fire hazards.

In some instances, turbines, transmission lines, and other facility structures may interfere with behavioral activities, including migratory movements, and may provide additional perch sites for raptors, thereby increasing predatory levels on other wildlife (i.e., predation of juvenile desert tortoises by ravens). Additionally, with the development of wind power generating facilities, there is a potential for impacts to special-status birds, raptors, and bats due to collision with wind turbines and barotraumas (in bats).

The Program EIR found that, despite the imposition of certain mitigation measures, impacts to some sensitive and special-status species and their associated habitat and migratory corridors resulting from implementation of the General Plan could not be fully mitigated to a level below significance (Program EIR Impacts BIO-1, 2, 3, 8, 9, 13, 14, and 16). Implementation of General Plan policy provisions and the continued implementation of the County Development Code would generally ensure that implementation of the proposed project does not result in an increased severity of these impacts. The GHG Plan SEIR determined that new renewable energy generating facilities could result in increased severity of biological resource impacts than was considered in the Program EIR.

Mitigation was incorporated into the GHG Plan SEIR, but did not mitigate the impacts to a less than significant level. A Statement of Overriding Considerations was adopted by the Board of Supervisors for impacts to agricultural resources for the GHG Reduction Plan.

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of biological resource impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

5) CULTURAL RESOURCES

a, b) Historic and Archaeological Resources

Cultural and archaeological resources are physical objects, buildings and structures, locations, living biological resources, or landscapes with unique cultural or historical significance. In the County, these resources include items left by settlers from Europe and elsewhere, dated between 1770 and 1950, as well as Native American tools, artwork, other possessions or artifacts, structures, and sacred locations. The San Bernardino County Archaeological Information Center recognizes over 12,000 historic sites from Native American periods (pre-1770), the Mission period of Spanish occupation (1770 to 1820), the Mexican period (1820 to 1848), and the American period (1848 to 1950).[2] A large number of state and federally listed historic resources are located in the unincorporated parts of the County, including Native American petroglyph sites, ghost towns, World War II military training facilities, and wagon roads across the Mojave (OHP 2015; DOI 2015).

In addition to the cultural resources associated with historic sites, a significant number of traditional cultural properties ("**TCPs**") under the National Historic Preservation Act and California Historical Resources Information System ("**CHRIS**") sites under the California Office of Historic Preservation exist in and around the County.

To assist in evaluating the REC Element's cultural impacts, 15 tribes associated within the County's jurisdiction were contacted based on a list received from the California Native American Heritage Commission ("**NAHC**"). To-date, four tribes have responded to the County's notification of the proposed REC Element: San Manuel Band of Mission Indians, Agua Caliente Band of Cahuilla Indians, Soboba Band of Luiseno Indians, and the Colorado River Indian Tribes. Senate Bill 18 consultation is ongoing with these tribes, and will continue as the REC Element moves through the public review and adoption process.

The enactment of Assembly Bill 52, Tribal Cultural Resources under CEQA, in 2015 will continue to ensure affected Tribes are notified and have opportunity to evaluate and participate in meaningful consultation regarding future renewable energy projects as they are proposed.

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of cultural resource impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

[2] While the American period is of course ongoing, resources after 1950 are generally not considered historical.

c) Paleontological Resources

Paleontological resources are evidence of ancient organisms, such as fossils. They occur primary in sedimentary rock (rock composed by the deposition of sand, silt, and other fine particles), although they may be found in other types of rock as well. Fossils are usually buried and can only be discovered through excavation, although some may be found on the surface. There are approximately 3,000 known sites in San Bernardino County with paleontological resources (County of San Bernardino 2007).

Chapter 82.12, Cultural Resources Preservation, of the County's Development Code helps to identify and preserve important archaeological and historical resources, while Chapter 82.19, Paleontological Resources Overlay, helps to identify and preserve significant paleontological resources. Both of these overlay zones are applied to areas known for these resources

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review. County standard procedures to protect cultural resources currently in place include: a cultural resources survey and consultation with associated Indian tribes and other specialists as appropriate. In certain cases, specialized cultural monitors are required on the project site during certain ground-disturbing activities.

Monitors have the authority to stop disruptive activities around areas where any such resources are found. Should any human remains be found, the County Coroner's office will be contacted along with the NAHC if any human remains of Native American origin are found (County of San Bernardino 2011b, 2014a, 2014b).

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of cultural resource impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

6) HAZARDS AND HAZARDOUS MATERIALS

d) Hazardous Waste Sites

A hazardous material is defined as "any material that because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment." There are approximately 2,400 known hazardous waste facilities in San Bernardino County. As of January 1, 2006, there were 55 potential hazardous waste sites listed under the Comprehensive Environmental Response, Compensation and Liability Act, also known as Superfund. The Fire Department, on behalf of the County, holds approximately 6,500 permits with businesses throughout the County for various hazardous materials and hazardous waste activities.

The Proposed Project would involve encouraging the placement of utility-oriented renewable energy facilities at degraded sites, including sites that are, or may have been, contaminated with hazardous waste. The California Department of Toxic Substances ("**DTSC**") is responsible for overseeing the identification and reclamation of contaminated sites. Subsequent use of such sites depends on the nature of toxicity and the method of containment. Once reclaimed, conditional uses can be allowed; often future habitation or human occupancy is restricted. Such sites can make preferable sites for renewable energy facilities that require only periodic site monitoring.

The General Plan EIR (the Program EIR and the GHG Plan SEIR) determined that implementation of the General Plan would result in a less than significant impact regarding the release of hazardous materials.

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of hazards or hazardous material impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

7) HYDROLOGY AND WATER QUALITY

b, f) Groundwater Supply

Groundwater supply has been of particular concern in recent years due to the extended drought being experienced by this region. Water for renewable energy projects is primarily used to suppress fugitive dust generated during construction. It is also used during operations for energy generation technologies that involve heat, and for the periodic cleaning of solar panels. A community's water supply has the potential to result in both short- and long-term impacts. Insufficient supply can also result in a restriction of various forms of new development. Water supply needs for the operation of wind and solar projects is generally minor and much less than agricultural and residential land uses.

Renewable energy generation typically has little effect on groundwater infiltration as ground surfaces are primarily left in a permeable state. The GHG Plan SEIR determined the proposed GHG reduction measures would not increase the severity of groundwater resource impacts or result in a new impact that was not addressed in the Program EIR.

The Program EIR and GHG Plan SEIR determined that implementation of the General Plan would result in a less than significant impact to groundwater supplies and groundwater recharge (Program EIR Impact HWQ-1).

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of groundwater supply impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

a, c - f) Water Quality and Storm Runoff

The GHG SEIR determined that water quality issues are becoming increasingly significant throughout the County. Improved monitoring techniques reveal the presence of man-made chemicals and their residues, as well as naturally occurring toxic chemicals, in most of the state's surface and groundwater. This is due, among other things, to the recharge of saline water originating from storm flows, urban runoff, imported water and incidental recharge. Stormwater runoff can contribute to water quality degradation. Long-term implementation of the proposed Project could add impervious surfaces that could impact water quality through discharge of pollutants into groundwater basins.

The Santa Ana Regional Quality Control Board has required the San Bernardino Flood Control District, as a permittee, to be included in the National Pollutant Discharge Elimination System ("**NPDES**") Municipal Stormwater Permit. The Permit and Section 4 of the Report of Waste Discharge, dated April 1995, require the development and adoption of New Development/Redevelopment Guidelines. The purpose of the Guidelines is to identify pollutant prevention and treatment measures that could be incorporated into development projects. The GHG Plan SEIR concluded that the County General Plan and Development Code include policies and programs, including NPDES compliance that addresses potential impacts to water quality and, in conjunction with state mandated requirements, provide adequate mitigation for activities anticipated to occur as a result of GHG Plan implementation.

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of water quality and stormwater runoff impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

8) MINERAL RESOURCES.

a, b) Mineral Resources

The REC Element is consistent with the land uses envisioned in the General Plan and Development Code and would not remove policies that currently protect mineral resources. Future development proposals will be subject to permitting to ensure conformance with the land use designations, as well as with Mineral Resources overlay

zones. The Element contains recommendations that would allow distributed generation renewable energy facilities as an interim use on sites that are preserved for future mineral extraction and otherwise precluded from renewable energy development. As the intended uses would be temporary, and would not affect the long term extraction of mineral resources, there is no impact

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of mineral resource impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

9) PUBLIC SERVICES

a, b) Police, Fire, and Emergency Services

The Program EIR and the GHG Plan SEIR determined that implementation of the General Plan would result in a less than significant impact to fire protection and emergency services (Program EIR Impacts PS-2 and 3). The GHG Plan SEIR examined the effects of the Project on fire protection and emergency services. The GHG Plan SEIR includes, each subsection, a description of existing facilities and infrastructure, applicable service goals, potential environmental impacts resulting from implementation of the proposed General Plan Update, GHG Reduction Plan, and associated Development Code Amendment.

Certain issues within the public services and utilities topic, such as police protection, schools, parks and other services that could be potentially impacted by the Project were evaluated in the Initial Environmental Study prepared as part of the Notice of Preparation. The Initial Study determined that the GHG Plan would not result any new development potential, population increase, or construction of facilities that would trigger additional or altered needs for these services and were therefore not evaluated in the GHG Plan SEIR.

REC Element policies and Development Code performance measures will ensure that implementation of the Proposed Project would not result in an increased severity of hazards or hazardous material impacts beyond what were previously identified.

All future projects would be subject to applicable state regulations and requirements, as well as subject to further CEQA analysis. Project siting and design characteristics will dictate the level of this review.

NO NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT IMPACTS WOULD OCCUR AS A RESULT OF THE NEW POLICIES IN THE REC ELEMENT.

10) MANDATORY FINDINGS OF SIGNIFICANCE.

For the reasons stated in the analysis above, the County finds and determines that adoption and implementation of the Proposed Project will not have a significant impact on the environment (either by creating new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the previous CEQA documents, the Program EIR and the GHG Plan SEIR, collectively, the "General Plan EIR"). The analysis included in this document constitutes an Addendum to the General Plan EIR and demonstrates that no further CEQA review is required.

None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the Guidelines, including Public Resources Code Section 21166 and Guidelines Sections 15162 and 15163, are present in that:

1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the General Plan EIR;

2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the General Plan EIR;

3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan EIR were adopted, which is expected to result in

   (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the General Plan EIR; or

   (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the General Plan EIR and which would substantially reduce significant effects of the project, but the County declines to adopt them; and

4) adoption for the REC Element would not require major revisions to the Program EIR and the GHG Plan SEIR because its implementation does not result in new or more sever impacts.

Thus, in considering adoption and implementation of the Proposed Project, the County can rely on the General Plan EIR, and no further/additional CEQA review is required. Furthermore, as a separate and independent basis, the County finds and determines that the Proposed Project is also exempt from further CEQA review pursuant to Public Resources Code section 21083.3 and Guidelines section 15183.

Sources:

Association of Environmental Professionals, 2016 California Environmental Quality Act (CEQA) Statute and Guidelines.

County of San Bernardino 2011. General Plan Amendment and Greenhouse Gas Reduction Plan, Supplemental EIR. Prepared by PMC.

_ _ _ _ _. 2014 Development Code, as Amended.

_ _ _ _ _. 2007 General Plan, as Amended.

EXHIBIT E

http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FinalEIR2007.pdf

http://www.sbcounty.gov/Uploads/lus/Countywide/GreenhouseGas/Full-Vol-1.pdf

http://www.sbcounty.gov/Uploads/lus/Countywide/GreenhouseGas/Full-Vol-2.pdf