

ORDINANCE NO. 4440
LAND USE ZONING DISTRICT MAP AMENDMENT

**AN ORDINANCE OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, TO
AMEND THE SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT MAP
EH06A.**

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Public hearings have been held before the Planning Commission and Board of Supervisors of San Bernardino County, State of California, pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Code.

SECTION 2.

The Land Use Zoning District Map EH06A is amended as shown on the attached map from Rural Living (RL) to Resource Conservation (RC) on 722 acres (the Amendment or Zoning Amendment) in conjunction with: four Conditional Use Permits for the construction of the Lockhart Solar PV II Facility, which is a utility scale, photovoltaic (PV) electric generation and energy storage facility that will produce up to 150 megawatts (MW) of solar power and a Battery Energy Storage System (BESS) for up to 4 gigawatt hours (GWh) of energy storage capacity (collectively, the Project) on 722 acres located at 43450 Harper Lake Road in the community of Hinkley (Project site).

Assessor Parcel Numbers: 0490-101-54, -56, and 0490-223-33

FINDINGS FOR THE LAND USE ZONING DISTRICT AMENDMENT:

1. The proposed amendment is internally consistent with all other provisions of the Countywide Plan, Policy Plan. Based on the evidence contained in the Project's supporting documents, the proposed amendment is consistent with and will further the goals and policies of the Policy Plan, including, but not limited to, the following:

Policy LU-1.1. Growth. We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility that will provide aid to the local and regional economy by providing clean renewable energy. The Project would produce up to 150 MW of solar power and include up to 4 GWh of energy storage capacity rate as part of the BESS on the 722-acre Project site. The Project will assist California in meeting greenhouse gas (GHG) emission reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 in 2016, and help address the effects of climate change on the environment and the economy. The Project will also promote the County's Renewable Energy and Conservation Element (RECE) polices and will be located in an area identified as suitable for utility oriented renewable energy generation projects.

Policy LU-2.1. Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility that will be located on a site previously approved by the California Energy Commission (CEC) for the development of an energy facility. The Project site is bordered on the south by the existing Solar Energy Generating System (SEGS) VIII and SEGS IX Solar Thermal Power Plants, the Abengoa Mojave Solar Project (MSP) located to the south across Hoffman Road, the Black Mountain Wilderness Area 9 miles to the northeast, Harper Lake to the east, and vacant land to the north and west of the Project site. The SEGS VIII, SEGS IX and MSP facilities are existing utility-scale solar thermal power facilities that include solar arrays, steam turbines, wet cooling towers, gas-fired auxiliary boilers, and other appurtenant infrastructure for solar thermal power generation. The SEGS VIII and IX facilities have been operational since the early 1990s and MSP has been operational since 2014. The Project site is also located in proximity to existing high-voltage transmission lines that serve the existing facilities as well as the region,

including the existing 13.8-mile transmission line that extends from a Shared Facilities Area to the Southern California Edison (SCE)-owned Kramer Junction substation to the southwest.

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

Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility that is appropriately sited and will conform to all applicable standards set forth with the Development Code.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The Zoning Amendment facilitates a Project that has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served by the amendment because the Project will generate increased energy capacity to the community, and will promote economic development within the local community during its construction phase.
3. The proposed amendment is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The Zoning Amendment facilitates a Project that will provide a utility scale solar facility while maintaining the goals and policies of the Countywide Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The Project will also promote economic development through construction jobs.
4. The proposed amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The Project site is bordered on the south by the existing SEGS VIII and SEGS IX Solar Thermal Power Plants, the Abengoa MSP located to the south across Hoffman Road, the Black Mountain Wilderness Area 9 miles to the northeast, Harper Lake to the east, and vacant land to the north and west of the Project site. The SEGS VIII, SEGS IX and MSP facilities are existing utility-scale solar thermal power facilities that include solar arrays, steam turbines, wet cooling towers, gas-fired auxiliary boilers, and other appurtenant infrastructure for solar thermal power generation. The SEGS VIII and IX facilities have been operational since the early 1990s and MSP has been operational since 2014. The Project site is also located in proximity to existing high-voltage transmission lines that serve the existing facilities as well as the region, including the existing 13.8-mile transmission line that extends from a Shared Facilities Area to the SCE-owned Kramer Junction substation to the southwest.
5. The proposed amendment does not conflict with provisions of the Development Code. The Project site conforms to the size and location criteria specified for the Resource Conservation (RC) land use zoning district and all other applicable Development Code requirements for the proposed Project.
6. The proposed amendment will not have a substantial adverse effect on surrounding property. The Project includes appropriate mitigation measures and Conditions of Approval to ensure Countywide performance standards are met and that the Project will not have an adverse effect on the surrounding property. In addition, the proposed Project will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The Project has been reviewed and conditioned by the County to ensure access and necessary road improvements will

be met. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified mitigation measures. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided Conditions of Approval.

8. Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, a Draft Environmental Impact Report (Draft EIR) was prepared and posted for a 45-day public review and comment period on November 16, 2021, until December 31, 2021. Comment letters were received from the California Department of Fish and Wildlife (CDFW), Lahontan Regional Water Control Board, and San Manuel Band of Mission Indians. Responses to the comment letters were prepared and incorporated into the Final Environmental Impact Report (Final EIR) for the Project. The Final EIR was posted on the County environmental Website with a link to the Final EIR and sent to the commenting agencies for review. The Final EIR concludes that the Project will have a less-than-significant effect, or a less-than-significant effect with the adoption of mitigation measures, on all resource areas analyzed in the EIR. CEQA Findings of Facts reflecting the Final EIR's analysis and conclusions have been prepared and have been adopted in conjunction with this ordinance.

Proposed Zoning Designation



SECTION 3. The Land Use Zoning District Map EH06A Amendment shall become effective 30 days after the adoption of this ordinance.

CURT HAGMAN, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIR OF THE BOARD

LYNNA MONELL,
Clerk of the Board of Supervisors
of San Bernardino County

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 28th of June, 2022, at which meeting were present Supervisors: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr., and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

- AYES: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.
- NOES: None
- ABSENT: Curt Hagman

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 28th of June, 2022.

Approved as to Form
TOM BUNTON
County Counsel

LYNNA MONELL,
Clerk of the Board of Supervisors

By: _____
JOLENA E. GRIDER
Deputy County Counsel

By: _____
Deputy

Date: _____