

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

January 27, 2026

**FROM**

**MIGUEL FIGUEROA, Director, Land Use Services Department**

**SUBJECT**

Appeal of the Planning Commission's Decision Approving the Sienna Solar Project

**RECOMMENDATION(S)**

1. Conduct a public hearing to consider an appeal (PAPL-2025-00003) of the Planning Commission's decision approving Project No. PROJ-2022-00013 consisting of a Conditional Use Permit application to construct and operate a single-axis tracker ground-mounted photovoltaic utility-scale solar facility generating up to 525 megawatts and battery energy storage system up to 525 megawatts on approximately 1,854 acres (27 parcels), with associated gen-tie towers/lines ranging in length from 3-5 miles (39-51.4 miles analyzed) to the point of interconnection at the future Southern California Edison Calcite substation.
  - Appellants: Morongo Basin Conservation Association, et al.
  - Applicant: Avantus LLC
  - Community: Lucerne Valley
  - Location: Generally addressed at 33850 Granite Rd., Lucerne Valley, CA 92356
2. Deny the appeal and uphold the Planning Commission's decision approving Project No. PROJ-2022-00013 by taking the following actions:
  - a. Certify the Environmental Impact Report (SCH No. 2022080518).
  - b. Adopt the California Environmental Quality Act Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan.
  - c. Adopt the findings for approval of the Conditional Use Permit.
  - d. Approve the Conditional Use Permit to construct and operate a single-axis tracker ground-mounted photovoltaic utility-scale solar facility generating up to 525 megawatts and battery energy storage system up to 525 megawatts on approximately 1,854 acres (27 parcels) with associated gen-tie towers/lines ranging in length from 3-5 miles (39-51.4 miles analyzed) to the point of interconnection at the future Southern California Edison Calcite substation, subject to the conditions of approval.
  - e. Direct the Land Use Services Department to file the Notice of Determination in compliance with the California Environmental Quality Act.

(Presenter: Miguel Figueroa, Director, 387-4431)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Promote the Countywide Vision.**

**Create, Maintain and Grow Jobs and Economic Value in the County.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**FINANCIAL IMPACT**

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Approval of this item will not result in the use of additional Discretionary Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Department (LUS), Planning Division 2025-2026 budget. All costs of processing this appeal application are paid by the Appellants, Morongo Basin Conservation Association (MBCA), Lucerne Valley Market and Hardware, Church of our Lord and Savior Southern California, Jim Harvey, Mojave Communities Conservation Collaborative, the Sustainable Learning Center and Bill Peterson (collectively referred to as MBCA). The cost of processing the development application is paid by Avantus LLC, doing business in California as Avantus Power LLC (Applicant).

**BACKGROUND INFORMATION**

This item includes an appeal of a Planning Commission decision approving the Sienna Solar Project (PROJ-2022-00013), consisting of a Conditional Use Permit (CUP) to construct and operate a single-axis tracker ground-mounted photovoltaic (PV) utility-scale solar facility generating up to 525 megawatts (MW) of power and a battery energy storage system (BESS) of up to 525 MW with associated gen-tie towers and lines ranging in length from 3-5 miles to the point of interconnection at the future Southern California Edison Calcite substation (Project) on approximately 1,854 acres.

In November 2016, 99MT 8me, LLC (now Avantus) initially filed two separate applications for separate CUPs (P201600569 and P201700750) for the proposed Sienna Solar Project. The two CUP applications included a proposal to construct and operate PV utility-scale solar facilities that would generate up to an aggregate of 450 MW on approximately an aggregate of 1,630 acres (P201600569 – 300 MW on 990 acres; P201700750 – 150 MW across 640 acres) generally located west of Highway 247 on the “dry lakebed” approximately 0.5 miles south of Northside Road in Lucerne Valley.

While the applications were in process, the County adopted the Renewable Energy Conservation Element (RECE) to the County's General Plan. On August 8, 2017 (Item No. 51), the Board of Supervisors (Board) adopted the RECE, defining County goals and policies related to renewable energy and energy conservation, including policies governing siting and development of renewable energy generation projects. As recommended by the Planning Commission, RECE contained Policy 4.10, which prohibited a utility-oriented renewable energy (RE) project (10 MW and greater) in areas zoned Rural Living (RL) or areas within defined community plans. The Board adoption of the RECE excluded Policy 4.10, but LUS was directed to return the sitting issue to the Planning Commission for further study and an updated recommendation to the Board.

On May 24, 2018, the Planning Commission conducted a public hearing and recommended that the Board: (1) amend the RECE by adopting Policy 4.10; (2) amend Policy 5.2 to add existing energy generation sites to those identified as suitable for utility-oriented renewable energy generation projects, and; (3) add Policy 5.9 (collaborating with utilities, the California Energy Commission, and the Bureau of Land Management to plan for RE generation facilities to be located on public lands, apart from existing unincorporated communities). Subsequently, on February 28, 2019 (Item No. 1), the Board considered and adopted the Planning Commission recommendation. The Board's Resolution amending the RECE included an early vesting and relocation clause providing the following:

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"The amendments to the [RECE] established herein shall become effective immediately upon adoption of this resolution. Any application for development of a renewable energy generation project that has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of this Resolution shall be processed in compliance with the policies and regulations in effect at the time the application was accepted as complete. These applications may be relocated to other sites under the same policies and regulations." (Resolution No. 2019-17.)

The early vesting clause was intended to secure development rights for an applicant that has occurred significant expenses and time in reliance on existing County siting and development policies for commercial RE generation facilities, while the relocation clause was intended to provide flexibility for an applicant to relocate a vested application to an area that would be more consistent with the RECE.

Pursuant to Policy 4.10, a newly proposed utility oriented RE project is not an authorized/allowed use in RL Land Use Zoning Districts or within boundaries of existing community plan areas, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of Resolution No. 2019-17. LUS, acting as the County's planning agency, issued letters concluding that the CUP applications for the Sienna Solar Project were accepted as complete on August 14, 2017, and February 27, 2018, before implementation and adoption of Policy 4.10. Therefore, the Project has been determined to be vested and exempt from Policy 4.10 as the application for development was accepted as complete by LUS prior to the effective date of Resolution No. 2019-17 (30 days after February 28, 2019) and because RE generating and BESS facilities were permitted in each of the land use designations at the time of application completeness.

Additionally, during this time, the Applicant engaged in local stakeholder conversations and received feedback from the community that an alternate location east of Highway 247 would be preferable to reduce the Project's visibility from the Highway. In response to community feedback and in accordance with the relocation clause in Resolution No. 2019-17, the Applicant identified a new location approximately 1-mile east of Highway 247 that, while not required to comply with all components of the RECE pursuant to the vesting clause, would be more consistent with the RECE. As the Project was relocated to the west side of Highway 247, the overall acreage increased from an aggregate of 1,630 acres to an aggregate of 1,854 acres (an increase of 224 acres) due to the parcel configuration(s) and the process of finding property owners to cooperate with required land leases (property owners required all or significant portions of their property to be included in the land lease agreements). Because additional land was secured through the updated land-lease process, this allowed for additional MW capacity to be captured on the overall site. The original applications involved a total of 450 MW on 1,630 acres (3.62 acres/MW) and the revised Project involves a total of 525 MW on 1,854 acres (3.53 acres/MW). The revised Project location (east of Highway 247) and layout, due to advances in technology, is more efficient than the original layout (west of Highway 247). The original and revised Project configuration(s) are of similar density (MW/acre) and therefore were in substantial conformance relative to the density of development per acre. LUS supported "re-siting" the Project from its original location in accordance with the relocation clause, as it was preliminarily determined to lessen potential impacts to residents, and would not affect the Project's status moving forward.

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In late 2021, the Applicant amended the CUP application (reference P202200013) to provide updated Project information associated with the new location including, but not limited to, an increase in MW generation (from 450 MW to 525 MW) and an adjusted size in the aggregate acreage (from 1,635 acres to 1,854 acres) and initiate environmental compliance. LUS confirmed that no formal or separate "certificate of completeness" would be provided to process the amendment and concluded the proposal was consistent with the relocation clause in Resolution No. 2019-17 for purposes of processing. The two "Complete Letters" are attached as Exhibit I and J of the October 23, 2025, Planning Commission Staff Report attached to this item.

On October 23, 2025 (Item No. 6), the Planning Commission considered the Project. At the Planning Commission hearing, there were 11 speakers in-person, and two (2) speakers spoke remotely about the Project. Eight (8) speakers were in favor of the Project, and five (5) speakers were opposed to the Project. After closing the public hearing, the Planning Commission unanimously approved the Project (3-0 vote; 2 members absent), including certification of the Environmental Impact Report (EIR) and adoption of a Statement of Overriding Considerations. A thorough discussion analyzing the CUP, including the principles of land use planning, General Plan consistency, Development Code compliance, and environmental analysis, are contained in the Planning Commission attached to this item.

The EIR process resulted in a determination that the project would not result in project-level significant impacts, and applied mitigation measures for Aesthetics, Air Quality, Biology, Cultural Resources, Geology and Soils, Noise and Vibration, Transportation, and Tribal Cultural Resources. All proposed mitigation proposed and required is included in the Final EIR and Mitigation Monitoring and Reporting Program (MMRP) attached to the CUP.

**APPEAL**

On November 3, 2025, MBCA filed an appeal of the Planning Commission's approval of the Project. The appeal alleges there were defects in the information presented to the Planning Commission that led to an erroneous decision. The appeal application and arguments in support of the appeal are included as documents attached to this item.

San Bernardino County Code Section 86.08.020 details the requirements and grounds on which an appeal of a land use decision may be filed. Specifically, subsection (c) provides that "[a]pplications for appeals shall include a written statement of the grounds upon which the appeal is filed." Subsection (e) provides further that "[t]he appeal application shall identify ... [t]he justification for the appeal."

In this case, MCBA fails to meet the requirements of Section 86.08.020 as the appeal generally asserts that there were deficiencies in the information presented to the Planning Commission but fails to identify any particular defects, subject areas of contention, or provide evidence to substantiate its claim or to guide LUS and the Board in evaluating the basis of the appeal.

Without specific contentions or evidence, the appeal should be denied due to MCBA's failure to exhaust its administrative remedies. An individual or organization does not exhaust administrative remedies if they fail to provide facts supporting their contentions. The exhaustion of administrative remedies doctrine requires that parties engage fully with the administrative process, including presenting specific facts and arguments to support their claims. This principle is grounded in the purpose of the exhaustion requirement, which includes allowing administrative agencies to apply their expertise, develop a factual record, and address disputes

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efficiently before judicial intervention. MCBA's appeal is insufficient and does not provide clear contention on which LUS or the Applicant can respond without speculation or relying on evidence outside of the record. Rather, LUS affirms that the information presented on the public record, during the application process, the California Environmental Quality Act process (Draft EIR, Recirculated Draft EIR, and Final EIR), as well as the October 23, 2025, Planning Commission staff report and public hearing, was not erroneous in nature, and was not misleading to the public or decision-makers.

This item recommends denial of MCBA's appeal and approval of the Project. If the Board denies the appeal, the proposed findings (CEQA and CUP) and conditions of approval supporting certification of the EIR and the approval of the CUP are attached to this item. In the event the Board grants the appeal, LUS recommends the item be continued for LUS to prepare a set of proposed findings consistent with the decision.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on January 5, 2026; County Finance and Administration (Iliana Rodriguez, Administrative Analyst, 387-4205) on January 7, 2026.

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Record of Action of the Board of Supervisors  
San Bernardino County

Hearing Opened

Public Comment: David Fick, Janet Johnston, Laraine Turk, Pat Flanagan, Eric Menendez, Ben Pratt, Louie Lopez, David Smith, Karen Smith, Bob Howells, Steve Mills, Katherine Howells, Gregory Temple, Peter Martinez, Thomas Ruiz, Michele Gipson, Isabel Kirschner, Ondine Hollander, Melissa Boyd, Brian Hammer, Neville Slade, Arch McCulloch, Erin Gatlin, Sarah Kennington, Susy Boyd, Bill Lembright, Linda Gomel, Lorrie Steely, Anne Mudge

Hearing Closed

**APPROVED**

Moved: Curt Hagman   Seconded: Joe Baca, Jr.  
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: January 27, 2026



cc: File - Land Use Services Department/Planning Appeals w/  
attachments

JLL 02/3/2026