

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

June 23, 2026

FROM

MIGUEL FIGUEROA, Director, Land Use Services Department

SUBJECT

Appeal of the Planning Commission Denial of the Bear Valley Solar Project

RECOMMENDATION(S)

1. Conduct a public hearing to consider Appeal No. PAPL-2026-00001 related to the Planning Commission's denial of Project No. PROJ-2025-00036, consisting of a Policy Plan Amendment to amend the Land Use Category designation from Very Low Density Residential to Rural Living, Zoning Amendment to amend the Land Use Zoning District designation from Bear Valley/Single Residential- 1 acre minimum to Rural Living, and a Conditional Use Permit to construct and operate a 5-megawatt alternating current solar photovoltaic facility on a 29.9-acre site.
 - Appellant: EDF Renewables
 - Applicant: EDF Renewables
 - Community: Bear Valley
 - Location: 2151 Erwin Ranch Road Big Bear, CA 92314
2. Deny the appeal and uphold the Planning Commission's decision denying Project No. PROJ-2025-00036 by taking the following actions:
 - a. Find that the denial of Project No. PROJ-2025-00036 is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080, subdivision (b)(5).
 - b. Adopt findings for denial of the Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit.
 - c. Deny the Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit.
 - d. Direct the Land Use Services Department to file a Notice of Exemption 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

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Adequate appropriation and revenue to complete this action have been included in the Land Use Services Department (LUS), Planning Division 2025-26 budget. All costs of processing this appeal application and the development application are paid by EDF Renewables (Appellant/Applicant).

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BACKGROUND INFORMATION

This item involves an appeal related to the Planning Commission's denial of Project No. PROJ-2025-00036 which consists of a request for a Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit for the following:

- Policy Plan Amendment from Very Low Density Residential (VLDR) to Rural Living (RL) for the 29.9-acre site.
- Zoning Amendment from Bear Valley/Single Residential- 1 acre minimum (BV/RS-1) to Rural Living (RL) for the 29.9-acre site.
- Conditional Use Permit (CUP) to construct and operate a 5-megawatt alternating current solar photovoltaic solar energy facility on a 29.9-acre site (collectively the Project).

The Applicant filed the Project application on March 3, 2025. The Project site currently has a Land Use Category designation of VLDR and is zoned BV/RS-1. The RS zoning district provides sites for single-family residential uses, incidental agricultural, recreational, and similar compatible uses. Per the San Bernardino County Development Code (Development Code), renewable energy facilities are not a permitted use at this site under its current zoning designation. Therefore, the Applicant requested a Policy Plan Amendment from VLDR to RL and Zoning Amendment from BV/RS-1 to RL on the Project site, which would allow for the solar project with a CUP. Subject to the requirements of the Renewable Energy and Conservation Element (RECE), Section 84.29.020 of the Development Code lists RL as one of the zoning designations where Community-Oriented Renewable Energy (CORE) generation facilities are allowed with a CUP.

The Project meets the criteria to be considered a CORE facility. The RECE defines CORE facilities as "renewable energy generation planned and approved for consumption by one or more locally sponsored, specific, and proximal end-users." (RECE, p. 48.) Chapter 3 of the RECE explains that CORE facilities are "primarily intended to serve the people near them. Utility-scale projects are not." (RECE, p. 24.) The primary factor in determining if a project is a CORE facility is not size or megawatt output, but rather the location and intention of who is expected to be served by the solar facility. For example, RE Policy RE 3.2.3 provides that "CORE facilities shall be designed primarily to meet the needs of the local users[.]" (RECE, p. 27.) Table 1 of the RECE, entitled "Renewable Energy Generation Categories", provides "typical" size and acreage guidance for "Neighborhood", "Community", and "Utility-Oriented" solar projects.

During the initial public notice period, 20 written comments were submitted, including 15 in opposition and five in support of the Project. Since the Planning Commission hearing, 24 additional comments in opposition and eight comments in support of the project have been received.

On February 19, 2026, the Planning Commission conducted a public hearing to consider the Project by reviewing the staff report and supporting attachments, receiving staff and applicant presentations, and receiving testimony from the public in the form of verbal and written comments. A total of eight individuals spoke in person at the hearing, all in opposition to the Project. After closing the public hearing and deliberation, the Planning Commission voted unanimously 4-0 (with 4th District Commission absent) to deny the Project. Rather than directing LUS staff to prepare written findings in support of the denial, the Planning Commission opted to provide verbal justification for the denial and, based on the record before it, primarily citing that

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the proposal is inconsistent with the Policy Plan as a result of being incompatible with the residential character of the surrounding area as the grounds for denial.

APPEAL

An appeal to the Board of Supervisors (Board) was filed by the Applicant on February 27, 2026, with the request to:

1. Vacate or otherwise overturn the Planning Commission's denial of the Project on the stated grounds of "Noncompliance with general plan land uses of district designation," and specifically, "that the proposed zoning change was incompatible with the General Plan and surrounding land use [i.e., the] existing very-low density residential character of the area."
2. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.
3. Adopt the DRAFT Findings contained in the Planning Commission staff report in support of the Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit.
4. Approve the Policy Plan Amendment to amend the Land Use Category designation from Very Low Density Residential to Rural Living on a 29.9-acre parcel.
5. Approve the Zoning Amendment to amend the Land Use Zoning District designation from Bear Valley Single Residential – 1 acre minimum to Rural Living on a 29.9-acre parcel.
6. Approve the Conditional Use Permit to construct and operate a five-megawatt photovoltaic power generating facility on a 29.9-acre parcel, subject to the conditions of approval; and
7. Direct the Land Use Services Department to file the Notice of Determination in compliance with the California Environmental Quality Act.

A copy of the Applicant's appeal is included as an attachment to this item. In its appeal, the Applicant argues that the Planning Commission's decision is inconsistent with LUS' recommendation that the Project is consistent with the Policy Plan (including LU-2.1, LU-2.3, LU-2.4, RE-2.1, RE-3.2, and RE-4.5). It also contends that although RE Policy 4.10 generally restricts utility-oriented renewable energy in RL areas, the Project qualifies as a CORE project, so that policy does not bar the rezoning or the proposed use. The appeal further maintains the requested amendments are narrow and preserve the area's rural and residential character, functioning as a downzoning to RL at one unit per 2.5 acres and creating a sensible transition between nearby VLDR parcels and adjacent open space. It emphasizes that similar RL parcels exist nearby (as close as 680 feet). The appeal also asserts the CORE facility would create fewer impacts than continued residential buildout—such as less traffic, noise, and demand on water, sewage, and schools—and that CUP conditions and design features (like vegetative screening, agricultural fencing, and lower height limits) would further protect rural character. Finally, it argues the Planning Commission's wildlife-related concerns were not supported by substantial evidence and were contradicted by biological studies, coordination with CDFW, and approval by the County biologist, so the denial should be overturned because it rested on conjecture rather than evidence and applicable standards.

The Applicant further asserts that the Project should be approved because it serves the broader public interest and the Planning Commission improperly elevated a small number of residents' aesthetic and viewshed objections over governing law and standards, noting that private views are not environmental impacts. It points out that the California Public Utilities Commission has

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already found the Project to be in the public interest, citing benefits such as lower-cost electricity for ratepayers, compliance with renewable portfolio requirements, reduced transmission costs, and improved reliability.

This item recommends denial of the appeal and the Project based on supplemental findings of fact consistent with the Planning Commission's determination that the Project is inconsistent with the Policy Plan by citing Policy LU-4.5, which requires new development to be consistent with and reinforce the physical and historical character and identity of the unincorporated planning area. If the Board denies the appeal and the Project, the denial is statutorily exempt for the California Environmental Quality Act pursuant to Public Resources Code section 21080, subdivision (b)(5).

In the event the Board grants the appeal, LUS recommends that the Board adopt a Declaration of Intent to approve the Project based on stated grounds and to continue the item to a future date certain to allow LUS staff to include the Project as part of the Third Cycle 2026 Policy Plan Land Use Element Amendment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on May 27, 2026; and County Finance and Administration (Iliana Rodriguez, Administrative Analyst, 386-8392) on June 3, 2026.

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Record of Action of the Board of Supervisors
San Bernardino County

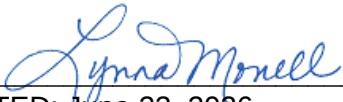
Hearing Opened

Public Comment: Cayden Llewellyn, Paul Marconi, Jeff Barber, Chris, Daniel Hotchkiss, Jim Lona, Mark Mendell, Alexis Ravnik, Tom Chou, Vincent Martinez, Joseph Asssalley, Chance Onder, Isaiah Zamorano, Carolyn Kubacki, Joel McGivney, Eileen, Dan Dryden, Nadean Jenkins, Lucas Jenkins, Doug Metcalf, Wendee Hawkins, Stephanie Schlosser, Lori Axton, Christina San Nicolas, Randal Young, Tim Krantz
Hearing Closed

APPROVED

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 23, 2026



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

JLL 06/29/2026