

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

August 25, 2020

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Action to Rescind the Mitigated Negative Declaration (SCH No. 2016011021) for the Joshua Tree Solar Farm Project

RECOMMENDATION(S)

Rescind the Mitigated Negative Declaration (SCH No. 2016011021) for the Joshua Tree Solar Farm Project (P201400482).
(Presenter: Heidi Duron, Planning Director, 387-4110)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not result in additional use of Discretionary General Funding (Net County Cost) as there are no financial impacts associated with this item.

BACKGROUND INFORMATION

On August 16, 2016 (Item No. 64), the Board of Supervisors (Board) conducted a public hearing to consider three appeals of the Planning Commission's approval of the Joshua Tree Solar Farm Project (Project). The Board denied the appeals and approved the Project, which consisted of the following actions: (1) Approval of Conditional Use Permit No. P201400482 for a 20 megawatt photovoltaic solar energy generating facility to be located at 5500 Sunfair Road, on approximately 115 acres at the former Hi Desert (Roy Williams) Airport, Community of Joshua Tree, San Bernardino County, APN 0607-231-19 and 0607-364-06; (2) Adoption of findings of consistency with the San Bernardino County Code (Development Code) Chapter 84.29 Renewable Energy Generation Facilities; and (3) Adoption of the Mitigated Negative Declaration (SCH No. 2016011021) (Project Entitlements).

On September 2, 2016, SoCal Environmental Justice Alliance in Case No. CIV DS1608033 (SEJA Action) filed a Verified First Amended Petition for Writ of Mandate pursuant to the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.* (CEQA), challenging the Board's approvals of the Project. On September 15, 2016, Joshua Tree Community For Responsible Solar, *et al.* in Case No. CIV DS1615279 (JTCRS Action) filed a Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief, which challenges the same Project Entitlements. The SEJA Action and JTCRS Action have been partially consolidated.

**Action to Rescind the Mitigated Negative Declaration (SCH No. 2016011021) for the Joshua Tree Solar Farm Project
August 25, 2020**

In 2017, Real Party in Interest Joshua Tree Solar Farm, LLC (JTSF) began reconsidering the viability of the Project and did not immediately pursue development of the Project. In the interest of conserving judicial resources and the resources of the parties, on June 12, 2017, the parties stipulated, and the Court ordered, a stay of the SEJA Action and JTCRS Action until such time as it was determined that the Project would be developed. The Project Entitlements have since expired on August 9, 2019, and have therefore become void pursuant to the Development Code.

In light of the expiration of the Project Entitlements, the parties agreed that the SEJA Action and JTCRS Action should be dismissed pursuant to the terms of a stipulation. The terms of the stipulation require action by the Board to rescind the Mitigated Negative Declaration (SCH No. 2016011021) previously adopted for the Project.

PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on July 30, 2020; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on August 3, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 5, 2020.

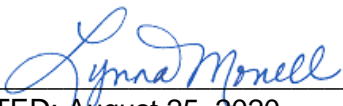
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: August 25, 2020



cc: File- Land Use Services Department
la 09/4/2020