



# Interoffice Memo

DATE: September 9, 2021

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FROM: **ANTHONY DELUCA**, SENIOR PLANNER  
Land Use Services Department

TO: **HONORABLE PLANNING COMMISSION**

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SUBJECT: **PROJECT NUMBER: PROJ-2021-00019; NEXTERA RESURGENCE SOLAR I & II  
(AGENDA ITEM #2)**

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Since the distribution of the staff report, Staff has made additional findings in support of this Project. While the Staff Report explains consistency with the Countywide Policy Plan and the Renewable Energy Conservation Element, a portion of the site will be non-conforming until the adoption of the zoning maps. The following findings shall be included as part of the record and considered in the recommendation:

### **ADDITIONAL REQUIRED FINDINGS FOR NONCONFORMING USE**

[San Bernardino County Code § 85.06.080]

- 1. The remaining normal life of the existing nonconforming use is determined to be in compliance with provisions specified in this Development Code before consideration of the proposed alteration if located in a residential land use zoning district.**

The remaining normal life of the existing nonconforming use is in compliance with the provisions of the Development Code. The proposed photovoltaic (PV) panels will replace existing panels. While the current zoning of a portion of the Project site is a residential zoning designation, the proposed future zoning will be Resource Conservation with the update of the zoning maps to be consistent with the Resource Land Management land use category, which is consistent with the existing facility and land use.

- 2. The proposed alteration shall not prolong the normal life of the existing nonconforming use.**

The proposed alteration will not prolong the normal life of the existing nonconforming use, as the existing solar panels would have the same life as the proposed PV panels.

- 3. The alteration of the existing nonconforming use shall not be detrimental to, nor prevent the attainment of, general land uses, objectives, policies, and programs specified in the General Plan or any applicable community or specific plan.**

The Project specifically implements the following Policy Plan goals and related policies:

Goal IU-5 Power and Communications: Unincorporated area residents and businesses have access to reliable power and communication systems.

Policy IU-5.5: We encourage the development and upgrade of energy and regional fuel facilities in areas that do not pose significant environmental or public health and safety hazards, and in a manner that is compatible with military operations and local community identity.

- Policy Implementation: The proposal includes the conversion of the Project site from thermal solar generation to photovoltaic (PV) solar within the same footprint of the existing energy generation site. The conversion to photovoltaic solar will create a more efficient and less impactful facility. The Project will provide for the economically viable and environmentally beneficial use of the site's current developed use.

RE Goal 5: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.

RE Objective 5.2: Utility-oriented Renewable Energy (RE) facilities will be subject to site criteria consistent with County priorities expressed in the RECE.

RE Policy 5.2(x): Utility-oriented RE generation Projects on private land in the unincorporated County will be limited to the site-type below, in addition to meeting criteria established in the RECE and Development Code:  
... (x). Existing energy generation sites.

- Policy Implementation: The Project is located within an existing energy generation site. The proposal includes the conversion of the Project site from thermal solar generation to photovoltaic (PV) solar within the same footprint of the existing energy generation site in the unincorporated community of Kramer Junction. Considering features of the site design, the RECE, the Development Code, and the proximity to other solar generation facilities, the Project is appropriately sited and compatible with the surrounding area.

**4. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use zoning district in which the use is located.**

The proposed development will be conditioned to adhere to the Development Code performance standards, and ensure that there are no significant impacts to properties in the vicinity, as they relate to public health, safety, and general welfare.

**5. The alteration shall not change the primary use of the land nor increase the intensity of the use unless such change brings the use into greater compliance with current zoning regulations.**

The alteration will not change the primary land use, nor increase the intensity of the use because the proposed panels replace existing panels and does not include any expansion. The use will be in compliance with the Policy Plan and zoning designations.

**6. The existing nonconforming use shall comply with all other existing County regulations, including those applicable to and enforced by the Director, and County Sheriff's Department.**

The existing, nonconforming use will comply with all other existing County regulations because the Project will include conditions that require the developer to comply with the performance standards outlined in the Development Code. The conditions of approval are intended to protect the overall health, safety and general welfare of the public.