

To: Board of Supervisors
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From: Chuck Bell, Pres. Lucerne Valley Economic Development Association
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Date: 10/30/18

RE: 11/6/18 BOS HEARING RE: RECE SECTION 4.10

FOLLOWING ARE LVEDA'S ARGUMENTS THAT FULLY SUPPORT THE PLANNING COMMISSION'S RECOMMENDATION OF THE ORIGINAL SECTION 4.10: "NO UTILITY-SCALE RENEWABLE ENERGY PROJECTS IN COMMUNITY PLAN AREAS"

(We incorporate by reference the Coalition's letter that we signed on to)

The "Alternative Section 4.10" that was presented to the Planning Commission was totally useless – NOTHING MORE THAN WHAT CEQA ALREADY REQUIRES - and an affront to constituents that have worked with County staff and BOS members over many years thinking the County really wanted to protect our communities. THE PLANNING COMMISSION GOT IT RIGHT. WE SINCERELY ASK THAT YOU ADOPT IT'S RECOMMENDATION.

SUMMARY

Caltrans' Hwy 247 (Barstow and Old Woman Springs Roads) 'scenic eligibility' status protects it from major scenic intrusions – precluding large scale solar - and the County needs to maintain its potential for eventual State Scenic Hwy designation.

CPUC's Office of Rate Payer Advocates (ORA's), SCE's and PG&E's recent submissions to the CPUC state no additional RPS (renewable procurements) are needed until '2033 or the foreseeable future.

So much solar generation that it is currently sluffed off the grid or sent to other states and paid to take it – but industrial projects are still being filed. It's bad enough to allow industrial solar when distributed energy is dominating the

field - let alone the County sacrificing our environments and communities for out-of-state energy export. There is plenty of sun to go around. No need for us to subsidize the rest of the state or country.

California's requirement that all new residential dwellings will be required to install solar panels after 2020 – thus eliminating the need for additional industrial scale plants.

Lucerne Valley's demographics and its "Severely Economically Disadvantaged Community" status can't afford projects that produce no economic benefits and that have already caused significant property devaluations. This is a "Hardship/Environmental Justice" issue the County can't ignore.

The 2007 Lucerne Valley Community Plan has policies directly forbidding large-scale intrusive projects.

Even the Countywide Vision Statement inherently supports "no industrial scale in community plan areas".

The County's current "Solar Ordinance" is a major argument for "no industrial scale in community plan areas".

Even RECE w/o the original Section 4.10 contains policies and stipulations that support the PC's 4.10 recommendation.

SUBSTANTIATION

SCENIC IMPACTS

We are working on "State Scenic" status for 247. But even without it – it's 'eligibility' on the Caltrans list alone (one of the last roads left in Calif. with that status) has protection from intrusions under Caltrans' requirements. We insist that Caltrans is immediately notified of all projects within the view shed of Hwy 247 – with County's request to Caltrans to comment specific to this requirement – and that we see the response from Caltrans as soon as received by the County - and included in the Initial Studies and EIRs. Link to the California Department of Transportation website:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm#scenic>

Under Chapter 27 – Visual & Aesthetics Review:

“The intent of the State Scenic Highway Program is to protect and enhance California's natural scenic beauty.”

“If a highway is listed as eligible for official designation, it is also part of the Scenic Highway System and care must be taken to preserve its eligible status.”

CPUC’S OFFICE OF RATEPAYER ADVOCATES (ORA) INFORMING THE CPUC THERE IS NO CURRENT NEED FOR MORE RE PROCUREMENT.

AUGUST, 2017 OPENING COMMENTS OF THE OFFICE OF RATEPAYER ADVOCATES ON THE ASSIGNED COMMISSIONER AND ASSIGNED ADMINISTRATIVE LAW JUDGE’S RULING IDENTIFYING ISSUES AND SCHEDULE OF REVIEW FOR 2017 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLANS AND INVITING COMMENTS ON RENEWABLE AUCTION MECHANISM PROPOSAL” (excerpts)

*“The Commission also should consider PG&E’s recommendation to suspend or change existing RPS mandates established by the CPUC to avoid unnecessary RPS procurement. **18** Many of the goals of these mandates – achieving RPS targets and developing a robust renewables market– have already been met. There is currently no short-term need to be met by additional RPS procurement; thus, the continuation of such mandates results in costs borne by ratepayers without any associated benefits. The IOUs’ need for additional RPS procurement is relatively distant, **19** and the associated load forecast so uncertain, **20** that incremental RPS procurement made now would not be prudent for ratepayers and would undermine the IRP process and Public Utilities Code Section 454.52.**21** Additionally, current mandates do not necessarily take into consideration each IOU’s unique system needs and may result in contracts that are not Least-Cost, Best-Fit for each IOU’s specific renewables portfolio.*

SCE’S SUBMISSION TO THE CPUC:

The 2017 RPS Plan also says that Edison *doesn’t need “new renewable energy at this time to satisfy its RPS program targets” and “does not have a need for renewable energy at this time to satisfy its RPS program targets” and won’t “need new eligible renewable resources for the foreseeable future” (p. 4), that Edison*

won't hold an RPS solicitation in 2017 (and didn't in 2016 either) (p. 4, p. 6 and p. 10), that Edison has "More Renewable Energy to Meet Its Goals Than It Needs for The Forseeable Future (p. 36) and that all the other IOUs are similarly well positioned (p. 36).

It also says that Edison "currently forecasts a very small but increasing level of curtailment in solar between 2017 and 2020" (p. 26).

PG&E's SUBMISSION:

Lack of Need

In PG&E's most recent Renewable Net Short ("RNS") calculation, filed on July 21, 2017 in its Draft 2017 RPS Procurement Plan, *PG&E forecasts that its bundled customers will not have any incremental RPS need until sometime after 2033. Thus, PG&E does not have a need for the incremental RPS-eligible deliveries required by this solicitation to fulfill its RPS requirements.*

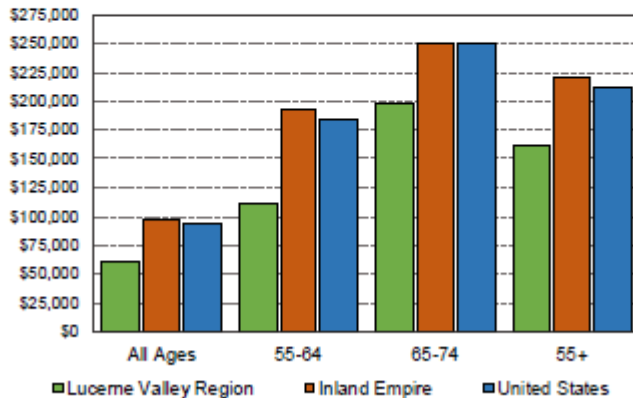
So much solar that we are giving it away or sluffing off the grid: (Reference LA Times article – <http://www.latimes.com/projects/la-fi-electricity-capacity/>)

ECONOMICS:

(This from our LV Senior Community Needs Assessment). Demographic chart showing our "severely economically disadvantaged community" - a basis for opposition to these industrial-scale projects that provide us with no real economic benefit – actually taking property that could be used for real benefit – plus property devaluations that have already occurred. Definitely a 'hardship/environmental justice' issue the County can't ignore.

2017 Median Net Worth By Age of Householder

Reference Area	All Ages	55-64	65-74	55+
Lucerne Valley Region	\$80,789	\$111,437	\$198,053	\$161,557
Yucca Valley Area	\$59,307	\$87,441	\$165,486	\$139,931
Victor Valley Area	\$66,992	\$131,280	\$223,024	\$180,237
Lucerne Valley Area	\$55,264	\$57,212	\$139,961	\$110,986
Barstow Area	\$36,375	\$75,513	\$172,096	\$129,743
Inland Empire	\$96,138	\$191,781	\$250,001	\$220,682
United States	\$93,348	\$183,616	\$250,001	\$212,290



Source: U.S. Census Bureau; ESRI 2017 Forecast; Alfred Gobar Associates

FROM OUR 2007 LUCERNE VALLEY COMMUNITY PLAN

(1) “maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region (Goal D/LU 1);”

(2) “ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents (D/LU 3);”

(3) “maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region (Goal D/LU 1);” and

(4) “preserve the unique environmental features and natural resources of the Desert Region, including native wildlife, vegetation, water and scenic vistas” (Goal D/CO 1 of the General Plan’s Open Space element).

COUNTYWIDE VISION STATEMENT (in italics). (My comments in black)

We envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play. County telling us to ‘live’ with industrial-scale solar.

We envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county’s unique advantages and provide the jobs that create countywide prosperity. We get no prosperity or economic benefit from large-scale projects tied to the grid.

We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment. These projects absolutely don’t ‘complement our natural resources and environment’.

We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals. The County hasn’t worked with us ‘collaboratively’ to reach shared goals – just with the industry and unions.

From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer. We have been adamant about our ‘sense of community’ – yet the County just keeps shining us on.

FOR THOSE PROJECTS CURRENTLY FILED AND THUS SUBJECT TO THE COUNTY’S SOLAR ORDINANCE (Relevant excerpts in italics and emphasis in bold):

AN ORDINANCE AMENDING CHAPTER 84.29, RENEWABLE ENERGY GENERATION FACILITIES, AND CHAPTER 810.01, DEFINITIONS, OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE, RELATING TO THE REGULATION OF COMMERCIAL SOLAR ENERGY GENERATION FACILITIES.

(a) The County of San Bernardino desires to protect the character and value of communities and neighborhoods, and the natural and scenic values of the landscape within the County, from increased impacts of new commercial solar energy generation facilities, while providing safe and reliable renewable energy to assist California and its investor-owned utilities in meeting the State's Renewable Portfolio Standards and its goals for reduction of greenhouse gas emissions.

(b) In protecting natural and scenic values of the landscape, the County recognizes not only the substantial intrinsic value of the desert's natural and scenic setting, but also the importance of this setting for the quality of life of area residents and the economic value it creates for the area's tourism industry.

(c) The County desires to guide new commercial solar energy generation facilities to areas that can accommodate such facilities with fewer human and environmental resource conflicts.

(d) In order to provide reasonable opportunities for commercial solar energy development and simultaneously protect communities, neighborhoods, and the natural and scenic values of the landscape, it is the intent of the County to focus new commercial solar energy development in areas that are both (1) less desirable for the development of communities, neighborhoods and rural residential use and (2) less environmentally sensitive.

NOTE: (Problem with the ordinance – RE is allowed in just about every zone with a CUP).

84.29.035 Required Findings for Approval of a Commercial Solar Energy Facility.
(Excerpts)

(a) In order to approve a commercial solar energy generation facility, the Planning Commission shall, in addition to making the findings required under Section 85.06.040(a) of the San Bernardino County Development Code, determine that the location of the proposed commercial solar energy facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses, and will not lead to loss of the scenic desert qualities that are key to maintaining a vibrant desert tourist economy by making each of the findings of fact in subdivision (c).

(b) In making these findings of fact, the Planning Commission shall consider: (1) the characteristics of the commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to nearby communities, neighborhoods, and rural residential uses; and (2) the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether within a city or unincorporated territory, or on state or federal land.

(c) The finding of fact shall include the following: (1) The proposed commercial solar energy generation facility is either (A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (B) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.

(2) Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility will minimize the visual impact of the project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.

(3) The siting and design of the proposed (3) The siting and design of the proposed commercial solar energy generation facility will be either: (A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways,¹ or (B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.

(4) The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site.

(6) The proposed commercial solar energy generation facility will not adversely affect to a significant degree the availability of groundwater supplies for existing communities and existing and developing rural residential areas.

(7) The proposed commercial solar energy generation facility will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.

(8) The proposed commercial solar energy generation facility will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that: (A) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the project site and the location and capacity of the transmission grid, (B) new electrical generation tie lines will be co-located on existing power poles whenever possible, and (C) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.

(9) The proposed commercial solar energy generation facility will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.

(10) Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.

(12) The proposed commercial solar energy generation facility will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.

(19) The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.

(20) The proposed commercial solar energy generation facility will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure. (OUR ADJUDICATED BASIN DOES NOT HAVE WATER TO SPARE FOR THESE PROJECTS)

*(21) All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations. **(THIS STILL DISREGARDS INEVITABLE HEALTH IMPACTS)***

*(22) For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility. **(LIKELY IMPOSSIBLE TO ACHIEVE)***