

May 10, 2019

Ms. Linda Mawby (**By Email: Linda.Mawby@lus.sbcounty.gov**)

Senior Planner

Mr. Jerry Blum (**By Email: Jerry.Blum@lus.sbcounty.gov**)

Countywide Plan Coordinator

County of San Bernardino Land Use Services Department – Planning Division

385 North Arrowhead Avenue, First Floor

San Bernardino, CA 92415-0187

Re: Draft Countywide Plan Documents

Dear Ms. Mawby:

We are a coalition made up of the following community groups, businesses, agencies and individuals: Lucerne Valley Economic Development Association (LVEDA), Johnson Valley Improvement Association, Homestead Valley Community Council, Newberry Springs Chamber of Commerce, Newberry Springs Economic Development Association, Newberry-Harvard Property Owners, Morongo Basin Conservation Association, Church of Our Lord and Savior (Lucerne Valley), Lucerne Valley Market/Hardware, Newberry Springs Community Alliance, Lucerne Valley Realty, Expert Appliance Service, Alliance for Desert Preservation, Mojave Communities Conservation Collaborative, Friends of Pioneertown, Yucca Mesa Improvement Association, Brian Hammer, Sue Hammer, Pat Flanagan, Ruth Rieman, Marina West, Randy West, John Smith, Barbara Smith, Aaron Idouchi, Barbara Idouchi, Robert L. Berkman, Randy Polumbo, James Johnson, Ellen Johnson, Deborah Myers, Owen Myers, Roger Peterson, Kathy Spindler, Ann Garry, Dave Garry, Diana Bork, Sarah Kennington, Steve Bardwell, Dennis Schwander, Jack Unger, Richard Selby, David S. Miller, Kerry Puckett, Tom Maloney, Richard R. Merrill, Theresa Taylor, Sheila Bowers, Jennifer Bolande, Cannon Hudson, Caroline Conway, Chris Crow, Jenny Wilder, Amber Bradberry Schwarz, Susan Halstead, Laraine Turk, Gary Creveling, Floy Creveling, Elaine Harris, Jack Harris, Dixie Coutant, Brian Fisher, Margie Roberts, Waldo Stakes, Denise Stakes, Frazier Haney, Renee Lynn, George Calhoun, Marsha Calhoun, Sarah McKee, Kenneth D. Lair, Jacqueline R. Lindgren, Monica L. Mahoney, Ed Ruscha, Kate Frank, Vickie Paulsen and Janet Armstrong Johnston. Together, we represent a broad spectrum of residents, businesses, organizations, recreationists and conservationists in the High Desert of San Bernardino County.

Our coalition has been active in providing comments regarding the proposed “Countywide Continuum” and the current drafts of the Countywide Plan, the Community Action

Guides, the County Policy Plan and the Land Use Map (and related Tables).¹ We've provided you with a comment letter, dated November 21, 2017, and we've participated in the September 21, 2017 Planning Commission meeting and October 2017 open house meetings regarding the "Countywide Continuum."

At the September 2018 "Regional Meetings" concerning the Countywide Plan Documents, we were given to understand that the Land Use Services Dept. (the "LUSD") and the project consultant would consider revisions to the Countywide Plan Documents based on comments made by members of the public. In order to summarize those comments, we submitted an October 19, 2018 letter to you (a copy of which is attached).

Chuck Bell (on behalf of LVEDA) exchanged emails with Jerry Blum, the Countywide Plan Coordinator for LUSD, in April of 2019, regarding specific provisions of the Countywide Plan Documents that bear re-consideration.

The Countywide Plan website states that a revised set of Community Plan Documents will be published in "early 2019." We have some suggestions as to how the Countywide Plan Documents can be adjusted to more closely align them with the new planning era ushered in with the adoption of Policy 4.10 on February 28, 2019.

1. The Adoption of Policy 4.10 Confirms that Protection of Human and Natural Communities Is the County's Priority in Formulating Land Use Planning Policy, and the Countywide Plan Documents Should Be Brought in Line with this Reality.

Policy 4.10 prohibits "utility-oriented RE projects in the Rural Living land use districts throughout the County [Policy 4.10.1]" and "within the boundaries of existing community plans, which at the time of adoption of this element [the Renewable Energy and Conservation Element (the "RECE")] are the Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinion Hills Community Plans [Policy 4.10.2]." Policy 4.10.3 states: "Establish exclusion areas in the Development Code Regulations for renewable energy development, beginning with the prohibitions in Policies 4.10.1 and 4.10.2 and provide for additional exclusion areas, such as new community plan areas, to be designated by amendment to the Development Code."

¹ We will refer to the Countywide Plan, the Community Action Guides, the County Policy Plan and the Land Use Map (and related Tables, such as Table LU-1, and "Table Notes") – the latest published versions of which are dated August 2018 -- collectively in this letter as the "Countywide Plan Documents."

We are not aware that any subsequent drafts of those documents have been published as of yet, but, if this inaccurate, please let us know as soon as possible.

The DRECP, RETI 2.0 and the IEPR make the achievement of federal and state renewable energy mandates their paramount consideration. Under them, landscape-level siting criteria is to be created that allows for the fast-tracking of utility-scale renewable energy and transmission projects into the County's rural regions. The underlying, unstated assumption under them is that the County's rural communities and wildlands must bear the brunt of this initiative, and that the primary goal is getting lots of projects up and running fast where the land is relatively cheap, where the sun shines and where the wind blows.

County government has declined to follow this planning approach.² The adoption of Policy 4.10 by the Board of Supervisors, on February 28, 2019, represents a decisive rejection of this planning paradigm, and a strong statement that this County's priority, when it comes to setting land use policy, is protection and preservation of rural communities, open space and natural habitats.

We ask that the Countywide Plan Documents be formulated in a way that reflects this reality, and offer a few specific suggestions below.

2. A New “RLM” Zone Is Being Proposed, in Which Utility-Scale Is Called a “Typical Use.” But This Would Be Incompatible with Policy 4.10, Among Other Things.

The currently published draft of the “Land Use Categories Map,” and its companion “Table LU-1” (entitled “Land Use Categories”), calls for a new “Resource/Land Management” (“RLM”) land use category, and proposed Table LU-1 lists, under its column for “Description of Typical Uses” for the RLM zone, “community-scale and utility-scale energy facilities.” According to the “Table LU-1 Notes,” the list of typical uses is “intended to further clarify the purpose of each land use category.”

But the RLM zone -- in which utility-scale would be encouraged as a “typical use” -- would overlap considerably with the Rural Living and Community Plan areas in which such

² For instance, the Supervisors issued:

(a) a “County of San Bernardino Position Paper on the Draft Desert Renewable Energy Conservation Plan,” dated February 3, 2015, stating that the communities of Lucerne Valley, Newberry Springs, Stoddard Valley, Johnson Valley and Apple Valley are not appropriate for Development Focus Areas, which are places in which the DRECP would allow utility-scale renewable energy projects to be established; and

(b) a February 17, 2016 Resolution designating five sites -- which are seriously degraded, away from Lucerne Valley and other rural communities, and relatively close to existing transmission -- as the only places that utility-scale can go, subject to the project's otherwise satisfying the County's criteria.

projects are expressly barred by Policy 4.10, which would create a fundamental and unavoidable inconsistency.

The current version of the Countywide Plan Documents acknowledges that calling utility-scale projects a “typical” RLM use would be totally inconsistent with Policy 4.10. The “Table LU-1 Notes,” which were prepared before the adoption of Policy 4.10, acknowledge that:

“[t]he list of typical uses is also subject to and limited by policies in this and other elements of the County Policy Plan. A pending recommendation from the County Planning Commission to revise Policy 4.10 of the Renewable Energy and Conservation Element, for example, would prohibit utility-oriented renewable energy projects in the Rural Living land use districts and any land use district within the boundaries of existing community plans (and potentially other community planning areas).”

Now that Policy 4.10 has been adopted, this inconsistency can be removed by eliminating utility-scale projects as a “typical” RLM use. Otherwise, the entire RLM zone, which contains vast swaths of unincorporated land outside the sway of Policy 4.10 – land which is neither zoned Rural Living nor within a Community Plan area – would become a breeding ground for such projects.³ This would run counter to the County government’s emphasis on protecting rural communities and surrounding wildlands from industrial-scale development.

Nobody would want the “Land Use Categories Map” and related Tables to *de facto* amend the RECE and Policy 4.10 after the fact. Given how thoroughly Policy 4.10 was vetted by the public and County government, this would be most undemocratic.

Designating vast RLM regions as available to industrial renewable energy development would also be incompatible with the County’s values with respect to BLM land areas (as noted above in Fn. 2), and with the express purpose for RLM zoning, which, as stated in Table LU-1, includes preserving natural resources, wildlife habitat areas and open space, and limiting rural development. This is discussed in detail in our October 19, 2018 letter.

In short, adopting a utility-scale-friendly RLM zone, after the fact, would re-write the RECE, and undercut Policy 4.10, by permitting Rural Living and Community Plan areas to be surrounded with utility-scale development. The County clearly does not want these areas to become utility-scale-free “islands” in the midst of an otherwise degraded, industrialized desert landscape.

³ This would include large portions of land between the western boundary of the Lucerne Valley Community Plan area and Apple Valley/Hesperia -- among which is a large section of the Granite Mountains (which is protected as an Area of Critical Environmental Concern under the DRECP and by the Apple Valley Multi-Species Habitat Conservation Plan) -- immense tracts in Johnson Valley and most of the region between the Lucerne Valley Community Plan area and Barstow.

The best and most definitive way of addressing the conflicts discussed above would be to eliminate utility-scale projects as a “typical” RLM use in Table LU-1. In light of the Supervisors’ strongly expressed desire, in adopting Policy 4.10, that the rural character of our desert and mountain regions be preserved, we should not establish any zone in which utility-scale projects are encouraged as “typical uses.”

3. Community Action Guides Should Not Replace the Current Community Plans. Policy 4.10 Signifies That Our Communities Need Protection and They Have That Only with the Community Plans.

The proposed Countywide Plan calls for the 2007 versions of the Community Plans to be discarded in favor of Community Action Guides. But the current Community Plans are co-equal and fully-formed elements of the County’s General Plan -- and call for preservation of the existing rural character of desert and mountain communities -- while the Community Action Guides would not have any real legal status under the County Policy Plan. All they would do is supposedly tell members of rural communities how, at the grass-roots level, they can fend for themselves when unwanted development threatens.⁴ The Community Plans’ strongly-worded goals and objectives -- which are crucial to preserving the unique desert and mountain rural characteristics of the County’s communities -- would be lost forever if replaced with Community Action Guides.

In light of the recent adoption of Policy 4.10 -- with its emphasis on protecting and preserving the rural character of the County’s mountain and desert regions -- this approach, which would dilute (if not do away with) community members’ protection against unwanted, large-scale development, ought to be eliminated from the Countywide Plan Documents. The vigor with which rural communities came forward to promote passage of Policy 4.10, and the fact that the Supervisors so strongly responded with a 4 to 1 vote adopting that policy, demonstrate that neither community members nor County government want to see the protection against large-scale development found in the Community Plans to be diluted and denatured in so-called Community Action Guides.

Rural residents have expressed a strong desire, at the Community Plan meetings in 2017 and 2018, at the Planning Commission meeting on September 21, 2017, and in their November 21, 2017 and October 19, 2018 letters, to retain -- *and build on* -- their current Community Plans. We continue to urge that the Community Action Guides be discarded, and that the existing Community Plans be embraced as a continuing part of the County’s Policy Plan.

⁴ While Policy 4.10 would bar new utility-scale projects in Rural Living zones and Community Plan areas, there are still almost 6,000 acres of new utility-scale projects under application for Lucerne Valley alone that pre-date Policy 4.10. Moreover, the rural character of the County’s desert and mountain communities will continue to be threatened by other types of large-scale development.

We also pointed out, in our October 19, 2018 letter, that the Lucerne Valley Community Action Guide contained many misstatements, including the following:

(a) the draft Community Action Guide is not, as stated therein, “written in the words of those participating in the public engagement process,” because the Community Action Guide identifies a set of pro-development goals and objectives that are diametrically opposed to community members’ stated desires. For instance, community members did not state, as reflected in the Community Action Guide for Lucerne Valley, that they wanted to become a “model renewable energy community.” They said the exact opposite in their written and public comments to the Planning Commission and Supervisors when they came out in force in support of Policy 4.10 on multiple occasions; and

(b) pivotal goals, policies and objectives of the Lucerne Valley Community Plan are not included in the draft of the County Policy Plan – specifically, those governing land use, industrial growth, water issues and dust control issues -- did not make it into the County Policy Plan, or were revised beyond all recognition in the Policy Plan. In still other cases, the Policy Plan undercuts its own proposed goals and policies. Moreover, the Policy Plan omits the Lucerne Valley Community Plan’s highly specific descriptions of Lucerne Valley’s rural character and development aims.

The Policy Plan, and the other Countywide Plan Documents, need to be thoroughly reevaluated, from top to bottom, in light of the adoption of Policy 4.10, and the preservationist emphasis it evinces.

4. The Renewable Energy Element Ultimately Adopted in the Proposed County Policy Plan Must Be Identical to the RECE Adopted on August 8, 2017.

The proposed County Policy Plan – the one published in August 2018 – included a draft “Renewable Energy and Conservation Element” that was different from the RECE.

Sometime after the September 12, 2018 Lucerne Valley “Regional Meeting,” a revised Policy Plan RE Element was published stating that it is just a placeholder for the RECE and that the RECE will be incorporated in its entirety into the Countywide Plan.

This is just a reminder that the Policy Plan RE Element ultimately adopted in the County Policy Plan must be exactly the same as the RECE, as it includes Policy 4.10.

5. The Countywide Plan Continues to Call For a Streamlined CEQA Process for Future Development Projects, All of Which Are to Be Enabled by a Programmatic EIR, Even Though That Is Inconsistent with the Adoption of Policy 4.10 and the Preservationist Ethos Behind It.

The website for the Countywide Plan now states that an environmental impact report will be prepared to provide “environmental clearance for the County Policy Plan and facilitate streamlined CEQA review for future planning and development projects.” (See the “What are the Components of the Countywide Plan?” section of the “What is the Countywide Plan” Fact Sheet (September 2018 revision).

This sounds like the DRECP, RETI 2.0 and the IEPR, because each of those renewable energy and transmission planning processes, espouses the use of landscape-level planning to streamline and fast-track development projects into the High Desert. As we asked in our October 19, 2018 letter: (1) why would a community like Lucerne Valley, which remains in the cross-hairs of those overbearing development processes – and that is fighting tooth and nail against over almost 6,000 acres of utility-scale industrialization in a dogged effort to retain its rural character – want to have its CEQA rights, and its right to challenge projects at the County level, “streamlined” away in the General Plan?; and (2) why would *any* of the County’s desert and mountain communities want this?

In reality, none of them do. And none of them has ever requested that the County emulate the BLM or the California Energy Commission by getting into the game of picking, on a landscape-level basis, “best-fit/least-conflict” lands for large-scale development projects of any sort. In enacting Policy 4.10, the County most emphatically declared itself out of that game, so why would it want to streamline and tier, i.e., encourage and expedite, the very industrial-scale projects that Policy 4.10 bar from the County’s desert and mountain communities?

We continue to request that the County abandon any notion of introducing streamlining, tiering or programmatic land use planning anywhere in the Countywide Plan or in any of its components.

6. Conclusion.

We welcome the opportunity to comment on the Countywide Plan Documents, and look forward to continuing participation in this process.

Very truly yours,

Community Associations, Businesses and Organizations:

LUCERNE VALLEY ECONOMIC
DEVELOPMENT ASSOCIATION

JOHNSON VALLEY IMPROVEMENT
ASSOCIATION

Chuck Bell, President

Betty Munson, Secretary

HOMESTEAD VALLEY COMMUNITY
COUNCIL

Jim Harvey, President

MORONGO BASIN CONSERVATION
ASSOCIATION

Steve Bardwell, Treasurer

NEWBERRY SPRINGS COMMUNITY
ALLIANCE

Ted Stimpfel, Executive Director

MOJAVE COMMUNITIES
CONSERVATION COLLABORATIVE

Lorrie L. Steely, Founder

LUCERNE VALLEY MARKET/
HARDWARE

Linda Gommel, Chief Executive Officer

ALLIANCE FOR DESERT
PRESERVATION

Richard Ravana, President

NEWBERRY SPRINGS CHAMBER OF
COMMERCE

Paula Deel, Board Member

NEWBERRY SPRINGS ECONOMIC
DEVELOPMENT ASSOCIATION

Paul Deel, President

NEWBERRY-HARVARD PROPERTY
OWNERS

Robert Shaw, President

CHURCH OF OUR LORD AND SAVIOR
(LUCERNE VALLEY)

Bill Lembright, President

LUCERNE VALLEY REALTY

Martha Lynn, Owner

YUCCA MESA IMPROVEMENT
ASSOCIATION

Rick Sayers, President

EXPERT APPLIANCE SERVICE

FRIENDS OF PIONEERTOWN

Bill Peterson and Alyn Peterson, Proprietors
(and residents of Lucerne Valley)

David S. Miller, Board Member

Individual Community Members:

Brian Hammer, Analyst and Adjunct Professor
(owner of home in Lucerne Valley)

Sue Hammer (owner of home in Lucerne
Valley)

Renee Lynn (resident of Lucerne Valley)

Ruth Rieman (resident of Flamingo Heights)

Pat Flanagan (resident of Twentynine Palms)

Deborah Myers (resident of Lucerne Valley)

Owen Myers (resident of Lucerne Valley)

Barbara Smith (resident of Apple Valley)

John Smith (resident of Apple Valley)

Randy Polumbo (resident of Lucerne Valley)

Aaron Idouchi (resident of Milpas Highlands
(Apple Valley))

Barbara Idouchi (resident of Milpas Highlands
(Apple Valley))

Robert L. Berkman (resident of Newberry
Springs)

Ellen Johnson (resident of Newberry Springs)

James Johnson (resident of Newberry Springs)

Roger Peterson (resident of Lucerne Valley)

Randy West (resident of Landers)

Marina West (resident of Landers)

Dave Garry (resident of Pioneertown)

Ann Garry (resident of Pioneertown)

Sarah Kennington (resident of Pioneertown)

Kathy Spindler (resident of Hesperia)

Steve Bardwell (resident of Pioneertown)

Diana Bork (resident of Helendale)

Dennis Schwander (resident of Hesperia)

Jack Unger (resident of Newberry Springs)

Richard Selby (resident of Lucerne Valley)

David S. Miller (resident of Pioneertown)

Tom Maloney (resident of Pioneertown)

Kerry Puckett (resident of Pioneertown)

Sheila Bowers (resident of Pioneertown/Pipes Canyon)	Richard R. Merrill (resident of Milpas Highlands (Apple Valley))
Theresa Taylor (resident of Johnson Valley)	Jennifer Bolande (resident of Joshua Tree)
Caroline Conway (resident of Joshua Tree)	Cannon Hudson (resident of Joshua Tree)
Chris Crow (resident of Joshua Tree)	Jenny Wilder (resident of Apple Valley)
Amber Bradberry Schwarz (resident of Newberry Springs)	Susan Halstead (resident of Johnson Valley)
Laraine Turk (resident of Joshua Tree)	Gary Creveling (resident of Landers)
Elaine Harris (resident of Lucerne Valley)	Floy Creveling (resident of Landers)
Jack Harris (resident of Lucerne Valley)	Brian Fisher (resident of Newberry Springs)
Dixie Coutant (resident of Johnson Valley)	Waldo Stakes (resident of Apple Valley)
Margie Roberts (resident of Newberry Springs)	Denise Stakes (resident of Apple Valley)
Frazier Haney (resident of Joshua Tree)	Marsha Calhoun (resident of Johnson Valley)
George Calhoun (resident of Johnson Valley)	Kenneth D. Lair (resident of Apple Valley)
Sarah McKee (resident of Lucerne Valley)	Monica L. Mahoney (resident of Joshua Tree)
Ed Ruscha (resident of Venice)	Kate Frank (resident of Newberry Springs)
Jacqueline R. Lindgren (resident of Apple Valley)	Janet Armstrong Johnston (resident of Joshua Tree)
Vickie Paulsen (resident of Newberry Springs)	

CCs:

Robert Lovingood (Chairperson and First District Supervisor;
SupervisorLovingood@sbcounty.gov)

Janice Rutherford (Second District Supervisor;
SupervisorRutherford@sbcounty.gov)

Dawn Rowe (Third District Supervisor;
SupervisorRowe@sbcountry.gov)

Curt Hagman (Fourth District Supervisor;
SupervisorHagman@sbcountry.gov)

Josie Gonzales (Fifth District Supervisor;
SupervisorGonzales@sbcountry.gov)

Colin Drukker (Placeworks; cdrukker@placeworks.com)

ATTACHMENT

**10/19/18 COALITION LETTER TO LUSD RE
COMMUNITY PLAN CONTINUUM FOR
SAN BERNARDINO COUNTY**

October 19, 2018

Ms. Linda Mawby (**By Email: Linda.Mawby@lus.sbcounty.gov**)

Senior Planner

County of San Bernardino Land Use Services Department – Planning Division

385 North Arrowhead Avenue, First Floor

San Bernardino, CA 92415-0187

Re: “Community Plan Continuum” for San Bernardino County

Dear Ms. Mawby:

We are a coalition made up of the following community groups, businesses, agencies and individuals: Lucerne Valley Economic Development Association (LVEDA), Lucerne Valley-Johnson Valley Municipal Advisory Council, Johnson Valley Improvement Association, Homestead Valley Community Council, Oak Hills Property Owners Association, Newberry Springs Chamber of Commerce, Newberry Springs Economic Development Association, Newberry-Harvard Property Owners, Morongo Basin Conservation Association, Church of Our Lord and Savior (Lucerne Valley), Lucerne Valley Market/Hardware, Newberry Springs Community Alliance, Lucerne Valley Realty, Expert Appliance Service, Jubilee Mutual Water Company, Inc., Alliance for Desert Preservation, Mojave Communities Conservation Collaborative, Brian Hammer, Sue Hammer, Bradley R. Hicks, Dennis Morrison, Pat Flanagan, Ruth Rieman, Marina West, Randy West, Barbara LaGrange, John Smith, Barbara Smith, Aaron Idouchi, Barbara Idouchi, George Stone, Gail Stone, Robert L. Berkman, Ray Gagne, Randy Pumbo, Jim Johnson, Ellen Johnson, Ted Stimpfel, Deborah Myers, Owen Myers, Roger Peterson, Annie Lancaster, Allan Raish, Sara Tambellini, Russell Scott, Lakey Kolb, Stephen Andrews, Kathryn Anema, Kathy Spindler, Teresa Reyes, Rachael Buettell, Ann Garry, Dave Garry, Diana Bork, Sarah Kennington, Steve Bardwell, Dennis Schwander and Peter Quintin Pena. Together, we represent a broad spectrum of residents, businesses, organizations, recreationists and conservationists in the High Desert of San Bernardino County.

We are writing to you, as head of the Countywide Plan initiative, to point out shortcomings in certain portions of the draft Countywide Plan (which were released in August 2018): the Community Action Guides, the County Policy Plan and the Land Use Map (and related Tables). We will incorporate in this letter what we have learned regarding the Countywide Plan and its constituent parts at the 2016 workshops on the Community Plans, at the

September 21, 2017 Planning Commission meeting on the “Countywide Continuum,” at the October 2017 open house meetings and at the recent September 2018 “Regional Meetings.” For the sake of convenience, we will refer to the referenced meetings collectively as “the Community Plan Meetings.” This letter will also reference, and incorporate, the letter that our coalition sent you regarding the “Community Plan Continuum,” dated November 21, 2017 (the “November 21, 2017 Letter”).

In terms of the recently-released Community Action Guides, this letter will, in order to better illustrate our points, concentrate most of its analysis on the “Draft Lucerne Valley Community Action Guide,” even though most defects found in that draft are present in the draft Community Action Guides for other regions.

1. Under The Countywide Plan, Ineffectual Action Guides Would Replace Community Plans That Provide Rural Residents with Strong Land Use Protections, Even as Over 5,000 Acres of Utility-Scale Projects Threaten to Industrialize Lucerne Valley.

The Countywide Plan calls for the 2007 versions of the Community Plans to be discarded in favor of Action Guides. The Community Plans are part of the County’s General Plan -- and call for preservation of the existing rural character of desert and mountain communities -- while the Action Guides would supposedly tell members of rural communities how, at the grass-roots level, they can fend for themselves when unwanted development threatens.

In an attempt to placate the County’s rural communities – which have long wanted to retain their Community Plans -- the County Land Use Services Dept. (the “LUSD”) has contended, at least until the August 2018 draft documents were released, that the Community Plans currently in place are merely being re-named as “Community Action Guides,” and that the latter would be the functional equivalent of the former. More than once, during its September 21, 2017 presentation before the Planning Commission, the LUSD represented that “nothing would be lost” at the regional or community level under the new Countywide Plan set-up, and that the LUSD was merely “changing terminology” in proposing that Action Guides be adopted in place of the current Community Plans.

But, as will be discussed below, this is most certainly not the case, and considerable land use protections would be lost if the Community Plans are replaced with “Action Guides.”

(a) The Community Plans Are Crucial to Preserving the Unique Rural Characteristics of the County’s Desert and Mountain Communities.

The Community Plans currently in place -- the 2007 versions -- are co-equal and fully-formed elements of the County’s General Plan, while the Action Guides would not have any real legal status under the County Policy Plan (which would essentially be the same as a General Plan

in terms of land use planning). Hence the Community Plans' strongly-worded goals and objectives -- which are crucial to preserving the unique desert and mountain rural characteristics of the County's communities -- would be lost forever if replaced with Action Guides.¹

Rural residents expressed a strong desire, at the Community Plan Meetings and in their November 21, 2017 Letter, to retain -- *and build on* -- their current Community Plans because, in large part, they provide important protections against utility-scale industrialization. The central theme of the comments made by participants at the Community Plan Meetings -- and at all the proceedings regarding the DRECP, REVEAL, SPARC and Policy 4.10 (this policy would, if enacted, outright bar utility-scale projects from community plan areas, among other areas) -- was that utility-scale development is not wanted in or near the County's rural desert and mountain communities.

The County's Planning Commission and Board of Supervisors have made several pronouncements that echo -- and amplify on -- this viewpoint:

(1) the Planning Commission's unanimous (5-0) recommendation, at a May 24, 2018 hearing, that the County's Board of Supervisors adopt Policy 4.10 as part of the County's Renewable Energy and Conservation Element (the "RECE");

(2) the Board of Supervisors' issuance of its February 17, 2016 Resolution (the "Resolution"), which designated five sites -- which are seriously degraded, away from Lucerne Valley and other rural communities, and relatively close to existing transmission -- as the only places that utility-scale can go, subject to the project's otherwise satisfying the County's criteria; and

(3) the "County of San Bernardino Position Paper on the Draft Desert Renewable Energy Conservation Plan," dated February 3, 2015, in which the County stated that the communities of Lucerne Valley, Newberry Springs, Stoddard Valley, Johnson Valley and Apple

¹ For example, the current Lucerne Valley Community plan: (1) identifies, as one of Lucerne Valley's "Unique Characteristics" (LV1.3.1), that it "offers a rural lifestyle, characterized by the predominance of large lots, limited commercial development and the prevalence of agricultural and animal raising uses in the area. The desert landscape and natural resources further define the rural character of the community;" (2) states that a chief concern (LV1.3.2) of residents is that growth pressures will "threaten the features of their rural community," including its "natural beauty [which is] characterized by an abundance of open space and scenic vistas . . .;" and (3) specifies that, among the primary "Community Priorities" for Lucerne Valley (LV1.3.3) are the need to "***[r]etain the rural character of the community by maintaining low density residential development and commercial development that serves the needs of local residents***" (emphasis added) and the need to maintain (LV/LU 1.1) "***strict adherence*** to the Land Use Policy Map unless proposed changes are ***clearly demonstrated*** to be consistent with the community character" (emphasis added).

Valley are not appropriate for Development Focus Areas, which are places in which the DRECP would allow utility-scale renewable energy projects to be established.

So why is it now being proposed that the Community Plans – with all their protections against large-scale development -- be replaced by legally ineffectual Action Guides, particularly when over 5,000 acres of new utility-scale projects are being aimed at Lucerne Valley?²

² Lucerne Valley is under a determined siege from a development threat that was not even on the horizon when the 2007 version was formulated: 5,000 acres (and counting) of proposed utility-scale renewable energy and related transmission projects, as well as a proposed new Southern California Edison substation, which include:

(1) A 484-acre, 60 MW solar PV project called Ord Mountain Solar, which is proposed to be built along Highway 247 on highly erosive soil just north of Lucerne Dry Lake, directly in the center of an established residential community of 54 homes within a half-mile of the project boundaries (at least 33 of them are occupied by their owners or, as is the case with Rivers Edge Ranch, under active operation);

(2) A 2,850-acre, 200 MW solar PV project called Aurora Sorrel, which is proposed to be built along Highway 247, south of Stoddard Ridge;

(3) A 990-acre, 300 MW, 8 Minute Energy solar PV project (now called “Sienna”), which is proposed to be built *directly on top* of the Lucerne Valley Dry Lake bed – this would actually be two separate projects built on two non-contiguous parcels;

(4) A 622-acre, 100 MW solar PV project called Calcite Solar 1, which is proposed to be built south of the proposed Ord Mountain Solar site – this would actually be four separate projects on four non-contiguous parcels; and

(5) A 13-acre Southern California Edison “Calcite Substation,” which is proposed to be built along Highway 247 -- across from the proposed Ord Mountain Solar site -- in order to connect the above-mentioned utility-scale projects (as well as others) to the electric transmission grid; an extensive maze of distribution lines and access roads would have to be constructed to hook up all these projects to the proposed substation, which would multiply the environmental damage and scenic losses wrought by those projects.

The November 21, 2017 Letter carefully catalogues the manner in which these proposed projects would, if built, forever decimate the area’s human and natural communities.

The LUSD appears to have recently dropped the pretense that Action Guides equate with Community Plans – it no longer titles the Action Guides as “Community Plans.”³ And, indeed, the goals, policies and objectives found in the Lucerne Valley Community Plan – which are the heart and soul of proper general plan elements according to Govt. Code Section 65302 (which requires that “the general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals”) – are nowhere to be found in the 2017 version of the “Lucerne Valley Community Plan,” in the August 2018 version of the proposed “Lucerne Valley Action Guide” or, as will be discussed below in Section 3, in the recently released draft of the County Policy Plan.

Community participants roundly criticized the Action Guides at the September 21, 2017 Planning Commission meeting, in subsequent Community Plan Meetings and in their November 17, 2017 Letter, noting that, under the Action Guides, the communities’ stated land use priorities would no longer be given voice or legal effect, i.e., that the Action Guides do nothing more than leave it to community residents to fend for themselves in the face of an ongoing utility-scale “gold rush.” Abandoning the Community Plans would sound the death knell for community-oriented land use planning, and usher in an era of top-down goal-making, in which a community's only real role would be figuring out how to survive under a land use vision that is not its own.

Unless the County steps in to keep the Community Plans in place, the rural desert character and natural beauty of the High Desert will be stolen from its inhabitants, and from the many others who so greatly appreciate it and depend on it, economically and otherwise, all for the benefit of those who would profit from exporting electrical power for use outside the County. The entire North Slope region needs far more protection against rampant development than it did when the 2007 versions were enacted, especially given that it is one of the special regions of the County that, if sacrificed, will have ripple effect consequences countywide in terms of the County’s long-term identity and economic well-being.

(b) The Action Guides Are Not, as Stated Therein, “Written in the Words of Those Participating in the Public Engagement Process.”

The new Action Guides identify a set of pro-development goals and objectives that are diametrically opposed to community members’ stated desires, which does great long-term damage to the credibility and legitimacy of the LUSD and the County government as a whole.

³ The 2017 draft plan for Lucerne Valley was called the “Lucerne Valley Community Plan,” while the 2018 version is called the “Lucerne Valley Community Action Guide.” (The differences between the 2017 and 2018 drafts, and the implications of those differences, are discussed below in Section 2(b) of this letter.)

Still, the “countywideplan.com” website continues to send a decidedly mixed message on the subject by referring to the Action Guides as “Community Plan/Action Guides.”

Making matters worse, the new Action guides make a false bid for legitimacy by claiming that they faithfully reflect community wishes. In that regard, the Lucerne Valley Action Guide misrepresents that it is:

“. . . written in the words of those participating in the public engagement process. Therefore, the Community Action Guide retains the voice and future image of the community members participating in the public engagement process.”

How could the Action Guides be said to represent the communities' consensus as to what their “future images” should look like – and to reflect the participants' own words – when (as noted above) those same participants clearly rejected the Action Guides (while expressing a strong desire to retain their Community Plans)? Further, as will be discussed in Subsection 2 below, the Action Guides are worded in a way that completely ignores the comments made by community participants.

2. The Draft Community “Action Guide” for Lucerne Valley Throws Out the Welcome Mat to Utility-Scale Renewable Energy Projects, Even Though the Community Has Strongly and Frequently Objected to Such Development Anywhere in the Plan Area.

While the Action Guides are, as discussed above, legally and practically ineffectual – and must be discarded in favor of retaining the current Community Plans, the serious disconnect between the language of the Lucerne Valley Action Guide – and the community’s stated desire to retain its rural desert character – is, as noted in the previous paragraph, symptomatic of a political and planning process that has gone awry to such a degree that its legitimacy is in serious doubt. Again, if the LUSD and County are adamantly opposed to the communities’ desire to maintain their rural character, then county government has a duty to explain why. To pretend that the County is making policy in accord with its communities’ stated wishes – while actually doing quite the opposite -- is how it is done in banana republics, which surely is not the model of governance that the County wants to emulate.

(a) The 2017 Draft of the “Lucerne Valley Community Plan” (the “2017 Draft”).

The 2017 Draft stated, in its “Action Statement A.1,” that:

(1) Lucerne Valley “[a]spire[s] to be a model renewable energy community with a principal focus on point-of-use, rooftop solar;”

Comment: The above-quoted assertion is inaccurate. Participants in the Community Plan meetings never said that they wanted to become a “model renewable energy community.” Instead, they were steadfast in insisting that utility-scale should be kept out of the plan area entirely. How did this clearly articulated vision get transmogrified into a desire to become a “model

community” for the very type of development that was being so adamantly opposed?

With a word cloud (in the 2017 Draft) in which the most prominent phrases are “Natural Beauty,” “Desert Environment,” and “Open Space” -- and a “Community Focus Statement A” citing the need to “[m]aintain the rural character of the community” -- how was it concluded in the 2017 Draft that the community wants to open its doors to utility-scale industrialization?

In any event, the County cannot “maintain the rural character of the community,” as provided in Community Focus Statement A, by calling for the introduction of renewable energy facilities in the community as per Action Statement A.1. The latter is completely inimical to the former.

(2) “utility-scale solar and wind projects” should “only be permitted in designated areas such as Tamarisk Flats to minimize the visual impact on the landscape (emphasis added).”

Comment. This highlighted phrase suggests that utility-scale projects can be placed in Lucerne Valley in Tamarisk Flats, whatever that is, as well as in any other arguably similar area, which would throw open the entire region to potential large-scale renewable energy development.

(3) the 2017 Draft acknowledges that, due to its “large size and scale,” utility-scale development can “degrade visual character or quality.” But then the 2017 Draft undercuts that cautionary note by stating the utility-scale projects must be “carefully evaluated and sited.”

Comment. This sends the message that utility-scale projects, if “carefully evaluated and sited,” would be supported by the community, but this is not the case (with the possible exception of projects sited in the five areas mentioned in the Resolution).

(b) The 2018 Draft of the “Lucerne Valley Action Guide” (the “2018 Draft”)

What did the County do in response to the criticism leveled against the 2017 Draft? It merely excised, in the 2018 Draft, all direct references in “Action Statement A.1” to utility-scale projects and otherwise reiterated the language of the 2017 Draft (with some superficial changes in the “Benchmark” and “Champion” sections), including the ones referenced in the previous subsection of this letter.

But this did not take care of the problem, because the 2018 Draft continues to misstate that Lucerne Valley “aspires[s] to be a model renewable energy community with a *principal focus* on point-of-use, rooftop solar (emphasis added)” – which implies that the community would also be amenable to other forms of renewable energy, including utility-scale -- even

though the community has made it crystal clear that the only renewable energy it wants would be rooftop and small, community-oriented solar.

The Lucerne Valley Community Plan -- if (as requested by the community) it is retained in its current form -- would render the Action Guide totally superfluous. But, if the County were to insist that an Action Guide also be put in place, the one for Lucerne Valley would, at the very minimum, need to be revised to: (1) drop any reference to a purported desire to become a “model renewable energy community,” (2) state that the community is opposed to utility-scale anywhere in the Lucerne Valley CSA, and that the only forms of renewable energy that it is willing to accept are rooftop solar and microgrids (ones that provide direct interconnection and benefit to the community), and (3) fully describe how the harmful effects of utility-scale development in a rural desert environment would defeat the “Community Focus Statement A” goal of “[m]aintain[ing] the rural character of the community.”⁴

It goes without saying that the unique, desert rural quality of life in Lucerne Valley cannot be maintained at the same time as the door is held open to a succession of utility-scale projects.

3. Pivotal Goals, Policies and Objectives of the Lucerne Valley Community Plan Are Not Included in the Recently Released Draft of the County Policy Plan.

As referenced above in Fn. 1, the current Lucerne Valley Community Plan contains goals, policies and objectives that are integral to the community's effort to protect itself from being industrialized by utility-scale development, none of which were carried forward in any meaningful way into the proposed County Policy Plan.

Colin Drukker, of Planworks (the County's consultant with respect to the development of the Countywide Plan), insisted otherwise at the September 12, 2018 Lucerne Valley “Regional Meeting.” In support of his position, Mr. Drukker cited the County's recently-published “2007 Community Plan Goals and Policies Matrix” (the “Matrix”), which he said shows where the Community Plans’ goals, policies and objectives have been “addressed” in the County Policy Plan. But, as will be discussed below, crucial goals, policies and objectives in the Lucerne Valley Community Plan – specifically, those governing land use, industrial growth, water issues

⁴ The LUSD took the position, at the September 21, 2017 Planning Commission meeting, that it would not be appropriate for (what the LUSD then called) the “Community Plans” to address renewable energy issues – because those issues should supposedly only be dealt with in the RECE – but the 2017 Draft did just that. So why not reference the community’s desire to exclude utility-scale altogether? In any event, with an onslaught of some 5,000 acres of new utility-scale projects in the planning pipeline – for Lucerne Valley alone (as was discussed above) – what possible justification could there be for turning a blind eye in the Action Guide on the region's number one development threat?

and dust control issues -- did not make it into the Policy Plan, or were revised beyond all recognition in the Policy Plan. In still other cases, the Policy Plan undercuts its own proposed goals and policies.⁵

Moreover, the Policy Plan omits the Lucerne Valley Community Plan's highly specific descriptions of Lucerne Valley's rural character and development aims. For example, the Community Plan identifies, as one of Lucerne Valley's "Unique Characteristics" (LV1.3.1), that it "offers a rural lifestyle, characterized by the predominance of large lots, limited commercial development and the prevalence of agricultural and animal raising uses in the area. The desert landscape and natural resources further define the rural character of the community." In its "Community Priorities" section, the Community Plan states that one such priority is to "[r]etain the rural character of the community. . ."

The Community Plan also states, in its "Issues and Concerns" section, that a chief concern (LV1.3.2) of residents is that growth pressures will "threaten the features of their rural community," including its "natural beauty [which is] characterized by an abundance of open space and scenic vistas . . ." The quoted descriptions provide much-needed context for interpretation and implementation of the land use goals and policies concerning the community.

(a) Goal LU 1 of the Lucerne Valley Community Plan – “Retain the existing rural desert character of the community” – Is Not Found Anywhere in the County Policy Plan.

The above-quoted Goal LU 1 of the Community Plan would – if properly interpreted – all but ban any new development, such as utility-scale projects, that would industrialize Lucerne Valley, yet this pivotal goal is nowhere to be found in the County Policy Plan.⁶

The Matrix represents, under its "[w]here it will be addressed" column, that **Community Goal LU 1** is carried forward in two new goals found in the Policy Plan: "[Policy] Goal LU-2 Land Use Mix and Compatibility" and "[Policy] Goal LU-4 Community Design." As will be explained below, this is not at all the case.

⁵ Due to the size and scope of the Policy Plan, the discussion in this letter will focus on goals/policies pertaining to land use, environmental issues, dust control and water that bear directly on utility-scale renewable energy development. Chuck Bell emailed an extensive and excellent memo to the County, on September 10, 2018, that analyzes the rest of the Policy Plan and points out many instances in which it requires significant revision.

⁶ To make the discussion easier to follow, references to goals found in the current Lucerne Valley Community Plan will begin with the word "Community" and be placed in bold font, so that, by way of an example, its Goal LU 1 will be called "**Community Goal LU 1.**" In similar fashion, goals and policies cited from the County Policy Plan will be preceded by the word "Policy" and italicized.

Community Goal LU 1 provides a strong bulwark against all projects that would industrialize Lucerne Valley. In stark contrast, *Policy Goal LU-2* calls for “[a]n arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.” (Emphasis added.) As written, *Policy Goal LU-2* would allow the County to approve any proposed new project – even one that would degrade the “existing rural desert character of the community” – so long as the County determines that the “needs of future generations” and the value of “commercial and industrial development” outweigh the value of preserving “the lifestyle of existing residents” and the “natural environment.”

Hence *Policy Goal LU-2* runs directly counter to the letter and spirit of **Community Goal LU 1**. So, not only is *Policy Goal LU-2* not the equivalent of **Community Goal LU 1**, it would facilitate the rapid industrialization of Lucerne Valley and hence must be eliminated from the Policy Plan. There can be no “balancing” when it comes to development, such as utility-scale projects, that would fundamentally degrade the rural desert character of the community.

The Matrix suggests that “[*Policy*] Goal LU-4 *Community Design*” is analogous to **Community Goal LU 1**, but it is not. *Policy Goal LU-4* calls for the use of community design elements -- in the “preservation and enhancement of unique community identities” -- but you cannot design away all the many deleterious effects that utility-scale projects impose on human and natural desert communities. Hence, while *Policy Goal LU-4* might be quite effective in maintaining the harmonious visual aesthetic of the community’s various structures, it would be totally inadequate in terms of preserving the rural desert character of the community and the surrounding environment.

The Matrix also cites the Action Guide's “Focus Statement A” – “Maintain the rural character of the community” – and “Focus Statement B” – “Promote responsible and sustainable development consistent with Lucerne Valley's rural character.” But, as discussed above, the Action Guide would be nothing more than an ineffectual playbook for how, at the grass-roots level, community members might undertake self-help measures.

Worse yet, the Action Guide calls for implementing “Focus Statement A” by, according to “Action Statement A-1,” turning Lucerne Valley into a “model renewable energy community,” which would be inimical to any effort to preserve the community’s “rural desert character” in the face of industrialization.

Clearly, **Community Goal LU 1** – one of the most important goals in the entire

Community Plan – was not carried forward into the proposed Policy Plan.⁷

(b) Community Goal LU 1.1 – “Require strict adherence to the land use policy map unless proposed changes are clearly demonstrated to be consistent with the community character” – Is Not Found Anywhere in the County Policy Plan.

The Matrix equates “*Policy LU-4.5 Community identity – We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities*” – with **Community Goal LU 1.1**. But the bland, one-size-fits-all policy language of *Policy LU-4.5* would not begin to provide the comprehensive protection against unwanted development that is afforded by **Community Goal LU 1.1**, especially given that *Policy LU-4.5* would neither require “strict adherence to the land use policy map,” nor require that developers “clearly demonstrate” that a proposed change would be “consistent with the community character,” as does **Community Goal LU 1.1**.

In any event, **Policy LU-4.5** – indeed, all goals stated in the Policy Plan that would ostensibly address industrial development in Lucerne Valley -- is rendered meaningless by: (1) *Policy Goal LU-2*, which, as discussed above, allows development any time the County determines that a balancing of competing interests supposedly favors a project; and (2) *Policy Goal LU-2.11*, which says that “[w]e allow new office and industrial uses in unincorporated Mountain/Desert regions in order to meet the service, employment, and support needs of

⁷ The current version of the County’s General Plan contains land use goals that are written in much stronger and more affirmative language -- in terms of protecting the rural character and quality of life enjoyed by desert residents – than are the goals stated in the Policy Plan. To wit, the current General Plan states the following goals:

(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);” and

(3) “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).

Why is it that with each new version of the County’s land use documents the protections for the desert are progressively weakened? The desert needs more protection than ever in view of the 5,000 acre + utility-scale invasion being aimed at it.

unincorporated areas.”⁸ *Policy Goals LU-2 and LU-2.11* must be eliminated from the Policy Plan.

The Matrix claims that “*Policy LU-2.8 Rural lifestyle Mountain/Desert regions*” is analogous to **Community Goal LU 1.1**, but *Policy LU-2.8* applies only to “new residential development” and would have no effect on proposed projects, like utility-scale projects, that would industrialize desert and mountain communities.

The Matrix also attempts to equate the *Policy Plan's “LU 4.1 Context sensitive design in the Mountain/Desert regions”* with **Community Goal LU 1.1**, but the former, because it calls for discernment in the use of “site and building design techniques” and in the choice of proper building materials, has no relevance to stopping utility-scale projects.

Finally, the Matrix cites the Action Guide's “Action Statement A3,” but, as stated above, the Action Guide would be legally and practically ineffectual.

(c) Community Goal LU 2 – “Ensure that commercial and industrial development within the plan area is compatible with the rural desert character and meets the needs of local residents” – Is Not Found Anywhere in the County Policy Plan.

All the Matrix offers on this score is a reference to *Policy Goal LU-2* – which, as discussed above, embodies an unacceptable and potentially pro-utility-scale “balancing principle,” and to the “community design” standard stated in *Policy Goal LU-4*.

For the reasons discussed above, neither of these Policy Plan goals is at all analogous to Community Plan goals, such as **Community Goal LU 2**, that embody and actualize the community's desire to maintain its rural desert character. Moreover, neither *Policy Goal LU-2* nor *Policy Goal LU-4* say anything about the need to restrict commercial and industrial development to that which “**meets the needs of local residents,**” which is a vital and irreplaceable component of **Community Goal LU-2** (emphasis added.)

Why is the above-quoted language of **Community Goal LU 2** so important? Because utility-scale projects by definition do not meet the needs of local residents given that these projects export power and profits out of the County, while leaving behind decimated human and natural communities. Hence **Community Goal LU 2** – with its requirement that industrial

⁸ Moreover, as will be discussed below, the proposed Land Use Map calls utility-scale projects “typical uses” in a vast new “Resource/Land Management” zone that comprises the greater part of Lucerne Valley, and would include all land that is currently zoned for agriculture and “open space.”

development meet the needs of local residents -- represents a very significant barrier to large-scale renewable energy projects that we cannot afford to abandon.

(d) Community Goal LU 2.4 – “Require adequate buffering between Industrial and non-industrial land uses” – Is Not Adequately Embodied in the County Policy Plan.

The Matrix cites *Policy LU-2.1* as being analogous, but, while it does require that new development be “scaled, buffered, and designed” in a way that is compatible with existing uses, that would be done only to “*minimize* negative impacts.” (Emphasis added.) By contrast, **Community Goal LU 2.4** specifically requires buffering – not scaling or design -- that would eliminate negative impacts that industrial development has on the community. This represents another significant barrier to utility-scale development because there are rural residents and population centers scattered throughout Lucerne Valley.

On a related note, utility-scale development causes an array of harm to human and natural communities on a regional basis, including the release of dust as a result of the destruction of “fragile desert soils” (this is addressed in **Community Goal CO 1.3**). *Policy “HZ-1.8 Wind erosion hazards”* would be, as written, inadequate to the task of preventing fugitive, wind-blown dust from being disseminated from utility-scale projects; it would merely require new development “in medium-high or high wind erosion hazard areas *to protect structures from wind-blown soil through building and design features . . .* (emphasis added),” and thus has a misplaced emphasis on protecting structures, instead of human and environmental health. *Policy HZ-1.8* would need to be strengthened considerably.

(e) Community Goal OS 1 – “Preserve open space lands to ensure that the rural desert character of the community is maintained” – Is Not Adequately Embodied in the County Policy Plan.

The Matrix cites *Policy NR-3* as supposedly analogous to **Community Goal OS 1**, but this is not the case. *Policy NR-3* calls for “[a] system of well-planned and maintained parks, trails, and open space that provides recreation opportunities for residents, attracts visitors from across the region and around the country, and preserves the natural environment.”

While *Policy NR-3* would serve a laudatory purpose, its emphasis and orientation are markedly different than that of **Community Goal OS 1**. In the former, open space is to be preserved in order to provide recreation, attract tourist dollars and protect the environment, while, in the latter, open space is to be preserved in order to “ensure that the rural desert character of the community is maintained.” This is a crucial distinction. *Policy NR-3*, while certainly well-intentioned, does not provide the strongly worded protection for “open space” that **Community Goal OS 1** does.

Community Goal OS 1.5 states that “[t]he foothills of the San Bernardino Mountains are recognized as an important open space area that provides wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to wildlife movement in this area.” The Matrix offers *Policy NR-3.3* as an analogous provision, but it offers only to coordinate with various agencies to “sustainably manage and conserve land within or adjacent to locally-, state-, or federally–designated open space or resource conservation areas.” *Policy NR-3.3* lacks **Community Goal OS 1.5**’s specific acknowledgment of the ecological significance of the North Slope region, and hence offers it greatly reduced protection against development-driven damage.

(f) Community Goal CI 4.1 – “Through the development review process, permit new development only when adequate water supply exists or can be assured” – Is Not Found Anywhere in the County Policy Plan.

The Matrix claims that “*Policy IU-1.1 Water Supply*” is analogous to **Community Goal CI 4.1**, but all *Policy IU-1.1* says is that “[w]e require that new development be connected to a public water system or a County-approved well to ensure a clean and resilient supply of potable water . . .” Utility-scale projects do not require piped in potable water for their construction, operation or maintenance; and a typical project has large volumes of non-potable water delivered to it by truck from whatever County sub-basins the project’s water purveyor is allowed to draw on. Clearly *Policy IU-1.1* applies only to residential and commercial development – which, by contrast, *does* require immediate connection to potable water, while **Community Goal CI 4.1** would ban *all* development unless it can be established that a proposed project would not compromise the County’s water supply.

The Matrix also cites “*Policy IU 1.8 Groundwater management coordination*,” which would require that the County coordinate with various agencies, governmental and non-governmental, to “ensure [that] groundwater basins are being sustainably managed.” This is a good policy statement as far as it goes, but then *Policy IU 1.8* adds that “[w]e *discourage* new development when it would create or aggravate groundwater overdraft conditions, land subsidence, or other ‘undesirable results’ . . .” (Emphasis added.) Hence *Policy IU 1.8* calls only for a governmental frown to be cast in the direction of groundwater-threatening projects, while leaving the door open for their approval. This makes *Policy IU 1.8* wholly different from **Community Goal CI 4.1**, which would ban such projects. In any event, if it is determined that new development would be detrimental to our groundwater supply – an irreplaceable resource that is this County’s lifeblood -- why hold the door open even a crack to it?

And it is beyond dispute that the County’s groundwater supply is endangered by prolonged drought and existing usages. It is also jeopardized by 20,000 MWs in total, according to the DRECP (with a portion of that on BLM lands as per the final BLM LUPA), of new utility-scale renewable energy that the DRECP plans for the California desert. Such data as we have on the subject – which comes chiefly from the DRECP itself – must be considered.

While the draft DRECP did not conduct a meaningful analysis of groundwater baseline data, it nevertheless made valuable observations about the tenuous state of the desert's groundwater basins. For instance, the draft DRECP acknowledged that its DFAs would be located primarily on already overdrafted County groundwater basins from which the enormous volumes of water needed -- for the construction, maintenance and operations of large-scale generation facilities -- would have to be drawn. In that regard, it conceded (at IV.6-24) that “[d]evelopment would occur in 35 groundwater basins,” that 14 of them are stressed or in “overdraft or stressed,” that “[m]ost (97%) of the developed area is within four ecoregion subareas [the High Desert areas of Los Angeles and San Bernardino Counties and the Imperial Valley]” -- which are the most populated areas of the California desert⁹ -- and that “increased groundwater use in these sensitive basins can adversely affect water supplies and exacerbate impacts associated with overdraft conditions and declining groundwater levels.”

The draft DRECP also stated that the total estimated water use for the new projects it sought to foster would be 91,000 acre-feet per year (IV.6-24), and that the “[r]enewable energy facilities permitted under the DRECP could influence the quantity and timing of groundwater recharge because construction would include grading the land surface, removing vegetation, altering the conveyance and control of runoff and floods, or covering the land with impervious surfaces that alter the relationships between rainfall, runoff, infiltration and transpiration [IV.25-45].” Solar energy -- which was the renewable technology preferred in the DRECP -- “would result in the largest amount of grading so it would have the largest impact on groundwater recharge among the renewable technologies permitted under the DRECP [IV.25-45].”

According to the vastly understated language of the draft DRECP, the “use of groundwater for renewable facilities permitted under the DRECP would combine with [other uses of groundwater] . . . to result in a cumulative lowering of groundwater levels affecting basin water supplies and groundwater [IV.25-46].”

The draft DRECP also took note (IV.25-45) of the “[p]opulation growth and anticipated development summarized in Section IV.25.2.2” -- including “future residential development that would also use a large amount of groundwater continuously [IV.25-46]” and that would result from anticipated renewable energy and other projects -- as further contributing to the drawdown of desert groundwater basins.

⁹ When the draft DRECP's map of the Preferred Alternative DFAs (which, along with transmission corridors, was to entail approximately 177,000 acres of “ground disturbance” (IV.7-215)) is superimposed on top of the DRECP's Overdraft Groundwater Basins map, one sees that (with small exceptions) all of the High Desert DFAs -- from the Antelope Valley east to the Johnson Valley -- were located within the boundaries of already overdrafted groundwater basins. Indeed, the DRECP conceded: “[u]nder the Preferred Alternative, development in BLM lands can affect groundwater in 12 basins characterized as either in overdraft or stressed” [Section IV.6 of the DRECP].

Even more ominously, the draft DRECP noted that the proposed renewable energy projects would result in “compression [of groundwater basins that would reduce] the volume of sediment beds and lower land surface elevations, which can damage existing structures, roads, and pipelines; reverse flow in sanitary sewer systems and water delivery canals; alter the magnitude and extent of flooding along creeks and lakes. *This compression of clay beds [that make up groundwater basins] also represents a permanent reduction in storage capacity*” [IV.25-47]. (Emphasis added.) The proposed renewable energy plants and transmission facilities “could also cause water-level declines in the same groundwater basins and contribute to the migration of the saline areas of groundwater basins” [IV.25-47].¹⁰

In terms of construction usage, the 550 MW Desert Sunlight 250 project (on 4,400 acres of land) – and the 1,550 acre feet of water allocated to its construction – can be used as a metric. Forty projects of that size would produce just over the DRECP’s targeted 20,000 MWs in renewable energy. Assuming that those forty projects would use a similar amount of water during their construction, construction of 20,000 MWs of new renewable energy projects would consume 620,000 acre feet, which equates with approximately 20 billion gallons of water.

In their maintenance and operations, the utility-scale solar projects in the Lucerne Valley DFA would, according to data from the draft DRECP, consume almost 1,000 acre-feet of water **per year**, which is enough water to fill four Rose Bowls to the brim. On a DRECP-wide basis, if all 20,000 MWs of generation were to come from the least water-intensive generation method – which is solar PV (as opposed to solar thermal, which requires many multiples more water in cleaning, as well as a great deal of additional water for cooling operations) – and the PV panels were washed only six times per year, the cleaning of the panels alone would consume .15 acre feet per year per megawatt of generation, which would amount to a total water expenditure of approximately 3,000 acre feet per year (20,000 times .15 = 3,000).

Projects on the BLM land will be drawing from the same groundwater basins that the rest of the County relies on – in effect, public and private “straws” will all be drawing from the same figurative milkshake. Nevertheless, the draft DRECP made no study of the impact on the desert’s aquifers of siting 20,000 MWs of new generation facilities, nor did the draft DRECP

¹⁰ The DRECP water data and findings continue to be relevant, notwithstanding the 2016 – 2017 rains, which did not by any means break California’s prolonged drought in arid regions such as the Mojave Desert. Statements made by the State Water Resources Control Board (the “SWRCB”), in its comment letter regarding the DRECP, suggests that the drought would persist there despite the recent rains. The SWRCB comment letter states that the preponderance of groundwater in the Basins and Ranges hydrologic province is thousands of years old (i.e., it takes thousands of years for groundwater to travel from the point of recharge to the point of discharge). According to the SWRCB comment letter, our aquifers represent a closed system where 66% of the groundwater is between 100 and 33,000 years old with the only “young” recharge coming from the mountains [p. 18]. On a related note, the SWRCB states that, “[i]n most areas of the desert, deeper, older groundwater is saline. Excessive pumping will likely cause migration of saline water into fresh water aquifers [p. 11].”

include any real baseline data concerning the health or sustainability of those basins under current demands, or when the effects of an ongoing drought of historic proportions is factored in.

The “San Bernardino Countywide Vision” website sounds its own carefully modulated, yet unmistakable, note of alarm, stating that a “group made up of the county’s water agencies, business representatives and other stakeholders” determined that “acting separately, the county would not have enough water through 2035 . . .” The website goes on to say that there would be enough water to go around “when the water agencies’ resources are combined,” but “only if water users step-up [sic] conservation efforts and the public and local government leaders are willing to invest in projects that will store and protect additional water supplies.” We are not aware of any new investment of that sort being proposed.

Clearly, proposed *Policy IU-1.1* is inadequate to the task of preserving our precious groundwater supply, while a properly applied **Community Goal LU-1.1** – if retained in a true Community Plan and reiterated (and perhaps strengthened) in the Policy Plan – would greatly assist in doing just that.

4. The Proposed Land Use Map Would Create a New “Resource/Land Management” Zone – the Single Largest One in the Lucerne Valley CSA -- in Which Utility-Scale Development Would Be Expressly Designated as a “Typical Use.”

The new proposed Land Use Map, and its companion “Table LU-1” (entitled “Land Use Categories”) -- which were released in August 2018 – create a new “Resource/Land Management” (“RLM”) land use category. Table LU-1 lists, under its column for “Description of Typical Uses,” “community-scale and utility-scale energy facilities.” This reference to utility-scale facilities is neither accidental nor incidental. According to the “Table LU-1 Notes,” the list of typical uses is “**intended to further clarify the purpose of each land use category.**” (Emphasis added.) This is a bold and unmistakable statement that an express purpose of the RLM zone is to accommodate utility-scale projects.

This would be particularly detrimental to Lucerne Valley because the RLM zone would cover most of the vast Lucerne Valley CSA, comprising all areas currently zoned AG (Agriculture) and RC (Resource Conservation) according to Table LU – 2 (“Land Use Category/Zoning Equivalency Matrix”). In fact, the RLM zone would be the single biggest land use category specified in the proposed Land Use Map. Raising the stakes considerably is that this new zone would include the entire AG area in north Lucerne Valley in which the Ord Mountain and other nearby utility-scale projects under application are proposed to be located (as referenced in Fn. 3), and presumably ease the way for approval of those projects.

Setting aside this immense region as a breeding ground for new utility-scale development – in the face of a flood of proposed utility-scale projects – would devastate the human and natural communities in Lucerne Valley, and run counter to the community’s – and County government’s -- strongly expressed desire to retain the area's rural desert character.

It would also run counter to the position taken by the LUSD at the August 8, 2017 Board of Supervisors hearing at which the RECE was adopted, and during the long run-up to that hearing. Various LUSD representatives strongly opposed using what they referred to as a “mapping approach” in formulating the RECE, under which mapped regions would be made either off-limits or available to utility-scale development; the LUSD advocated a “standards-based” approach under which utility-scale developers would have to make various showings, on a project-by-project basis, in order to obtain needed approvals. The latter approach was the one ultimately embraced by the Board of Supervisors in adopting the RECE.

Had community participants been informed, at the August 8, 2017 Board of Supervisors hearing on the RECE (or during the intense and heated debate preceding its adoption) that a *de facto* utility-scale RLM zone would be created after its adoption, this would have brought out intense community opposition, and formulation of the RECE would have taken a much different turn. Adopting a utility-scale-friendly RLM zone, after the fact, would radically and belatedly re-write the RECE, and dramatically undercut Policy 4.10’s outright ban on utility-scale projects in community plan areas.

Designating the vast RLM as available to industrial renewable energy development would also conflict with the express purpose for RLM zoning, which, according to the Table LU-1, is as follows:

- “Manage, preserve, and protect natural resources such as agriculture/grazing lands, watersheds, minerals, and wildlife habitat areas, as well as open space areas not otherwise protected or preserved
- Provide areas for military operations, and training, while monitoring impacts on and from surrounding civilian uses
- Allow for limited rural development while minimizing expansion of development outside of existing communities.”

Obviously, inviting utility-scale development in the RLM zone – by calling it a “Typical Use” there -- would serve only to steadily deplete the very natural resources that the RLM land use category is intended to protect and preserve, as well as to degrade Lucerne Valley's human communities.

The reference to utility-scale as a “Typical Use” in the RLM zone must be excised from the Land Use Map and related Tables ultimately adopted in the Countywide Plan. Otherwise, they would become vehicles for accomplishing, through back-handed and undemocratic means, what couldn’t be accomplished in a straightforward, politically above-board manner through the RECE approval process, and in effect constitute an unauthorized amendment of the RECE that

would effectively undercut Policy 4.10.¹¹

5. The Renewable Energy Element Ultimately Adopted in the Proposed County Policy Plan Must Be Identical to the RECE adopted on August 8, 2017.

The proposed County Policy Plan – the one published in August 2018 – included a rather oddly drafted “Renewable Energy and Conservation Element” (the “Policy Plan RE Element”) which purported to modify the RECE. The Policy Plan RE Element claimed that these modifications were made only “to match the writing style of other Countywide Plan goals and policies,” but they went much further than that. In fact, the Policy Plan RE Element extensively re-wrote the RECE by leaving out all of its explanatory paragraphs, by re-formulating many of the RECE’s goals and by eliminating all of the RECE’s “Objectives” and sub-policies.

Community members raised strong objections to this at the September 12, 2018 Lucerne Valley “Regional Meeting,” among other places. Terri Rahhal, the LUSD’s director, represented that the re-formulation of the RECE had been a mistake and that it would be corrected in a revised iteration of the Policy Plan RE Element.

Sometime after the September 12, 2018 Lucerne Valley “Regional Meeting,” a revised Policy Plan RE Element was published. The revised version recites that it is just a placeholder for the RECE and that the RECE will be incorporated in its entirety into the Countywide Plan.

The revised version also represents as follows:

¹¹ The “Table LU-1 Notes” attempt to remedy this inconsistency by stating that “[t]he list of typical uses is also subject to and limited by policies in this and other elements of the County Policy Plan. A pending recommendation from the County Planning Commission to revise Policy 4.10 of the Renewable Energy and Conservation Element, for example, would prohibit utility-oriented renewable energy projects in the Rural Living land use districts and any land use district within the boundaries of existing community plans (and potentially other community planning areas).”

But Policy 4.10 could, if adopted, rescue from the pro-utility-scale RLM zone only those areas that 4.10 specifically covers, such as the community plan areas. This means that the RECE would remain upended, and totally preempted, everywhere outside the sway of Policy 4.10.

Clearly, the only proper and straightforward way of addressing this irreconcilable conflict would be to eliminate utility-scale as a “typical” RLM use.

“On May 24, 2018, the County of San Bernardino Planning Commission voted (5 – 0) to make a recommendation to the Board of Supervisors to amend Policy 4.10 to read as shown below [the full text of Policy 4.10 in the form it was approved that day is stated therein]. This page will be updated upon direction from the Board of Supervisors.”

This is erroneous. The Planning Commission did not recommend on May 24, 2018 that the Supervisors “amend Policy 4.10.” Instead, the Commissioners recommended that the Supervisors amend the RECE to incorporate Policy 4.10 in its original form. The Commissioners did not approve any amendment of Policy 4.10.¹² This error must be corrected in another iteration of the Policy Plan RE Element.

Moreover, the Policy Plan RE Element ultimately adopted in the County Policy Plan must be exactly the same as the RECE in its final form.

6. The Countywide Plan Further Flouts the Community’s Wishes By Calling For a Tiered and Streamlined CEQA Process for Future Development Projects, All of Which Are to be Enabled by a Programmatic EIR.

The website for the Countywide Plan indicates that another of its components would be “[a] programmatic environmental impact report that facilitates tiering and streamlining for future development projects that are consistent with the Countywide Plan.”

If all this sounds eerily reminiscent of the DRECP, RETI 2.0 and the IEPR, it is because each of those renewable energy and transmission planning processes espouses the use of landscape-level planning to streamline and fast-track development projects into the High Desert. But why in the world would a community that is already in the cross-hairs of those overbearing development processes – and fighting tooth and nail against over 5,000 acres of utility-scale industrialization in a dogged effort to retain its rural character – want to have its CEQA rights, and its right to challenge projects at the County level, “streamlined” away in the General Plan? Why would *any* of the County’s desert and mountain communities want this?

In reality, none of them do. And none of them has ever requested that the County emulate the BLM or the California Energy Commission by getting into the game of picking, on a landscape-level basis, “best-fit/least-conflict” lands for large-scale development projects of any sort. Instead, our communities have been fairly begging the County to step in to help preserve their rural character by limiting industrial-scale development.

We request that the County abandon any notion of introducing streamlining, tiering or programmatic land use planning anywhere in the Countywide Plan or in any of its components.

¹² The LUSD proposed an extensive re-write of Policy 4.10, but it was rejected by the Planning Commission at the May 24, 2018 hearing.

7. Conclusion.

We welcome the opportunity to comment on the Countywide Plan and its recently published components, and look forward to continuing participation.

Very truly yours,

Community Associations, Businesses and Organizations:

LUCERNE VALLEY ECONOMIC
DEVELOPMENT ASSOCIATION

Chuck Bell, President

JOHNSON VALLEY IMPROVEMENT
ASSOCIATION

Betty Munson, Secretary

LUCERNE VALLEY-JOHNSON
VALLEY MUNICIPAL ADVISORY
COUNCIL

Roger Peterson, Chairman

OAK HILLS PROPERTY OWNERS
ASSOCIATION

Lynn Buehler, President

HOMESTEAD VALLEY COMMUNITY
COUNCIL

Rick Sayers, Vice President

NEWBERRY SPRINGS CHAMBER OF
COMMERCE

Paula Deel, Board Member

MORONGO BASIN CONSERVATION
ASSOCIATION

Steve Bardwell, Treasurer

NEWBERRY SPRINGS ECONOMIC
DEVELOPMENT ASSOCIATION

Paul Deel, President

NEWBERRY SPRINGS COMMUNITY
ALLIANCE

Ted Stimpfel, President

NEWBERRY-HARVARD PROPERTY
OWNERS

Robert Vasseur, President

MOJAVE COMMUNITIES
CONSERVATION COLLABORATIVE

Lorrie L. Steely, Founder

CHURCH OF OUR LORD AND SAVIOR
(LUCERNE VALLEY)

Bill Lembright, President

LUCERNE VALLEY MARKET/
HARDWARE

Linda Gommel, Chief Executive Officer

LUCERNE VALLEY REALTY

Martha Lynn, Owner

ALLIANCE FOR DESERT
PRESERVATION

Richard Ravana, President

JUBILEE MUTUAL WATER COMPANY,
INC.

Raymond M. Gagne, Jr., General Manager

EXPERT APPLIANCE SERVICE

Bill Peterson and Alyn Peterson, Proprietors
(and residents of Lucerne Valley)

Individual Community Members:

Brian Hammer, Analyst and Adjunct Professor
(owner of home in Lucerne Valley)

Bradley R. Hicks (resident of Lucerne Valley)

Sue Hammer (owner of home in Lucerne
Valley)

Barbara LaGrange (resident of Lucerne Valley)

Renee Lynn (resident of Lucerne Valley)

Ruth Rieman (resident of Flamingo Heights)

Pat Flanagan (resident of Twentynine Palms)

Deborah Myers (resident of Lucerne Valley)

Barbara A. "Rusty" LaGrange (resident of
Lucerne Valley)

Owen Myers (resident of Lucerne Valley)

John Smith (resident of Apple Valley)	Kathryn Anema (resident of Lucerne Valley)
Barbara Smith (resident of Apple Valley)	George Stone (resident of Apple Valley)
Aaron Idouchi (resident of Milpas Highlands (Apple Valley))	Gail Stone (resident of Apple Valley)
Barbara Idouchi (resident of Milpas Highlands (Apple Valley))	Randy Polumbo (resident of Lucerne Valley)
Robert L. Berkman (resident of Daggett)	Ellen Johnson (resident of Newberry Springs)
Ray Gagne (resident of Lucerne Valley)	Marina West (resident of Landers)
Jim Johnson (resident of Newberry Springs)	Roger Peterson (resident of Lucerne Valley)
Ted Stimpfel (resident of Newberry Springs)	Annie Lancaster (resident of Milpas Highlands (Apple Valley))
Randy West (resident of Landers)	Dennis Morrison (resident of Lucerne Valley)
Allan Raish (resident of Milpas Highlands (Apple Valley))	Sara Tambellini (resident of Pioneertown)
Russell Scott (resident of Pioneertown)	Lakey Kolb (resident of Pioneertown (Pipes Canyon))
Stephen Andrews (resident of Pioneertown (Pipes Canyon))	Kathy Spindler (resident of Hesperia)
Teresa Reyes (resident of Lucerne Valley)	Rachael Buettell (resident of Yucca Valley)
Ann Garry (resident of Pioneertown)	Diana Bork (resident of Helendale)
Dave Garry (resident of Pioneertown)	Sarah Kennington (resident of Pioneertown)
Steve Bardwell (resident of Pioneertown)	Peter Quintin Pena (resident of Lucerne Valley)
Dennis Schwander (resident of Hesperia)	

CCs:

Robert Lovingood (Chairperson and First District Supervisor;
SupervisorLovingood@sbcountry.gov)

James Ramos (Vice-Chairperson and Third District Supervisor;
SupervisorRamos@sbcountry.gov)

Janice Rutherford (Second District Supervisor;
SupervisorRutherford@sbcountry.gov)

Curt Hagman (Fourth District Supervisor;
SupervisorHagman@sbcountry.gov)

Josie Gonzales (Fifth District Supervisor;
SupervisorGonzales@sbcountry.gov)

Colin Drukker (Placeworks; cdrukker@placeworks.com)