



**A RESOLUTION by the Homestead Valley Community Council
Opposing Lifting of the San Bernardino County Solar Moratorium
Until Amendment can be Made Addressing the Problems of Permitting
Industrial Renewable Energy Projects in Rural Living Zones**

WHEREAS, the Homestead Valley Community Council is a coalition of the four Homestead Valley communities of Johnson Valley, Landers, Flamingo Heights and Yucca Mesa; and

WHEREAS these desert communities share a common history and economy, and common goals as established by community consensus in the Homestead Valley General Plan of 2007; and

WHEREAS the Homestead Valley Community Council is currently seeking Scenic Highway designation for State Highway 247, which connects the communities with Yucca Valley, Lucerne Valley and Barstow; and

WHEREAS any industrial projects in the Homestead Valley will have a devastating impact on valuable scenic attributes and our largely visitor-generated economy, counter to our scenic designation mission; and

WHEREAS industrial projects will reduce the value of the properties in and around the project areas; and

WHEREAS most of the Homestead Valley is zoned by the County of San Bernardino as RL, Rural Living; and

WHEREAS private properties within the RL Zones have been bought and/or leased to industrial solar enterprises; and

WHEREAS the County deviations from the County and Homestead Valley General Plans of 2007 allowed detrimental alteration of the desert soils, air quality, drainage, water usage, vegetation, habitat, viewshed and community character by these industrial solar enterprises through the issuance of Conditional Use Permits, and

WHEREAS there was little or no publicity concerning these actions perceived by owners of nearby properties or other stakeholders until these alterations had commenced; and

WHEREAS industrial land use within RL Zones creates a Public Nuisance in violation of Cal. Civil Code §3480, San Bernardino County Ordinance §33.034, and the 2007 County General Plan; and

WHEREAS these violations negatively impact the rights and privileges of a considerable number of residents and property owners in the affected neighborhoods; and

WHEREAS other properties within the RL Zones already bought and/or leased by commercial solar enterprises were not permitted due to the County Solar Moratorium extended by the Board of Supervisors in July 2013; and

WHEREAS the County General Plan is the law, and trumps any ordinance on land use; and

WHEREAS so-called “spot zoning” with Conditional Use Permits allowing land uses incompatible with the General Plan is illegal; and

WHEREAS the General Plan must be amended in order for the County to allow such variances, just as exceptions to a constitution can only be allowed by the deliberate and more stringent amendment process; and

WHEREAS industrial/commercial renewable energy projects are by their very description incompatible with General Plan RL Zoning; and

WHEREAS if any Renewable Energy Zones may be established at all by amendment of the County General Plan, the residents and property owners in or near those zones could and would be better able to participate fully in the decision-making process; and

WHEREAS the amendment process will allow stakeholders to urge the benefits of alternative solar energy generation on the roofs of governmental and commercial buildings, schools, parking lots and housetops in already-built areas of the County, and allow the County to create local jobs, improve property values and enhance local revenues; and

WHEREAS the County's moratorium on permitting of industrial solar installations must stay in place until the General Plan can be reviewed and revised, always keeping in mind established community characteristics; and

WHEREAS land use ordinance can then be legally updated to fit into the parameters of the General Plan,

THEREFORE we urge the County for its own protection to keep the Solar Moratorium in effect until due diligence review and amendment of the General Plan can be accomplished.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED that this resolution ADAMANTLY OPPOSING LIFTING OF THE SAN BERNARDINO COUNTY SOLAR MORATORIUM until amendment to the County General Plan can resolve these and other legal and environmental conflicts partly outlined above, is hereby UNANIMOUSLY APPROVED AND ADOPTED this 21st day of October 2013 by the Homestead Valley Community Council.



President

c/c Board of Supervisors:
1st District Supervisor Robert A. Lovingood
2nd District Supervisor Janice Rutherford
3rd District Supervisor James C. Ramos
4th District Supervisor Gary Ovitt
5th District Supervisor Josie Gonzales, Chair

Laura Welch, Clerk of the Board

Gregory C. Devereaux, Chief Executive Officer
Jean Rene Basle, County Counsel
Christine Kelly, Director Land Use Services
Donna Munoz, 3rd District Field Representative
Beverly Lowry, 3rd District Field Representative