
From: Kerrie Aley <6102ka@gmail.com>
Sent: Monday, January 26, 2026 1:33 PM
To: Board Meeting Comments; Supervisor Rowe
Subject: Item 64 Sienna- Williamson Act or Farmland Security Zone Easement to Solar Use Ease
Attachments: Screenshot 2026-01-26 at 1.20.15 PM.png

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Dear San Bernardino County Board of Supervisors-

It appears that the Sienna properties are Williamson Act properties. See attached image. The conversion of farm land to a solar use easement requires the Department of Conservation approval—"These statutes and regulations detail the information needed to support the DOC's approval of a rescission in favor of a solar-use easement, which must be "based on substantial evidence."". See info below. https://www.conservation.ca.gov/dlrp/wa/Pages/removing_contracts_solar_easement.aspx

I am no expert in Solar land use law but it might be prudent to have the County Attorney review this issue to determine whether a California Department of Conservation Solar Easement is required for each and every parcel prior to final approval of this project.

Regards,
Kerrie Aley
Pioneertown

Parties holding a Williamson Act or Farmland Security Zone contract, after eligibility determinations and management plan reviews, may mutually agree to rescind a contract (or a portion of) in order to simultaneously enter into a solar-use easement. The new easement requires that the land be used for solar photovoltaic facilities for a term of 20 years, or if the landowner requests, for a term of not less than 10 years.

Background

In 2011, the legislature created solar-use easements (Senate Bill 618, Statutes of 2011, Chapter 596) to provide an option for solar energy projects on marginal and impaired farmland. (See Gov. Code, § 51191-51191.8.) The legislature authorized local governments and landowners to rescind their Williamson Act and Farmland Security Zone contracts when simultaneously entering solar-use easements. (See Gov. Code, § 51255.1.) While the authority to rescind contracts sunset in 2020, it was recently revived by an omnibus bill enacted during the Fall of 2022 (Senate Bill 1489).

Rescission and simultaneous entry of a solar-use easement is now once again a potential avenue for

solar energy development on land subject to Williamson Act and Farmland Security Zone contracts. Other potential options include contract cancellation, non-renewal, or local government determinations that certain solar projects are compatible with contract restrictions. Any local decision to rescind a Williamson Act or Farmland Security Zone contract in favor of a solar-use easement requires Department of Conservation (DOC) approval in consultation with the Department of Food and Agriculture.

Local Governments Role

Landowners and local governments interested in solar-use easements should carefully review the applicable statutes at sections 51191-51191.8, and 51255.1 of the Government Code. Additionally, the DOC adopted detailed regulations in 2014 that further explain criteria and requirements, including administrative fees, for solar-use easements. (See Cal. Code Regs., tit. 14, §§ 3100-3117.) These statutes and regulations detail the information needed to support the DOC's approval of a rescission in favor of a solar-use easement, which must be "based on substantial evidence." (Gov. Code, § 51191.) If all requirements can be met, the landowner is required to pay a fee equal to 6.25 percent of the valuation (unrestricted fair market value) of the property, or 12.5 percent for a farmland security zone contract in addition to any administrative fees to conduct the process.

The DOC expects local governments to take the lead and work directly with landowners interested in solar-use easements, and for local government to make the initial, optional determination whether to proceed with a rescission in favor of a solar-use easement. The DOC will not opine on eligibility without a formal request from the local government acknowledging an intent to pursue a solar-use easement and without a complete application supported with the evidence and analysis required under the solar-use easement regulations. Further, the DOC intends to direct all initial eligibility inquiries from landowners and solar energy developers to local governments.

Department of Conservation's Role

The DOC is unsure of the likely demand for solar-use easements as such easements were not widely pursued during the nine years before the authority lapsed in 2020. Given current resource constraints and the uncertainty over demand, the time needed to process rescission applications is unknown. The DOC's review period will depend on the quality and thoroughness of applications. For workload planning purposes, the DOC strongly encourages local governments provide early notification of anticipated applications for solar-use easements, recognizing, however, that applications and eligibility support will be developed at the local level as described above.

OVERVIEW

This data depicts land enrolled in Williamson Act and/or Farmland Security Zone contracts and does not necessarily provide information as to the location of Agricultural Preserves within each county. The data is being provided to assist in regional and statewide planning efforts. Please note this data is submitted to the state by participating counties and as such reflects the counties' data. Although we are working to have all participating counties provide updated information, only some of the data is up to date as of the current year as some counties have not submitted data for several years.

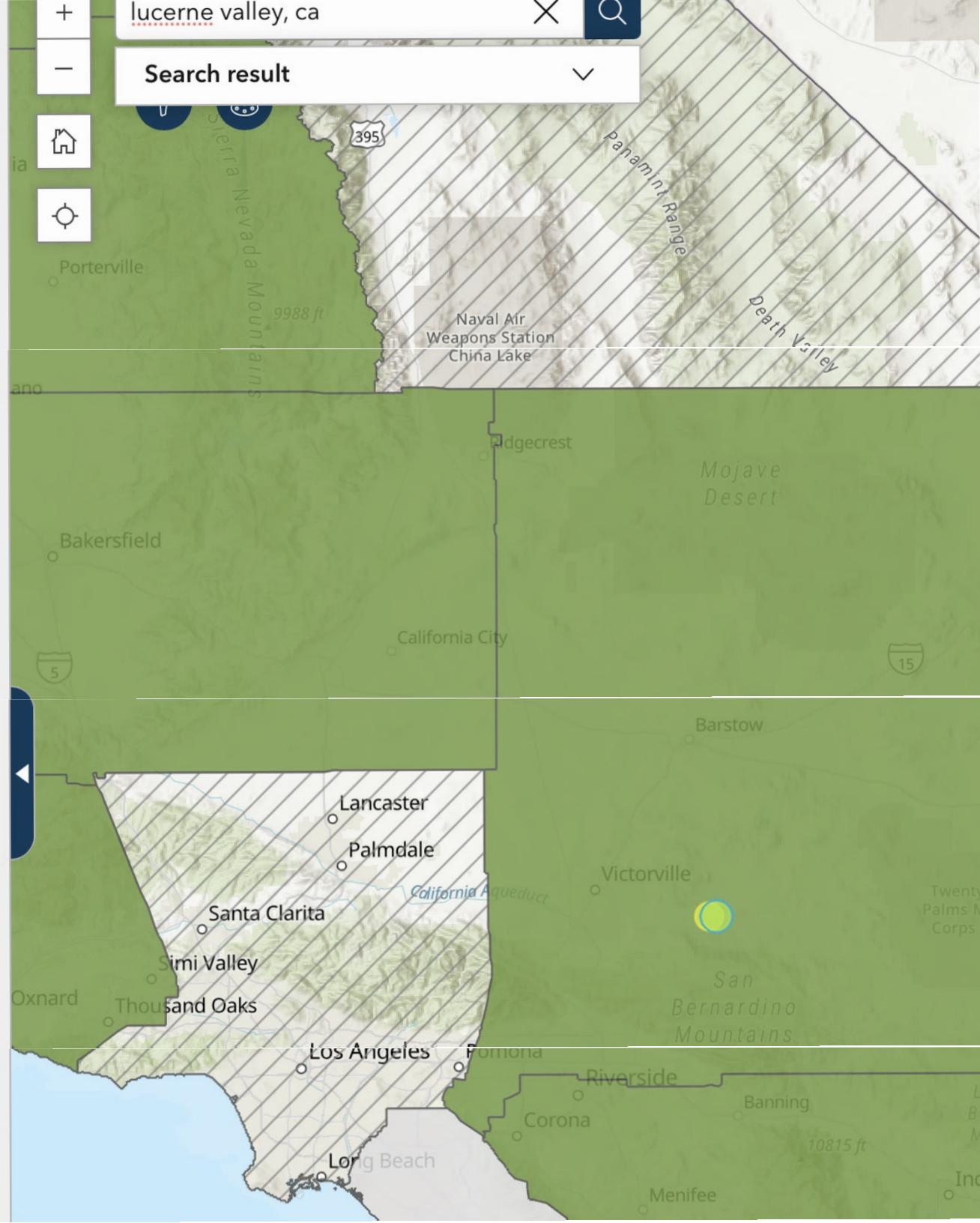
Data reflects enrollment status as of the year stated in the file's title. The most current and up to date site-specific data can be obtained from the individual participating counties as the status of enrolled lands may change throughout the year. You are encouraged to verify specific data with the individual county or counties before proceeding with any specific projects or relying on this data for in depth analysis.

GIS Data Download: [GIS Data](#)

Map Services: [DLRP](#)

Data Disclaimer

The Department of Conservation is the distributor and not the originator of this data. Although Government Code 51237.5 requires cities and counties to report Geographic Information System (GIS) data on or before January 30th of each year for Williamson Act contracted land in existence at the end of the preceding year, not all cities and counties have reported up to date information. Data reflects Williamson Act enrollment status as of the



From: Sarah Jane <sarah@infinityranch.net>
Sent: Monday, January 26, 2026 3:51 PM
To: Board Meeting Comments
Subject: comments for Board of Supervisors Appeal - Sienna Solar II
Attachments: BoS Appeal SiennaSolar FINAL.docx

[You don't often get email from sarah@infinityranch.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Please find comments attached for Board of Supervisors Appeal of Sienna Solar II approval by Planning Commission - to be held January 26, 2026.

January 26, 2026

To: Board of Supervisors, San Bernardino County

Re: Appeal of Planning Commission approval of Sienna Solar II

I am a member of Homestead Valley Community Council's Scenic 247 Committee. HVCC worked with the county and Caltrans over twenty years to nominate the highway for State Scenic Highway status. The motivation was to formally recognize and protect the world-class scenery and bring tourist dollars into economically disadvantaged communities.

Caltrans provides county governments the opportunity to nominate eligible scenic highways and adopt corridor protection programs (CPP's) to obtain official scenic highway status. If a proposed project is within an officially designated State Scenic Highway the environmental document must discuss whether the project has the potential to affect the scenic highway and if so, whether the project is consistent with the protection program.

CEQA and Caltrans guidelines protect Scenic Highways from degradation and often preventing it from being covered by categorical exemptions in projects.

The County's final submission to Caltrans, February 27, 2025 included 247's Corridor Protection Program and Letter of Intent, signed by Mark Wardlaw, at that time Director LUS. The letter highlights County code and policy reflected in the CPP: The 2007 County General plan officially designated SR 247 as a County Scenic Route under Goal OS 5. He also listed Policy Plan Natural Resources NR-3.1 protects the scenic corridor from encroachment of incompatible land uses and others. Wardlaw closed with: *The County values the extraordinary and unique scenic qualities of SR 247 and intends to preserve and promote this special resource for future generations.*

I will add that County Plan Policy 5.7.1 is cited in the CPP:

Site RE generation facilities in a manner that will avoid, minimize or substantially mitigate adverse impacts to cultural resources and scenic viewsheds.

The Sienna Solar II EIR Table ES-1 Environmental Impact on Aesthetics records the Project's would have not have "substantial adverse effects on the scenic vista" (3.1-1) or would "significantly damage scenic resources... within a scenic highway" (3.1-2). These were judged "less than significant" with "no mitigation measures required." The EIR did find the "Project would significantly degrade the existing visual character or quality of public views of the site and its surroundings." (3.1-3) However, found that the impact could be mitigated and afterwards would be "Less than significant." I seriously doubt careful color choices will make that difference. These EIR conclusions run in contrast to how Caltrans dictates assessment of "visuals distractions" and man-made "intrusions" in the scenic landscape. Also, how mitigations can be successful in the vast open desert landscapes of 247.

The State Scenic Highway designation was officially made by Caltrans on Sept. 4, 2025. The Planning Commission met to consider Sienna Solar II on October 23, 2025 – 50 days after Caltrans' approval of the High Desert Highway. Yet, LUS did not provide the Commission an analysis of the visual impacts Sienna Solar II would have on State Scenic Highway 247. The omission of the "designated state scenic highway" before and at the PC was a major flaw in the staff report, the PC's deliberation, and detriment to commenters.

The State Scenic Highway 247 is a CEQA issue for the Sienna Solar II EIR & requirement for PC approval. Approval must be denied.

Sincerely, Sarah Kennington
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