



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: February 19, 2026

AGENDA ITEM # 2

<u>Project Description</u>	<u>Vicinity Map</u>
<p>APN: 3067-051-29</p> <p>Applicant: Maverik, Inc.</p> <p>Community: Phelan/Pinon Hills / 1st District</p> <p>Location: Southwest corner of Oasis Road and CA-138</p> <p>Project No: PROJ-2024-00030 / PAPL-2025-00007</p> <p>Staff: Delanie Garlick, Contract Planner</p> <p>Appellant: William Hale</p> <p>Proposal: An appeal of the Zoning Administrators' approval of a Minor Use Permit to establish a gas station and convenience store with 5,637 square feet of retail space and two canopies with a total of 18 fuel dispensing islands on 8.78 acres.</p>	

Hearing Notices Sent On: January 26, 2026

Report Prepared By: Delanie Garlick

SITE INFORMATION

Parcel Size: 8.78 acres
 Terrain: Moderately sloped
 Vegetation: A moderate growth of native plants, trees, and shrubs. The site is dominated by Western Joshua Trees.

TABLE 1 – SITE AND SURROUNDING LAND USE DESCRIPTION			
AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
North	Commercial (Retail Store)/ Highway 138	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
South	Single Family Residential/Post Office	Very Low Residential (VLDR) / Commercial (C)	Phelan-Pinon Hills/Single Residential- 1-acre minimum lot size (PH/RS-1) / Phelan-Pinon Hills/General Commercial (PH/CG)
East	Undeveloped and Vacant	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
West	Undeveloped and Vacant; Single Family Residential; Public Facilities (Fire Station and Park)	Commercial (C)	Phelan-Pinon Hills/Neighborhood Commercial (PH/CN)

AGENCY

COMMENT

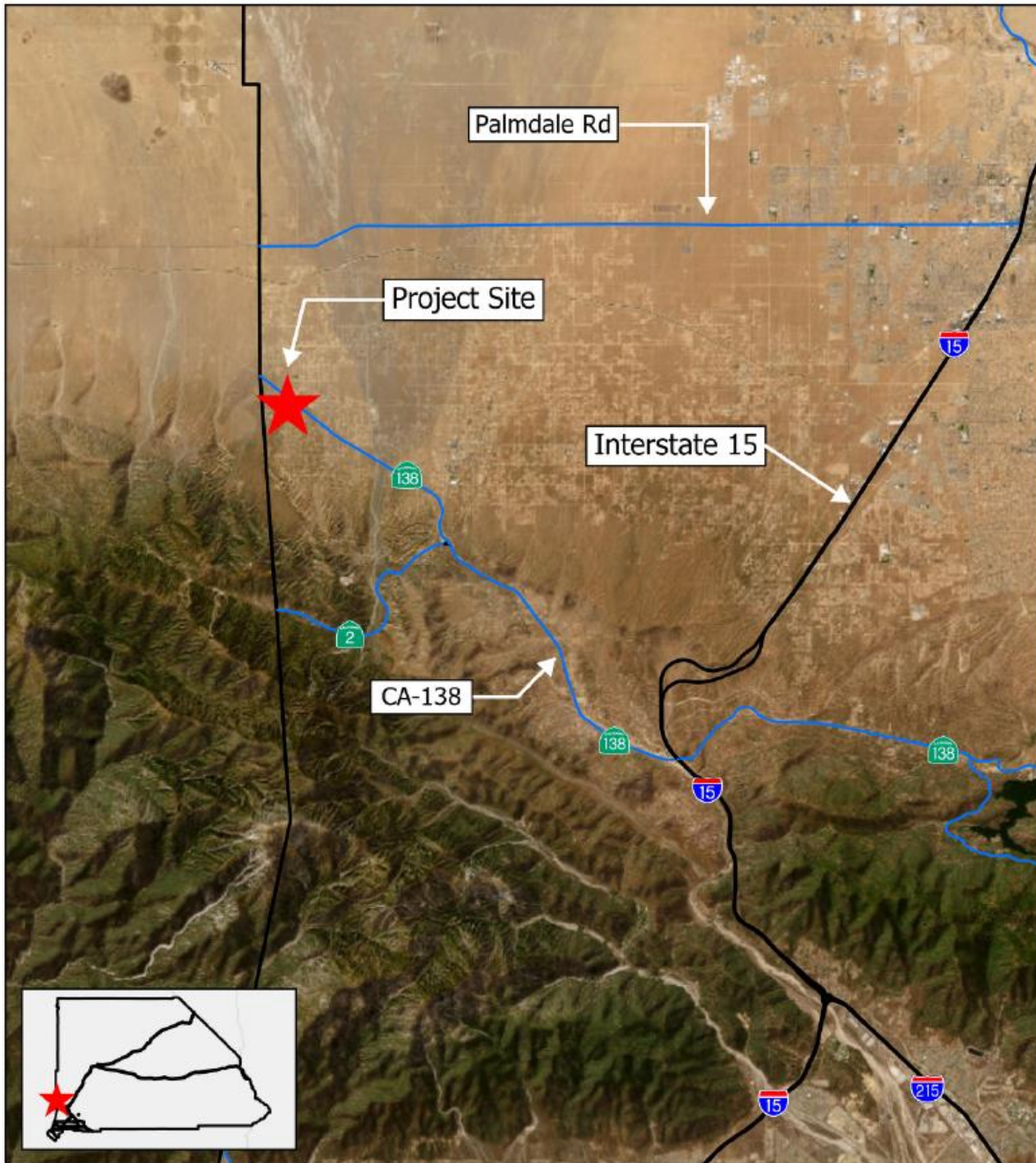
City Sphere of Influence:	N/A	N/A
Water Service:	Phelan/Pinon Hills CSD	Adequate Service Certification Provided
Sewer Service:	Septic	EHS Conditions of Approval Provided

STAFF RECOMMENDATION: That the Planning Commission **DENY** the appeal and take the following actions: **ADOPT** the Mitigated Negative Declaration; **ADOPT** the Findings for approval of the Minor Use Permit; **APPROVE** the Minor Use Permit, subject to the attached Conditions of Approval; and **DIRECT** the Land Use Services Department to file a Notice of Determination.

Appeal: In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors before its effective date.

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REGIONAL LOCATION MAP

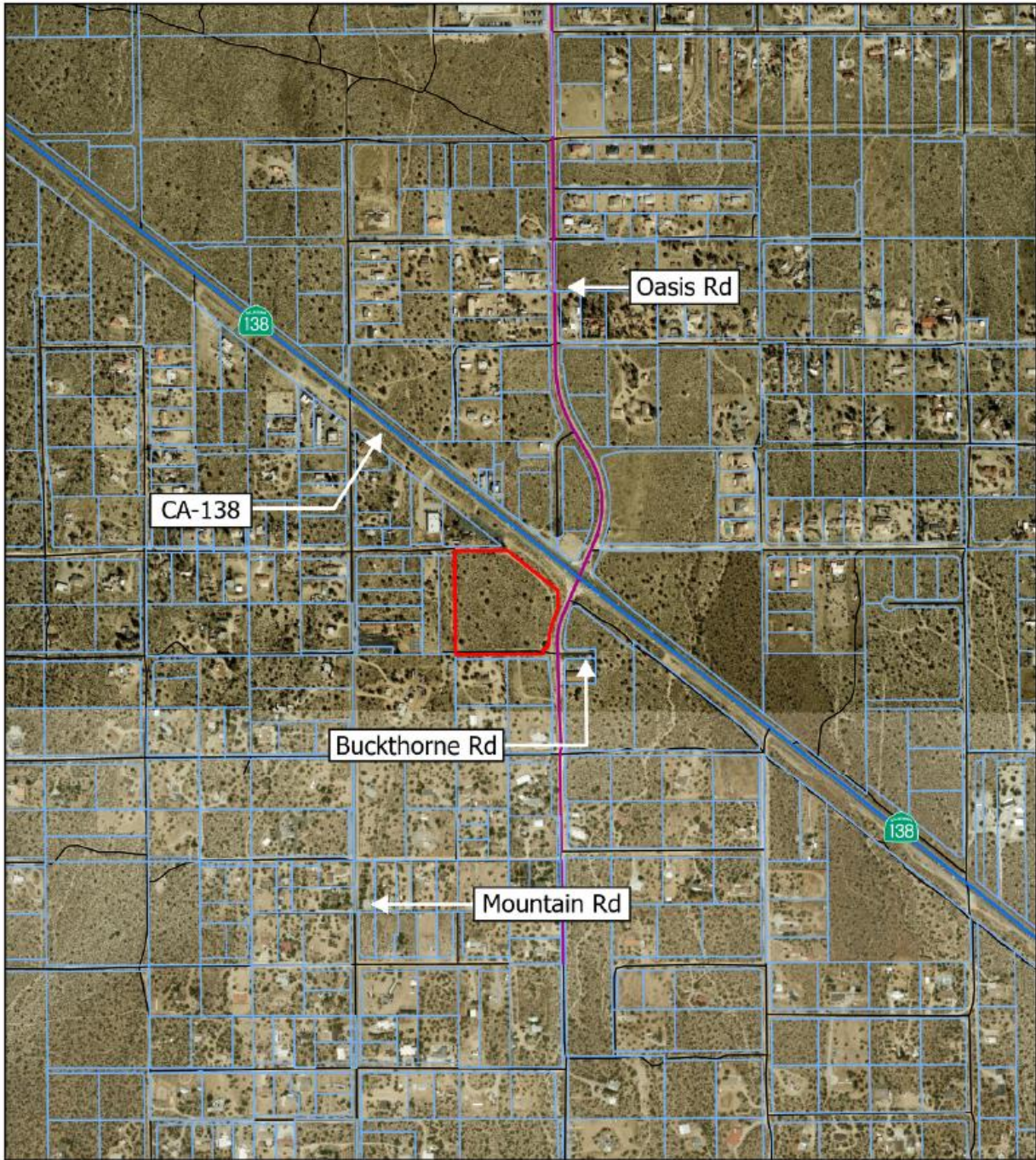


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-  PROJ-2024-00030
-  Freeway
-  Highway
-  San Bernardino County Boundary

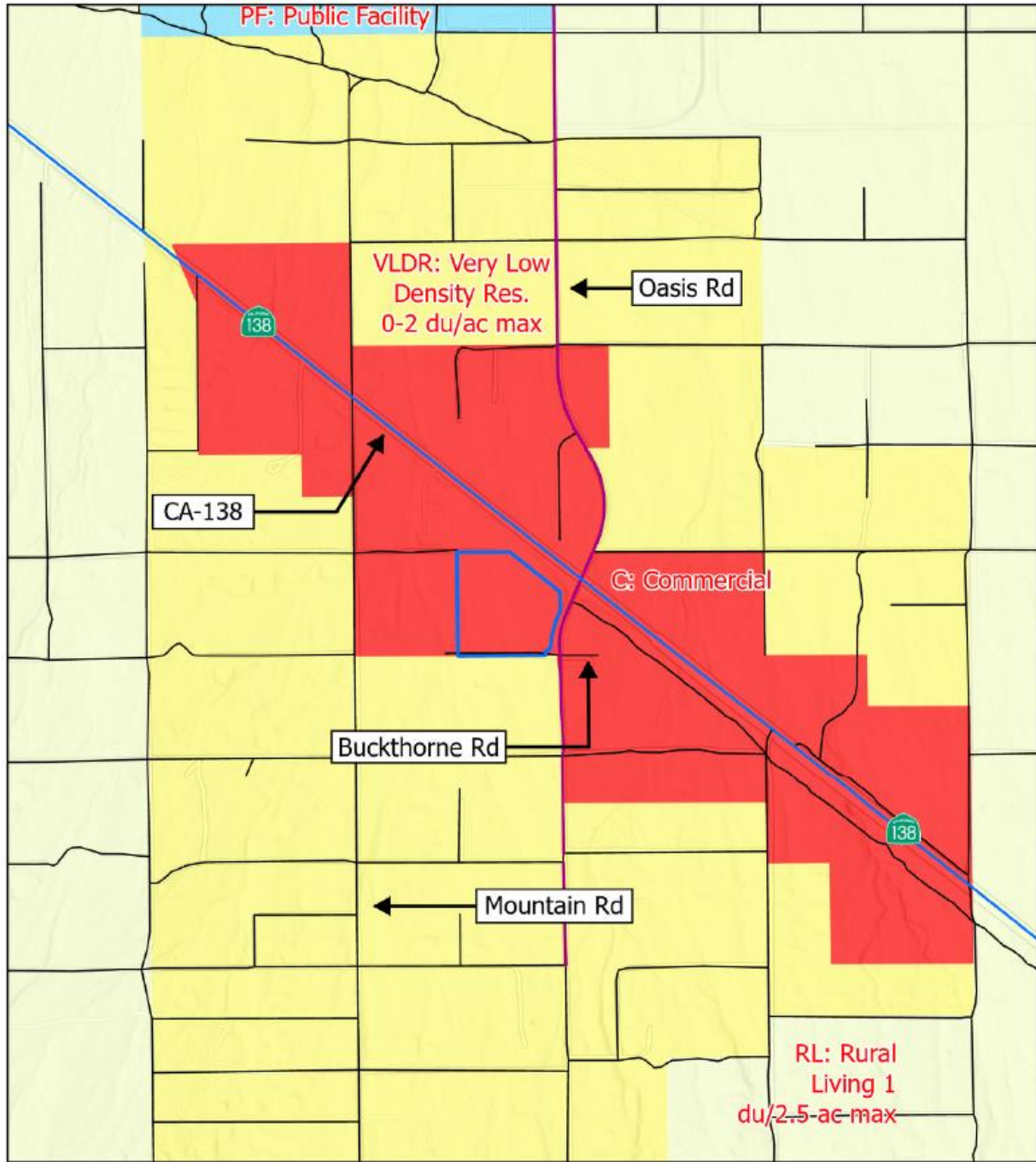
VICINITY MAP



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-  PROJ-2024-00030
-  Parcels
-  Highway
-  Major Arterial
-  Local

LANDUSE DESIGNATION MAP

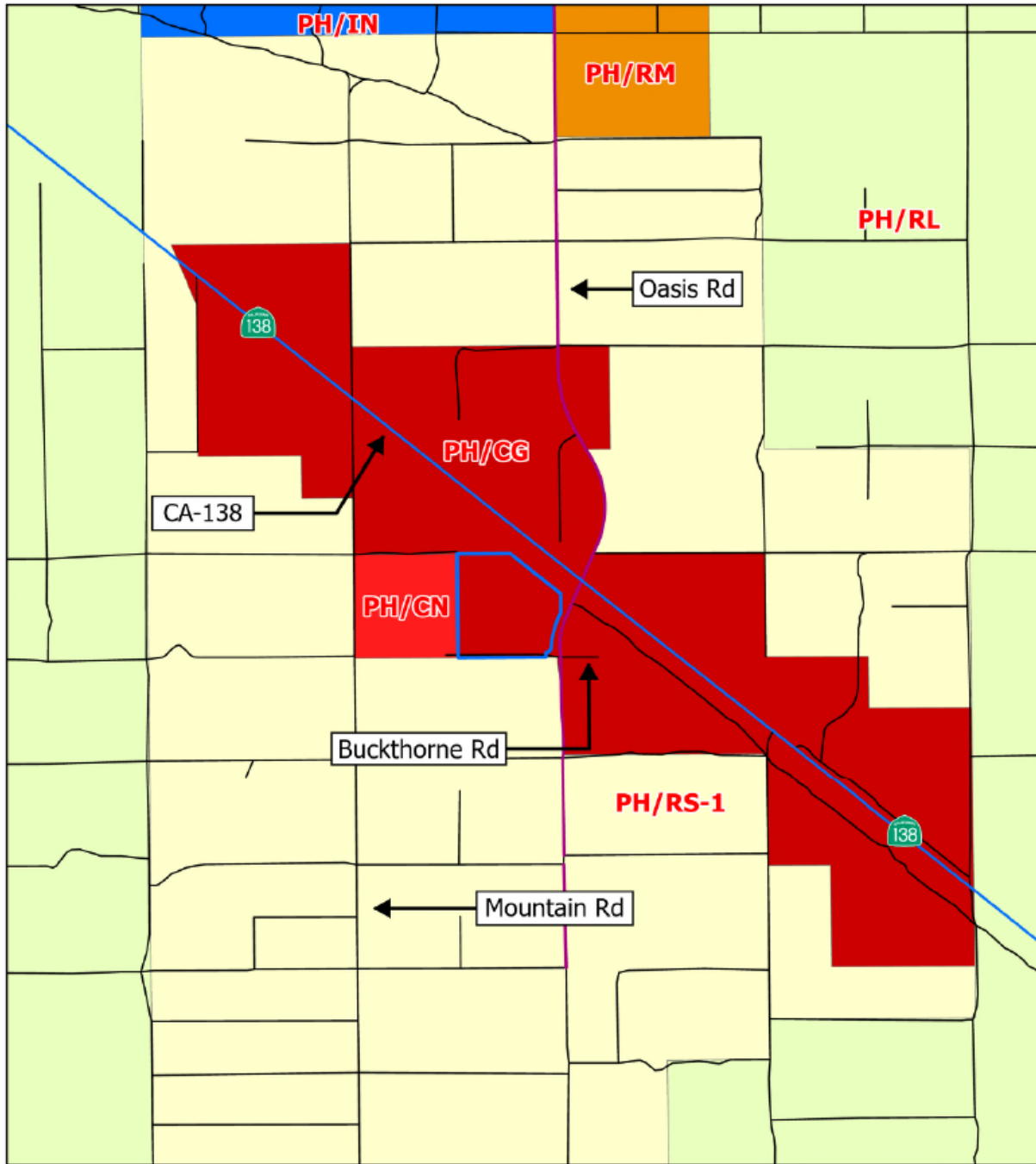


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- | | |
|-----------------|--|
| PROJ-2024-00030 | C: Commercial |
| Highway | PF: Public Facility |
| Major Arterial | RL: Rural Living 1 du/
2.5 ac max |
| Local | VLDR: Very Low Density
Res. 0-2 du/ac max |

ZONING MAP

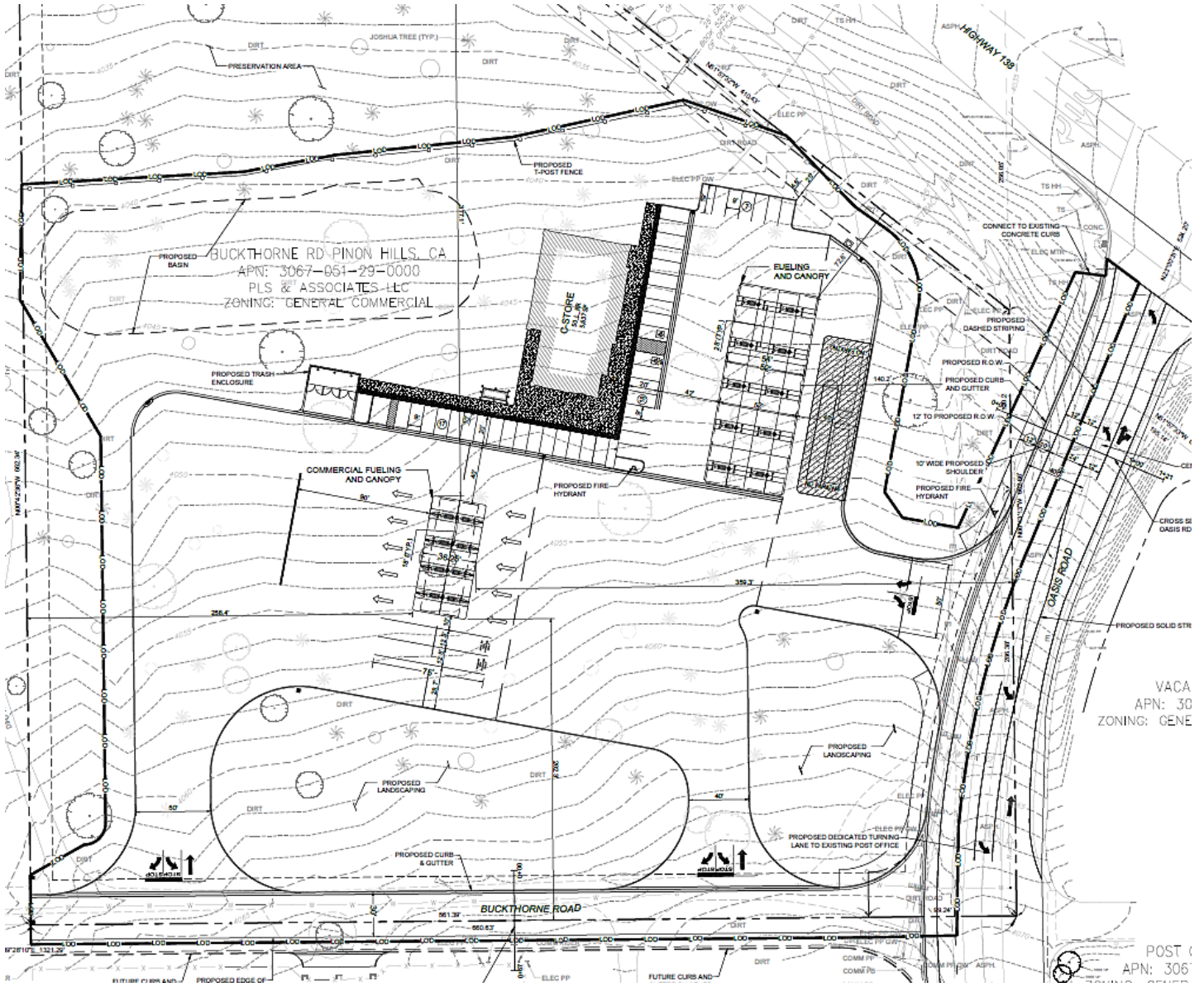


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- | | | |
|-----------------|---|---|
| PROJ-2024-00030 | PH/CG: Phelan/Pinon Hills/General Commercial | PH/RM: Phelan/Pinon Hills/Multiple Residential |
| Highway | PH/CN: Phelan/Pinon Hills/Neighborhood Commercial | PH/RS-1: Phelan/Pinon Hills/Single Residential-1 ac min |
| Major Arterial | PH/IN: Phelan/Pinon Hills/Institutional | |
| Local | PH/RL: Phelan/Pinon Hills/Rural Living | |

SITE PLAN







LANDSCAPING PLAN

PLANTING LEGEND

SYMBOL	BOTANIC NAME / COMMON NAME
TREES	
	Prosopis hybrid / Thornless Chilean Mesquite
	Yucca brevifolia / Joshua Tree

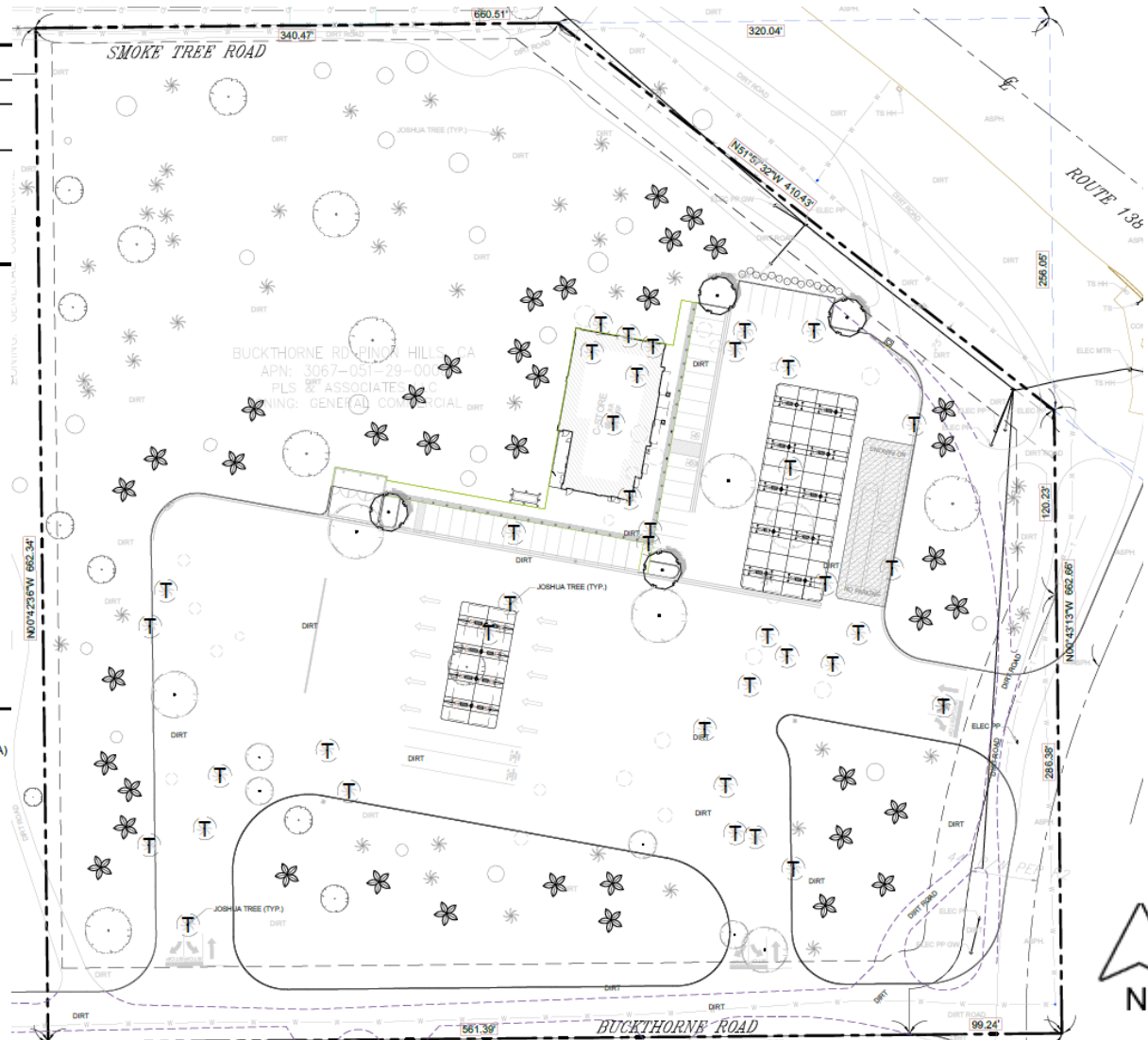
EXISTING TREE LEGEND

-  EXISTING YUCCA BREVIFOLIA / JOSHUA TREE TO BE TRANSPLANTED (SEE PLANTING PLAN FOR PROPOSED LOCATIONS)
-  EXISTING TREES & SHRUBS TO BE REMOVED
-  EXISTING TREES & SHRUBS TO REMAIN
-  EXISTING YUCCA BREVIFOLIA / JOSHUA TREE TO REMAIN

LANDSCAPE CALCULATIONS

TOTAL SITE AREA: 382,573 SF (8.78 AC)
 LANDSCAPE AREA REQUIRED: 76,515 SF (20% OF SITE AREA)
 LANDSCAPE AREA PROVIDED: 220,919 SF (57.7% OF SITE AREA)

PARKING AREAS
 TREES REQUIRED (1/10 PARKS): 4 TREES (42 / 10 = 4.2)
 TREES PROVIDED: 4 TREES



EAST BUILDING ELEVATION

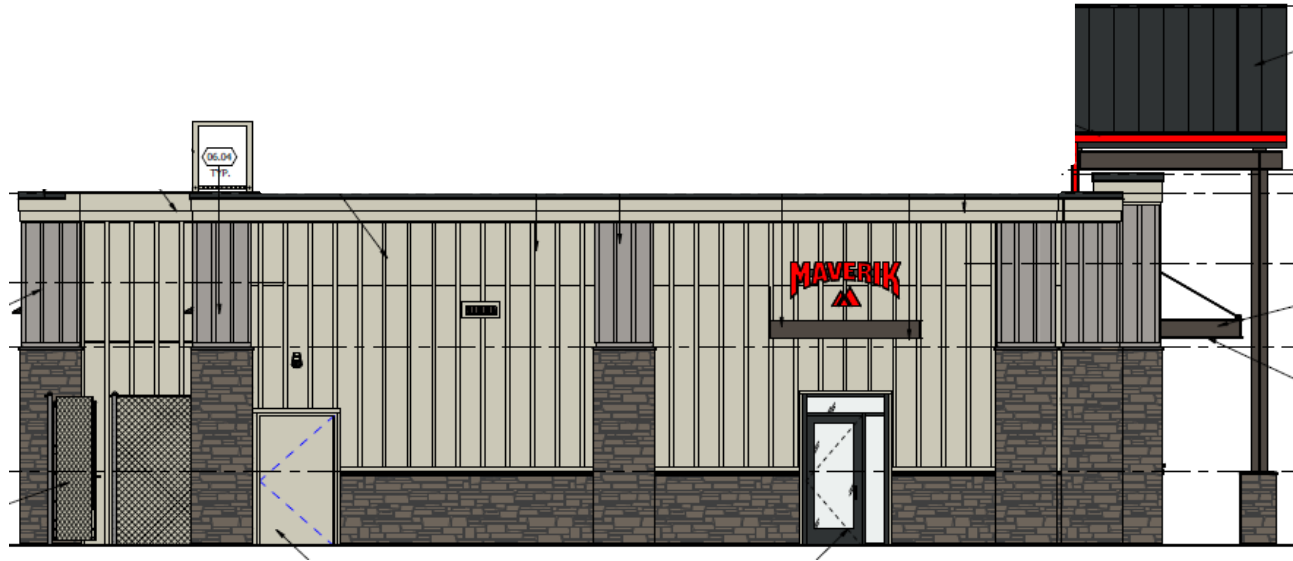


2 BUILDING PERSPECTIVE - FRONT RIGHT
SCALE:



1 BUILDING PERSPECTIVE - FRONT LEFT
SCALE:

Southern Building Elevation



Northern Building Elevation



PROJECT DESCRIPTION AND BACKGROUND:

The proposed project is a Minor Use Permit (MUP) for the construction of a gas station and 5,637-square-foot convenience store with 18 fuel dispenser islands on an 8.78-acre parcel located at the southwest corner of Oasis Road and Highway 138 in the unincorporated community of Phelan/Pinion Hills. The proposed facility will be staffed by 13-25 employees and will be operational 24 hours a day, seven days a week.

The project site is designated as Commercial land use and zoned General Commercial (CG). The proposed use is consistent with the CG zoning designation which allows for service stations and convenience stores with an MUP. The project will include:

- Approximately 220,919 square feet of drought-tolerant landscaping.
- New lighting, signage, and fencing in compliance with County requirements.
- New driveways and improvements to Oasis Road.
- 42 parking spaces, including 2 ADA compliant spaces.
- 3 underground storage tanks for gasoline and diesel.

On December 11, 2025, the Zoning Administrator considered the project at the public hearing. Three people were present and provided public testimony in opposition to the project. The opposition focused mainly on traffic, lack of community benefit, safety, and environmental concerns. The Zoning Administrator considered the testimony and written public comment, staff's report and recommendation, and information provided by the applicant. Ultimately the project was approved with an added condition to not allow additional truck parking. The record before the Zoning Administrator, including, but not limited to, the Zoning Administrator Staff Report and written public comments are included in Exhibit E to this Staff Report.

APPEAL

On December 22, 2026, an appeal was filed by Willaim Hale (appellant) contesting the project due to concerns with traffic, safety, lack of community benefit, and environmental concerns. A copy of the appellant's written appeal is included in Exhibit A to this Staff Report. A detailed summary of the appellant's claims, together with staff's responses to the contentions are summarized below:

Traffic

- Oasis Road is the only way to access the Post Office. There are 3000+ box holders, 1600 visits per day on average (our area does not provide home mail delivery.) Adding Maverik's estimates of 2500 visits to the fueling center equals 4100 average daily trips.
- The Maverik driveway on Oasis Road is poorly planned, creating issues due to dirt roads to the south and Post Office access directly across the street. Oasis Road and Buckthorne Road are not through streets and there is no safe way for trucks or cars to turn around.
- Trucks turning right from Oasis Road onto Highway 138 (single eastbound lane) and slowly heading up the grade may cause more accidents than we already have due to frustrated vehicle drivers passing in the median or using the shoulder on the right.
- Increased truck and car traffic past Pinon Hills Elementary School on Oasis Road going to or from Highway 18. There are multiple Snowline School District bus stops on Oasis Road serving elementary, middle school and high school students on a staggered schedule.
- Traffic heading east on Highway 138 at the Oasis Road signal often backs up for approximately 3 miles during peak times.

Response: *The claims regarding traffic impacts are disputed by the findings within the Traffic Impact Analysis document, which indicates that the proposed project is projected to meet or exceed County*

traffic operation standards (pp. 2, 7). The proposed Maverik Fueling Station is projected to add 8,035 daily trips to the area, but the Oasis Road segment between Route 138 and Buckthorne Road is analyzed as a Major Highway with an existing capacity that operates at an acceptable Level of Service A (pp. 19, 21, 27). With the project fully operational, this segment would still operate at an acceptable Level of Service B, well within its 13,650 vehicle per day capacity threshold (pp. 13, 38). The study projects that most local intersections, including Oasis Road/Route 138 and Oasis Road/Buckthorne Road, will continue to operate at acceptable service levels (LOS C or better) with the new traffic included (pp. 37-38). The traffic study provides a technical basis that the increased traffic can be safely accommodated with minimal impact to most local areas and a clear path to mitigating the one identified deficiency (pp. 7, 44). The existing traffic volumes used in the study were determined by collecting new, raw traffic count data specifically for this analysis (p. 20). New traffic counts were collected on April 24, 2024, to measure the volume of vehicles during specific time periods (p. 20). The analysis focused on the weekday AM Peak Hour (occurring between 7:00 AM and 9:00 AM) and the PM Peak Hour (occurring between 4:00 PM and 6:00 PM) (pp. 11, 20). These counts covered all 12 study intersections and the main roadway segment of Oasis Road between Route 138 and Buckthorne Road (pp. 7, 10).

Safety

- No Fire station on Mountain Road
- No nearby or rapid response law enforcement due to the wide coverage area and limited manpower of the Sheriff's department.

Response: *The claims that the Maverik Fueling Station development in Piñon Hills is threatened by a lack of emergency services are contested by findings within the Initial Study/Mitigated Negative Declaration (IS/MND) and county service data. The project site is near existing fire protection resources. San Bernardino County Fire Station 13 is located in the vicinity on Mountain Road, at 10433 Mountain Rd. While currently inactive, the project is in a Fire Safety Overlay zone, and the county fire protection district is involved in the approval process to ensure adequate coverage. Proposed infrastructure improvements for the project include the addition of a fire hydrant on Oasis Road. The San Bernardino County Sheriff's Department manages the area from the Phelan station located at 4050 Phelan Rd. The project requires an initial study to evaluate any incremental increase in demand for law enforcement services, and the county's approval process ensures compliance with all requirements under the California Environmental Quality Act (CEQA). The IS/MND determined that impacts related to public services, including fire and law enforcement, would be less than significant with these standard procedures and infrastructure updates incorporated (pp. 13, 70-72).*

Lack of Community Benefit

- Direct competition with a well-established, local family-owned business (gas station and convenience store) that is 0.3 miles from the proposed project.
- Four existing fueling station options within 3.5-3.8 miles.
- Dollar General store 0.1 miles from the proposed project.
- The proposed project benefits an out-of-state corporation and trucks/vehicles from out of the area but doesn't benefit our rural, residential community.

Response: *The County planning criteria for commercial developments typically focus on compliance with zoning, land use plans, and environmental regulations, not on protecting individual businesses from competition. The project site is already zoned for commercial use, making a gas station conforming use with a Minor Use Permit (MUP) approval. The new facility is expected to employ 13-25 people, providing local job opportunities that contribute to the community's economy. The Traffic Impact Analysis suggests that the facility would likely satisfy existing local demand, shortening the*

travel distance for residents currently driving further to other stations, thereby benefiting the community by offering convenience and potentially better pricing. As part of the project, the developer is required to provide infrastructure improvements, including a dedicated turn lane for the existing post office and the addition of a fire hydrant, which directly benefits local residents and public services. The project's approval hinges on meeting these established county standards and the requirements of the California Environmental Quality Act (CEQA).

Environmental Concerns

- Light pollution – we are under the Dark Sky Initiative for the desert/mountain areas of San Bernardino County
- Noise pollution
- Fumes and fuel tracking onto roads (Pinon Hills Elementary School is nine-tenths of a mile away).
- Community center including a children's play area is 200' away.
- The parcel contains several protected Joshua trees which are very sensitive to disturbance of habitat.

Response: *The Arguments regarding various environmental concerns are contested by the Initial Study/Mitigated Negative Declaration (IS/MND) and county regulations, which require the project to mitigate potential impacts to a less than significant level through specific measures.*

Light Pollution (Dark Sky Initiative)

The project is required to comply with the San Bernardino County Light Trespass Ordinance that applies to desert and mountain regions. The ordinance requires: All outdoor lighting must be fully shielded and directed downward to prevent light spill onto adjacent properties and the night sky. A curfew requires lights to be turned off at 11 p.m., the close of business, or when people are no longer in exterior areas, whichever is latest. Exceptions are made for safety lighting at entries, exits, parking areas, and driveways. Fixtures must have a warm color temperature (under 3000 Kelvin) to minimize glare.

Noise Pollution

The project's noise impacts are considered less than significant with standard conditions. Commercial areas have higher acceptable noise level thresholds than residential zones. Operational noise will primarily come from vehicles, which is a mobile source, and construction noise is limited to specific daytime hours (7 a.m. to 7 p.m.). The county's General Performance Standards Chapter is designed to protect the health and safety of nearby residents from excessive noise.

Fumes, Fuel Tracking, and Proximity to Sensitive Areas

The project's impacts related to air quality, including fumes and fuel tracking, are considered "less than significant" with required mitigation: Air Quality: The project is required to comply with Mojave Desert Air Quality Management District (MDAQMD) rules, including those for vapor recovery systems (Enhanced Vapor Recovery - EVR) which capture fumes during fuel delivery and dispensing. Emissions analysis determined that the project's operation would not exceed established regional air quality thresholds for pollutants. Sensitive Receptors: The Pinon Hills Elementary School (0.9 miles

away) and a community center with a children's play area (200 feet away) are considered "sensitive receptors". Health risk assessments conclude that residential users and employees in the area will not be exposed to a cancer risk greater than the accepted threshold of 10 in one million, which is considered an acceptable level. Fuel Tracking: Construction plans include improvements such as paved driveways and road widening to meet County standards, which help prevent tracking of materials onto local roads.

Protected Joshua Trees

The presence of over 1,355 Western Joshua Trees was documented in a biological assessment. The project requires mitigation measures to reduce potential impacts: Incidental Take Permit (ITP): The applicant must obtain an ITP from the California Department of Fish and Wildlife (CDFW). Relocation Plan: A plan for the preservation in place or relocation of affected trees is required. With these mitigation measures, the impacts to biological resources are considered less than significant.

Proposed Remedy or Solution

- New traffic studies for Highway 138, Oasis Road, and the intersection of those roads
- Pave local roads to improve traffic circulation
- If there were to be commercial development here, it would be beneficial to have locally owned small businesses that will improve quality of life for Pinon Hills residents without negatively impacting the character of our rural, residential community.
- Reopen Fire Station on Mountain Road
- Open Sheriff's substation in Pinon Hills
- Widen Highway 138 to four lanes from Green Road to San Bernardino County line
- Extinguish outdoor lighting at 11 pm
- Denial of the Minor Use Permit for PROJ-2024-00030

Response: The arguments against the applicability of many of the proposed remedies stem from the project's compliance with existing county standards and the scope of what a single developer can be required to do under the California Environmental Quality Act (CEQA) or takings law.

Traffic-Related Remedies

New Traffic Studies: A comprehensive Traffic Impact Analysis was already conducted and dated April 24, 2024. This study analyzed existing and projected traffic (8,035 daily trips for the project) and concluded that the proposed facility would operate within acceptable county standards (Level of Service B for Oasis Road segment) with minor mitigation. Further studies are generally not required if the current study is considered sufficient by the County.

Pave Local Roads/Widen Highway 138: The developer is only required to improve the roads immediately adjacent to the project site to ensure safe access, which includes paving the entrance/exit driveways and potentially adding turning lanes and a shoulder on Oasis Road. Road dedication and improvements imposed for this project are listed in Condition No. 57. Wider regional improvements, such as paving all local roads or widening a state highway (Highway 138 is a state route), fall under the jurisdiction of different agencies (County Public Works or Caltrans) and are typically funded regionally, not by a single minor development project. The applicant is currently

conditioned to contribute and estimate of \$45,720 to \$60,960 as fair share contribution for improvements to Highway 138 as part of Condition No. 71.

Highway 138/Oasis Road Intersection Mitigation: The traffic study found this intersection will continue to operate at an acceptable level of service without needing a major overhaul funded solely by this project. The only required traffic signal mitigation is at the Mountain Road intersection.

Public Services Remedies

Reopen Fire Station/Open Sheriff's Substation: Public services are funded and managed by county-wide agencies (San Bernardino County Fire Protection District and County Sheriff's Department). While the project does not fund the reopening of specific stations, the Initial Study concluded that the incremental increase in demand for these services would have a less than significant impact on existing resources.

Community Benefit: County regulations typically assess compliance with zoning codes and environmental impacts, not whether a business is locally owned or an out-of-state corporation. The project is a permitted use within the existing General Commercial zoning of the parcel once a Minor Use Permit is approved.

Environmental & Operational Remedies

Extinguish Outdoor Lighting at 11 pm: This is not a "remedy" that needs to be implemented by the community; it is already a mandatory condition of approval for the project, as dictated by the County's Development Code and Dark Sky regulations.

Denial of the Minor Use Permit (MUP): Denial would only be legally applicable if the project were found to have unmitigated significant environmental impacts or did not conform satisfy the required findings for a MUP. The prepared IS/MND has found that all potential impacts can be mitigated to a "less than significant" level through required mitigation measures (e.g., Joshua Tree permits, traffic mitigation, lighting standards).

San Bernardino County Code Section 86.08.020 details the requirements and grounds on which an appeal of a land use decision may be filed. Specifically, subsection (c) provides that "[a]pplications for appeals shall include a written statement of the grounds upon which the appeal is filed." Subsection (e) provides further that "[t]he appeal application shall identify ... [t]he justification for the appeal." In this case, the appellant fails to meet the requirements of Section 86.08.020 as the appeal generally asserts that there were deficiencies in the information presented to the Zoning Administrator but fails to identify evidence of the particular defects to substantiate its claim or to guide LUS and the Planning Commission in evaluating the basis of the appeal.

Staff recommend the Planning Commission deny the appeal and uphold the Zoning Administrators' approval of the Project. If the Planning Commission denies the appeal, the proposed findings and conditions of approval supporting the Mitigated Negative Declaration and the approval of the MUP are attached to this item. In the event the Planning Commission grants the appeal, staff recommends the item be continued for staff to prepare a set of proposed findings consistent with the decision.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA): Based on the Initial Study / Mitigated Negative Declaration, the project is determined to have a **less than significant impact with mitigation incorporated**. Implementation of mitigation measures would reduce impacts to below a level of

significance for biological resources, cultural resources, geology and soils and tribal cultural resources. A Mitigation Monitoring and Reporting Program has been incorporated into the project's conditions of approval and is included as Exhibit D.

RECOMMENDATION: That the Planning Commission deny the appeal and uphold the Zoning Administrator's decision by taking the following actions:

- 1) **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- 2) **ADOPT** the Findings for approval of the Minor Use Permit.
- 3) **APPROVE** the Minor Use Permit to establish a gas station and convenience store with 5,637 square feet of retail space and two canopies with a total of 18 fuel dispensing islands on 8.78 acres, subject to the Conditions of Approval.
- 4) **DIRECT** the Land Use Services Department to file a Notice of Determination in compliance with the California Environmental Quality Act.

ATTACHMENTS:

- EXHIBIT A:** Appeal Application
- EXHIBIT B:** Findings
- EXHIBIT C:** Conditions of Approval
- EXHIBIT D:** Mitigation Monitoring and Reporting Plan
- EXHIBIT E:** ZA Packet
- EXHIBIT F:** Site Plan, Elevations, Floor Plan
- EXHIBIT G:** Initial Study / Mitigated Negative Declaration
- EXHIBIT H:** Public Comments

EXHIBIT A

Appeal to Land Use Decision of December 11, 2025

Project Title: Mavericks Oasis Road (aka Maverik)

Case Number: PROJ-2024-00030

Assessor Parcel Number: 3067-051-29

On December 11, 2025, the San Bernardino County Land Use Planning Division approved a Minor Use Permit to establish a new convenience store and fueling station. We are appealing that decision as property owners and residents in the vicinity.

Reasons for Appeal:

Traffic

- Oasis Road is the only way to access the Post Office. There are 3000+ box holders, 1600 visits per day on average (our area does not provide home mail delivery.) Adding Maverik's estimates of 2500 visits to the fueling center equals 4100 average daily trips.
- The Maverik driveway on Oasis Road is poorly planned, creating issues due to dirt roads to the south and Post Office access directly across the street. Oasis Road and Buckthorne Road are not through streets and there is no safe way for trucks or cars to turn around.
- Trucks turning right from Oasis Road onto Highway 138 (single eastbound lane) and slowly heading up the grade may cause more accidents than we already have due to frustrated vehicle drivers passing in the median or using the shoulder on the right.
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- No fire station on Mountain Road (it was permanently closed in October 2023.)
- No nearby or rapid response law enforcement due to the wide coverage area and limited manpower of the Sheriff's Department

Lack of Benefit to the Local Community

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- The parcel contains several protected Joshua trees which are very sensitive to disturbance of habitat.

Proposed Remedy or Solution

- New traffic studies for Highway 138, Oasis Road, and the intersection of those roads
- Pave local roads to improve traffic circulation
- If there were to be commercial development here, it would be beneficial to have locally-owned small businesses that will improve quality of life for Pinon Hills residents without negatively impacting the character of our rural, residential community.
- Reopen Fire Station on Mountain Road
- Open Sheriff’s substation in Pinon Hills
- Widen Highway 138 to four lanes from Green Road to San Bernardino County line
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Views in Piñon Hills



A unique desert mountain interface environment



Piñon Hills vegetation



Joshua trees, junipers, buckwheat, sage and wildflowers



We marvel at...



Beautiful sunrises and sunsets



Snow scenes in winter



Playground and senior center



Small town feel

