

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 4393

An ordinance of the Board of Supervisors of the County of San Bernardino amending Tables 82-4, 82-7 and 82-17 related to land use categories for community garden and short-term residential rentals, amending Subsections 82.14.040(a)(1), (a)(4) and (b)(1), and 82.14.050(c)(1) related to floodplain safety overlay, amending Subsections 83.10.050(a)(8) and 83.10.070(e) related to landscaping standards, amending Table 83-31 related to on-site signs, amending Subsection 84.01.020(f) related to contiguous abutting parcels, amending Subsection 84.21.030(i) relating to manufactured homes, amending Subsections 84.25.070(a)(2) and (c)(2) related to recreational cabins and camping, amending Section 84.28.020 related to short-term residential rentals, amending Subsection 87.07.040(d) related to lien agreements, and amending and relettering Subsections 810.01.200(j) through (fff), all of Title 8 of the San Bernardino County Code, related to clarifications and corrections to the Development Code.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Findings.

The Board of Supervisors of the County of San Bernardino finds that:

(a) As part of an on-going program to identify and correct errors found in the Development Code or to add clarification, the Land Use Services Department of the County of San Bernardino (Department) has identified several sections and subsections of the Development Code that could benefit by amplification or correction. The proposed revisions contained in this ordinance relate to recreational cabins and camping, manufactured homes over 10 years old, landscaping standards, sign regulations, lien agreements, contiguous abutting parcels, floodplain safety overlay, community gardens, and short-term rentals.

(b) Properly noticed public hearings have been held before the County Planning Commission and the Board of Supervisors pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Development

Code.

(c) This ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Title 14 of the California Code of Regulations, section 15061(b)(3), as the proposed changes to the Development Code do not have the potential to cause a significant effect on the environment.

SECTION 2. Table 82-4 of Subsection 82.03.040(b) of the San Bernardino County Code is amended to read as follows:

<i>Table 82-4</i>					
<i>Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts</i>					
<i>Land Use</i> <i>See Division 10 (Definitions) for land use definitions</i>	<i>Permit Required by District</i>				<i>Specific Use Regulations</i>
	<i>RC</i>	<i>AG</i>	<i>FW</i>	<i>OS</i>	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Community Gardens	A	A	A	—	
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19
Recreation, Education & Public Assembly					
Agritourism enterprises	S	S	—	—	84.03
Campgrounds	M/C	M/C	—	—	
Conference/convention facility	CUP	CUP	—	—	
Equestrian facility	M/C	M/C	—	—	
Fitness/health facility	M/C	—	—	—	
Library, museum, art gallery, outdoor exhibit	M/C	M/C	—	—	
Meeting facility, public or private	CUP	CUP	—	—	
Park, playground	M/C	M/C	—	—	
Places of worship	CUP	CUP	—	—	
Recreational vehicle park	CUP ⁽²⁾				
Rural sports and recreation	CUP	CUP	—	—	
School - College or university	CUP	CUP	—	—	

1	School - Private	CUP	CUP	—	—	
2	School - Specialized education/training	CUP	CUP	—	—	
3	Residential⁽⁸⁾					
3	Accessory use or structure - Residential	A ⁽³⁾	A ⁽³⁾	—	—	84.01
4	Accessory dwelling (labor quarters, etc.)	P ⁽⁴⁾	P ⁽⁴⁾	—	—	84.01
4	Guest housing	A ⁽³⁾	A ⁽³⁾	—	—	84.01
5	Accessory dwelling unit	A ⁽⁵⁾	A ⁽⁵⁾	—	—	84.01
5	Single dwelling	A	A	—	—	
6	Retail					
7	Produce stands (200 sq. ft. or less on lots that are 10,000 sq. ft. or greater)	A ⁽⁶⁾	A	—	—	84.03
8	Services - Business & Professional					
8	Medical services - Hospital	M/C	M/C	—	—	
9	Medical services - Rehabilitation centers	M/C	M/C	—	—	
9	Office - Accessory	P	P	—	—	
10	Office - Government	M/C	M/C	—	—	
11	Services - General					
11	Cemetery including pet cemeteries	CUP	CUP	—	—	
12	Commercial Kennels and Catteries - min lot 2.5 acres	M/C	M/C	—	—	
12	Emergency Shelter	—	CUP	—	—	84.33
13	Home Occupation	SUP	SUP	—	—	84.12
14	Licensed Residential Care Facility of 6 or fewer persons	A	A	—	—	
14	Licensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	84.23
15	Lodging - Bed and breakfast inn (B&B)	SUP	SUP	—	—	
15	Public safety facility	M/C	M/C	—	—	
16	Short-Term Residential Rentals	SUP	SUP	—	—	84.28
17	Unlicensed Residential Care Facility of 6 or fewer persons	RCP	RCP	—	—	84.32
17	Unlicensed Residential Care Facility of 7 or more persons	M/C	M/C	—	—	
18	Transportation, Communications & Infrastructure					
18	Broadcasting antennae and towers	M/C	M/C	—	—	
19	Electrical power generation	CUP	CUP	—	—	
19	Pipelines, transmission lines, and control stations ⁽⁷⁾	(7)	(7)	(7)	(7)	
20	Renewable Energy Generation Facilities	CUP	CUP	CUP	—	
21	Sewage treatment and disposal facility	CUP	CUP	—	—	
21	Solid waste disposal	CUP	CUP	—	—	
22	Transportation facility	CUP	CUP	—	—	
22	Utility facility	CUP	CUP	CUP	—	
23	Wind energy system, accessory	S	S	S	—	84.26
24	Wireless telecommunications facility	S	S	S	—	84.27
25	Other					
25	Accessory structures and uses	A	A	A	A	84.01
26	Temporary special events	TSP	TSP	TSP	TSP	85.16
26	Temporary structures and uses	TUP	TUP	TUP	TUP	84.25

27	Key					
28	A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)		

P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

- Notes:**
- (1) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
 - (2) Density of the recreational vehicles in a Recreational Vehicle Park shall be limited to 4 per acre.
 - (3) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
 - (4) Use allowed as an accessory use only, on the same site as an agricultural use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
 - (5) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short- term rental in the Mountain Region.
 - (6) In Phelan/Pinon Hills Community Plan area, a maximum 6 sq. ft. advertising sign shall be allowed.
 - (7) Pipelines, transmission lines, and control station uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050 (Alternate Review Procedures).
 - (8) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

SECTION 3. Table 82-7 of Subsection 82.04.040(b) of the San Bernardino County Code is amended to read as follows:

<i>Table 82-7</i>				
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts				
Land Use See Division 10 (Definitions) for land use definitions	Permit Required by District			Specific Use Regulations
	<i>RL</i> ⁽¹⁾	RS	RM	
Agricultural, Resource & Open Space Uses				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Community Gardens	A	TUP	A	
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03

1	Nature preserve (accessory uses)	M/C	—	—	
	Lake	M/C	CUP	—	
2	Pond	A	A	M/C	
3	Industry, Manufacturing & Processing, Wholesaling				
	Composting operations	CUP	—	—	
4	Recycling facilities - reverse vending machine, accessory	S	—	—	84.19
5	Recreation, Education & Public Assembly Uses				
	Agritourism enterprises	S	—	—	84.03
6	Campgrounds ⁽³⁾	CUP	—	—	
	Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
7	Conference/convention facility ⁽³⁾	CUP	—	—	
	Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
8	Golf course ⁽³⁾	CUP	—	—	
	Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
9	Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
10	Park, playground ⁽³⁾	P	P	P	
	Places of worship	CUP	CUP	CUP	
11	Rural sports and recreation ⁽³⁾	M/C	—	—	
	School - College or university	CUP	CUP	—	
12	School - Private	CUP	CUP	—	
	School - Specialized education/training	CUP	—	—	
13	Sports or entertainment assembly ⁽³⁾	CUP	—	—	
14	Residential⁽¹¹⁾				
	Accessory structures and uses	A	A	A	84.01
15	Caretaker housing	M/C ⁽⁵⁾	M/C	M/C	84.01
16	Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	—
17	Guest housing	A	A	A	84.01
	Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
18	Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
19	Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
	Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
20	Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
	Parolee and/or probationer home	—	—	CUP	
21	Accessory dwelling unit	A ⁽⁶⁾	A ⁽⁶⁾	A ⁽⁶⁾	84.01
22	Single dwelling	A	A	PD ⁽⁷⁾	
	Retail				
23	Produce stand	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	
	Services - General				
24	Cemetery, including pet cemeteries	CUP	CUP	—	84.06
25	Child care - Small family day care home	A	A	A	
	Child care - Large family day care home	MUP	MUP	MUP	
26	Child care - Day care center	M/C	M/C	M/C	
	Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
27	Emergency shelter	—	—	CUP	84.33
28	Home occupation	SUP	SUP	SUP	84.12

1	Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
2	Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
3	Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁹⁾	SUP ⁽⁹⁾	SUP ⁽⁹⁾	84.05
4	Public safety facility	M/C	M/C	M/C	
5	Short-Term Residential Rentals	SUP	SUP	SUP	84.28
6	Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
7	Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
8	Transportation, Communications & Infrastructure				
9	Broadcasting antennae and towers	M/C	—	—	
10	Electrical power generation	CUP	—	—	
11	Pipelines, transmission lines, and control stations ⁽¹⁰⁾	(10)	(10)	(10)	
12	Renewable Energy Generation Facilities	CUP	—	—	84.29
13	Sewage treatment and disposal facility	CUP	CUP	CUP	
14	Solid waste disposal	CUP	CUP	CUP	
15	Telecommunications facility	S	S	S	84.27
16	Transportation facility	M/C	M/C	M/C	
17	Utility facility	CUP	CUP	CUP	
18	Wind energy accessory	S	S	S	84.26
19	Wireless telecommunications facility	S	S	S	84.27
20	Other				
21	Accessory structures and uses	A	A	A	84.01
22	Temporary special events	TSP	TSP	TSP	84.25
23	Temporary structures and uses	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:	
24	(1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [§ 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [§ 84.03.030(b)(5)].
25	(2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
26	(3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in § 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
27	(4) A boarding facility only with a Home Occupation Permit.
28	(5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.
	(6) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.

- (7) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.
- (8) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.
- (9) A CUP shall be required for three or more rooms.
- (10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
- (11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

SECTION 4. Table 82-9B of Section 82.04.060 of the San Bernardino County Code is amended to read as follows:

<i>Table 82-9B</i>			
<i>Residential Land Use Zoning District Development Standards</i>			
<i>Mountain Region</i>			
<i>Development Feature</i>	<i>Requirement by Land Use Zoning District</i>		
	<i>RL Rural Living</i>	<i>RS Single Residential</i>	<i>RM Multiple Residential</i>
Density	Maximum housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Maximum density	1 unit per 2.5 acres ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	4 units per acre ⁽¹⁾ ; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	20 units per acre; accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)
Setbacks	Minimum setbacks required. See Chapters 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.	Lot less than 14,000 sq. ft. = 15 ft.; lots 14,000 sq. ft. or larger = 25 ft.
Side - Street side	25 ft.	15 ft.	15 ft.
Side - Interior	20 ft.	20 percent of lot	20 percent of lot width, need

(each)		width, need not exceed 15 ft. ⁽²⁾	not exceed 15 ft. ⁽²⁾
Rear	20 ft.	15 ft.	15 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses)		
Lot coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.		
Maximum coverage	20 percent	40 percent ⁽³⁾	60 percent
Height limit	Maximum allowed height of structures. See § 83.02.040 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.		
Maximum height	35 ft.	35 ft.	45 ft.
Accessory structures	See Chapter 84.01 (Accessory Structures and Uses).		
Infrastructure	See Chapter 83.09 (Infrastructure Improvement Standards).		
Parking	See Chapter 83.11 (Parking Regulations).		
Signs	See Chapter 83.13 (Sign Regulations).		
Notes:			
(1) Map suffix may modify.			
(2) The side yard setback standards in the Fire Safety Overlay (Chapter 82.13) shall prevail.			
(3) The maximum lot coverage allowed in Chapter 82.06, Table 82-21B will prevail for allowed institutional land uses.			

SECTION 5. Table 82-17 of Subsection 82.06.040(c) of the San Bernardino County Code is amended to read as follows:

<i>Table 82-17</i>							
Allowed Land Uses and Permit Requirements for Industrial and Special Purpose Land Use Zoning Districts							
LAND USE See Division 10 (Definitions) for land use definitions	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	IC	IR	IN	SD- RES (1)	SD- COM (1)	SD- IND (1)	
Agricultural, Resource & Open Space Uses							
Agriculture Support Services	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
Animal Keeping	—	—	—	S	—	—	84.04
Community Gardens	—	—	—	A	—	—	
Crop production, horticulture, orchard, vineyard	—	—	—	A	—	—	
Natural resources development (mining)	CUP	CUP	—	CUP	CUP	CUP	
Nature preserve (accessory uses)	—	—	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
Industry, Manufacturing & Processing, Wholesaling							
Adult Business	ABP	—	—	—	—	—	84.02

1	Construction contractor storage yard	M/C	P ⁽²⁾	—	M/C	M/C ⁽³⁾	M/C	
	Hazardous waste operation	—	CUP	—	—	—	—	
2	Firewood contractor	P	P	—	—	—	M/C	84.09
3	Manufacturing Operations I	P ⁽²⁾	P ⁽²⁾	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
	Manufacturing Operations II	— ^{(5), (6)}	M/C	—	—	—	CUP ⁽⁴⁾	
4	Motor vehicle storage/Impound facility	M/C	M/C	—	—	—	M/C	
	Recycling facilities - Small collection facility	SUP	SUP	—	—	MUP	MUP	84.19
5	Recycling facilities - Large collection facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
6	Recycling facilities - Light processing facility	CUP	CUP	—	—	CUP ⁽³⁾	CUP	84.19
7	Recycling facilities - Heavy processing facility	CUP	CUP	—	—	—	CUP	84.19
8	Recycling facilities, reverse vending machines (accessory only)	A	A	—	A	A	A	84.19
9	Salvage operations - Within an enclosed structure	CUP	M/C	—	—	CUP	M/C	
	Salvage operations - General	—	CUP	—	—	—	—	
10	Storage - Personal storage (mini-storage)	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
11	Storage - Recreational vehicles	M/C	M/C	—	M/C	M/C	M/C	
	Storage - Warehouse, indoor storage	M/C	M/C	—	—	M/C	M/C	
12	Wholesaling and distribution	M/C	M/C	—	—	M/C	M/C	
	Recreation, Education & Public Assembly							
13	Campgrounds	—	—	—	CUP	—	—	
14	Commercial entertainment - Indoor	M/C	—	—	M/C	M/C	M/C	
	Conference/convention facility	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
15	Equestrian facility	—	—	—	M/C	M/C	M/C	
16	Fitness/health facility	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
	Golf course	—	—	—	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
17	Library, museum, art gallery, outdoor exhibit	—	—	—	M/C	M/C	M/C	
	Meeting facility, public or private	CUP	—	—	CUP	CUP	CUP	
18	Park, playground	—	—	P	P	P	P	
	Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
19	Rural sports and recreation	—	—	—	CUP	CUP	CUP	
20	School - College or university	M/C	M/C	M/C	M/C	M/C	M/C	
	School - Private	M/C	M/C	M/C	M/C	M/C	M/C	
21	School - Specialized education/training	M/C	M/C	M/C	M/C	M/C	M/C	
	Residential⁽¹⁴⁾							
22	Accessory dwelling (labor quarters, etc.)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
23	Accessory structures and uses - Residential (conforming and non-conforming uses)	P ^(7,8)	P ^(7,8)	P ^(7,8)	P ⁽⁷⁾	P ⁽⁷⁾	P ⁽⁷⁾	84.01
24	Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	—	M/C	M/C	—	
25	Guest housing	—	—	—	P ⁽⁸⁾	—	—	84.01
	Live/work unit	M/C	—	—	M/C	M/C	—	
26	Mobile home park/manufactured home land-lease community	—	—	—	CUP	CUP	—	
27	Multiple residential use	—	—	—	PD	PD	PD	
	Parolee and/or probationer home	—	—	—	CUP	CUP	—	
28	Residential use with retail, service, or	—	—	—	PD	PD	PD	

1	industrial use							
2	Accessory dwelling unit	—	—	—	A ⁽¹⁵⁾	—	—	84.01
3	Single dwelling	—	—	—	A	—	—	
	Retail							
4	Auto and vehicle sales and rental	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
5	Bar, tavern	—	—	—	M/C	M/C	M/C	
6	Building and landscape materials sales - Indoor	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
7	Building and landscape materials sales - Outdoor	M/C	M/C	—	—	CUP	CUP	
8	Construction and heavy equipment sales and rental	M/C	M/C	—	—	CUP	CUP	
9	Convenience store	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
10	Fuel dealer (propane for home and farm use, etc.)	CUP	CUP	—	CUP	CUP	CUP	
11	General retail - 10,000 sf or less, with or without residential unit	—	—	—	M/C	M/C	M/C	
12	General retail - More than 10,000 sf, with or without residential unit	—	—	—	PD	PD	PD	
13	Manufactured home or RV sales	M/C	M/C	—	—	M/C	M/C	
14	Night Club	—	—	—	M/C	M/C	M/C	
15	Restaurant, café, coffee shop	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
16	Second hand stores, pawnshops	P ⁽²⁾	—	—	M/C	M/C	M/C	
17	Service station	P ⁽²⁾	P ⁽²⁾	—	M/C	M/C	M/C	
18	Swap meet, outdoor market, auction yard	M/C	M/C	—	—	—	M/C	
19	Warehouse retail	P ⁽²⁾	P ⁽²⁾	—	—	CUP	CUP	
	Services - Business, Financial, Professional							
20	Medical services - Hospital ⁽⁴⁾	M/C	M/C	M/C	M/C	M/C	M/C	
21	Medical services - Rehabilitation center	M/C	M/C	M/C	M/C	M/C	M/C	
22	Office - Accessory	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	
23	Professional Services	P ⁽²⁾	—	—	M/C	M/C	M/C	
	Services - General							
24	Bail bond service within 1 mile of correctional institution	P	P	P	—	P	P	
25	Cemetery, including pet cemeteries	—	—	—	CUP	CUP	CUP	84.06
26	Correctional institution	— ⁽⁴⁾	— ⁽⁴⁾	CUP	— ⁽⁴⁾	— ⁽⁴⁾	— ⁽⁴⁾	
27	Emergency Shelter	CUP	—	—	CUP	CUP	CUP	84.33
28	Equipment rental	P ⁽²⁾	P ⁽²⁾	—	—	M/C	M/C	
29	Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
30	Kennel or cattery	M/C	—	—	—	—	M/C	84.04
31	Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	—	84.23
32	Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	84.23
33	Lodging - Bed and breakfast inn (B&B)	—	—	—	SUP ⁽⁹⁾	SUP ⁽⁹⁾	—	
34	Lodging - Hotel or motel - 20 or fewer guest rooms	—	—	—	M/C	M/C	—	
35	Lodging - Hotel or motel - More than 20 guest rooms	—	—	—	M/C	M/C	—	

1	Personal services	P ⁽²⁾	—	—	M/C	M/C	M/C	
	Public safety facility	M/C	M/C	M/C	M/C	M/C	M/C	
2	Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	—	84.32
3	Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	—	
4	Vehicle services - Major repair/body work	P ⁽²⁾	P ⁽²⁾	—	—	M/C ⁽¹⁰⁾	M/C	
5	Vehicle services - Minor maintenance/repair	P ⁽²⁾	P ⁽²⁾	CUP ⁽¹⁾	—	M/C ⁽¹⁰⁾	M/C	
6	Veterinary clinic, animal hospital	M/C	—	—	—	M/C	M/C	
Transportation, Communications & Infrastructure								
7	Ambulance, taxi, or limousine dispatch facility	M/C	M/C	M/C	M/C	M/C	M/C	
8	Broadcasting antennae and towers	M/C	M/C	M/C	CUP	CUP	CUP	
9	Parking lots, accessory	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	
	Broadcasting studio	M/C	M/C	M/C	CUP ⁽⁴⁾	CUP ⁽⁴⁾	CUP ⁽⁴⁾	
10	Communication contractor	M/C	M/C	M/C	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	M/C ⁽¹⁰⁾	
	Electrical power generation	CUP	CUP	CUP	—	—	—	
11	Parking structures	P ⁽¹²⁾	P ⁽¹²⁾	P ⁽¹²⁾	M/C	M/C	M/C	
12	Pipelines, transmission lines, and control stations ⁽¹³⁾	(13)	(13)	(13)	(13)	(13)	(13)	
13	Renewable Energy Generation Facilities	CUP	CUP	CUP	—	—	—	84.29
	Sewage treatment and disposal facility ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
14	Solid waste disposal ⁽⁶⁾	CUP	CUP	CUP	—	—	—	
	Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
15	Truck Stop	M/C	M/C	—	—	—	M/C	
16	Truck Terminal	M/C	M/C	—	—	—	M/C	
	Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
17	Water treatment plants and storage tanks	—	CUP	CUP	—	CUP	CUP	
18	Wind energy system, accessory	S	S	S	S	S	S	84.26
	Wireless telecommunications facility	S	S	S	S	S	S	84.27
Other								
19	Accessory structures and uses	P	P	P	P	P	P	84.01
20	Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
21	Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	TUP	84.25

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit		
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with § 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MU P	Minor Use Permit required (Chapter 85.06)	RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)

	TUP	Temporary Use Permit required (Chapter 85.15)
	—	Use not allowed

- Notes:**
- (1) The Special Development Land Use Zoning District may have a suffix to indicate the focus of a particular SD zone. A “RES” suffix indicates that the focus is on residential Planned Development projects. A “COM” suffix indicates that the focus is on commercial Planned Development projects. An “IND” suffix indicates that the focus is on industrial Planned Development projects. However, all can still have mixed uses within these zones.
 - (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with § 85.06.020 (Applicability).
 - (3) This use shall be located completely within an enclosed structure.
 - (4) PD Permit required if total floor area or use area exceeds 10,000 sq. ft.
 - (5) Concrete batch plants in the Phelan planning area may be allowed subject to a CUP.
 - (6) Pallet manufacturing, reconditioning, and storage yards in the unincorporated area in Fontana bounded by the I-10 on the north, Almond Ave. on the east, 660 ft. south of Santa Ana Ave. on the south, and Mulberry Ave. on the west that is zoned IC may be allowed subject to a CUP.
 - (7) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table. Requires a Special Use Permit when recreational vehicles are used for seasonal operations.
 - (8) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
 - (9) A CUP shall be required for three or rooms.
 - (10) This use shall be located completely within an enclosed structure with no exterior overnight storage of vehicles.
 - (11) When associated with an institutional use.
 - (12) Use allowed as an accessory use only, on the same site as a retail service, or industrial use allowed by this table.
 - (13) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in § 85.02.050.
 - (14) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.
 - (15) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.

SECTION 6. Subsection 82.14.040(a)(1) of the San Bernardino County Code is amended to read as follows:

82.14.040 Floodplain Safety Review Areas.

...

(1) *Elevation of First Floor.* New construction and substantial improvement of any structure shall be constructed so that the first floor (including basement) shall be one foot or more above the base flood elevation, when the FEMA map base flood elevations are shown, and will not result in any significant increase in flood levels during a base flood discharge. When the base flood elevations are not shown, new construction and substantial improvement of any residential structure shall be constructed so that the first floor (including basement) shall be two feet or more

1 above the natural pre-development highest adjacent grade.

2
3 **SECTION 7.** Subsection 82.14.040(a)(4) of the San Bernardino County Code is
4 amended to read as follows:

5 **82.14.040 Floodplain Safety Review Areas.**

6 ...

7 (4) *FEMA-designated Floodways.* Floodways, as defined by FEMA,
8 are different from the Floodway Land Use Zoning District established in Chapter 82.01
9 (Land Use Plan, Land Use Zoning Districts, and Overlays) and regulated by Chapter
10 82.03 (Agricultural and Resource Management Land Use Zoning Districts) of this title.
11 They are defined as the channels of a river or other watercourse and the adjacent land
12 areas that must be reserved in order to discharge the base flood without cumulatively
13 increasing the water surface elevation. They are also referred to as “regulatory
14 floodways” (see subsection 810.01.080(gg)(23)). They are generally coterminous with
15 the County’s Floodway Land Use Zoning Districts. They are considered FEMA-
16 designated flood hazard zones in that they are included within the AE zone.

17
18 **SECTION 8.** Subsection 82.14.040(b)(1) of the San Bernardino County Code is
19 amended to read as follows:

20 **82.14.040 Floodplain Safety Review Areas.**

21 ...

22 (1) *Elevation of First Floor.* New construction and substantial
23 improvement of any structure shall be so constructed that the first floor (including
24 basement) shall be one foot above the natural pre-development highest adjacent grade.

25
26 **SECTION 9.** Subsection 82.14.050(c)(1) of the San Bernardino County Code is
27 amended to read as follows:

28 **82.14.050 Development Standards for Floodplain Safety Review Areas.**

1 ...

2 (1) The pad elevation shall be certified to meet or exceed the elevation
3 required by the applicable Floodplain Safety Review Area, and it must be demonstrated
4 that the cumulative effect of the proposed development when combined with all other
5 existing and anticipated development will not increase the water surface elevation of the
6 base flood at any point within the community.

7

8 **SECTION 10.** Subsection 83.10.050(a)(8) of the San Bernardino County Code is
9 amended to read as follows:

10 **83.10.050 Landscape Documentation Package.**

11 ...

12 (8) *Landscape Grading Plan.* If the proposed grading exceeds 100
13 cubic yards, the developer shall submit the most recent rough/precise grading plans and
14 elevations for the project site. These plans shall bear the signature of a licensed
15 professional authorized by law.

16

17 **SECTION 11.** Subsection 83.10.070(e) of the San Bernardino County Code is
18 amended to read as follows:

19 **83.10.070 Landscape Standards.**

20 ...

21 (e) *Grading Plan Requirements.* For the efficient use of water, grading of the
22 project site shall be designed so that soil erosion, runoff, and water waste are
23 minimized. As part of the landscape document package, if a project's grading exceeds
24 100 cubic yards, then the project developer shall submit the most recent rough and/or
25 precise grading plan(s) that have been prepared and signed by a licensed professional
26 as authorized by law.

27

28 **SECTION 12.** Subsection 83.13.050(c)(14) of the San Bernardino County Code

1 is amended to read as follows:

2 **83.13.050 On-Site Signs.**

3 . . .

4 (14) *On-Site Signs in Crest Forest Community Plan Commercial Land*
 5 *Use Zoning Districts.* Table 83-31 indicates the types of signs allowed in commercial
 6 land use districts in the Crest Forest Community Plan area, and the standards
 7 applicable to those signs.

<i>Table 83-31</i>			
<i>On-Site Signs in Crest Forest Community Plan (CF) Commercial Land Use Zoning Districts</i>			
<i>Type of Sign</i>	<i>Individual Business/Structure Not Part of a Complex or Center</i>	<i>Multi-Tenant Complex or Center</i>	<i>Occupant within a Multi-Tenant Complex or Center</i>
Freestanding			
Pole or Pylon	25 ft. maximum height 50 sq. ft. maximum area	25 ft. maximum height 50 sq. ft. maximum area	Sign not allowed
Monument	4 ft. maximum height in addition to 2 ft. solid base 32 sq. ft. maximum area	4 ft. maximum height in addition to 2 ft. solid base 32 sq. ft. maximum area	Sign not allowed
Attached			
Projecting (may require encroachment permit)	35 ft. maximum height, not to exceed roof ridge or parapet height. 32 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or	35 ft. maximum height, not to exceed roof edge or parapet height. 32 sq. ft. maximum area 8 ft. minimum clearance from underlying walkway or	Sign not allowed

	thoroughfare	thoroughfare	
Roof	3:1 (bldg. frontage to sign area ratio) 32 sq. ft. maximum area Placement subject to § 83.13.090(f)	Sign not allowed	3:1 (bldg. frontage to sign area ratio) 32 sq. ft. maximum area Placement subject to § 83.13.090(f)
Wall	3:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area	Sign not allowed	3:1 (bldg. frontage to sign area ratio) 50 sq. ft. maximum area
Total number	1 freestanding per frontage 2 attached per frontage	1 per frontage	1 attached per frontage

SECTION 13. Subsection 84.01.020(f) of the San Bernardino County Code is amended to read as follows:

84.01.020 General Development Standards.

...

(f) *Location on Same or Contiguous Parcel.* Accessory structures or uses, which may or may not entail the use of a structure, shall be located on either:

(1) The same parcel as the primary structure or use; or

(2) A contiguous parcel that is owned by the same owner who owns the parcel that has the primary structure or use, with the exception of:

(A) Guest housing and accessory dwelling units in compliance with section 84.01.050(a), below.

(B) Those properties that touch property lines of a subject parcel when the lines are projected across public or private rights of way, easements, roads, streets, or railroad rights of way.

(C) Utilities shall not be constructed across the property line(s)

1 of two or more contiguous parcels. If the placement of proposed utilities would
2 otherwise cross the property line of two or more contiguous parcels held by the same
3 owner, the property owner shall apply for and receive an approved voluntary lot merger
4 before issuance of a Building Permit.

5
6 **SECTION 14.** Subsection 84.21.030(i) of the San Bernardino County Code is
7 amended to read as follows:

8 **84.21.030 Minimum Residential Construction Standards.**

9 . . .

10 (i) *Certification Tag or Label Required.* A permit from the Building and Safety
11 Division for the installation of a manufactured home not within an approved and properly
12 licensed mobile home park shall not be issued, if more than ten years have elapsed
13 between the date of manufacture and the date of the application for the issuance of the
14 permit to install such manufactured home except as provided below. Also, the
15 manufacturer shall permanently affixed a label or tag to the manufactured home
16 certifying that the manufactured home complies with the applicable federal construction
17 and safety standards (42 U.S.C. section 5415) of the National Manufactured Housing
18 Construction and Safety Standards Act of 1974 (42 U.S.C. sections 5401 *et seq.*).

19 The ten-year standard provided above shall apply to all manufactured homes
20 except when the following findings can be made:

21 (1) The site for the proposed location of the manufactured home is
22 adequate in terms of shape and size to accommodate the use and all parking areas,
23 setbacks, structure coverage, yards, and other applicable requirements of this
24 Development Code;

25 (2) The California Department of Housing and Community
26 Development has determined and certified that the manufactured home proposed for
27 installation substantially conforms to the construction standards regarding health,
28 accessibility, life and fire safety and structural requirements applicable to manufactured

1 homes less than ten years old; and

2 (3) The appearance of the manufactured home and the method of
3 siting are compatible with the appearance of any primary structure and the structures in
4 the surrounding neighborhood.

5
6 **SECTION 15.** Subsection 84.25.070(a)(2) of the San Bernardino County Code is
7 amended to read as follows:

8 **84.25.070 Camping or Occupancy of Temporary Structure Prohibited.**

9 . . .

10 (2) *Exception.* With no required permit, a property owner(s) shall be
11 allowed to place, maintain, use and/or occupy any existing Recreational Cabin for no
12 more than a total of fourteen days in a 30-day period, or any temporary structure for no
13 more than a total of four days in a 30-day period, when used for recreational camping
14 on a property of five acres or larger in the RC (Resource Conservation), AG
15 (Agriculture) or RL (Rural Living) land use zoning districts.

16
17 **SECTION 16.** Subsection 84.25.070(c)(2) of the San Bernardino County Code is
18 amended to read as follows:

19 **84.25.070 Camping or Occupancy of Temporary Structure Prohibited.**

20 . . .

21 (2) *Exception.* With no required permit, a property owner(s) shall be
22 allowed to place, maintain, use and/or occupy any temporary structure on their own
23 property of five acres or larger for no more than a total of four days in a 30-day period
24 when used for recreational camping in the RC (Resource Conservation), AG
25 (Agriculture) or RL (Rural Living) land use zoning districts. This exception shall also
26 apply when such vehicles are lawfully used as seasonal labor quarters upon the
27 issuance of the Site Plan Permit and Special Use Permit pursuant to sections 84.01.030
28 and 84.01.040.

1 **SECTION 17.** Section 84.28.020 of the San Bernardino County Code is
2 amended to read as follows:

3 **84.28.020 Applicability.**

4 The standards and permit procedures of this chapter apply to all persons
5 involved, and at all times, as more fully set forth herein, in the short-term rental of
6 residential dwelling units as a single housekeeping unit where allowed in the Mountain
7 and Desert Regions in compliance with Division 2 (Land Use Zoning Districts and
8 Allowed Land Uses) or in connection with a legal nonconforming residential structure
9 located in a non-residential land use zoning district. “Short-term” means less than 30
10 days.

11
12 **SECTION 18.** Subsection 87.07.040(d) of the San Bernardino County Code is
13 amended to read as follows:

14 **87.07.040 Improvement Agreements, Lien Agreements and Securities.**

15 ...

16 (d) *Lien Agreement as Security.*

17 (1) As authorized herein, the owner of a “subdivision” (defined for
18 purposes of this Subdivision (d) as a residential subdivision with more than five lots up
19 to a maximum lot size of two acres or a commercial or industrial subdivision) may, in
20 lieu of posting the security described in Subdivision (c) of this Section, enter into an
21 agreement with the County to construct the required improvements in the future,
22 securing such performance by granting the County a lien on the property to be
23 subdivided. Such an agreement shall be known as a “Lien Agreement.”

24 (2) Where the Director of the Department of Public Works finds that it
25 would not be in the public interest to require the installation of the required
26 improvements sooner than two years after recordation of the map, the owner of the
27 subdivision may execute a Lien Agreement with the County at the time the owner of the
28 subdivision enters into an Improvement Agreement with the County to construct

1 required improvements pursuant to this Section. A Lien Agreement may also be used
2 to substitute existing security which was furnished under Subdivision (c) of this Section;
3 provided, however, that use of a Lien Agreement as substitution for existing security
4 shall be at the County's sole option. Notwithstanding any provisions of the foregoing to
5 the contrary, however, the County will not accept a Lien Agreement from any owner of a
6 subdivision, either at the time of execution of the Improvement Agreement, or as a
7 substitute for existing security, if any lots have been sold, if construction permits
8 (including but not limited to building or grading permits), have been issued on any of the
9 property, or if construction of any of the required improvements has begun.

10 (3) Notwithstanding the above, the County may accept a Lien
11 Agreement from any owner of a subdivision as a substitute for existing security if
12 grading has commenced on the land to be divided so long as the grading is in strict
13 accordance with a valid grading permit and all the following are met:

14 (A) There is no need for the County to construct the required
15 improvements if the subdivision is abandoned or delayed for any period of time or for
16 any other reason;

17 (B) The grading has no effect on the use, operation and
18 maintenance of existing streets or highways, public or private;

19 (C) The grading has not caused the modification or closure of
20 any public access points, existing streets or highways, public or private;

21 (D) Additional drainage improvement and/or erosion controls are
22 not necessary and/or installed in the road right-of-way due to the grading;

23 (E) Delay of the construction of the required improvements for
24 the subdivision does not affect or delay the improvements of an adjacent subdivision
25 project upon which work on its required improvements has already commenced.

26 (4) Lien Agreements shall:

27 (A) Be used only when in the absence of this Subdivision, the
28 owner of the subdivision would be required to construct or agree to construct the

1 improvements required by the Director of the Department of Public Works.

2 (B) Be used to secure future improvements in easements,
3 rights-of-way, rejected offers of dedication or irrevocable offers of dedication.

4 (C) Be in an approved form acceptable to County Counsel.

5 (D) Contain an itemization of the required improvements and an
6 estimate of costs approved by the Director of the Department of Public Works, and shall
7 specify that the obligation of the owner of the subdivision or any subsequent owner
8 extends to the actual cost of construction if such costs exceed the estimate.

9 (E) Be recorded with the County Recorder and have the priority
10 of a judgment lien as prescribed by Government Code section 66499(b) or its
11 successor. The recorded Lien Agreement shall be indexed in the Grantor Index to the
12 names of all record owners of the real property as specified on the map and in the
13 Grantee Index to the County. From the time of the recordation of the Lien Agreement, a
14 lien shall attach to the property in an amount necessary to complete the required
15 improvements. Under no circumstance shall the County agree to subordinate the lien.

16 (F) Be approved concurrently with the approval of the map with
17 a note of the Lien Agreement's existence placed on the map, except where the Lien
18 Agreement is being substituted after map approval for other security already deposited,
19 in which case the Lien Agreement shall be signed and acknowledged by all parties
20 having any record title interest in the real property, as prescribed by Government Code
21 section 66436 or its successor, consenting to the subordination of their interests to the
22 Lien Agreement.

23 (G) Be allowed only where the owner of the subdivision provides
24 a title insurance policy and current title report from a title company approved by the
25 County that documents that the owner of the subdivision is the record owner of the real
26 property to be divided, and the real property to be divided is not subject to any
27 mortgages, deeds of trust, or judgment liens. The title insurance policy and title report
28 shall be submitted to the Department of Public Works within 90 days prior to the

1 execution of the Lien Agreement. In addition, an updated title insurance policy and title
2 report shall be submitted to the Department of Public Works on the day of the
3 recordation of the Lien Agreement.

4 (5) The Lien Agreement shall provide that the owner of the subdivision
5 shall substitute acceptable security for the Lien Agreement and commence to construct
6 the required improvements within two years following recordation of the map, or, in the
7 case of a Lien Agreement which has been substituted for existing security, within two
8 years following recordation of the Lien Agreement.

9 (6) For Lien Agreements executed at the time of recordation of the
10 map, the time for substitution of acceptable security and commencement of construction
11 of the required improvements may be extended up to two times, each extension for a
12 period not to exceed one year, by the Director of the Department of Public Works. The
13 Director of the Department of Public Works may not grant such extensions if the owner
14 of the subdivision has substituted a Lien Agreement for security originally furnished.
15 The Board of Supervisors, however, on its own motion or at the request of the owner of
16 the subdivision, may grant additional time extensions, on a case-by-case basis, as it
17 deems appropriate, for substitution of acceptable security and commencement of
18 construction of the required improvements pursuant to agreements secured either by
19 Lien Agreements executed at the time of recordation of the map, or Lien Agreements
20 substituted for existing security.

21 (7) During the term of the Lien Agreement, legal ownership of the
22 property to be subdivided shall be transferred to a title company approved by the
23 Director of the Department of Public Works. No individual lots may be sold while the
24 Lien Agreement is in force. Fee title to the entire property encumbered by the Lien
25 Agreement, however, or to all lots designated on any individual final map which is
26 encumbered by the Lien Agreement, may be sold in the aggregate to a single
27 purchaser, provided that the proposed purchaser of the property must, prior to
28 assuming title to the property, either execute a new Lien Agreement in a form

1 acceptable to the County which will encumber the property to be conveyed, specifying
2 the respective obligations of the owners of property subject to the original and such new
3 Lien Agreement, or provide acceptable alternative security for the improvements the
4 County requires be constructed as a condition to development of the property
5 conveyed. Any new Lien Agreement must require that acceptable security be
6 substituted therefore, and the improvements secured thereby commenced by the same
7 date provided in the Lien Agreement with the original owner, unless such date shall be
8 extended as provided above.

9 (8) At the time of the approval of a Lien Agreement by the Board of
10 Supervisors, the owner of the subdivision shall provide a cash deposit in the amount of
11 \$15,000.00 to the Department of Public Works for the purpose of reverting the property
12 to acreage if the owner of the subdivision breaches the terms of the Lien Agreement. In
13 addition, at such time as title to any property subject to a Lien Agreement shall be
14 conveyed, the transferee thereof, if such transferee executes a new Lien Agreement to
15 secure construction of the improvements imposed upon such property as described
16 above, shall also provide a cash deposit in the amount of \$15,000.00 to the Department
17 of Public Works for the purpose of reverting the property to acreage if the owner of the
18 subdivision breaches the terms of the Lien Agreement. The effect of these
19 requirements shall be that each owner of property which is encumbered by a Lien
20 Agreement shall at all times have \$15,000.00 per Lien Agreement encumbering such
21 owner's property on deposit with the County for the purpose described herein. Any
22 unused portion of any such deposit shall be refunded to the owner of the subdivision
23 following completion of such reversion. If the costs of reverting the property to acreage
24 exceed \$15,000.00, the owner of the subdivision shall pay such additional costs to
25 County prior to recordation of the reversion to acreage map.

26 (9) When a Lien Agreement is utilized as security upon approval of the
27 map, offers of dedication for street purposes will not be accepted until the Lien
28 Agreement is released following substitution of acceptable alternative security and the

1 required improvements are completed to the satisfaction of the Director of the
2 Department of Public Works.

3 (10) The Lien Agreement shall be released upon substitution by the
4 owner of the subdivision of acceptable security for the Lien Agreement in order to begin
5 construction of the required improvements, or recordation of a reversion to acreage
6 map.

7 (11) The property to be subdivided must have sufficient equity to cover
8 the estimated delayed infrastructure cost at the time the Lien Agreement is processed.
9 The total estimate of delayed infrastructure costs shall not exceed 50 percent of the
10 appraised value. The County shall obtain a state certified general real estate appraiser,
11 at the developer's expense, to determine the property's value, equity, and conditions of
12 title.

13 (12) Prior to the approval of any time extension of the Lien Agreement,
14 the Director of the Department Public Works, in his or her sole discretion, may require
15 re-evaluation of the property's value at the developer's expense. If the lien amount
16 exceeds 50 percent of the appraised value, the County may elect to revert the property
17 to acreage utilizing the cash deposit.

18 (13) In no instance shall the Lien Agreement compel the County to
19 construct the required improvements.

20
21 **SECTION 19.** Subsections 810.01.200(j) through 810.01.200(eee) are amended
22 and relettered to Subsections 810.01.200(k) through 810.01.200(fff) respectively. For
23 example: Subsection 810.01.200(j) "Recreational Use" is amended and relettered as
24 810.01.200(k) "Recreational Use." Subsection 810.01.200(eee) "RV Sales" is amended
25 and relettered as 810.01.200(fff).

26
27 **SECTION 20.** Subsection 810.01.200(j) is added to Section 810.01.200 of the
28 San Bernardino County Code to read as follows:

1 **810.01.200 Definitions, "R".**

2 . . .

3 (j) **RECREATIONAL CABIN.** Existing legal non-conforming structure
4 authorized under the Small Tract Act of 1938, 43 U.S.C.A section 682a, or other
5 Homestead Act enacted by Congress. The structure is not considered a dwelling as
6 defined in the California Residential Code or primary use of a parcel, but is allowed
7 limited use under provisions of this Development Code.

8
9 **SECTION 21.** Severability. The Board of Supervisors declares that it would
10 have adopted this ordinance and each section, sentence, clause, phrase, or portion of it
11 irrespective of the fact that any one or more sections, subsections, clauses, phrases or
12 portions of it be declared invalid or unconstitutional. If for any reason any portion of this
13 ordinance is declared invalid or unconstitutional, then all other provisions of it shall
14 remain valid and enforceable.

15
16 **SECTION 22.** This ordinance shall take effect thirty (30) days from the date of
17 adoption.

18
19 _____
CURT HAGMAN, Chairman
Board of Supervisors

20
21 SIGNED AND CERTIFIED THAT A COPY
22 OF THIS DOCUMENT HAS BEEN DELIVERED
23 TO THE CHAIRMAN OF THE BOARD

24 LYNNA MONELL, Clerk of the
25 Board of Supervisors

26 _____

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.
3)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the 25th day of August, 2020, at which
7 meeting were present Supervisors: Janice Rutherford, Dawn Rowe, Curt Hagman, Josie
8 Gonzales, and the Clerk, the foregoing ordinance was passed and adopted by the
9 following vote, to wit:

10 AYES: SUPERVISORS: Janice Rutherford, Dawn Rowe, Curt Hagman,
11 Josie Gonzales

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: Robert A. Lovingood

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
15 seal of the Board of Supervisors this 25th day of August, 2020.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of the
18 County of San Bernardino,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 MICHELLE D. BLAKEMORE
24 County Counsel

25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____