

FINDINGS: USE PERMIT

Minor Use Permit for the construction and operation of a 5,637 square foot convenience store with 2 canopies and 18 fuel dispensers on approximately 4.88 acres of an 8.78-acre parcel located at the southwest corner of Highway 138 and Oasis Road, in the community of Pinon Hills in the Phelan-Pinon Hills General Commercial (PH/CG) Zoning District., 1st SUPERVISORIAL DISTRICT; APN: 3067-051-29; PROJ-2024-00030.

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the Minor Use Permit:

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The Project consists of an 8.78-acre site with a new gas station and 5,637 square feet (SF) convenience store with 18 fuel dispenser islands, 10 for passenger vehicles and 8 for commercial vehicles. The Project is designed to meet or exceed all required setbacks and height restrictions. Ingress and egress, circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed Project's property land use and zoning designations.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The site design provides both legal and physical access through three driveways: a proposed 50-foot-wide driveway from Oasis Road, a 40-foot-wide driveway and a 50-foot wide driveway from Buckthorne Road. The Project also includes roadway improvements along Oasis Road, extending approximately 60 feet into the Caltrans right-of-way for Highway 138, and will therefore require a Caltrans encroachment permit. Planned improvements include road widening, extension of the sidewalk to the existing curb ramp at the Oasis Road/Highway 138 intersection, installation of dashed and solid striping between north-south lanes, a 10-foot shoulder, a right-turn lane into the Project site, a dedicated turn lane to the adjacent post office, and the addition of a fire hydrant. All driveways will be built to County roadway standards to ensure proper alignment and integration with existing streets, and will be paved per County requirements. Additional improvements—curb, gutter, and sidewalks—will comply with County Code Table 83-11 standards for the desert region. The Project also provides 42 parking spaces, including two ADA-compliant spaces.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the General Commercial (CG) Zoning District and as such should

not have adverse effects on abutting properties. The Project is located within the Commercial land use designation of the community of Phelan, which is anticipated for development.

By establishing a service station at this location, the Project will reduce travel distances for customers and employees in and around Phelan, thereby improving accessibility and supporting local economic activity. Additionally, reducing the need for long-distance travel to similar gas stations potentially lowers overall vehicle emissions and congestion in the region. Security lighting will be installed, and is also designed to be downlit and focused on specific areas of concern

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed Minor Use Permit, together with the provisions for its design and improvement are consistent with the Countywide Policy Plan. The proposed Project as designed specifically implements the following San Bernardino Policy Plan goals and policies:

- **Policy LU-2.1 Compatibility with existing uses.**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: *The Project is appropriate because the use is allowed subject to a land use entitlement of a Minor Use Permit (MUP) and compatible with the size and scale of the surrounding residential/commercial characteristics. The proposed structures, fences and display area are designed to comply with all applicant site development standards including coverage, landscaping, height and setbacks.*

- **Policy LU-2.3 Compatibility with natural environment**

We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

Consistency: *The Project was reviewed by all responsible internal departments including Planning to ensure that design and development is consistent with mandated requirements. The Project proposes and is conditioned to install landscaping to soften the view of the commercial development to residential development to the south.*

- **Policy LU-2.4 Land Use Map consistency.**

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in the Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: *The Project is consistent with the Land Use Map and does not propose a change in the Land Use Category. As designed, the proposed use is generally compatible and consistent with surrounding land uses and community's identity.*

Phelan-Pinon Hills Community Action Guide

Community Focus Statement B: Encourage commercial and light industrial used in Phelan Pinon Hills.

- **Action Statement B.2** – Encourage more retail and service uses within the existing commercial zones by regularly updating the San Bernardino County Economic Development Agency (EDA) on local available sites.

Consistency: *The Project is proposing a new commercial use on an existing and available commercially zoned parcel adjacent to Phelan Road. The Project would add to needed commercial/service uses within the Phelan community.*

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

The Phelan/Pinon Hills Community Services District (CSD) will provide water services to the site. The Project will connect to existing water utilities in Oasis Road. Sewer will be provided onsite via a proposed septic system and associated seepage pits located in the southern portion of the Project site. Electricity is provided by Southern California Edison (SCE) and the Project will connect to existing SCE utilities along Oasis Road.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

The conditions of approval include measures that require the applicant/developer to comply with the performance measures outlined in the County Development Code. Therefore, the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The proposed project will need to comply with Title 24 and other state mandated building/construction requirements for efficiency, including lighting, solar, and heating/cooling systems.

FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT

8. THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT, SUBJECT TO IMPLEMENTATION OF THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES.

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.