



**SAN BERNARDINO COUNTY
PLANNING COMMISSION MEETING MINUTES**

County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, September 19, 2019

COMMISSIONERS PRESENT

Jonathan Weldy, Chair, First District
Ray Allard, Vice Chair, Second District
Michael Stoffel, Commissioner, Third District
Gabriel Chavez, Commissioner, Fourth District
Audrey Mathews, Commissioner, Fifth District
Airport Commissioners:
Joseph Fitzgerald, Airport Commission, First District
Jim Bagley, Airport Commission, Third District

STAFF PRESENT

Heidi Duron, Planning Director, LUSD
Jason Searles, Deputy County Counsel
Magda Gonzalez, Senior Planner, LUSD
Tom Nieves, Contract Planner, LUSD
Chrystale Sonick, Executive Assistant, LUSD
Lupe Biggs, Administrative Assistant I, LUSD

The Planning Commission Meeting of September 19, 2019, was called to order at 9:06 a.m. by Chair Weldy. Terri Rahhal, Director of Land Use Services led the Invocation and Chair Weldy led the Pledge of Allegiance.

1. a. APPROVAL OF MINUTES-AUGUST 8, 2019

Vice Chair Allard made a motion to approve the minutes for August 8, 2019, Commissioner Stoffel seconded the motion. The motion passed with a 5-0 vote.

b. ADVANCE SCHEDULE

The advanced schedule was presented by Chrystale Sonick, Executive Assistant.

c. DIRECTOR'S REPORT

Heidi Duron, Planning Director, stated that the Lytle Creek item went before the Board of Supervisors and was approved. She also reminded the Commission that the Moon Camp item would go before the Board of Supervisors on October 8, 2019.

d. COMMISSIONER COMMENTS

Commissioner Stoffel disclosed that he met with the developers for item 3 on the agenda and disclosed the facts and substance of the prior discussion. Chair Weldy stated that same that he also met with the developers for item 3 and took a self-guided field trip to the Project site.

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2. PUBLIC HEARING

APPLICANT: Money Samra
COMMUNITY: Newberry Springs/ 1st Supervisorial District
PROJECT NO: P201800242
LOCATION: 48243 Memorial Drive, Newberry Springs
STAFF: Magda Gonzalez, Senior Planner
PROPOSAL: General Plan Amendment to change the Land Use Zoning District from General Commercial (CG) to Service Commercial (CS) and a Conditional Use Permit to construct and operate a 12,525 square-foot truck service center (i.e., enclosed truck wash, mechanic shop, and tire shop with storage), and a 92,353 square-foot impound/towing facility.
CEQA RECOMMENDATION: Mitigated Negative Declaration
EST. TIME: 30 minutes

STAFF PRESENTATION:

Magda Gonzalez, Senior Planner, presented the staff report and memo to the Planning Commission, which report is on file with the Land Use Services Department.

RECOMMENDATION: That the Planning Commission recommend to the Board of Supervisors:

1. ADOPT the Mitigated Negative Declaration;
2. ADOPT the Findings as contained in the Staff Report;
3. APPROVE the General Plan Amendment to change the land use district from General Commercial (CG) to Service Commercial (CS);
4. APPROVE the Conditional Use Permit for the construction of a 12,525 square-foot truck service center and a 92,353 square-foot impound/towing facility, subject to the recommended Conditions of Approval; and
5. DIRECT the Clerk of the Board to file the Notice of Determination.

COMMISSION COMMENTS:

Vice Chair Allard stated that the 20 percent landscaping seemed a bit higher than usual and asked if it was required. Ms. Gonzalez responded that it was standard for that particular zoning designation.

APPLICANT COMMENTS:

Tom Steeno, representing the applicant stated that the Project was a great use for the current zoning and that they agreed with the Conditions of Approval.

Vice Chair Allard asked if the two service bays and service of trucks would be under a roof. Mr. Steeno replied they would be including the two washing bays.

Commissioner Chavez asked about the water discharge and if they foresee any issues with obtaining the necessary approvals and permits. Mr. Steeno replied that he did not foresee any issues. Ms. Duron clarified that there was not a discharge requirement.

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PUBLIC COMMENTS:

Ted Stimpfel, resident of Newberry Springs, spoke in opposition to the Project, stating concerns with the large amount of water that would be used, contaminated groundwater and he did not believe that the Initial Study was site specific.

Vickie Paulsen, resident of Newberry Springs, spoke in opposition to the Project, stating concerns with the wastewater and wanted to ensure that the applicant adhered to the recycling condition.

Paula Deel, resident of Newberry Springs, did not register in favor or against the Project, stating that the Initial Study did not state how the wastewater would be handled and she was concerned with groundwater pollution and the impact on the water table.

Sean Woboda, resident of Blue Jay, representing the IBEW Local 477 Union, did not register in favor or against the Project, he asked if the jobs for the Project would go to San Bernardino residents.

ADDITIONAL COMMENTS:

Ms. Gonzalez clarified that the truck water runoff would be stored in tanks which would be filtered and reused again. She specified that the water would not be released into the septic system or on site.

Chair Weldy asked about the supplemental documents that were provided. Ms. Duron stated that staff received the documents after the distribution of the staff report, which was why it was being presented to the Commission with a memo.

COMMISSION ACTION:

Commissioner Stoffel made a motion to approve staff's recommendation. Commissioner Chavez seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Stoffel
SECOND: Chavez
AYES: Weldy, Allard, Stoffel, Chavez, Mathews
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

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3. PUBLIC HEARING

APPLICANT: Daggett Solar Power Facility 1, LLC
COMMUNITY: Daggett and Newberry Springs/1st Supervisorial District
PROJECT NO: P201700679/CUP; P201900243/TPM
LOCATION: Along Valley Center Road and Minneola Road
STAFF: Tom Nieves, Contract Planner
PROPOSAL: Six Conditional Use Permits to construct and operate a 650MW photovoltaic solar power generating facility, including 450MW of battery storage, phased over the 3,500-acre project site; with Major Variances to exceed the height limit and allow transmission structures and lines at a maximum of 159 feet; Tentative Parcel Map 20083 to consolidate the 51 existing parcels into 15 parcels.

CEQA RECOMMENDATION: Certification of Environmental Impact Report (SCH No. 2018041007)

EST. TIME: 90 minutes

STAFF PRESENTATION:

Tom Nieves, Contract Planner, presented the staff report and memo to the Planning Commission, which report is on file with the Land Use Services Department.

RECOMMENDATION: That the Planning Commission:

1. APPROVE the Water Supply Assessment (Exhibit M), Appendix I-3;
2. CERTIFY the Final Environmental Impact Report (SCH No. 2018041007) (collectively, Exhibits H and I);
3. ADOPT the CEQA Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (collectively, Exhibits J and K);
4. ADOPT the recommended Findings for approval for the Conditional Use Permits (collectively, Exhibits C and D);
5. ADOPT the recommended Findings for approval for the Major Variances (Exhibit F);
6. ADOPT the recommended Findings for approval for Tentative Parcel Map 20083 (Exhibit G);
7. APPROVE the six Conditional Use Permits for the construction and operation of a 650MW photovoltaic solar power generating facility and up to 450MW of battery storage, with a Major Variance for each CUP to exceed the height limits for the installation of the transmission lines, subject to the recommended Conditions of Approval (Exhibit L);
8. APPROVE Tentative Parcel Map 20083, subject to the recommended Conditions of Approval (Exhibit L); and
9. DIRECT staff to file the Notice of Determination.

COMMISSION COMMENTS:

Airport Commissioner Bagley thanked staff and the commission for the invitation to hear the item. He stated his concerns about airport compatibility and the runway safety zones. He stated

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that this was expressed to the applicant when they came to airport commission. He further stated that the runway safety zones should be obstacle free for aircrafts and requested to see the language of the avigation easement required by the Conditions of Approval. Ms. Duron responded that the necessary adjustments would be made to Condition numbers 18 and 85 in order to address Commissioner Bagley's concerns.

Airport Commissioner Fitzgerald stated concerns with the approach and departure corridors if there is engine failures from the army who uses the Daggett/Barstow airport.

Commissioner Stoffel asked about what treatments would be in place for sand blowing. Mr. Nieves responded that there were a number of treatments and explained them.

Commissioner Chavez asked about the layout of the map in regards to the south side of the airport. Mr. Nieves stated that the Project hugs three sides of the airport.

Vice Chair Allard asked about the water rights. Mr. Nieves explained that the water rights stay with the property owner and went into more details.

Jason Searles, Deputy County Counsel, explained that an owner may have rights to the property and to the water.

APPLICANT COMMENT:

James Kelly, with Clearway, developer for the Project, presented a PowerPoint which is on file with the Land Use Services Department.

Airport Commissioner Bagley stated that he was relieved the applicant would have an object free runway protection.

Chair Weldy asked if in the event the developer was to go out of business what would happen. Mr. Kelly responded that before the Project was approved they would have to submit a decommission plan and financial security for decommissioning which would be with each phase of the Project.

George Kenline, Environment Compliance Manager, explained further the decommissioning plan, revegetation plan and bonds that would need to be in place.

PUBLIC COMMENTS:

Cindy Charlton, resident of Newberry Springs, did not register in favor or against the Project, stating concerns about fire, water usage and that the Project would not benefit the community.

Pat Flanagan, resident of Twentynine Palms, spoke in opposition to the Project and submitted materials to the Commission, which is on file with the Land Use Services Department. She expressed concerns about plants and dust.

Steve Bardwell, resident of Pioneertown, spoke in opposition to the Project, stating concerns with the EIR and air quality not being mitigated.

Paula Deel, resident of Newberry Springs, spoke in opposition to the Project, stating concerns with blowing dust, water usage, mitigation measure needing to be met and the Project being too close to residences.

Pamela Barber, resident of Newberry Springs, spoke in opposition to the Project, stating that the Project was too close to the residents, would not benefit the community and property would be effected.

James Barber, resident of Newberry Springs, registered his opposition to the Project but did not wish to speak.

Vickie Paulsen, resident of Newberry Springs, registered in opposition to the Project, stating that she was an opponent of the Project but read the EIR and changed her position, stating she was pleased with the changes made in the grading and the height of the panels. She was also happy to see the water rights agreement. She also stated she changed her stance because of global warming and hopes the Project would help ease away from that. But, phase three effects the residents because the panels are so close to their properties that the values will go down and will have a visual impact.

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Terry Walters, resident of Newberry Springs, spoke in opposition to the Project, stating that views and air would be impacted by the Project.

Robert Kasner, resident of Newberry Springs, spoke in favor of the Project, stating that he was a farmer and a portion of his land was included in the Project. He explained that it was becoming a hardship to farm because the decrease in water that is allowed to be used. He stated that the Project would be compatible with the area and would not use as much water as the farmers would.

Carlos Leomis, resident of San Bernardino, representing the local union, spoke in favor of the Project stating it would provide local jobs.

Louie Lopez, resident of San Bernardino, representing Ironworkers Local 433, spoke in favor of the Project, stating that the Project meets the current Renewable Energy Conservation Element policy and would provide jobs to the community.

Andrew Harter, resident of Newberry Springs, spoke in favor of the Project, stating that he was a local farmer in Newberry Springs and part of his land is in the Project area. He explained that farming has changed because of the water usage and they cannot maintain current crops which would result in erosion, tumble weeds and dust because they cannot keep the fields green.

Ted Stimpfel, resident of Newberry Springs, spoke in opposition to the Project, stating that the Project does not meet the criteria of the Development Code. He also stated concerns for the sand/dust blowing which could cause health problems and environmental issues.

Gayle Burch, resident of Newberry Springs, spoke in opposition to the Project, stating concerns with the environmental impacts, visual impacts and increase of dust blowing. She requested the applicant find an alternative location.

Daniel Dedrick, resident of San Francisco, spoke in favor of the Project, stating he was the Senior Manager of Clearway and supports the Project.

Ed Bondaman, resident of San Bernardino, spoke in favor of the Project, stating that he had been working on the Project since 2016 and the Project location was a good area for the Project.

Rick Coles, resident of Germontown, spoke in favor of the Project, stating he was the aviation consultant for the Project and supported it.

Jared Foster, resident of San Francisco, spoke in favor of the Project, stating he worked with Clearway and supported the Project.

Patrick Sullivan, did not register where he resides, spoke in favor of the Project, stating he worked with Clearway and supported the Project and looked forward to earning the trust of the community.

Soo K Lee, resident of Arcadia, registered in support of the Project but was not present when called upon to speak.

Hyang Lee, resident of Arcadia, registered in support of the Project but was not present when called upon to speak.

Jayson Baiz, did not register where he resides, spoke in favor of the Project, representing Liuna Local 783, stating that the Project would create local jobs and help build career paths for future employees.

Benjamin Lopez, resident of Barstow, did not register if he was in favor or opposition to the Project, representing Liuna Local 783, was not present when called upon to speak.

Clarence Lando, resident of Barstow, registered in support of the Project, representing Liuna Local 783, was not present when called upon to speak.

Jose Ramirez, resident of San Bernardino, spoke in favor of the Project, representing Liuna, stated that the Project was a good opportunity for positions in the high desert.

Veronica Shaw, resident of Newberry Springs, spoke in opposition to the Project, stating that it ignored the effect the Project would have on the human population and air quality on the community.

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Brian Hammer, resident of Adelanto, spoke in opposition, submitted a packet to the commission which is on file with Land Use Services and explained it to the Commission. He expressed concerns on disturbing the soils, vegetation and dust issues.

Sean Sovaboda, resident of Blue Jay, representing IBEW 477, did not register if he was in favor or in opposition to the Project, stated that Clearway had a labor agreement and would be hiring locally. He also stated that the panels would take less water usage than farming.

Jon Texeira, resident of Santa Ana, spoke in favor of the Project, stating that he owned property in zone one and the area was desolate area and that the grass grows when it rains.

Jose Garcia, resident of San Bernardino, spoke in favor of the Project, representing the local union, stating that people need to adapt to change and that the Project would create local jobs and apprenticeship opportunities. He referenced Germany stating that they have an abundance of solar panels and got away from fossil fuels.

Glen Van Dam, resident of San Jacinto, spoke in favor of the Project stating that he owned property in the Project area and because of the cutbacks in water they are only able to grow alfalfa. He stated that the farmers had to make a decision for their future and the Project was a good option.

ADDITIONAL APPLICANT COMMENTS:

Mr. Kelly stated that he felt the overview he previously presented was thorough and that the analysis was consistent.

ADDITIONAL COMMENTS:

Commissioner Chavez stated that he appreciated the presentation from Brian Hammer as well as the others that were for and against the Project.

Commissioner Mathews stated that she felt the Project was good for the community and provided local jobs.

Vice Chair Allard asked what the percentage of the Project was farmland. Mr. Nieves responded that it was 40 percent of the Project.

Vice Chair Allard asked about vegetation under the solar panels. Mr. Kenline responded that revegetation would be successful underneath the solar panels.

Vice Chair Allard asked if the panels would have a lake effect. Mr. Kelly stated that the panels would have white lines so it would not create a lake effect.

COMMISSION ACTION:

Commissioner Chavez made a motion to approve staff's recommendation with additional language to the Conditions of Approval Nos. 59 and 85 and the addition of the additional findings provided at the hearing. Commissioner Mathews seconded the motion. The motion passed with a 7-0 vote.

COMMISSION VOTE

MOTION: Chavez
SECOND: Mathews
AYES: Weldy, Allard, Stoffel, Chavez, Mathews, Fitzgerald, Bagley
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

4. WORKSHOP Planning Commission Training
STAFF: Jason Searles, Deputy County Counsel
The workshop was continued to the next Planning Commission hearing.

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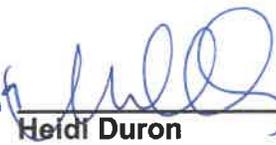
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5. PUBLIC COMMENTS:

Chair Weldy opened the Public Comments at 2:12 p.m. Having no requests to speak, Chair Weldy closed the Public Comments at 2:12 p.m.

6. ADJOURNMENT:

There being no further business, Commissioner Stoffel made a motion to adjourn the meeting. Commissioner Mathews seconded the motion. The meeting was adjourned at 2:13 p.m.

 Chair Weldy Chair Weldy, Planning Commission	Date 12/5/19	 Heidi Duron Planning Director, Land Use Services Department	Date 12/5/2019
 Chrystale Sonick Executive Assistant, Land Use Services Department	Date 12-5-19		
