

RESOLUTION NO. 2019-_____
FIRST CYCLE 2019 GENERAL PLAN LAND USE ELEMENT AMENDMENT

On Tuesday, October 8, 2019, on motion by _____, duly seconded by _____, and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, Section 65358 of the California Government Code requires that any mandatory element of the General Plan shall be amended no more than four (4) times during any calendar year; and

WHEREAS, the General Plan Amendment contained in this resolution constitutes the first amendment to the San Bernardino County General Plan Land Use Element in 2019; and

WHEREAS, the San Bernardino County Planning Commission and Board of Supervisors have conducted legally noticed public hearings during which the project(s) comprising the First Cycle amendment of the Land Use Element were considered and testimony received; and

WHEREAS, the Board of Supervisors has made the findings necessary to adopt the General Plan Amendment;

THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby amends the San Bernardino County General Plan Land Use Element as follows:

**MOONCAMP DEVELOPMENT PROJECT, RCK PROPERTIES, INC./3rd SUPERVISORIAL DISTRICT
LUZD MAP FI09A**

SECTION 1.

The General Plan Land Use Zoning District Maps are amended as shown on the attached map marked "LUZD MAP FI09A" from Bear Valley Community Plan/Rural Living-40 Acres Minimum (BV/RL-40) to Bear Valley Community Plan/Single Residential-20 Acres Minimum (BV-RS-20M), on 62.43 acres, located north and south of North Shore Drive (Highway 38), approximately 180 feet east of Canyon Road, in the unincorporated Big Bear/Fawnskin area in conjunction with a Tentative Tract Map (No. 16136) application filed by RCK Properties, Inc. (Applicant) which will create 50 single-family residential lots with a minimum lot size of 20,000 square feet, an average lot size of 39,000 square feet and a range of lot sizes from 20,000 square feet to 2.7 acres (Project).

FINDINGS FOR THE GENERAL PLAN AMENDMENT (GPA):

1. The proposed amendment is internally consistent with all other provisions of the General Plan and the Big Bear Community Plan, because the zoning district change is consistent with the goals and policies of the General Plan and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The amendment is consistent specifically with the following General Plan goals and policies:

Conservation Element:

Goal M/CO 1. Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas.

Consistency: On-site and off-site conservation areas are proposed which preserve unique environmental features affecting native wildlife and vegetation. The scenic vistas of Big Bear Lake are preserved by the removal of all originally proposed lakefront residential development.

Policy M/CO 1.2. Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.

Consistency: The proposed Project site is at a lower elevation than the existing residential development and National Forest land to the north. No major ridgelines will be affected by the proposed development.

Goal M/CO 2. Maintain the health and vigor of the forest environment.

Consistency: The proposed Project sets aside approximately 6.2 acres of the site for Open Space, Neighborhood Lake Access and Conservation Easements in three lettered lots, plus another lettered lot designated for the marina parking lot. In addition, a 10-acre off-site pebble plain habitat currently owned by the Applicant would be dedicated as a Conservation Easement. With no residential development along the lakeshore, the scenic beauty of the lakeshore is conserved. In addition, the use of the property's shoreline as Open Space/Conservation to preserve willow flycatcher habitat, and to minimize the number of trees that would be removed, would continue to provide habitat for a number of bird and mammal species that currently use the site.

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Goal M/CO 3. Conserve and protect surface and groundwater resources to meet the needs of a growing mountain population, to support the mountain environment and forest watershed and to preserve the quality of life for mountain residents and visitors.

Consistency: The County has prepared a number of studies to determine the level of service and infrastructure required of the Project, including Water and Sewer Feasibility Studies and a Traffic Impact Analysis, as well as an updated Focused Traffic Impact Analysis (2016)(TIA). These studies show that the Project can provide water service for future residential development of the 50 lots via two on-site domestic wells (the third on-site well is a monitoring well) and that there is capacity within the existing sewer and wastewater treatment system to accommodate 50 new residential lots. Domestic potable water services will be provided by the City of Big Bear Lake, Department of Water and Power. The TIA also shows that with implementation of design improvements and the payment of the Applicant's fair share of road/signal infrastructure, impacts on Traffic and Circulation would be less than significant.

Goal M/CO 5. Preserve the dark night sky as a natural resource of the Mountain Region.

Consistency: The Project will comply with development code regulations pertaining to dark night sky protection and safety standards.

The Project's consistency with the General Plan and Big Bear Community Plan's goals and policies are further stated within the Land Use and Planning sections of the 2005 Final Environmental Impact Report (EIR)(SCH No. 2002021105), the 2010 Draft Revised and Recirculated EIR No. 1, the 2011 Draft Revised and Recirculated EIR No. 2, the 2018 Final EIR (collectively hereafter "EIR"), technical studies attached as Appendices to the Draft EIRs, the Final EIR, and California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Consideration, all of which are part of the administrative record and incorporated herein by reference.

2. The proposed GPA would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

Consistency: The amendment facilitates a Project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services; the Project will promote significant economic development within the local community, including construction jobs, increased recreation and increased tourism, all of which support local businesses such as recreation/retail establishments, building supplies and materials establishments, as well as eating and lodging establishments; the Project, in providing lower density development than the existing residential development in the immediate area, will diversify the housing types, lot sizes and residential densities available within the community; the Project formally sets aside valuable habitat for the protection of the most sensitive biological resources by means of the establishment of conservation easements on both on-site and off-site lands; the Project formally establishes public access to the north shore of Big Bear Lake and conserves the scenic beauty of the lakeshore viewshed.

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3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.

Consistency: The Project will provide housing opportunities on 50 residential lots while maintaining the goals and policies of the County General Plan and the Bear Valley Community Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The proposed Project retains and protects the existing mountain character of the community, an identified goal of the Bear Valley Community Plan, by preserving viewsheds of the lake and leaving harmonious open spaces and conservation areas. In addition, the Project designates nearly an acre to neighborhood lake access, does not include any residential development along the lakeshore, conserving the scenic beauty of the lakeshore, and has a lower density than other existing residential uses in the immediate area. The Project will also promote significant economic development within the community, including construction jobs, increased recreation and increased tourism.

4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

Consistency: The Project site is located adjacent to existing residential development to the north, northwest and southeast. Existing SR-38 will provide vehicular access to the Project site and all necessary public services and infrastructure are available.

5. The proposed land use zoning district change does not conflict with provisions of the Development Code.

Consistency: The Project site conforms to the size and location criteria specified for the Single Residential land use district and all other applicable Development Code requirements.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.

Consistency: The Project includes appropriate mitigation measures and conditions of approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property.

7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

Consistency: The site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the County Fire Department, which has reviewed the Project and provided appropriate conditions of approval. The Project will have access to sufficient permitted off-site solid waste storage and landfill capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified conditions of approval.

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8. The EIR adequately describes the environmental impacts that will result from the proposed Project and reflects the County's independent judgment.

Consistency: The EIR determined that all impacts will be less than significant with mitigation measures, with the exception of impacts to the Bald Eagle. A Statement of Overriding Considerations is offered to address this impact. Appropriate mitigation measures have been incorporated for all other impacts into the Conditions of Approval and into the Mitigation Monitoring and Reporting Program. This will ensure that all other impacts are reduced to a level of non-significance.

FINDINGS FOR THE BEAR VALLEY COMMUNITY PLAN (BVCP):

BV2.2 Goals and Policies:

Goal BV/LU 1. Retain the existing mountain character of the community.

Consistency: The proposed residential development, with a minimum lot size of 20,000 square feet, and average lot size of 39,000 square feet are significantly larger than the existing residential development of 7,200 square foot lots and will not detract from the community character, areas with highly sensitive visual resources are not developed for residential uses, conservation areas are established to protect the most valuable biological resources within the Project area and the waterfront will become accessible to the public.

Policy BV/LU 1.1. Require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character.

Consistency: The proposed residential development, with a minimum lot size of 20,000 square feet, and average lot size of 39,000 square feet are significantly larger than the existing residential development of 7,200 square foot lots and will not detract from the community character, areas with highly sensitive visual resources are not developed for residential uses, conservation areas are established to protect the most valuable biological resources within the Project area and the waterfront will become accessible to the public.

Policy BV/LU 1.2. In recognition of the community's desire to preserve the alpine character and protect the area's natural resources, projects that propose to increase the density of residential land uses ... should only be considered if the following findings can be made:

- A. That the change will be consistent with the community character. In determining consistency, the entire General Plan and all elements of the community plan shall be reviewed.

Consistency: The proposed development, with a minimum lot size of 20,000 square feet, and average lot size of 39,000 square feet has significantly larger lots than the existing residential development of 7,200 square foot lots and will not detract from the community character and is compliant with all other aspects of the Community Plan.

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- B. That the change is compatible with surrounding uses, and will provide for a logical transition in the plan area's development. One way to accomplish this is to incorporate planned development concepts in the design of projects proposed in the area.

Consistency: The proposed residential development, with a minimum lot size of 20,000 square feet, and average lot size of 39,000 square feet are significantly larger than the existing residential development of 7,200 square foot lots and will be compatible with the existing surrounding land uses in the area.

- C. That the change shall not degrade the level of services provided in the area, and that there is adequate infrastructure to serve the additional development that could occur as a result of the change. Densities should not be increased unless there are existing or assured services and infrastructure, including but not limited to water, wastewater, circulation, police and fire, to accommodate the increased densities.

Consistency: All infrastructure, public facilities and services are available to serve the Project.

Policy BV/LU 1.3. Regulate the density of development in sloping hillside areas in order to reduce fire hazards, prevent erosion, and to preserve existing vegetation and the visual qualities of the plan area. One method to accomplish this is by requiring adherence to the following hillside development standards required by the Fire Safety Overlay:

- A. Residential density: the density of a development for any tentative parcel map or tentative tract map in sloping hillside area shall be in accordance with the following criteria:
- i. One to four (1-4) dwelling units per gross acre on slopes of zero to less than fifteen percent (0 - <15%);
 - ii. Two (2) dwelling units per gross acre on slopes of fifteen to less than thirty percent (15 - <30%);
 - iii. One (1) dwelling unit per three (3) gross acres on slopes of greater than thirty percent (> 30%) gradient.

Consistency: The Slope Analysis indicates that the Project could yield 142 dwelling units pursuant to the slope/density criteria established herein. The Project is only proposing 50 units.

Goal BV/CI 1. Ensure a safe and effective transportation system that provides adequate traffic movement while preserving the mountain character of the community.

Consistency: Traffic and Circulation are discussed in detail in Section 4.8 of the 2010 RRDEIR and confirmed in the TIA. Mitigation measures incorporated into the Project design will ensure a safe and effective transportation system that provides adequate traffic movement while still preserving the mountain character of the community.

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BV/CI 1.4. Preservation and protection of sensitive habitats shall have priority over road location, relocation or realignment, when other practical alternatives are available.

Consistency: Road locations have avoided sensitive habitats to the greatest extent practical.

BV/CI 1.6. Minimize the traffic load on mountain major highways and mountain secondary highways by requiring projects to minimize direct access to these main circulation roads.

Consistency: No residential lots front on or gain access from SR38.

Goal BV/CI 5. Ensure adequate water sources and associated infrastructure to serve the needs of existing and future water users in the Bear Valley Community Plan area.

Consistency: The County has prepared a number of studies to determine the level of service and infrastructure required of the Project, including Water and Sewer Feasibility Studies and a traffic impact analysis, as well as the TIA. These studies show that the Project can provide water service for future residential development of the 50 lots via two on-site domestic wells (the third on-site well is a monitoring well) and that there is capacity within the existing sewer and wastewater treatment system to accommodate 50 new residential lots. Domestic potable water services will be provided by the City of Big Bear Lake, Department of Water and Power. The TIA also shows that with implementation of design improvements and the payment of the Applicant's fair share of road/signal infrastructure, impacts on Traffic and Circulation would be less than significant.

Policy BV/CI 5.1. Through the development review process, permit new development only when adequate water supply exists or can be assured.

Consistency: Water supply and service has been confirmed by the City of Big Bear Lake, Department of Water and Power.

Goal BV/CO 1. Preserve the unique environmental features of Bear Valley including native wildlife, vegetation and scenic vistas.

Policy BV/CO 1.6. Allow no more than 2 dwelling units per gross acre in "Known Day Use Area" eagle habitat and up to 4 dwelling units per gross acre in "Potential Day Use Areas" eagle habitat.

Consistency: The Project proposes less than one dwelling unit per gross acre.

Policy BV/CO 1.7. Construction and other building-related activities shall be restricted from December 1 through April 1 within "Known Day Use Area" eagle habitat.

Consistency. Pursuant to the Project's conditions of approval and the Draft Long-Term Management Plan for Bald Eagle and Rare Plant Habitat, the entire lakefront area, lakeward of SR-38, and other known day use areas will be closed to human entry from December 1 to April 1 during the season when wintering bald eagles may be in the area."

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Goal BV/OS 4. Ensure protection of lakes within the plan area and their role in meeting the recreation needs of locals and visitors

Policy BV/OS 4.3. Protect access to Big Bear Lake from the north shore.

Consistency: No lakefront residential development is proposed. Public access to the lake is provided.



SECTION 2.

The General Plan Land Use Zoning District Map Amendment shall become effective thirty (30) days after the adoption of this resolution. This resolution was passed and adopted by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of _____.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

Approved as to Legal Form
MICHELLE D. BLAKEMORE
County Counsel

By: _____
BART BRIZZEE
Principal Assistant County Counsel

Date: _____