

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

August 25, 2020

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

An Ordinance Amending the County Development Code with Updates and Clarification to Various Sections

RECOMMENDATION(S)

1. Conduct a public hearing to consider an ordinance amending Title 8 of the County Code (Development Code) to revise regulations relating to recreational cabins, camping, manufactured homes over 10 years old, landscaping, signs, and lien agreements, with updates, corrections and clarification to various code sections relating to floodplain safety overlay, community gardens, and short-term rentals.
2. Make alterations, if necessary, to the proposed ordinance.
3. Approve introduction of the proposed ordinance.
4. Adopt the findings contained in the staff report.
5. Read title only of the proposed ordinance; waive reading of the entire text and adopt **Ordinance No. 4393** ordinance amending Title 8 of the County Development Code.
6. Direct the Clerk of the Board to file a Notice of Exemption.
(Presenter: Heidi Duron, Planning Director, 387-4110)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the additional use of Discretionary Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Administrative Division's 2020-21 budget.

BACKGROUND INFORMATION

The proposed ordinance would amend the County Development Code (CDC) to provide updates and clarifications relating 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. Other proposed amendments include changes to definitions, text corrections, and section references as further detailed below.

Summary of the Proposed Ordinance

Camping or Occupancy of Temporary Structure Prohibited - Subsection 84.25.070 (a)(2),

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(c)(2) and 810.01.200 are amended to add clarification regarding the exemption for recreational camping and to add the definition for Recreational Cabin.

Minimum Residential Construction Standards - Subsection 84.21.030(i)(2) is amended to update certification from an architect or engineer to the state (California Department of Housing and Community Development) for manufactured homes if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit.

Landscape Grading Plan - Subsection 83.10.050(a)(8) and Subsection 83.10.070(e) are amended to update the amount of cubic yards proposed to be graded when landscape grading plans are required.

On-Site Signs - Table 83-31 of Subsection 83.13.050 is amended to correct typographical errors.

Lien Agreements - Subsection 87.07.040(d) readopts Lien Agreements as an acceptable form of security after expiring due to a sunset clause, with the exception of paragraph (14).

Location on Same or Contiguous Abutting Parcel - Subsection 84.01.020 (f) is being amended to clarify development standards for contiguous parcels.

Floodplain Safety (FP) Overlay - Subsections 82.14.040(a)(1)(4), (b)(1), and (c)(1) are amended to update development in floodplains.

Residential Land Use Zoning District Development Standards - Mountain Region - Table 82-9B of Section 82.04.060 is amended to remove the second sentence of note 2 "The setback provisions of the small lot development standards (Chapter 84.22) shall not apply" since small lot development standards are not excluded from parcels located in the Fire Safety Overlay.

Community Gardens - Table 82-4 of Section 82.03.040, Table 82-17 of Section 82.06.040 and Table 82-7 of Section 82.04.040 are amended to add Community Gardens as an allowed use.

Short-Term Residential Rentals - Table 82-4 of Section 82.03.040 is amended to add Short-Term Residential Rentals as an allowed use with a Special Use Permit in the Resource Conservation (RC) and Agriculture (AG) Land Use Zoning District. Subsection 84.28.020 is also amended to authorize a legal nonconforming residential structure in the Mountain and Desert Regions to be eligible for a Short-Term Residential Rental permit.

Planning Commission

The proposed ordinance was considered in a public hearing by the Planning Commission on June 18, 2020. During the public hearing, the Planning Commission asked questions for clarification and expressed concern regarding the removal of Lien Agreements as an acceptable security. Acknowledging those concerns, staff and counsel explained the Board of Supervisors' decision to adopt Lien Agreements as an acceptable security in 2008 included the expiration date of December 31, 2015. The Planning Commission recommended that Lien Agreements

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remain as an acceptable form of security with the re-adoption of subsection 87.07.040(d) with the exception of paragraph (14), which mentions the expiration date.

The Planning Commission also recommended establishing a different time period for use of Recreational Cabins in Section 84.25.070(a)(2) than what was originally proposed by staff, to allow an existing Recreational Cabin to be used for no more than 14 consecutive days in a 30-day period, when used for recreational camping.

The Planning Commission unanimously (5-0) recommended approval of the proposed Ordinance with the above modifications regarding Lien Agreements and the 14 day allowed use of Recreational Cabins.

California Environmental Quality Act Compliance

The proposed ordinance qualifies as exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA does not apply to a project if it can be seen with certainty that the project would not have a significant effect on the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on July 30, 2020; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on August 5, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 6, 2020.

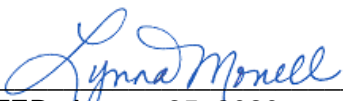
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED AS AMENDED

Moved: Dawn Rowe Seconded: Janice Rutherford
Ayes: Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales
Absent: Robert A. Lovingood

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 25, 2020



cc: File - Land Use Services Department w/ attachments and
Ordinance

jm 09/11/2020