



Post Office Box 24
Joshua Tree CA 92252
www.mbconservation.org
appealmbca@gmail.com

2/3/2025

San Bernardino County Board of Supervisors
385 N Arrowhead Ave
San Bernardino County, CA 92415

Appeal Application 25TMP-005546
APN: 0602-361-04
Project No.: PROJ-2021-00169
Hearing Date: January 23, 2025

List of Supporting Documents

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**Appeal of the January 23, 2025, Planning Commission Decision
Lovemore Ranch HOA development proposed for Joshua Tree
PROJ-2021-00169**

We, the Morongo Basin Conservation Association (MBCA), believe there was an improper public notification and review process, including an incomplete and incorrect record given to the Planning Commission for review.

These deficiencies misled the decision-making process for the Planning Commission and severely diminished dissenting voice of community members. These actions disrespected both the Planning Commission and members of the Joshua Tree Community.

We believe an appeal of this decision to the Board of Supervisors is warranted to rectify the deficiencies in this process.

A. Requested Action:

DISSAPPROVE the Project, DISSAPPROVE the adoption of a mitigated negative declaration.

B. Alternate Action:

Return the project to the Planning Commission for reconsideration to allow the incorporation of the complete record of comments in the County decision-making process.

Reconsideration will provide County Planning the opportunity to correct these errors.

We ask that the Tentative Tract Map approval of January 23rd be rescinded due to the issues listed below. Following this rescission we ask to:

1. Reopen the Initial Study comment period for the required 30 days, with proper noticing.
2. Update the Staff Report to consider the entire scope of the proposed project with all comment letters included.
3. Have the Planning Commission reconsider the case with the review of a complete record. There should be a properly noticed hearing with an accessible comment process for the community. The District 3 Planning Commissioner should be in attendance.
4. Provide noticing to all residents within 1320' of the property. Noticing should be sent to all those signed up for the Desert Region Planning updates, to all who have submitted comments since the project start in 2021, to the 70 to 100 people that attended the public meeting in Joshua Tree in August of 2024, and the notice should be put in local radio, papers, and social media.

There are potentially acceptable alternative project designs, with proper review and public input:

- 1) An affordable housing design project that is consistent with the Joshua Tree Community Plan/Community Action Guide, General Plan, and Development Code. It must leave native plants in place as appropriate, does not blade/scrape the entire site and maintains the scale and character of the surrounding community.

or

- 2) Construct market rate housing with no HOA, no gate, and 1 to 2 lots per acre. Maintain a degree of open space along Alta Loma, with no driveways on to Alta Loma, design around Joshua trees, leave native plants in place to the extent possible, and perform no mass grading. Only build out the lots as they are sold, and please use local builders.



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**Appeal of the January 23, 2025 Planning Commission Decision
Lovemore Ranch HOA development proposed for Joshua Tree
PROJ-2021-00169**

We, the Morongo Basin Conservation Association (MBCA), believe there was an improper public notification and review process, including an incomplete and incorrect record given to the Planning Commission for review.

These deficiencies misled the decision-making process for the Planning Commission, clearly manipulating prejudice towards the developer. These actions disrespected both the Planning Commission and the Joshua Tree Community.

We believe an appeal of this decision to the Board of Supervisors is warranted to rectify the deficiencies in this process.

We would alternatively suggest a second chance to re-do the process, to give County Planning the opportunity to correct these errors. Rescind the January 23rd tentative tract map approval due to the issues listed below, then:

Reopen the Initial Study comment period for a full month, with proper noticing.

Update the Staff Report with all comment letters included.

Have the Planning Commission reconsider the case with the review of a complete record. There should be a properly noticed hearing with an accessible comment process for the community. The District 3 Planning Commissioner should be in attendance.

Provide noticing to all residents within 1320' of the property. Noticing should be sent to all those signed up for the Desert Region Planning updates, to all who have submitted comments since the project start in 2021, to the 70 to 100 people that attended the public meeting in Joshua Tree in August of 2024, and the notice should be put in local radio, papers, and social media.

Part One Illegitimate Public Review Process

With 11 active and engaged directors and over 100 members, the first we, the Morongo Basin Conservation Association (MBCA), learned the project was going to hearing, a day after it happened, late in the afternoon of Friday, January 24th.

There was no one at the hearing to comment because no one knew it was happening. We only heard about it on the Friday, due to one pro-active member who periodically reviews the County agendas and saw it. No notification was sent to MBCA, even though we had submitted detailed comment letters on May 27, 2022 and August 7, 2024 and multiple members attended the public meeting on August 29, 2024. Previously we received notification of initial study release and hearings after submitting comments.

Reasons why we feel this was an illegitimate process:

1) There was improper notification for both the Initial Study comment period and for the Planning Commission Hearing, which as a result effectively sabotaged public comment.

a) As of now we have only heard of two neighbors that received notification of the hearing. That is why no one from the public in opposition to the project commented to the Planning Commission.

- b) Multiple members of MBCA are signed up for notifications on the County's Desert Region planning document site, and not one received notification about the Initial Study release in October, nor the hearing on Thursday January 23, 2025.

Here is an example of one of these notifications on another project, received back in May:

You are subscribed to Planning Environmental Desert for San Bernardino County, California. A Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Lenwood Avenue EV Charging and Logistical Facility has recently been updated, and is now available using the link below.

<https://lus.sbcounty.gov/planning-home/environmental/desert-region/>

Update your subscriptions, modify your password or e-mail address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your e-mail address to log in. If you have questions or problems with the subscription service e-mail subscriberhelp.govdelivery.com for assistance. All other inquiries can be directed to communications@cao.sbcounty.gov

This service is provided to you at no charge by San Bernardino County. Visit us on the web at <http://www.sbcounty.gov/>.

- c) All who submitted comments, especially during the two comment periods in May of 2022, and August of 2024 should have received notification of both the Initial Study and the Hearing.
- d) An email list was signed by the 70 to 100 people who attended the public meeting in August of 2024. They had every expectation they would be notified.
- e) The Community heard nothing about this hearing from our County Supervisor, Field Representatives, nor our Planning Commissioner even with it being such a controversial project.
- f) There were no notices on our local radio, in the local paper, or on social media.
- g) The developer claims he put a notice on his website, but the community should not be expected or burdened with the task of reviewing his website on a daily basis. That notice was not there when we looked on 1/29.

- 2) The notification that did go out to just a few people created an obstacle for public comment.**

There is no indication on the notice delivered, that the Bob Burke Center in Joshua Tree would be open for comments.

This lack of accessibility is a deterrent and obstacle for public comment. One individual that received the notice said he decided not to comment because he didn't have time to drive to San Bernardino and had already sent in a written comment (his is included in the staff report). That drive is close to an hour and a half with normal traffic. This deficiency effectively sabotaged public comment.

- 3) The Bob Burke Center in Joshua Tree was apparently NOT opened for comment which set up another obstacle for public comment. It appeared from the video of the hearing that this situation was misrepresented to the Planning Commissioners.**

The fact that no one was there to comment was because no one knew about the hearing, and because the Bob Burke Center was not open.

We have attempted to get a confirmation from our Board of Supervisors office and LUS Planning Commission office, as to whether the Bob Burke Center was open. As of the sending of this email, we have yet to receive an answer. We asked a reliable source who was present in that Center during the entire morning, and they say no sign of the security guard or the County being there to enable the remote commenting. Thus, as this should be a rather quick fact to clarify, we can only conclude that the Center was not open for comment.

There appears to be a misleading status of the situation given to the Commission during the hearing. See the transcribed comments from the hearing below.

The Commissioners were left with the impression that the Center was open and no one bothered to show up, which then directly impacted their attitude and vote.

4) Incomplete record on the Staff Report, which misled the Planning Commissioners.

- a) We are in the process of finding and collecting all the comment letters that were not included in the Staff Report.
- b) There were at least four people we spoke with that sent in emails in August of 2024, which are also not included. One of our Directors sent in a comment letter in May of 2022, and that was not included.
- c) There are others that we think would have written, but we do not see their emails.
- d) MISSING in the Staff Report – which the Planning Commissioners use and depend on to determine their vote- are two detailed letters from the Morongo Basin Conservation Association from May 27, 2022 and August 7, 2024.

Needless to say, all the above means that the Planning Commissioners were working with an incomplete and potentially biased record.

5) Our 3rd District Planning Commissioner was not present for the hearing.

There were at least two particularly important agenda items in his district on January 23rd. He is supposed to represent the interests of the constituents of his district. The other Commissioners, and for that matter the 3rd District Commissioner himself, all live an hour to two hours away from Joshua Tree. With such a distant and off-balance representation, we should be able to depend on a Planning Commissioner to be familiar with our community and to show up to defend the interests of the community members he was appointed to represent.

6) Since the developers knew there was an initial study and a hearing, and the community did not, they were given an unfair advantage of

being able to meet with the Planning Commissioners prior to the hearing.

- 7) Please see below in the transcription of the January 23, 2025 hearing how the inadequate public review process led directly to a decision in favor of the developers. There were multiple opportunities for the Planning staff to correct the false impression of the Planning Commissioners that the Bob Burke Center was open. They did not.**

Time stamp

0.00:10-0.00:22

At the top of the meeting Chair Weldy said “I’d also like to provide a special welcome—my understanding is that we ‘re using a remote today? So we have people joining us from the Bob Burke Center in Joshua Tree. I can’t see you yet, but welcome...to the process”

0.05.00—0.05:13

Weldy: “ I want to report that last week I met with representatives of LoveMore I found there was nothing new from our staff report.”

0.05.13 – 0.05:25

Weldy: “And also, I want to thank the staff. I know when we do remotes it is not easy. So I appreciate that.”

0.06.00 – 0.06.00

Gongora : “ I also want it to be noted that I met with staff of Lovemore. I want that noted. “

0.23:27- 0.23:35

(..Moving agenda to Lovemore project) Weldy: “assuming we have comments from Joshua Tree we will go to them but that will be in a little while...”

0.36:25 – 0:37:04

Staff report (Barrigan) “ We recommend PC approve the project.”

0:38.41 -0:38:50

Gongora: “We have had a very spirited (slight chuckle) discussion last year in Joshua Tree over the plan and AirBnB”

0.40:15 -0.40:36

Weldy: “Program Note: according to staff we do not have any speakers out in JT. We’re not desperate but ...you’re on notice fill out a speaker form .. OK we’re gonna keep going.”.

0:43.30 - 0.43.42

Weldy: “In trolling around for additional comments, do we hear anything from Joshua Tree ??.. (pause).. all right, oh well my conscience is clear. We’re offering....”

1.05.01 –1.05:10

Weldy” “Do we have any comments from....? All right, I have two comment cards here.....”

1.11:56 – 1.12:15

Weldy: “Do we have any speaker slips beyond that??? OK then”

1:13.55 –1.14:17

Gongora: “.... (the fact that) I’m not seeing any comments today from our friends out in Joshua Tree is a huge message but it also obvious from your presentation today that you’ve taken ownership of this project and we’re entrusting you with it... and I’m going to make a motion....”

8) The revolving door of county planners has had an impact on the community’s ability to get clear answers on this project.

Previous planning staff would have known there was a problem when there were no comments sent in on the Initial Study by MBCA and from the community. We cannot ascertain who the county planner is who is responsible for this project. Over the course of the years since this project was submitted by the developer there have been a number of different planners associated with the project.

One of our Directors drove to San Bernardino to meet with a planner on Monday January 27th. That planner, who is not the lead for the project, informed us the current project planner would contact our MBCA Director to clarify what the distancing for the notice was. There has been no further follow up , as promised.

Considering many/most immediate neighbors were not notified, we can only assume there was no notification.

Who, please, is now the contact for the Lovemore Ranch Project?

Thank you for your consideration.

Morongo Basin Conservation Association



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2/3/2025

Deficiencies and Errors in the Staff Report of January 23, 2025

- 1) The density of the proposed project is not consistent with the goals and policies of the General Plan or our Community Plan/Community Action Guide, or the Development Code. These together are hereafter called the “Planning Documents”. The information in the Staff Report misleads the Planning Commission as to the existing surrounding built density.

See Exhibit 1 map of adjoining density comparison

Page 1 of Staff report, Table 1 Site and Surrounding Land Uses and Zoning

This Land Use Chart is terribly misrepresentative of the surrounding density of the existing community. Here is a corrected view:

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:					
AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT	SURROUNDING DENSITY	
SITE	Vacant Property	Low Density Residential (LDR)	Single Residential (RS, 7,200 square feet minimum)	vacant	
North	Single-Family Residences	Low Density Residential (LDR)	Single Residential (RS, 7,200 square feet minimum)	.22 to .36 of an acre	
South	Single-Family Residences	Low Density Residential (LDR)	Single Residential (RS-1, one acre minimum)	1.06 to 2.27 acres	
East	Single-Family Residences	Low Density Residential (LDR)	Single Residential (RS, 7,200 square feet)	.40 to .48 of an acre	
West	Single-Family Residences	Low Density Residential (LDR)	Single Residential (RS, 7,200 square feet)	1.43 to 2.5 acres	

The 7,200 square feet that the project utilizes is equal to .165 of an acre, **which is much smaller than all of the surrounding properties, especially on the South, East, and West side.**

7,200 square feet is the minimum lot size and does not equate to density allowed.

The numbers for the density allowed and how many units they “could have” built is inconsistent and way inflated and erroneous throughout the staff report.

The Development Code Table 82-9C “Residential Land Use Zoning District Development Standards – Desert Region” specifies in **RS Single Residential zone:**

NO MINIMUM density, and MAXIMUM Density of 4 units per acre.

Table 82-9C			
Residential Land Use Zoning District Development Standards			
Desert Region			
Requirement by Land Use Zoning District			
Development Feature	RL Rural Living	RS Single Residential	RM Multiple Residential
Density	Housing density. The actual number of units allowed will be determined by the County through subdivision or planning permit approval, as applicable.		
Minimum density	No minimum	No minimum	5 or 11 units per acre ⁽⁸⁾⁽⁹⁾
Maximum density⁽⁷⁾	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 Chapter 83.02 for exceptions, reductions, and encroachments. See Division 5 for any setback requirements applicable to specific land uses.		
Front	25 ft.	25 ft. ⁽²⁾	25 ft. ⁽²⁾
Side - Street side	25 ft.	Local street - 15 ft. ⁽³⁾ ; Collector or wider - 25 ft.	Local street - 15 ft.; Collector or wider - 25 ft.
Side - Interior (each)	Lot 75 wide or less - 5 ft. on one side, 10 ft. on other; Other lots - 15 ft.	5 ft. on one side, 10 ft. on other ⁽⁴⁾	5 ft. on one side, 10 ft. on other

If you had no internal roads, and no central common space, you could build 74 units on 18.49 acres at the maximum amount for gross density. $18.5 \times 4 = 74$.

With the roads and the common space removed there is approximately 11.25 acres that the housing would be on. Since the net density is what is relevant here in terms being in harmony with the surrounding built environment and to be consistent with “The Planning Documents” that would mean you can build $(11 \times 4) + 1 =$ **45 houses total to maintain the Development Code standard of density.**

These lots would average .25 acre, which is still smaller than most of the lots to the North, and significantly smaller than the lots to the South, East, and West.

The subdivision approval process is required to be consistent with “The Planning Documents”. These documents are required by law to be consistent with each other, which was the case back in the 2007 Plan Documents.

In October of 2020, the County updated/created the Countywide Plan. This includes the Policy Plan which we will, like the Staff Report does, hereafter call the General Plan. The County did not also update the Development Code or Zoning in a coherent process. This has still not occurred, potentially putting the County in legal peril upon approving any subdivision such as this.

The Supervisors voted in Resolution 2020-197 on October 2020, and Section 6 (a) states

“The development standards, uses, and applications identified in the current Development Code for each Zone shall remain in force during the interim period.”

The clear indication of the Joshua Tree Community Plan/Community Action Guide (CAG), the General Plan, the Development Code is that the main policy goal of Joshua Tree is to maintain a sense of natural desert and low density. So even at .25 acre lots, there is a question of whether this lot would be consistent with the “Planning Documents”. More discussion on that will follow.

Page 2, Figure 2 – Land Use Category Map

The Staff Report fails to show that a large surrounding Land Use Category is Very Low Density 0-2 dwelling units per acre max. This Land Use Category is what is consistent with the Joshua Tree Community Plan/Community Action Guide as it will maintain more of the natural desert landscape and works with septic tanks.

Page 4, Figure 3 – Zoning Map

This has not been updated to be consistent. The large parcel that is RS-10M, one square mile is Open Space. The other large tracts were not brought up to consistency due to the litigation at the time. We were told by Terri Rahhal, former director of LUS at the time, that that parcel under litigation, and the 18.49-acre parcel of this project would not be able to be developed above 2 lots per acre, due to the septic restrictions.

2) The proposed project lacks required CUPs in this approval.

The project description on page 10 of the Staff Report describes a wastewater treatment facility, communal utilities, on site resident staff/services quarters, social gathering space, learning zone, multipurpose space and recreational facility and pool. There are buildings and a pool shown on the developer’s website on Lot B.

Community Pool	Uncertain
Community Gardens	CUP
School, Private	CUP (this may not apply)
Sewage Treatment Disposal	CUP

3. Blading the whole 18.49-acre parcel is NOT consistent with “The Planning Documents”. An exclusive private HOA gated community is NOT consistent with our Joshua Tree character or “The Planning Documents”.

There are no HOAs in Joshua Tree. There are no gated communities filled with very expensive homes in Joshua Tree. The historical character is that the developers cut in roads, and the lots were built and filled in over time by unique builders, with a wide variety of design styles and sizes, leaving many beautiful native plant- filled lots remaining in most neighborhoods. You see the natural desert in and around most homes.

There are major issues and inconsistencies with this proposed project and all these (and more) policies.

Countywide Policy Plan

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. ...

There is no buffering between the over-dense bladed HOA community and the rest of the existing Joshua Tree community. Maybe if the project had kept a 100 foot untouched natural desert “green belt” around the edges, or simply built on ½ acre to one-acre lots the community may have felt like the project was compatible and consistent.

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.

Safe to say, blading every inch of the 18.49-acres and wiping out the natural environment completely is the developer not following LU-2.3.

Policy LU- 2.7 Countywide jobs-housing balance.

We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities and household income, and improve the quality of life.

Very unlikely that these residents will be able to find work locally, to support the high mortgage of a \$750,000 to million plus home, plus the \$1000 (?) or more a month HOA fee required to maintain on site staff, pool, recreational facility, roads, wastewater treatment plant, landscaping, etc. Thus, these homes will probably not be providing work-force housing.

Policy LU-2.8 Rural Lifestyle in the Mountain/Desert Regions.

We intend that new residential development in the unincorporated Mountain and Desert regions offer a lower intensity lifestyle that complements the suburban and urban densities in incorporated cities and towns to provide a range of lifestyle options. ...

This project would fit in just fine “Down the hill” in Palm Springs. People move up here to avoid HOA attitudes and conforming developments. This is bringing that suburban manicured aesthetic up to a place of independence and open-space free spirit.

Goal LU-4 Community Design

Preservation and enhancement of unique community identities and their relationship with the natural environment.

Policy LU-4.1 Context-sensitive design in the Mountain/Desert regions.

*We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and **preserve scenic resources**.*

Policy LU-4.5 Community identity.

We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

Table LU-3 Desert Village Communities

Key Characteristics and Features

- A rural context with clusters of housing in proximity to commercial development and public facilities, and larger lots farther from the commercial core.
- Abundant views of open spaces, natural features, and dark skies especially outside of clustered development.
- Scenic, natural, and/or recreational features that serve as the foundation of the community’s local economy and attract tourists.
- Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.

Joshua Tree Community Action Guide

Introduction

There is a uniqueness to Joshua Tree that sets it apart from other High Desert communities. The combination of people, culture, history, and landscape give the

community a “sense of place” as distinctive as its namesake national park. Above all else, the people of Joshua Tree value the natural beauty of the desert and strive for a harmonious relationship with the environment. This translates into a strong desire to preserve the rural desert lifestyle for its spaciousness and tranquility, and for growth in the community to occur in a measured and sustainable way. The community prides itself on being the gateway to Joshua Tree National Park and recognizes the symbiotic relationship it has with the park.

Community Focus Statement A:

Preserve the desert ecosystem, its natural beauty, and the community’s harmonious relationship with the environment.

Action Statement A.5: Promote smart, sustainable, low-impact growth and development.

Community Focus Statement B: Maintain the rural desert lifestyle and character.

Action Statement B. 1: Establish a welcome program to greet new residents, educate them on the unique desert experience, and offer them information regarding the community.

Joshua Tree is particularly unique given the desert environment and proximity to Joshua Tree National Park. The rural characteristics, including the natural landscape, openness, and dark skies, are community assets to preserve and maintain for future generations. The welcome program should introduce new residents to the core character and values of Joshua Tree, and help foster an appreciation for the desert environment and community.

There are many additional desert native plants protected, along with the Joshua tree. See the following:

§ 88.01.060 Desert Native Plant Protection.

This Section provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the Desert Native Plants Act (Food and Agricultural Code §§ 80001 *et seq.*) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act.

(a) *Definitions.* Terms and phrases used within this Section shall be defined in Division 10 (Definitions) and/or defined by the California Food and Agricultural Code. The California Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this Development Code.

(b) *Applicability.* The provisions of this Section shall apply to desert native plants specified in Subdivision (c) (Regulated Desert Native Plants) that are growing on any of the following lands, unless exempt in compliance with § 88.01.030 (Exempt Activities):

(1) Privately owned or publicly owned land in the Desert Region.

(2) Privately owned or publicly owned land in any parts of the Mountain Region in which desert native plants naturally grow in a transitional habitat.

(c) *Regulated Desert Native Plants.* The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with § 88.01.050 (Tree or Plant Removal Permits). In all cases the botanical names shall govern the interpretation of this Section.

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) *Dalea spinosa* (smoketree).

(B) All species of the genus *Prosopis* (mesquites).

(2) All species of the family Agavaceae (century plants, nolinias, yuccas).

(3) Creosote Rings, ten feet or greater in diameter.

(4) All Joshua trees.

(5) Any part of any of the following species, whether living or dead:

(A) *Olneya tesota* (desert ironwood).

(B) All species of the genus *Prosopis* (mesquites).

(C) All species of the genus *Cercidium* (palos verdes).

(d) *Compliance with Desert Native Plants Act.* Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 *et seq.*) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

(Ord. 4011, passed - 2007)

4. The Lovemore Ranch developer has not met with the Joshua Basin Water District (JBWD) to date.

Where is the Conditional Use Permit approval for this facility?

The JBWD is the main approval agency for the wastewater treatment facility. Thus, claiming that “the proposed wastewater treatment facility has been tentatively approved by the Regional Water Quality Control Board, for the Colorado River Basin” is irrelevant and misleading as the approval is through the JBWD.

Our understanding is the JBWD also has to manage the wastewater treatment facility. There is only one facility in the JBWD and that is at our hospital.

5. What prevents this project from becoming an de-facto commercial resort of short-term rentals rather than residences?

The County has put in no protections to avoid this possibility. How does the County know this will stay housing, versus 64 STRs who get to enjoy the pool, recreation facility, classes, and amenities, with an on-site staff member/host to take care of the guests?

We can't take the developer at his word, as he originally claimed in a Next Door post and to neighbors in 2021 that he was building a house for he and his fiancé, when in fact he had already filed a pre-application to subdivide into 31 lots in 2020 with the County.

6. Why did the county tell the developer there was a minimum density, when clearly in the Development Code's Table 82-9C Residential Land Use Zoning District Development Standards- Desert Region there is no minimum lot density required?

Ironically, the 31 lots would have been closer to being more consistent and compatible with the community and the density of the surrounding community, as with the other design issues resolved (no HOA, an open neighborhood, native plants remain in place, no blading, build one lot at a time as needed, no wastewater treatment facility a mere few feet from existing neighbors' houses, etc.)

The county had no basis to insist that the developer subdivide into more dense lots, as the developer said happened. The Development Code says there is no minimum density required for RS zoning in the Desert Region.

7. We are not certain if this project is, or is not applicable to the requirements of the Housing Accountability Act (HAA).

Please see the attached Exhibit 2 Letter from Terri Rahhal Director of Land Use Services to the Regional Housing Needs Assessment Subcommittee on 9/13/2019.

The HHA must not be used to build a resort filled with expensive homes, or short-term rentals, after destroying 18.49 acres of protected Joshua tree woodland.

This calls into question how the County can justify allowing over 1,200 of Joshua Tree's once affordable housing stock to be sold off to investors for commercial short-term rentals, thus driving the prices up and destroying one of the few communities in California that did have naturally occurring affordable housing (NOAH)?

This calls into question whether the County's current Housing Element is currently "in compliance" as the County was required to remove all the buildings that were built to

immediately to become short-term rentals, that the County tried to use as credit towards RHNA (Regional Housing Needs Assessment) numbers in past Annual Progress Reports. When last checked, the County had not fulfilled this requirement.

Hundreds of above-moderate income buildings were added to Joshua Tree since 2020. Of those built, when last checked a few years ago, only 25% were potentially homes, 75% went straight to short-term rentals. The County did not fulfill its responsibilities to the community and allowed this to happen.

With this huge increase in new homes, many around the same price-point as these proposed homes, and the collapse of an over-saturated short-term rental market, there are now 150 to 200 homes on the market in Joshua Tree. The homes sit for months to years before being sold. Can the Developer or County say there is a “need” for these new over-priced homes in a location that does not have the jobs available to support high mortgage and HOA fees, after destroying protected desert native plants and wildlife homes?

It seems the opposite. What is needed is affordable housing. As stated before, if this was an affordable housing project that respected the desert and the community, it would be welcome. It is not.

This attempt to use the Housing Accountability Act to potentially build a resort, flies in the face of the fact the County produced an insufficient Program 4 Housing Study with an original draft that clearly misrepresented the findings of the Granicus consultants, calling into question again, if there is indeed a County Housing Element that is in compliance.

This project should not be allowed to morph into a de-facto’ short term rental resort destination.

8. A series of unaddressed issues has brought us to where we are today

1. The dissolution of the Municipal Advisory Council.
2. The repeal of the Community Plans.
3. The underground policy that was set by not hearing from the public in early 2021 (and prior) that there should have been a moratorium on new short-term rental permits.
4. The Program 4 Housing/Short-Term Rental misrepresentation and deficiencies.
5. The fact that the Planning Commission is so imbalanced with the Fourth District has only about 4 square miles of unincorporated territory, compared to our Third District 3 with over 1,855 square miles and they get equal votes on land use issues?
6. The fact that the Countywide Plan: General Plan (Policy Plan), Development Code, Zoning, and Community Plan/Action Guides are still not brought into

consistency after 5 years. The parcel for this project was one of the parcels not brought into consistency.

7. The Land Use Services has lost institutional memory or understanding of the many unique issues and history of our unincorporated communities causing much dysfunction and impacts on the health and wellbeing of our communities.

Thank you for your consideration.

Morongongo Basin Conservation Association



Post Office Box 24
Joshua Tree CA 92252
www.mbconservation.org
appealmbca@gmail.com

2/2/2025

Review of Initial Study Lovemore Ranch, PROJ-2021-00169

- The Mitigation Monitoring and Reporting Program (MMRP) described to be utilized for this project is as that being used for the development is a Warehouse project by Star Point Properties. This does not appear to be proper, appropriate or correct.
- The Initial Study is signed by Gina Gibson Williams Planning Director. It is unclear who this person is, or if they are full time employees of the County. See introductory letter enquiring who is the planner in charge of this project
- The IS fails to evaluate the impact of the additional uses stated for the site including the placement of a wastewater treatment plant in proximity to adjoining residential properties, and the construction of the clubhouse, pool and common facilities.
- Page 3, "ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES" section
 - JBWD must be listed here as the Agency required for approval for water supply.
- Page 9, "AESTHETICS" sections a, c, d
 - All Subsections are indicated as "less than significant". Given the density and gated community design of the proposed development, subsections "a" and "d" should be "Potentially Significant Impacts" as well as potentially d. This project should it be constructed would destroy the aesthetic qualities of this portion of Joshua tree.
 - **Flaws in the County analysis:**
 1. Subsection "a" treats all housing existing or proposed alike. High density is vastly different than current land use practices in the area.
 2. Subsection "c" the linear feature of the fencing that could be around the gated community is not addressed. Linear features in a desert environment are glaring and very noticeable from great distances.

Pages 13 to 19, "AIR QUALITY" Air quality is not fully addressed.

Flaws in the County analysis:

1. The MDAQMD/CARB regulations are wholly inadequate for the desert environment. Winds at above 30-mph are not an "act of God". Winds are regularly above that threshold and are very normal in the desert.
2. The County fails to address impacts of fugitive dust at distant during site construction – it presumes no fugitive dust.
3. Will water trucks be in operation 24-7 during construction?
4. The County fails to require "Will Serve" letter from a source for water for construction dust suppression. Availability of sufficient water must be established.
5. The county fails to address potential Valley Fever spores on sight and potential impacts to the area populace and construction workers.

Page 18, "BIOLOGICAL RESOURCES"

Flaws in the County analysis:

Page 22, Mitigation Measure BIO-1 Who establishes appropriate survey methods and timeframes. (See above re: MMRP)

Will there be a 2-year study as would be required?

How many site visits/how often would biologists perform surveys required to detect transitory animals (burrowing owls, large cats, migratory birds, etc.),

Page 75, Mitigation Measure BIO-3: No stream beds or Streambed Alterations are shown on the proposed project tentative tract map for the two bluelines.

Pages 44 to 48, "HYDROLOGY AND WATER QUALITY"

Flaws in the County analysis

Page 47, A Hydrology Study prepared for the Proposed Project by Merrell-Johnson Companies that recommended a drainage easement at the northwest corner of proposed Project Site from the right-of-way to the top of the existing slope of the existing off-site drainage path.

It also indicates a 20-foot' wide drainage easement along the Project Site's eastern boundary and discharged onto Sunset Road near the northeastern section of the proposed Project Site

1. There are no drainage easements shown on the Tentative Tract map.
2. Are streets (Sunset Rd) allowed to be used as drainage in SBCO and to where would they direct the water?
3. Drainages are intercepted (altered) and then redirected back to Sunset Rd – this a streambed alteration. This is not legal without permits.
4. Plans indicate Sunset Rd will be the primary pathway for stormwater leaving the property. There is a curb being installed on the project side (West side) of Sunset Rd, but the project does not include a curb on the East Side of Sunset Rd. This means stormwater will be free to flood all properties on the East side of Sunset Rd as it proceeds down (and overwhelms) Sunset Rd.

Offsite flows (these arrive from uphill - friendly hills area): "This flow will be intercepted by parkway drains along the north side of Alta Loma Road as it approaches the intersection with Sunset Road. This drainage will be conveyed north within a 20' wide drainage easement along the project's eastern boundary and discharge onto Sunset Road near the northeastern section of the project at the historical flow location. The peak Q100 flow rate of this tributary flow is 72.3 cfs."

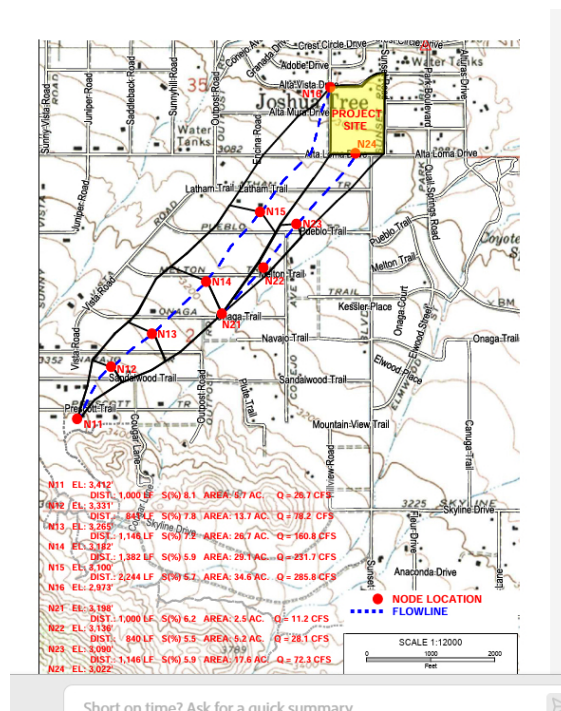
Onsite flows (these arrive from all impervious surfaces/streets in project): "On-site runoff flows will exit the site through under-sidewalk (parkway) drains along Sunset Road at the

northeast corner of the project site. Multiple parkway drain locations will be spaced along the frontage of Lot A to allow runoff to spread evenly as it flows back onto Sunset Road following its historical flow path."-- "post-development Q100 flow rate is estimated at 74.9 cfs."

This is a combined flow rate of $72.3 + 74.9 = 147.2$ cubic feet per second of water down Sunset Rd. Sunset Rd is 30 feet wide. This means a combined 1100 gallons of water per second will be dumped onto Sunset Rd. Many parts of the Rio Grande River also have a summer water flow rate of 150 cubic feet per second.

With regards to onsite retention, the Hydrology report says "Post-development peak runoff flow rates are required to be less than 90% of the pre-development peak runoff flow rate. The post-development peak flow rate is approximately 88.6% of the pre-development peak flow rate while the post-development runoff flow volume is approximately 88.7% of the predevelopment runoff volume, therefore no on-site retention is required."

See the attached plan showing the SIGNIFICANT potential of flooding particularly with the increasingly unstable warming climate.



Pages 52 to 53, "POPULATION AND HOUSING"

Flaws in the County analysis

Page 52, Unplanned population growth. The Countywide Plan is based upon there being very little population growth in this area. With the significant increase of new construction for short term rentals now being converted to full time housing, this project of 65 new homes would serve as a significant increase in new housing. This housing would not serve to provide opportunities for affordable housing as directed by the Board of Supervisors in the passage of the Program 4 study of the Housing Element.

Pages 56 to 57, Section XVI. "RECREATION"

Flaws in the County analysis

Page 57 Subsection "b" The Proposed Project is a subdivision that involves development of 7.65 acres of open space areas that would be available to project residents"

1. Does this mean the housing will not be on 18,9 acres but actually be on 11.25 acres?
2. If so, that would put the actual density at **5.68** homes per acre. See above re: aesthetics and community compatibility.
3. That would be well over the RS zoning maximum of 4 per acre (reference page 53 subsection "a").

Page 57 to 62, "TRANSPORTATION"

Flaws in the County analysis:

The project would add significant traffic to this already increasingly utilized road of Alta Loma. A full Level of Service study is required:

As specified in the County of San Bernardino Transportation Impact Study Guidelines, (July 2019) ["the County Guidelines"], the requirement to prepare a transportation impact study with Level of Service analysis should be based on one or more of the following criteria:

1) If a project generates more than 100 or more trips without consideration of pass-by trip reductions during any peak hour.

They are required to provide the Level of Service Analysis transportation impact study and clearly lied on their public report Appendix C Trans Screening Analysis.

Hourly Distribution of Entering and Exiting Vehicle Trips by Land Use

Source: ITE *Trip Generation Manual*, 10th Edition

Land Use Code	210	
Land Use	Single-Family Detached Housing	
Setting	General Urban/Suburban	
Time Period	Weekday	
Trip Type	Vehicle	
# Data Sites	6	
	% of 24-Hour Traffic	
Time	Entering	Exiting
12-1 AM	0.5	0.2
1-2 AM	0.2	0.2
2-3 AM	0.2	0
3-4 AM	0.2	0.2

24 hour traffic is 707 trips with daily rate of 9.43

4-5 AM	0.3	0.8			
5-6 AM	0.5	2.0	entering	exiting	total
6-7 AM	1.6	5.9	11.312	41.713	53.025
7-8 AM	3.2	10.2	22.624	72.114	94.738
8-9 AM	3.7	8.6	26.159	60.802	86.961
9-10 AM	3.2	5.4	22.624	38.178	60.802
10-11 AM	4.2	5.4	29.694	38.178	67.872
11-12 PM	5.4	5.1	38.178	36.057	74.235
12-1 PM	5.5	5.6	38.885	39.592	78.477
1-2 PM	6.0	5.9	42.42	41.713	84.133
2-3 PM	7.0	6.2	49.49	43.834	93.324
3-4 PM	8.5	6.0	60.095	42.42	102.515
4-5 PM	10.5	7.5	74.235	53.025	127.26
5-6 PM	10.3	7.4	72.821	52.318	125.139
6-7 PM	8.6	5.9	60.802	41.713	102.515
7-8 PM	6.2	4.3	43.834	30.401	74.235
8-9 PM	6.3	3.1	44.541	21.917	66.458
9-10 PM	4.5	2.4	31.815	16.968	48.783
10-11 PM	2.2	1.1	15.554	7.777	23.331
					14.14
11-12 AM	1.3	0.7	9.191	4.949	

Pages 64 to 68 “XIX. UTILITIES AND SERVICE SYSTEMS”

Flaws in the County analysis

Page 64, States “Water supply for the Proposed Project would be provided by Joshua Basin Water District (JBWD).” JBWD and MWA are referenced multiple points in this section.

Does lack of engagement with JBWD invalidate this section?

1. JBWD was not noticed
2. No reference to a “Will Serve” from JBWD
3. Can existing JBWD conveyance (pipelines, pressure zones, reservoirs, etc.) handle this additional capacity? – this requires hydraulic modeling to confirm / or not !!!
4. Can fire flows for hydrants be achieved. – this requires hydraulic modeling to confirm / or not !!!

Page 65 States “The Proposed Project would be serviced by Southern California Edison (SCE), which provides electrical service to the general area”

1. Does SCE have capacity on existing transmission lines of the adjacent Burnt Mountain and Whitehorn SCE circuits and substations (Yucca 115/12 KV and Joshua Tree 33/12 KV respectively) This requires SCE input to confirm / or not !!!
2. If new transmission lines are required, are they above ground or below?
3. This site is adjacent to a State Response Area (SRS) moderate danger fire zone. This proximity does influence electric transmission design. The recent devastation of fires in LA provide proof.

San Bernardino Board Of Supervisors
385 N Arrowhead Ave
San Bernardino County, CA 92415
Via EZOP
Cc: Morongo Basin Conservation Association

Appeal Application 25TMP-005546

2 February 2025

Dear Board of Supervisors,

We, the residents and neighbors of Joshua Tree Village and the homes surrounding the proposed Lovemore Ranch development at 61560 Alta Loma, in collaboration with Morongo Basin Conservation Association, strongly oppose the adoption of this project and appeal its approval of the tentative tract map.

Repeatedly, for multiple years, our residents have been denied proper and often no notification and/or significant time to research and respond throughout this application process. San Bernadino Land Use Services repeatedly turn over planning staff who fail to respond, reply, record, file and or address our critical concerns that result when no notice is grated. Joshua Tree's unincorporated standing creates severe limitations when in dialogue with SB County, Department of Land Use.

San Bernardino County and Lovermore Investments, LLC's failure to provide transparent, complete and timely notice of all critically time sensitive comment periods, have prevented our community from receiving, reviewing and responding in unison to the serious complexity of this massive development that will directly impact our safety, environment, property values and quality of life, for decades.

The following are concerns that have not been given time for full discovery:

- The requested **CEQA review** was done in haste behind closed doors, with no notice to residents. There was no open comment period offered, and our prior letters of concern were missing, not seen, recorded, added to or addressed in any of the final CEQA report. This 'no comments' was recorded as our consent, which we did not give, because we were not ever asked.
- The Hydrology report and plan in Appendix H of the CEQA does not include any stormwater retention measures. This is justified through a claim that the post-development project runoff flow rate and volume is 88.6% of the pre-development runoff flow rate, which is less than the 90% threshold for stormwater retention requirements. This 88.6% calculation is produced entirely by claiming that the volume of land between pre-development and post-development is reduced by 12.4%. The developer also claims that the project soil rain loss will be the same after development (1.46 in of rain loss) in spite of all of the additional impervious surfaces being added. The project will produce additional runoff and absolutely requires on site stormwater retention, which is not included in the project plan. The developer has circumvented storm water retention requirements in order to maximize land use for housing, which demonstrates blatant disregard for the community of Joshua Tree and for county environmental process.
- The traffic study in Appendix B contains simple calculation errors that excuse the project from the requirement for a Level of Service analysis transportation impact study. The volume of traffic produced by the project will be 102 trips from 3-4 PM, 127 trips from 4-5 PM, 125 trips from 5-6 PM, and 102 trips from 6-7 PM. This greatly exceeds the 100 trips per day threshold and triggers the requirement for the Level of Service Analysis transportation study. The developer (Lovemore Ranch) is circumventing traffic study requirements in an effort to expedite the project, which demonstrates blatant disregard for the local community in Joshua Tree and for county land development process.

- **Deforestation and subsequent grading** will impact all town businesses, community resources, tourism and hundreds of residents profoundly. How will they mitigate Vally Fever? Digging up fragile desert landscapes releases toxic dust, exposing the neighborhood and wildlife to a fatal fungal infection known as valley fever. This will be airborne for centuries. How will you protect the residents in the radius of your grading site from this airborne toxic fungal dust and future health concerns that result?
- **The industrial scale** of construction for LMR is unprecedented in our small town, and has never been done in Joshua Tree, ever. How will they manage the construction build site, noise, dust, and massive truck traffic? Who will hold this construction site crew accountable to standard practice of set times of operation, noise, issuing notices, tamping down and mitigating dust and many other as yet to be determined safety measures? What will you do when a flood or wind event occurs?
- What **protection** does the community have from LMR clearing the site and preparing the pads, realizing there is no market, writing off the loss and leaving the site deforested, disturbed and destabilized? This development irreparably destroys and removes a large ancient and wild natural habitat, climate buffer and aesthetic green space in one pen stroke. This happens frequently, Sage Estates in Yucca Valley razed massive and ancient Joshua trees to install a ghost town of empty cement pads.
- Our unincorporated town roads are not maintained, they cannot safely handle any increased traffic volume and congestion and are already dangerous for pedestrians. Visitor traffic to the National park traverse this un-lighted, high speed, 55MPH corridor. There are no alternative routes. **The CEQA traffic statement** fails to reflect or fully tabulate accurate, realistic peak volume traffic study data.
- The suggested paving of half of Hill View, up to the entry of LMR, as a means to reduce traffic on auxiliary streets of Sunset, Alta Vista and Alta Loma does nothing to reduce traffic or safety. Speed is high and visibility low on Alta Loma. Many will miss the turn north onto Hill View. In frustration they will speed 'around the block' north down Sunset veering quickly west onto Alta Vista, when they miss the low visibility turns on Alta Loma. Currently, the unpaved section of Hill View is an off-roading race track. There is no lighting on Alta Loma along the southern perimeter.
- The Development Plan asserts that all water assurance are met yet **zero arrangements with JTWD** regarding the feasibility of this development have been approved. Water service agreements for 64 homes, a sewer package and a community swimming pool have not been discussed with JTWD. Water use and their impact on existing and overdrawn reservoirs are unclear.
- The location and proximity of the **Sewage Treatment** Package is 30-100' feet from existing residences and threatens our quality of life, due to off gassing, inevitable flooding, blockage and seepage. The normal distance for sewer plants is 1 mile away from homes. There are very few local sewage plants, for this reason.
- What is your plan for protecting the downslope homes from sewage leak, foul odors and the potential of earthquake damage? This has never been done here, the risk to ground stability is high and our confidence of success is very low. Have you successfully built any similar treatment plant close to neighbors, can we talk to those neighborhood to understand their quality of life?
- Of concern is rodent and cockroach **vector control**. Motion sensor lights are a strategy for rodent deterrence. Will HOA members tolerate 120+ motion sensors for all the rodents displaced by the land deforestation that return attracted to their new food source?
- This is a **high risk fire area**. Many insurance companies have dropped coverage in this area. Building into high risk buffer areas increases the risk to existing homes. Lithium battery Powerwalls for solar storage recently were shown to increase the severity of the recent Eaton and Palisades Fires.

- Noise multiples and density are a significant concern. Imagine 20 neighbors playing music, 5 neighbors revving ATVs, all 15 feet away from each other? Will there be a noise curfew?
- Current **zoning guidelines** are unavailable to the public. The density rules keeps changing to suit the benefactors of county tax revenue. LMR has gone from 30 units (2020) to 75 (2021) to 64 (2024). These changing numbers do not build trust in our county representatives to provide timely notice or offer adequate response time.
- This high-cost housing development **ignores existing neighborhood** composition. The area already has sufficient (100+ single family homes) housing stock at, and below this price point, that provide much larger lots for each home. Too many STRs have filled our small town, ejecting critical essential service officers, local staff and also erasing neighborhoods, generational families and local history.
- A gated community of tract homes offer little to no benefits that address our actual community needs or assurance that these dwellings will not become STRs and as they become vacant, the site will draw crime, break ins and squatting.

These concerns require thorough and detailed evaluation and public discussion.

We request that San Bernardino Land Use Services Department and The Board of Supervisors reverse the current approval and require the developer to incorporate Our Countywide Plan, Policy LU-4.5 Community identity.

We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

LU-3 Community Character Text for Desert Village Communities

- A rural context with clusters of housing in proximity to commercial development and public facilities, and larger lots farther from the commercial core.
- Abundant views of open spaces, natural features, and dark skies especially outside of clustered development.
- Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists.
- Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses.

Additionally,

- Announce, publish and facilitate proper public hearings after all studies are complete
- Update notification procedure to both email and USPS to assure that all affected residents will receive complete and adequate notice and the maximum time allowed to respond.
- Meet with and obtain water, pool usage and sewage treatment plans from JTWD
- Examine and remediate road safety concerns, conduct full Traffic Study
- If sewage package is truly harmless, relocate it to center of Lot B

Our community deserves fair representation by San Bernardino Planning and Land Use, that will ensure proper notification, clear legal commitments and a development plan that transparently protects our environment, ensures our safety, and meets real community needs.

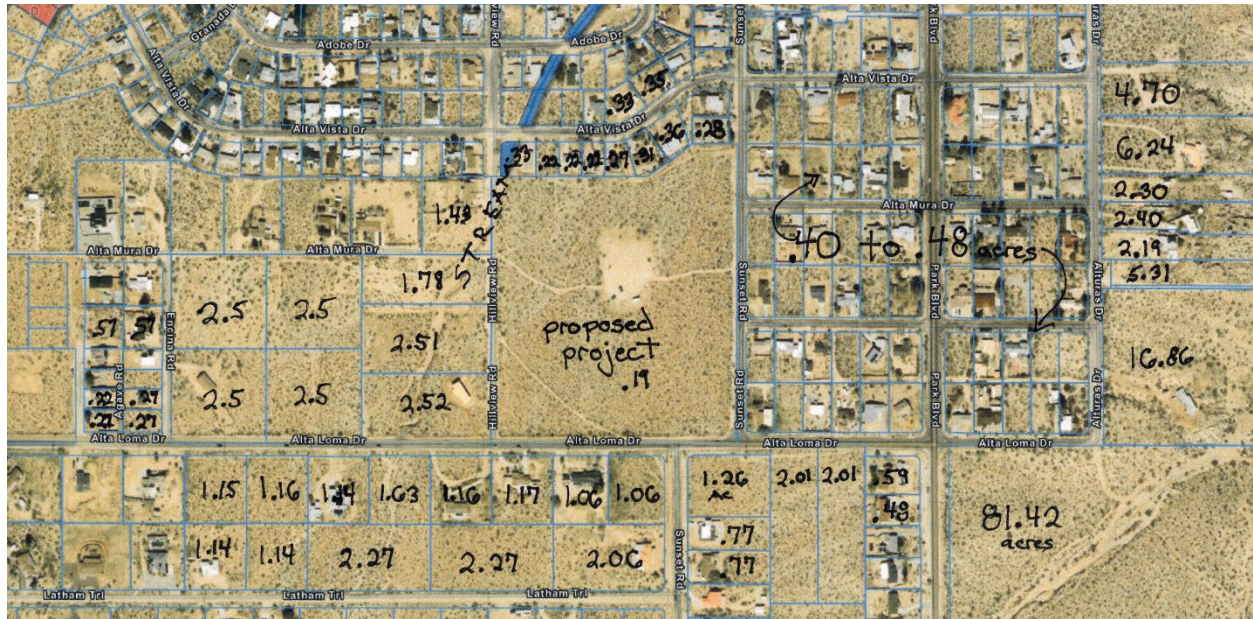
Thank you for your immediate attention to our legitimate concerns.

Sincerely,

The Residents of Joshua Tree Village Neighbors

Joshua Tree Village Neighbors
61117 Navajo Trail
Joshua Tree, CA 92252
nelsonday@gmail.com

PROJ-2021- 00169





Land Use Services Department Planning

Terri Rahhal
Director

Honorable Peggy Huang, Chair
Regional Housing Needs Assessment Subcommittee
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

SENT VIA EMAIL: housing@scag.ca.gov

SUBJECT: PROPOSED 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION METHODOLOGY

Dear Chair Huang and Members of the RHNA Subcommittee:

Thank you for the opportunity to submit comments on behalf of the County of San Bernardino, Land Use Services Department. Our department serves the unincorporated areas of San Bernardino County with the principal responsibility of planning for those areas. The County of San Bernardino has significant concerns with the Regional Housing Need Assessment (RHNA) determination of 1,344,740 total units for the Southern California Association of Governments (SCAG) region, as provided by the Department of Housing and Community Development (HCD). Additionally, the County of San Bernardino has concerns with the methodology used for determining the distribution among SCAG jurisdictions, especially the unincorporated area. None of the three methodology options presented would be feasible for the County to produce during the RHNA planning period. Therefore, we ask that the RHNA Subcommittee consider the following concerns as part of the RHNA allocation process.

History

During the 4th Cycle RHNA allocation process, the County of San Bernardino was originally allocated over 48,000 units, which was later scaled back to 20,623. In the following cycle (5th Cycle) the County was allocated 39 units. This occurred after a realization that the County did not have capacity to accommodate such a high number of units. Once the State and SCAG understood the major constraints the County was facing, it was clear that rapid growth in the unincorporated areas of San Bernardino County was both infeasible and inappropriate.

Infrastructure

A majority of the unincorporated areas of the County lack the basic infrastructure needed for development. Providing infrastructure in these remote areas is cost prohibitive. Most residential areas of the unincorporated County are on septic (not sewer) and therefore cannot support density above two units per acre. It is not just the rural desert communities that have a lack of infrastructure; even unincorporated areas of the Valley Region, such as the communities of Bloomington and Muscoy, are largely on septic. Surrounding incorporated jurisdictions have limited wastewater treatment capacity to serve growth within their incorporated boundaries. Even in the unincorporated community of Bloomington, which is adjacent to sewer areas, adding pipe and expanding capacity would cost between \$10 and \$40 million --- a cost that new development would be unable to financially support until 2030 at the earliest (given growth projections and wastewater treatment capacity plans of

BOARD OF SUPERVISORS

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adjacent jurisdictions). The only other area potentially suitable for intensive housing growth falls within the Town of Apple Valley's northwestern sphere of influence. This area is slated for growth ONLY once annexed by the Town of Apple Valley, consistent with the Town's General Plan. No such growth is supportable as an unincorporated island. The County's vast road network contains many dirt roads without current funding or plans to be paved. The responsibility to make the necessary infrastructure improvements required for residential development would be on the developer and passed through to homebuyers and occupants, making the cost of development higher and the ability to create affordable units prohibitive.

Fiscal Sustainability

The County is responsible for providing regional services to the entire county and municipal services to the unincorporated areas. Of the County's \$5 billion budget, 94% goes to regional services. While the County receives a portion of property taxes on all property in the county, the County receives little in sales taxes and other revenue compared to incorporated jurisdictions. A recent County fiscal study determined that the County loses money for any new residential unit built that sells for less than \$400,000. In contrast, the County breaks even or makes money for any new housing built inside incorporated boundaries. When new housing is built in the County, it likely comes at the expense of providing better municipal services to unincorporated areas or regional services to the entire county. The cost of providing municipal services to unincorporated areas is not fiscally sustainable. The County is in the process of updating its policies and tools to support fiscally sustainable growth.

Water Availability, Public Health, and Safety

There are limited water resources for most of the unincorporated communities, even those near urbanized cities. In parts of the desert, water is derived from private wells which are expensive to drill and need periodic testing for contaminants to ensure safe drinking water. Unsafe drinking water can cause serious health issues and unfortunately, disproportionately affects low income and disadvantaged communities. Many of the surrounding incorporated jurisdictions only have sufficient wastewater treatment capacity to serve growth within their incorporated boundaries, making it difficult to grow in unincorporated areas beyond what is supportable by private wells or very incremental connections to piped systems. As an organization that is responsible for the health and safety of its residents, to allow this type of issue perpetuate would be unacceptable and to encourage affordable housing in such areas irresponsible.

The entire Mountain Region of the County should be considered unsuitable for substantial growth due to the extreme fire hazards present on a constant annual basis. As well as being in a very high fire hazard severity zone, there are limited ways in and out of many of the Mountain communities. To prepare and mitigate some of these risks, the County is working with SBCTA to address climate adaptation issues through Resilient IE, a collaborative effort to prepare and mitigate risks associated with climate adaptation and transportation infrastructure. One of the key elements of the study completed for Resilient IE is to limit the development in high fire areas including minimizing development in the wildland-urban interface zones. The proposed RHNA numbers would certainly push development into these spaces increasing risk of wildfire impacts. Many Desert Region communities are also in remote areas and have dirt roads making emergency response difficult. With public safety as a top priority, we believe these factors need to be a consideration in the allocation methodology.

Jurisdictional Control and Land Availability

While large geographically, nearly 90% of the County is out of our jurisdictional control. The unincorporated County has five military installations, two national parks, and millions of acres of BLM and other federal and state land. Additionally, much of the unincorporated area is constrained by the

presence of state and/or federally protected habitat areas, further reducing the County's available land resources. Moreover, there are thousands of acres of land in the unincorporated area that are protected by conservancies, other land trust organizations and areas which are in land conservation contracts or open space contracts (Williamson Act). There are additional constraints such as mining activity, geologic hazards, and military influence areas that would affect the type of development possible. So while large in area, it should be understood that the vast majority of the unincorporated County is not suitable for development.

Local Planning Factors

As stated in the SCAG materials, "As part of the development of the proposed RHNA allocation methodology, SCAG must consider a survey of planning factors that identify local conditions and explain how each of the listed factors are incorporated into the proposed methodology". The County agrees that this is an important consideration that needs to be included in the methodology. Local input provides a frame of reference for considering the limitations and opportunities individual jurisdictions have. The methodology must consider the unique conditions and circumstances of unincorporated areas.

The Inland Empire region already has its disadvantages with fewer jobs and a higher proportion of middle and lower income residents who travel long distances for work. Even within the inland region, unincorporated San Bernardino County is different than a city. The unincorporated areas are distributed over vast and varied landscapes with no city core or town centers, and lack basic infrastructure needed for high or even medium density development. Overall, the County is housing rich and jobs poor; the unincorporated county even more so. The County does not compete with the other jurisdictions (cities) for jobs and does not wish to compete with cities for housing (with developers pitting the development standards of cities and County against one another). Furthermore, the County is responsible for providing regional services to city and county residents alike --- adding more housing to unincorporated areas only reduces the amount of funding and resources the County has to provide regional services. The methodology needs to understand and incorporate these considerations and constraints to improve conditions in the county and region.

State and Regional Objectives

Consideration of the following state and regional objectives would support very limited growth for the County's unincorporated areas. The County believes that the RHNA allocation methodology should be consistent with these objectives.

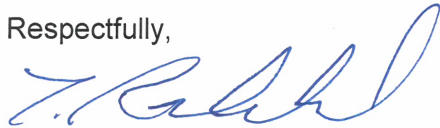
- RTP/SCS: The allocation methodology should be consistent with Connect SoCal, the Regional Transportation Plan and Sustainable Communities Strategies (RTP/SCS) by placing development in urban areas in close proximity to transportation corridors and public transportation. It is important to remember that a key component of sustainable communities strategies is to focus housing and job growth within existing urbanized areas giving people greater accessibility to job opportunities. To allocate such a high number to San Bernardino County, especially the unincorporated areas, would be contradictory to this objective.
- VMT: Reducing vehicle miles traveled (VMT) has become a major focus to help attain the State's greenhouse gas (GHG) emission reduction goals. Placing new housing in rural areas of the County, without available transit services or transportation infrastructure will increase VMT and non-attainment of GHG goals.
- TOD: Focusing on more transit oriented development (TOD) is another regional objective. The County unincorporated area lacks any opportunity to achieve TOD, which should be located in more urban and sub-urban areas within municipalities.
- HQTAs: Development should be placed near high quality transit areas (HQTAs). The County unincorporated area contains only fractional areas of two HQTAs which are more reliant on

adjacent cities to intensify for adequate transit service and support for higher density development.

- Jobs/Housing Balance: Adding housing near jobs overlaps with a number of other state and regional objectives listed above. Reduced VMT, reduced impact to roads, fewer air emissions, lower cost to commuters, and higher quality of life are some of the benefits of having a balance between jobs and housing. For these reasons, we believe jobs/employment should be included in the RHNA methodology.

Thank you again for the opportunity to comment. We appreciate the hard work and dedication of the RHNA Subcommittee and SCAG staff, and we look forward to a more in depth discussion as part of this process.

Respectfully,



Terri Rahhal, Director

cc: Hon. Bill Jahn, RHNA Subcommittee President
Hon. Jim Mulvihill, RHNA Subcommittee, San Bernardino County alternate
San Bernardino County Board of Supervisors
Gary McBride, CEO
Leonard Hernandez, COO



May 27, 2022

Irene Romero

County of San Bernardino

Via email to: irene.romero@lus.sbcounty.gov

Re: PROJ-2021-00169 Tentative Tract Map 20443,
Assessor parcel no: 0602-361-04

Dear Ms. Romero,

Thank you for the opportunity to comment upon this proposed project. The Morongo Basin Conservation Association (MBCA) has serious concerns about the scale and density of this project and its compatibility with the Joshua Tree Community Plan and the goals and aspirations contained within the Joshua Tree Community Action Guide as stated below:

1. ***A model Community for Sustainability*** – This project would require the complete removal of the existing native plants. The sustainability and resilience of the existing functioning eco-system on site would be destroyed.
2. ***Responsible and Respectful Growth and Development*** – Growth and development would be maximized at the expense of measured growth through the maximization of lots within the development again at the expense of the desert environment.
3. ***A Gateway to Nature*** – The complete removal of all native plantings does not support this aspiration. This project would not enhance the Rural Desert Lifestyle and Character through a dense tract of housing on site denuded of the natural landscape.

MBCA would support a development of the property that addresses the need to construct additional affordable housing for the community and that is respectful and sensitive to the desert environment. The project as proposed is too dense and would require the complete destruction of the native flora and fauna.

Following are some additional issues and questions that remain of concern and are un-resolved:

1. **DENSITY.** Accounting for the land required for roads, that leaves approximately 15 acres for use by the 75 parcels, or 0.2 acres per site. This small lot size compares with the properties immediately to the east of .41 acres +/-, to the south larger 1 acre and 2 acre plus, and to the west of 2 to 2.5 acres, To the north, the much smaller lots of .2 to .3 acre are bereft of native plants. The larger lot sizes of the Joshua Tree community contribute to the rural character of Joshua Tree.
2. **FLOODING.** This site is within a larger wash flowing from the south which occasionally floods (in 2014 the border road to the south, Alta Loma, flooded, leading to the death of one man). Clearing this area could imperil houses to the north with flooding. Any plans for development must address these serious flooding concerns.
3. **FLORA.** A complete plant survey to locate all Joshua trees, yuccas, and other protected desert plants must be undertaken with the design of the development reflecting their presence. These native plants (e.g. yucca, Joshua tree and black brush) are often a hundred or more years old and cannot be replaced. A design that reflects and respects the value of these native plants is essential to preserve the rural character of Joshua Tree.
4. **TRAFFIC.** Alta Loma has become a busy traffic thoroughfare over recent years and safety concerns have increased. The intersection of Sunset and Alta Loma is particularly dangerous. The proposed tract map shows 11 parcels utilizing Alta Loma for access. The additional traffic created by this project would add to existing vehicle safety concerns, and demand for public services (fire, ambulance, law enforcement etc.). Increased use would hasten current pavement deterioration. A thorough traffic study must be undertaken as any condition of approval.
5. **WASTE WATER.** The proposed on-site waste water treatment system (OWTS) is not in compliance with the mandated ½ acre minimum lot size. Western Joshua Tree (mostly downtown), to which this property is adjacent, is already saturating ground water with nitrates according to a [United States Geological Service study](#). That is due to existing high-density housing to the south using septic tank sewage treatment. According to the [Joshua Basin Water District's Wastewater Treatment Strategy](#), new developments of this type are not be allowed to use septic, to protect the aquifers, and "Existing vacant land will not be allowed to use on-site septic systems as tract development over 15 units occurs."
6. **AFFORDABLE HOMES.** We need affordable family homes to replace homes being converted into short-term rentals. We do not need more

short-term rentals. See our [recent video](#) regarding the local housing crisis caused by a surfeit of short-term rentals. Iron-clad assurances must be obtained from the developer to assure that affordable family homes are built on this parcel and not more STRs.

MBCA would support a development of the property that addresses the need to construct additional affordable housing for the community while being respectful and sensitive to the desert environment on lots that are over ½ an acre to allow for animal movement and native plants. To support opportunities for our local builders, lots should be sold and built-on individually. There must be no grading prior to building permit approval for each lot. There should be no mass grading, with grading limited to the building pad and surrounding yard with clear encouragement to leave as much of the native desert intact as possible. Pre-construction inspection must occur on each lot, prior to plan submittal.

Respectfully,



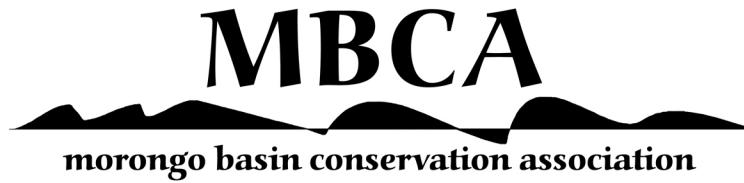
Steve Bardwell, President
Morongo Basin Conservation Association

Photograph of site



Post Office Box 24, Joshua Tree CA 92252 – www.mbconservation.org

MBCA is a 501(c)3 non-profit, community based, all volunteer organization



August 7, 2024

Ron Cruz

County of San Bernardino

Via email to: ron.cruz@lus.sbcounty.gov

Re: PROJ-2021-00169 Tentative Tract Map 20443,
Assessor parcel no: 0602-361-04

Dear Mr. Cruz,

Thank you for the opportunity to comment upon this proposed project. The Morongo Basin Conservation Association (MBCA) has serious concerns about the scale and density of this project and its compatibility with the Joshua Tree Community Plan and the goals and aspirations contained within the Joshua Tree Community Action Guide. This subdivision is considered a project under CEQA and requires compliance with that process. Some of our concerns are stated below:

1. ***A model Community for Sustainability???*** – This project would require the complete removal of the existing native plants. The sustainability and resilience of the existing functioning eco-system on site would be destroyed. This is not sustainable!
2. ***Responsible and Respectful Growth and Development*** – This is irresponsible growth with only a maximized number of lots in mind at the expense of an opportunity for smart measured growth. There is nothing responsible or respectful about blading 18 acres of intact desert landscape.
3. ***A Gateway to Nature*** – The complete removal of all native plants does not support this aspiration. This project would not enhance the Rural Desert Lifestyle and Character through a dense tract of housing on a site denuded of the natural landscape. The CEQA analysis for this aesthetic impact must be addressed.

Following are some additional issues and questions that remain of concern and are un-resolved:

1. **DENSITY.** Accounting for the land required for roads, that leaves approximately 15 acres for use by the 64 parcels, or approx. 0.25 acres per site. This small lot size compares with the properties immediately to the east of .41 acres +/-, to the south larger 1 acre and 2 acre plus, and to the west of 2 to 2.5 acres, To the north, the much smaller lots of .2 to .3 acre are bereft of native plants. The larger lot sizes of the Joshua Tree community contribute to the rural character of Joshua Tree.
2. **FLOODING.** This site is within a larger wash flowing from the south which occasionally floods (in 2014 the border road to the south, Alta Loma, flooded, leading to the death of one man). Clearing this area could imperil houses to the north with flooding. Any plans for development must address these serious flooding concerns.
3. **FLORA.** A complete plant survey to locate all Joshua trees, yuccas, and other protected desert plants must be undertaken with the design of the development reflecting their presence. These native plants (e.g. yucca, Joshua tree and black brush) are often a hundred or more years old and cannot be replaced. A design that reflects and respects the value of these native plants is essential to preserve the rural character of Joshua Tree.
4. **TRAFFIC.** Alta Loma has become a busy traffic thoroughfare over recent years and safety concerns have increased. The intersection of Sunset and Alta Loma is particularly dangerous. We have not seen the new tract map, but the previous had too many driveways with direct egress onto the very dangerous and high-speed Alta Loma. The additional traffic created by this project would add to existing vehicle safety concerns, and demand for public services (fire, ambulance, law enforcement etc.). Increased use would hasten current pavement deterioration. A thorough traffic study must be undertaken as any condition of approval.
5. **WASTE WATER.** An on-site waste water treatment system (OWTS) would not be in compliance with the mandated ½ acre minimum lot size. Western Joshua Tree (mostly downtown), to which this property is adjacent, is already saturating ground water with nitrates according to a [United States Geological Service study](#). That is due to existing high-density housing to the south using septic tank sewage treatment. According to the [Joshua Basin Water District's Wastewater Treatment Strategy](#), new developments of this type are not be allowed to use septic,

to protect the aquifers, and “Existing vacant land will not be allowed to use on-site septic systems as tract development over 15 units occurs.”

6. **AFFORDABLE HOMES.** Affordable housing to replace the over 1000 homes that were converted into short-term rentals is needed. No more short-term rentals, nor a 64 unit ‘hotel’ masquerading as homes is needed in the Joshua Tree community. See our [recent video](#) regarding the local housing crisis caused by a surfeit of short-term rentals. Iron-clad assurances must be obtained from the developer to assure that affordable family homes are built on this parcel and not more STRs.

During the June 11, 2024, consideration of the Program 4 study of the Housing Element, the Board of Supervisors was to: ‘

Provide direction to the Land Use Services Department and Community Development and Housing Department to establish and implement the following proposed strategies to reduce the impacts of short-term rentals and return, as needed, to the Board of Supervisors for future action:

- a. Augment existing affordable housing programs.*
- b. Consider new affordable housing programs’*

This 64-unit subdivision with no provisions for affordability does not satisfy that direction and has the potential to further exacerbate the existing affordable housing crisis.

MBCA would support development of the property that addresses the need to construct additional affordable housing for the community while being respectful and sensitive to the desert environment on lots that are over ½ an acre to allow for animal movement and preservation of native plants. To support opportunities for our local builders, lots should be sold and built-on individually. There must be no grading prior to building permit approval for each lot. There should be no mass grading, with grading limited to the building pad and surrounding yard with clear encouragement to leave as much of the native desert intact as possible. Pre-construction inspection must occur on each lot, prior to plan submittal.

The county has posted NO information on this project. A search of EZOP comes up empty. It is not possible to provide relevant comments without additional information including the proposed Tract Map as well as studies and reports that will be needed for the required CEQA analysis. The complete submittal package in compliance with County requirements must be made available for public review and comment.

The proposed subdivision is considered a Project under CEQA and an Initial Study (IS) is required. Our comments herein are intended as scoping comments that require addressing during the CEQA process.

The CEQA analysis must consider the effect of destroying all the native plants on site as it appears would be needed to develop this property in the manner being proposed. The carbon released by their destruction and the loss of their ability to continue sequestering carbon must be evaluated. The [Report on Carbon and Biodiversity](#) prepared for the State's 30x30 effort provides compelling scientific rationale for conserving the intact desert ecosystem.

It is unclear what process is being followed by the county for the entitlement of this project. We request that proper notification of this project be provided including the necessity for compliance with CEQA. A new Project Notice is needed with sufficient time allowed for comment. Given the intense community interest in this project, a public community presentation is warranted. This significant project requires thorough evaluation and is clearly beyond the level of 'administrative review'.

Thank you for your consideration.

Respectfully,



Steve Bardwell, President
Morongo Basin Conservation Association

Photograph of site



MBCA



morongo basin conservation association

Post Office Box 24
Joshua Tree CA 92252
www.mbconservation.org
appealmbca@gmail.com

January 31, 2025

RE: Lovemore Ranch, PROJ-2021-00169

To: PlanningCommissionComments@lus.sbcounty.gov
mark.wardlaw@lus.sbcounty.gov
Dawn.Rowe@bos.sbcounty.gov
Linda.mawby@lus.sbcounty.gov

Dear San Bernardino County Land Use Services Planning Department,
Planning Commissioners, Board of Supervisors and Land Use Services:

Please ensure that this letter is sent to all five Planning Commissioners.

We, the Morongo Basin Conservation Association, believe there was an improper public review process, plus a very incomplete Staff Report for the Lovemore Ranch development proposed for Joshua Tree, PROJ-2021-00169.

These deficiencies misled the decision-making process for the Planning Commission before and during the hearing on January 23, 2025, as well as disrespected the Planning Commission and the Joshua Tree community.

We believe an appeal is warranted to rectify the deficiencies in this process. We would alternatively suggest, to save time and expense for all parties, that the January 23rd tentative tract map approval be rescinded and then:

The Initial Study comment period should be reopened for a full month, with proper noticing.

After that period and with time to digest the responses, the Planning Commission should reconsider the case with the District 3 Planning Commissioner in attendance.

There should be proper noticing to all residents within 1320' of the property. Noticing should be sent to all those signed up for the Desert Region Planning updates, to all who have submitted comments since the project start in 2021, to the 70 to 100 people that attended the public meeting in Joshua Tree in August of 2024, and the notice should be put in local radio, papers, and social media.

Over the course of the many years since this project was submitted there have been a number of different planners associated with the project.

Who, please, is now the contact for the Lovemore Ranch Project?

Reasons why we contend this was an improper public review process:

1) There was improper notification for both the Initial Study comment period and for the Planning Commission Hearing, which as a result effectively sabotaged public comment.

- a) Just a handful of people received notification of the hearing. That is why no one from the public in opposition to project commented to the Planning Commission.**
- b) Multiple members of MBCA are signed up for notifications on the County's Desert Region planning document site, and not one received notification about the Initial Study release in October, nor the hearing on Thursday.

Here is an example of one of these notifications on another project, received back in May:

You are subscribed to Planning Environmental Desert for San Bernardino County, California. A Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the Lenwood Avenue EV Charging and Logistical Facility has recently been updated, and is now available using the link below.

<https://lus.sbcounty.gov/planning-home/environmental/desert-region/>

Update your subscriptions, modify your password or e-mail address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your e-mail address to log in. If you have questions or problems with the subscription service e-mail subscriberhelp.govdelivery.com for assistance. All other inquiries can be directed to communications@cao.sbcounty.gov

This service is provided to you at no charge by San Bernardino County. Visit us on the web at <http://www.sbcounty.gov/>.

- c) All who submitted comments, especially during the two comment periods in May of 2022, and August of 2024 should have received notification of both the Initial Study and the Hearing.
- d) An email list was signed by the 70 to 100 people who attended the public meeting in August of 2024. They had every expectation they would be notified. We believe that notification was promised during the meeting.
- e) The Community heard nothing about this hearing from our County Supervisor, Field Representatives, nor our Planning Commissioner even with it being such a controversial project.
- f) There were no notices on our local radio, in the local paper, or on social media.
- g) The developer claims he put a notice on his website, but who is looking at his website every day or more than once ? That notice was not there when we looked on 1/29.

2) The notification that did go out to just a few people created an obstacle for public comment.

There is no indication on the notice delivered, that the Bob Burke Center in Joshua Tree would be open for comments. This lack of accessibility is a deterrent and obstacle for public comment. One individual that received the notice said he decided not to comment because he didn't have time to drive to San Bernardino and had already sent in a written comment (his is included in the staff report). That drive is close to an hour and a half with normal traffic. This deficiency effectively sabotaged public comment.

- 3) The Bob Burke Center in Joshua Tree was apparently NOT opened for comment which set up another obstacle for public comment. It appeared from the video of the hearing that this situation was misrepresented to the Planning Commissioners.**

The fact that no one was there to comment was because no one knew about the hearing, and because the Bob Burke Center was not open.

We have tried for three to four days to get a confirmation, from our Board of Supervisors office and LUS Planning Commission offices, as to whether the Bob Burke Center was open. At the sending of this email, we have yet to receive an answer. Thus, as this should be a rather quick fact to clarify, we can only assume the Center was not open for comment.

There seemed to be a misleading status of the situation given to the Commission during the hearing. The Commissioners were left with the impression that the Center was open and no one bothered to show up, which then directly impacted their attitude and vote.

- 4) Incomplete record on the Staff Report, which misled the Planning Commissioners.**

- a) We are in the process of finding and collecting all the comment letters that were not included in the Staff Report.
- b) There were at least four people we spoke with that sent in emails in August of 2024, which are also not included. One of our Directors sent in a comment letter in May of 2022, and that was not included.
- c) There are others that we think would have written, but we do not see their emails.
- d) **MISSING in the Staff Report – which the Planning Commissioners use and depend on to determine their vote- are two detailed letters from the Morongo Basin Conservation Association from 2022 and 2024.**

Needless to say, all the above means that the Planning Commissioners were working with an incomplete and potentially biased record.

- 5) **Our 3rd District Planning Commissioner was not present for the hearing. There were at least two very important agenda items in his district on January 23rd. He is supposed to represent the interests of the constituents of his district. The other Commissioners, and for that matter the 3rd District Commissioner himself, all live an hour to two hours away from Joshua Tree. With such a distant and off-balance representation, we should be able to depend on a Planning Commissioner to be very familiar with our community and to show up to defend the interests of the community members he was appointed to represent.**

We have not addressed the many issues with the Initial Study and Staff Report and the project itself in this email.

We are preparing an appeal along with a community group formed of the neighbors that live near the site.

We are **first** giving you an opportunity to do the right thing and address and correct this unfortunate situation. Reopen the Initial Study comment period and then have the Planning Commission rehear the project with proper public participation and a complete Staff Report.

Thank you,

The Morongo Basin Conservation Association