

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

July 28, 2020

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Moon Camp Development Project, General Plan Amendment and Tentative Tract Map

RECOMMENDATION(S)

1. Conduct a public hearing for the Moon Camp Development Project General Plan Amendment and Tentative Tract Map No. 16136 on 62.43 acres in the Community of Big Bear (Fawnskin) and adopt a declaration of intent to:
 - a. Certify the Environmental Impact Report.
 - b. Adopt the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations.
 - c. Adopt the Mitigation Monitoring and Reporting Program.
 - d. Adopt the recommended Findings for approval of the General Plan Amendment and Tentative Tract Map.
 - e. Adopt the General Plan Amendment from Rural Living, 40-acre minimum lot size (RL-40) to Single Residential, 20,000-square foot minimum lot size (RS-20m).
 - f. Approve Tentative Tract Map No. 16136, subject to the recommended Conditions of Approval.
 - g. Direct the Clerk of the Board to file a Notice of Determination.
 - Applicant: RCK Properties
 - Community: Big Bear/Fawnskin/3rd Supervisorial District
 - Location: North and south of North Shore Drive (SR 38), approximately 180 feet east of Canyon Road.
2. Continue the item for final action with the Second Cycle General Plan Land Use Element Amendment for 2020.
(Presenter: Heidi Duron, Planning Director, 387-4110)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Consideration of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Planning Division 2020-21 budget. All costs of processing this application are paid by the applicant.

BACKGROUND INFORMATION

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The applicant, RCK Properties, Inc., is requesting three actions (collectively “Project”): (1) Certification of the Environmental Impact Report (EIR); (2) Approval of a General Plan Amendment (GPA) to change the General Plan Land Use Designation from Bear Valley/Rural Living (BV/RL – 40) to Bear Valley/Single Family Residential with a 20,000-square foot minimum lot size (BV/RS – 20m) on 62.43 acres; and (3) Approval of Tentative Tract Map No. 16136 to create 50 residential lots and eight lettered lots. Approval of the recommended actions will allow the applicant to develop a 50-unit residential subdivision with open space and other amenities.

The Project site is located on the northern shore of Big Bear Lake in the eastern part of the Community of Fawnskin. State Route 38 (North Shore Drive) runs in an east/west direction through the southern portion of the Project site.

In 2004, the Project was originally proposed for 92 residential lots with a minimum lot size of 7,200 square feet, including 31 lakefront lots south of a proposed realigned North Shore Drive (SR-38). In 2005, a draft EIR was prepared and circulated for public review. This proposal received significant public opposition and did not proceed to public hearing. Instead, the Project was significantly redesigned in 2010 to what is currently being proposed, which also resulted in the elimination of all lakefront lots and the alignment of North Shore Drive remaining unaffected.

Project Analysis

The Project site is located within the Bear Valley Community Plan area. From a historical standpoint, as discussed in Section BV 1.2.2 of the 2006 Bear Valley Community Plan, several large parcels of undeveloped private property, including the proposed Project site, were recognized as suitable for future residential development but were lacking the infrastructure and public facilities necessary to serve development. To address this issue, the County assigned residential land use designations to these properties, but with very low density development allowed. As stated in the 2006 Bear Valley Community Plan, Section BV 1.2.2,

“Appropriate density of future development was intended to be considered at the time that specific development proposals were submitted. Individual projects would address the availability of adequate water supplies, traffic circulation and other infrastructure to support the individual project’s proposed density of development. This concept came to be known as the “Holding Zone” approach. The 2006 Bear Valley Community Plan incorporates this strategy from the 1988 Plan.... Future development proposals will be considered based on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2006 Community Plan.”

Consistent with this very low density “Holding Zone” approach, the existing General Plan land use designation for the Project site is BV/RL-40, which allows for one dwelling unit per 40 acres. The Bear Valley Community Plan (Goal BV/CI 5) stresses the permitting of development only when adequate infrastructure, public services, facilities and utilities are available to serve the development. The applicant has successfully secured assurance of domestic water service from the City of Big Bear Lake Department of Water and Power. Sewer service will be provided by County Service Area 53-B. All other utilities and services are available to serve the Project site, which has direct access to North Shore Drive (SR38).

The proposed residential development is consistent and compatible with the existing residential development surrounding the Project site. Through extensive redesign of the Project, the

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applicant has reduced or avoided the environmental impacts identified with the original Project proposal, with the exception of potential impacts to the Bald Eagle.

California Environmental Quality Act

The environmental analysis of the Project pursuant to the California Environmental Quality Act (CEQA) has been complex and is summarized here chronologically.

As noted, in 2005, the Project as originally proposed (92 residential lots) was processed and a Draft EIR was prepared and circulated for public review and comment. The Project would have resulted in significant adverse and unavoidable environmental impacts in the following areas:

- Aesthetics – Loss of views of the lake and mountains resulting from the development of the proposed lakefront lots;
- Air quality – Short-term construction impacts and long-term impacts;
- Biological Resources – Noise and impacts to perch tree use affecting Bald Eagles;
- Water supply – Groundwater supply and water service availability were inconclusive.

A Final EIR (“2005 Final EIR”) was prepared, but the Project as originally proposed did not proceed to public hearing, due to the significant opposition, and the 2005 Final EIR was not certified.

In 2010, the current version of the Project (reduction from 92 to 50 lots, etc.) was proposed, and the County prepared the 2010 Revised and Recirculated Draft EIR No.1 (“RRDEIR No. 1”). Recirculated sections included Aesthetics, Air Quality, Biological Resources, Hydrology and Water Quality, Land Use Planning, Noise, Public Services and Utilities, Traffic and Circulation, Cumulative Impacts and Alternatives. All impacts were found to be less than significant or mitigated to a less-than-significant level, with the exception of impacts to Biological Resources.

In 2011, a minor redesign of the subdivision was proposed in response to new findings and conclusions of the Supplemental Focused Special Status Plant Species Survey. This constituted “significant new information” as defined by Section 15088.5 of the CEQA Guidelines, and required a partial recirculation of the RRDEIR No. 1. The County prepared the 2011 Revised and Recirculated Draft EIR No. 2 (RRDEIR No. 2), focusing on the impacts to Biological Resources, specifically those related to the Ashy-Gray Indian Paintbrush, a rare plant endemic to the Big Bear Valley.

In 2018, the County completed a Final EIR (now referred to as the 2020 Final EIR), comprised of:

- (1) The 2005 Final EIR,
- (2) The RRDEIR No. 1,
- (3) The RRDEIR No. 2,
- (4) All comments received,
- (5) Responses to comments,
- (6) Associated technical appendices, that include focused surveys updating the information describing the biological conditions on the Project site and the potential environmental impacts, and

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- (7) Errata (See Section 4 of the 2020 Final EIR) summarizing changes, additions and minor corrections made to the RRDEIR No. 1 and RRDEIR No. 2.

A subsequent Long-Term Management Plan (LTMP) for the Bald Eagle and Rare Plant Species, which would normally be completed after Project approval, was prepared by the applicant. The Project had been scheduled for the Board of Supervisors hearing on October 8, 2019. After the hearing notices were distributed, and discussions with the Applicant, it was decided that minor revisions to the FEIR were necessary to update dates and include additional language to the mitigation measures for the Bald Eagle as result of the LTMP. Prior to the hearing, staff also received comment letters that necessitated additional review and response. As such, the Project was taken off the agenda to be rescheduled at a later date.

The Project has addressed all potential environmental impacts identified and requires the inclusion of mitigation measures to reduce the potential Project impacts to a less-than-significant level, with the sole exception of the anticipated unavoidable adverse impacts on the Bald Eagle. A Statement of Overriding Considerations regarding this impact is recommended for adoption.

Public Input

Planning received numerous letters and comments regarding the Project as part of the environmental review under CEQA as well as the land use review process. These comments, and the responses to them, are included in the 2020 Final EIR. In addition, approximately 60 emails and letters were received after the publication of the Notice of Hearing for the Planning Commission hearing, mostly expressing opposition to the Project on various grounds, including impacts to the Bald Eagle, wildfires and public safety, water usage, increase in light intrusion, increase in noise, and water pollution.

Planning Commission

The Project was considered in a public hearing by the Planning Commission on October 4, 2018. At the hearing, eight members of the public expressed their concerns about the Project and asked that the Project be denied, while one member of the public expressed support for the Project and asked that the Project be approved. By a 3-2 vote, the Planning Commission recommended approval of the Project. Commissioners Allard (2nd District) and Smith (3rd District) opposed, expressing concern regarding the Project's potential impacts on aesthetics, tourism, fire safety, and the Bald Eagle.

The CEQA findings that were presented to the Planning Commission have undergone some minor, non-substantive edits although the Statement of Overriding Considerations has been enhanced. A redlined version of the Statement of Overriding Considerations is included with the attachments.

PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on June 29, 2020; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on July 2, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 7, 2020.

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

Hearing Opened

Public Comment: Sandy Steers, Teri Ashmore, Mary Gliberman, Rev. Nicholas Barrett, Peter
Tennyson, Peter Jorris, Jane Hunt-Ruble

Hearing Closed

**DECLARED INTENT TO ADOPT & CONTINUED TO SECOND CYCLE, 2020 GENERAL
PLAN AMENDMENTS**

Moved: Robert A. Lovingood Seconded: Dawn Rowe

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 28, 2020



cc: File -

jm 08/12/2020