

FINDINGS: ZONING AMENDMENT. Zoning Amendment of approximately 14.79 acres (APN: 3066-251-18) from General Commercial (CG) to Rural Commercial (CR) for the Phelan Pinon Hills Community Park (Project). The following are the required findings per the San Bernardino County Development Code Section 86.12.060 and supporting facts for approval of the Zoning Amendment:

1. **The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or an applicable specific plan.**

The Project includes a change that would re-designate the 14.79-acre site from General Commercial (CG) zoning district to Rural Commercial (CR) zoning district on the Zoning Map. Based on the evidence contained in the Project's supporting documents, the Zoning Amendment is internally consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan) as further described below:

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. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: Considering site design features consistent with the previously approved improvements of the Phelan Pinon Hills Community Services District's facilities, the Project minimizes impacts on the surrounding land uses and adjacent neighborhoods.

Policy LU-2.4 Land Use Map Consistency.

We consider the proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The Project maintains the parcel's conformance with the established Land Use Category of Commercial. The proposed Rural Commercial (CR) zoning is a consistent zoning designation under the Commercial Land Use Category. The development of the Project conforms with landscaping, parking, and performance standards that are identified in the San Bernardino County Development Code. The proposed Phelan Pinon Hills Community Park is an allowed use within the Rural Commercial (CR) zoning district subject to the approval of a Conditional Use Permit,

and the Project site plan identifies compliance with the San Bernardino County Development Code.

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.

Consistency: The residents of Phelan Pinon Hills aspire to encourage the development or expansion of commercial uses that are compatible with adjacent land uses and respect the existing positive characteristics of the community and its natural environment. By expanding upon the previously approved improvements of the Phelan Pinon Hills Community Services District's facilities, the Project continues to maintain the natural characteristics of the community while providing new recreational amenities for the surrounding residents.

Policy LU-4.8 Public Gathering Spaces.

We require the development of safe and attractive public gathering spaces that facilitate social interaction, community events, and physical activity in master planned communities, large residential developments, and large commercial developments.

Consistency: The residents of Phelan Pinon Hills encourage the development of parks to meet the recreational needs of the community. The Project includes the development of multi-purpose ball/play fields, equestrian area and other park-related associated features.

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

The Zoning Amendment from General Commercial (CG) to Rural Commercial (CR) was analyzed through the preparation of an Initial Study and found not to have a significant impact on environment with the adoption of proposed mitigation measures. The Project will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, safety, or welfare, or injurious to the property or improvements in the proposed plan area and its vicinity. The public interest will be served in that the Project will create a variety of recreational opportunities within the community. The environmental analysis also found the Project would not jeopardize or constitute a hazard to people, property or improvements in the vicinity given that future development will utilize and improve upon existing roadways and services offered to the surrounding area.

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

The Countywide Policy Plan currently designates this project area as Commercial, the Zoning Amendment from General Commercial (CG) to Rural Commercial, (CR) will bring the parcel into conformance with the established Commercial Land Use Category. The Project site is currently vacant, and there are no existing allowed uses within the vicinity of the Project site that will be compromised. The community benefit to having this area consistent with the Policy Plan will allow future development to provide recreational opportunities, which will fulfill the intent of the Policy Plan.

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

The Project does not include a Land Use Category change. The Zoning Amendment will continue to fulfill the intent of the Policy Plan to establish this area as commercial, and therefore will provide a reasonable and logical extension of the existing Commercial Land Use Category.

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

The Project will not conflict with provisions of the San Bernardino County Development Code. The Project was reviewed and determined to be compliant with the proposed Rural Commercial (CR) zoning district, and Conditions of Approval are included to safeguard continued compliance.

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

The Project has been analyzed and it has been determined through the preparation of an Initial Study and various technical studies that the Zoning Amendment and conditional use permit will not have a significant impact on the public health, safety, convenience, or welfare of the surrounding properties. Approval of the Zoning Amendment will not result in a reduction of public services to properties in the vicinity. Adequate public services and facilities exist or will be required to be upgraded to meet the needs of future development on the property and the proposal will be required to comply with applicable Countywide development standards and mitigation measures intended to minimize potentially adverse effects upon surrounding properties.

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

The Project will not jeopardize or constitute a hazard to property or improvements in the vicinity, given that future development will improve upon the existing roadway system and existing public services. The proposed land use change will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area through compliance with San Bernardino County Development Code requirements. The application of existing San Bernardino County Development Code requirements to the Project development will ensure it will not have a significant impact on public and emergency vehicle access, public services, or utilities or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the area.

FINDINGS: CONDITIONAL USE PERMIT. Conditional Use Permit to construct and operate a public community park comprised of multi-purpose ball/play fields, pump track and skateboard area, equestrian area, dog parks, restrooms, and other associated features on 14.79 acres (Project). The following are the required findings per the San Bernardino County Development Code Section 85.06.040 and supporting facts for approval of the Conditional Use Permits:

8. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project is adequate in terms of shape and size to accommodate the required landscape standards, structure setbacks, and necessary on-site and off-site improvements. The Project in size is also able to accommodate adequate on-site circulation. The submitted Project plans show adequate design, parking, landscaping, circulation, access, and setbacks as shown in Table 2 of the Staff Report pursuant to the requirement of the San Bernardino County Development Code.

9. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

Access to the Project site from Sheep Creek Road will be provided via Sahara Road/Warbler Road. One parking lot entrance is located on the southern end of the Project site, and the other entrance is located on the northern end of the Project site, which will provide legal and physical access to the site. The Project's site plan has also been reviewed by the County's Land Use Services, Public Works, and the San Bernardino County Fire Protection District. On-site circulation drive aisles meet the San Bernardino County Fire Protection District standards.

10. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The Project has been designed to comply with all applicable requirements of the San Bernardino County Development Code. The Conditions of Approval for the Project will ensure that the use will not become a nuisance or have a substantial adverse effect on abutting properties.

11. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable community or specific plan.**

The Project includes the construction and operation of a 14.79-acre community park with associated recreational amenities. Based on the evidence contained in the Project's supporting documents, the Conditional Use Permit is internally consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan) as further described below:

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. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: Considering features of the site design which is consistent with the previously approved improvements of the Phelan Pinon Hills Community Services

District's facilities, the Project minimizes impacts on the surrounding land uses and adjacent neighborhoods.

Policy LU-2.4 Land Use Map Consistency.

We consider the proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The Zoning Amendment maintains the parcel's conformance with the established Commercial (C) Land Use Category. The Zoning Amendment of Rural Commercial (CR) is a consistent zoning designation under the Commercial Land Use Category. The development of the Project conforms with landscaping, parking, and performance standards that are identified in the San Bernardino County Development Code. The proposed Phelan Pinon Hills Community Park is an allowed use within the Rural Commercial (CR) zoning district subject to the approval of a Conditional Use Permit, and the Project site plan identifies compliance with San Bernardino County Development Code.

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.

Consistency: The residents of Phelan Pinon Hills aspire to encourage the development or expansion of commercial uses that are compatible with adjacent land uses and respect the existing positive characteristics of the community and its natural environment. By expanding upon the previously approved improvements of the Phelan Pinon Hills Community Services District's facilities, the Project continues to maintain the natural characteristics of the community while providing new recreational amenities for the surrounding residents.

Policy LU-4.8 Public Gathering Spaces.

We require the development of safe and attractive public gathering spaces that facilitate social interaction, community events, and physical activity in master planned communities, large residential developments, and large commercial developments.

Consistency: The residents of Phelan Pinon Hills encourage the development of parks to meet the recreational needs of the community. The Project includes the

development of multi-purpose ball/play fields, equestrian area and other park-related associated features.

12. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.

The applicant will be required to construct appropriate road improvements, both on-site and off-site, continue to provide adequate water services from Phelan Pinon Hills Community Services District, and continue to provide adequate utilities to the property in accordance with the Conditions of Approval.

13. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.

The Conditions of Approval ensure the appropriate intended use of the Project, and will ensure that the overall public health, safety, and general welfare are not impacted by the Project.

14. The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

The orientation and design of the Project includes adequate building setbacks and the future ability to construct rooftop solar facilities.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines and the San Bernardino County Environmental Review Guidelines, the above-referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed in accordance with CEQA. Following public review of the MND, the County finds that changes to Mitigation Measures BIO-2, -3, and -5, related to nesting birds, desert tortoise and listed species, and a revision to MM BIO-4, related to burrowing owl, is appropriate. The changes and addition in the mitigation measures identified above are determined to be equivalent or more effective in mitigating environmental impacts as previously determined in the circulated MND and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the Project and made part of the Project's Mitigation Monitoring and Reporting Program. As a result, the changes and additions to the mitigation measures do not require recirculation of the MND. The MND, including the revisions

Findings
Phelan Pinon Hills Community Park – November 21, 2024
PROJ-2022-00184/ZC
APN: 3066-251-18

EXHIBIT C

discussed herein, represents the independent judgment and analysis of the County acting as lead agency for the Project.

END OF FINDINGS