



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: March 19, 2026

AGENDA ITEM #2

Project Details

Applicant: San Bernardino County Land Use Services Department
Community: All unincorporated communities
Locations: Countywide
Project No.: PMISC-2025-00046
Staff: Vincent Acuna, Long Range Planning Manager
Proposal: Text amends to the San Bernardino County Development Code relating to written requests for noticing of pending land use decisions and public hearing notices.

Newspaper Publication Date: March 5, 2026

Report Prepared By: Nathan Hunsicker

PROJECT DESCRIPTION:

An ordinance of San Bernardino County, State of California, to amend Subsections 85.03.080(a)(2) and 86.07.020(b)(1)(D) of the San Bernardino County Code (Development Code) relating to written requests for noticing of pending land use decisions and public hearing notices to ensure consistency with California Government Code Section 65092 (Development Code Amendment or Project).

BACKGROUND:

Government Code Section 65092 provides that whenever California's Planning and Zoning Law requires notice of a public hearing be given that "the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee which is reasonably related to the costs of providing this service and the local agency may require each request to be annually renewed."

Subsection 85.03.080 of the Development Code implements and modifies the State's public noticing requirements and procedures for pending land use decisions and required public hearing notices. This includes notices mailed to persons who request to be notified in accordance with Government Code Section 65092. The current verbiage of the Development Code, however, provides a narrow application of requests for notice by limiting the request to specific projects. The Development Code provision is also silent on designated persons within the County that are eligible to receive these requests, the imposition of a fee for the cost of providing this service, and whether the request must be

renewed.

The Development Code Amendment will amend Subsection 85.03.080(a)(2) to conform with State law as follows:

- Allows a person to file a broad written requests for notice or for a project-specific request for notice;
- Allows a person to request the County deliver the notice electronically;
- Designates the Clerk of the Board and the Director of the Land Use Services Department (Department) as the authorized representatives of the County to receive the written requests for notice;
- Authorizes the Department to impose a fee for the cost of providing the service; and
- Provides that a written request expires on December 31st of the calendar year received but can be renewed annually within 30 days of expiration.

These changes will align the County's written request for notice provisions with State law and provide both the public and County staff much needed clarity as it pertains to noticing requests.

Subsection 86.07.020(b)(1)(D) of the Development Code also relates to the method of noticing public hearings and is amended to maintain consistency with the changes noted above.

ANALYSIS:

The purpose of the proposed Development Code Amendment is to revise the County's standards to align with State law. The table below summarizes the proposed changes:

	CURRENT CODE	REVISIONS
§ 85.03.080 Notice of Pending Land Use Decisions.		
Written Request for Notice	§85.03.080(a)(2) Notice shall be given by first class mail to any person who has filed a written request for a specific application.	§85.03.080(a)(2) Notice shall be given by first class mail, or if requested in writing, delivered electronically to any person who has filed a written request for a-specific application notice with either the Clerk of the Board or the Director consistent with Government Code Section 65092. The Department may require payment of a fee to cover the

		reasonable cost of providing such notices. A written request for notice filed pursuant to Government Code Section 65092 shall expire on December 31st of the calendar year received but may be annually renewed by the requester within 30 days of expiration.
§ 86.07.020 Notice of Hearing.		
Persons Requesting Notice	§86.07.020(b)(1)(D) Any person who has filed a written request for notice with the Director and has paid the required fee for the notice in compliance with the Planning Fee Schedule.	§86.07.020(b)(1)(D) Any person who has filed a written request for notice in accordance with Subsection 85.03.080(a)(2) with the Director and when required has paid the required fee for the notice in compliance with the Planning Fee Schedule.

ENVIRONMENTAL DETERMINATION:

The Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) because regulations related to providing written notice of pending land use applications have no possibility of having a significant effect on the environment. The Development Code Amendment is intended to promote transparency, due process, and public participation and has no physical impacts on the environment.

FINDINGS:

The following findings and the evidence to support such findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed amendment is consistent with the General plan and any applicable community plan or specific plan.
 - a. The proposed amendment is consistent with the San Bernardino County General Plan and any applicable community plan or specific plan, as it is a procedural update that clarifies and aligns noticing requirements for land

use decisions with State law and does not alter land use designations, or planned growth patterns.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
 - a. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The amendment promotes transparency, due process, and public participation by ensuring noticing procedures are clear, legally compliant, and consistently applied.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
 - a. The proposed amendment ensures internal consistency of State and local noticing requirements for those individuals that make written requests for notice.

That the Planning Commission **RECOMMEND** that the Board of Supervisors take the following action:

1. **FIND** the proposed ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines;
2. **ADOPT** the findings for approval of the proposed ordinance;
3. **ADOPT** the proposed ordinance amending Subsections 85.03.080(a)(2) and 86.07.020(b)(1)(D) relating to written requests for noticing of pending land use decisions, and;
4. **DIRECT** the Land Use Services Department to file a Notice of Exemption in accordance with the California Environmental Quality Act.

ATTACHMENTS:

Exhibit A: Proposed Ordinance

Exhibit A: Proposed Ordinance

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The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

(a) This ordinance will amend Subsections 85.03.080(a)(2) and 86.07.020(b)(1)(D) of Title 8 of the San Bernardino County Code relating to a written request for notice of pending land use decision. The amendment will ensure consistency with the requirements of Government Code Section 65092 by designating persons eligible to receive a request, authorizing the collection of a fee to comply with the request, and to impose a requirement that the request be annually renewed.

(c) This ordinance is exempt from the California Environmental Quality Act pursuant to Cal. Code Regs, tit. 14, Section 15061(b)(3) because regulations related to providing written notice of pending land use applications have no possibility of having a significant effect on the environment.

Section 85.03.080 Notice of Pending Land Use Decisions.

(a)(2) Notice shall be given by first class mail, or if requested in writing,

1 delivered electronically to any person who has filed a written request ~~for a specific~~
2 ~~application for notice with either the Clerk of the Board or the Director consistent with~~
3 Government Code Section 65092. The Department may require payment of a fee to
4 cover the reasonable cost of providing such notices. A written request for notice filed
5 pursuant to Government Code Section 65092 shall expire on December 31st of the
6 calendar year received but may be annually renewed by the requester within 30 days of
7 expiration.

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9 SECTION 3. Subsection 86.07.020(b)(1)(D) of the San Bernardino County Code
10 is amended, to read:

11 **Section 86.07.020 Notice of Hearing.**

12 . . .

13 (b)(1)(D) *Persons Requesting Notice.* Any person who has filed
14 a written request for notice in accordance with Subsection 85.03.080(a)(2)~~with the~~
15 ~~Director~~ and when required has paid the required fee for the notice in compliance with the
16 Planning Fee Schedule.

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18 SECTION 4. This ordinance shall take effect 30 days from the date of adoption.
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21 _____
DAWN ROWE, Chair
22 Board of Supervisors

23 SIGNED AND CERTIFIED THAT A COPY
24 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

25 LYNNA MONELL, Clerk of the
26 Board of Supervisors
27
28 _____

1 STATE OF CALIFORNIA)
2 SAN BERNARDINO COUNTY) ss.
3)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____
8 _____

9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
10 wit:

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this ____ day of _____, 20__.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 LAURA FEINGOLD
24 County Counsel

25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____