

ORDINANCE NO. 4410
LAND USE ZONING DISTRICT MAP AMENDMENTS

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING THE SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT MAPS DJ04, FH29 AND FH28.

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

SECTION 1. Public hearings have been held before the Planning Commission and Board of Supervisors of the County of San Bernardino, State of California (Board), pursuant to the Planning and Zoning Law of the State of California and the County Code of San Bernardino County.

SECTION 2.

The Land Use Zoning District Map DJ04 is amended as shown on the attached map from Resource Conservation (RC) to Regional Industrial (IR) for 23 parcels on approximately 2,095 acres and from Special Development (SD) to Regional Industrial (IR) for two parcels over approximately 125 acres (Zoning District Amendment), in conjunction with a Policy Plan Map Amendment from Resource Land Management (RLM) Land Use Category designation to General Industrial (GI) Land Use Category designation for 25 parcels on approximately 2,220 acres (Project), located at 67750 Bailey Road, Mountain Pass (Project site).

*Assessor Parcel Numbers: 0572-071-10, 0572-071-11, 0572-071-14; 0572-091-08, 0572-091-12, 0572-091-13, 0572-091-14, 0572-091-15, 0572-091-17, 0572-091-19, 0572-091-21, 0572-091-22, 0572-091-24, 0572-091-25; 0572-101-11, 0572-101-14, 0572-101-17, 0572-101-19, 0572-101-20, 0572-101-24, 0572-101-25; 0573-091-21, 0573-091-23, 0573-091-25, and 0573-091-27

FINDINGS FOR THE LAND USE ZONING DISTRICT MAP DJ04 AMENDMENT:

1. The proposed amendment is internally consistent with all other provisions of the Policy Plan. Based on the evidence contained in the Project's supporting documents, the proposed amendment is consistent with and will further the goals and policies of the Policy Plan as further indicated 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: The Project seeks an amendment to the Policy Plan Map from Resource Land Management (RLM) Land Use Category designation to General Industrial (GI) Land Use Category designation. Industrial mining operations and related facilities and activities within the County are generally permitted in the Mineral Resources Zone (MRZ). However, the General Industrial (GI) designation is also an appropriate land use designation and is consistent with the existing operation and would be consistent with the uses currently in operation on the Project site. Furthermore, the existing uses would be considered conforming uses within the proposed Regional Industrial (IR) Land Use Zoning District.

Policy LU-6.4. Industrial amendments near parks and schools. We approve Land Use Plan amendments for new industrial development only if they are at least one-half mile from an existing or planned public primary or secondary school or public park. We may waive this requirement for obsolete school or park sites or for industrial amendments submitted through a specific plan.

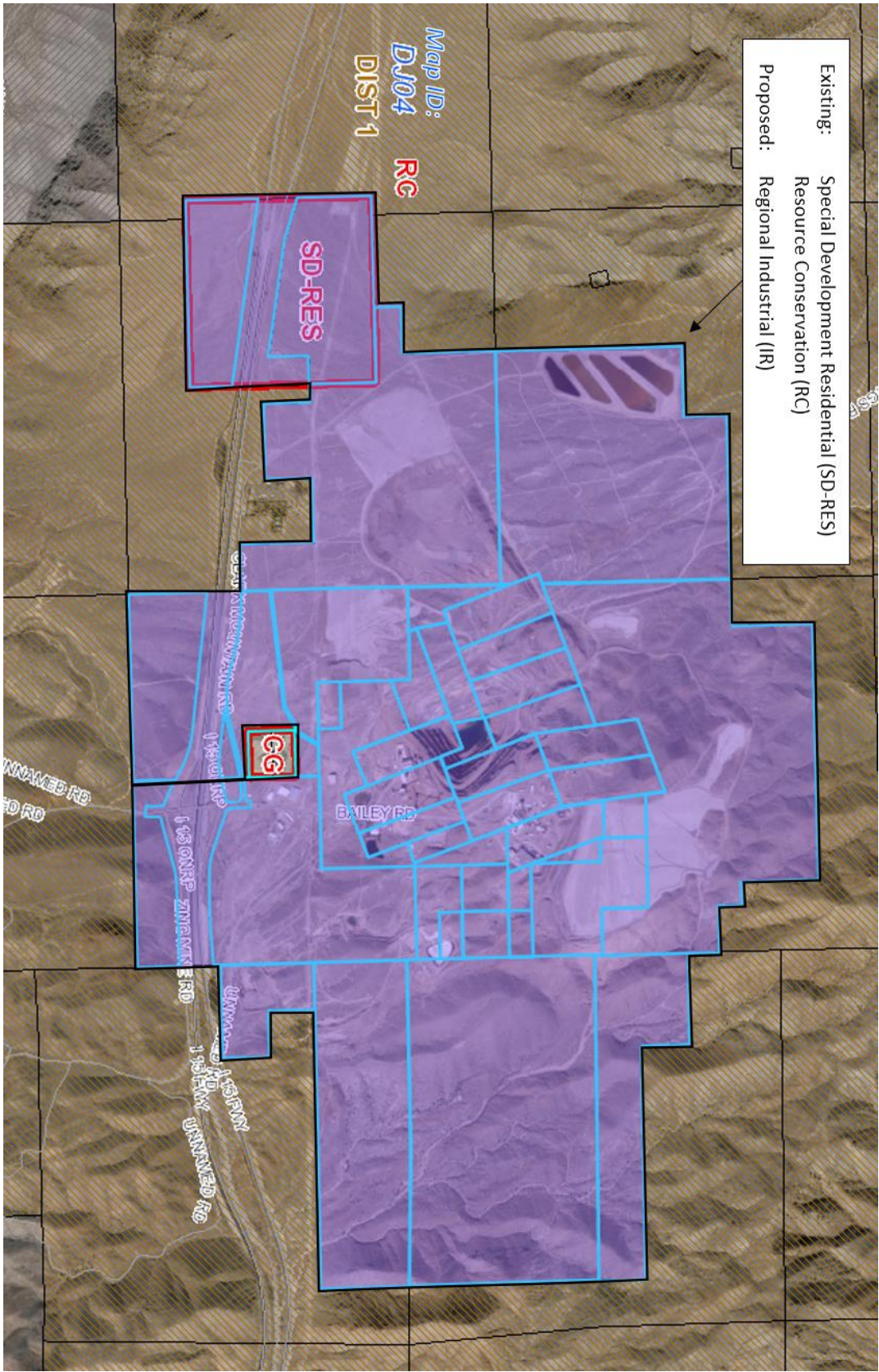
Consistency: The Project site is located near a former school (Mountain Pass Elementary), owned by the Baker Valley Unified School District. However, the Mountain Pass Elementary School is no longer in operation. Accordingly, this policy can be waived because the school is considered obsolete by the Baker Valley Unified School District.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the Project does not include any development and will simply modify the

Land Use Category and Land Use Zoning District on the property to better reflect the existing and future uses.

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 Project site is currently developed with industrial structures and has been extensively disturbed by mining activities. A variety of mining and industrial land uses exist near the Project site. Approval of the Policy Plan Amendment and Zoning District Amendment includes amending the Land Use Category designation from Resource Land Management (RLM) to General Industrial (GI) and amending the Land Use Zoning Districts from Resource Conservation (RC) and Special Development (SD) to Regional Industrial (IR). The Project does not include any development, and as indicated above, will allow the existing operations to be more representative of its current and future activities. As such, the Project will be a benefit to the community and region and will allow the industrial uses to operate beyond the mining operation, which will not compromise existing development in the area.
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 proposed Policy Plan Amendment and Zoning District Amendment will meet the minimum size requirements enumerated in the Development Code and will allow for existing industrial operation to be placed in a more representative zone.
5. The proposed Land Use Zoning District change does not conflict with provisions of the Development Code. The change in the Land Use Category designation from Resource Land Management (RLM) to General Industrial (GI) and Land Use Zoning District from Resource Conservation (RC) and Special Development (SD) to Regional Industrial (IR) will not conflict with the Development Code. The Land Use Zoning District change will allow for the continued operations of all existing industrial operations. Since the Project area was previously approved and located adjacent to an open pit mine, the change in zone will not conflict with the provisions of the Development Code and will be in full compliance.
6. The proposed Land Use Zoning District change will not have a substantial adverse effect on surrounding property. Adequate public services and facilities are provided in accordance with provisions of previous entitlements and required by conditions of approval and mitigation measures provided in the Final Environmental Impact Report for the Mountain Pass Mine, approved in June of 2004 (SCH No. 1999121073) (2004 CUP) and the Subsequent Mitigated Negative Declaration, approved in 2010. Approval of the Project will not result in a reduction of said public services to properties in the vicinity, to the detriment of public health, safety and welfare.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical) 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 will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The Project site is currently developed and operating under previously approved entitlements. The changes proposed to the Policy Plan and Land Use Zoning District will not jeopardize or constitute a hazard to property or improvements in the vicinity given that the Project utilizes existing roadways associated with operations located in the Mountain Pass area. Therefore, no significant adverse impacts to law enforcement are identified or anticipated. The Project will not have a substantial adverse effect on surrounding property or the permitted use thereof and will be compatible with the existing and planned land use character of the surrounding area.

8. Pursuant to provisions of the California Environmental Quality Act 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. The Board adopts the Negative Declaration and a Notice of Determination will be filed with the San Bernardino County Clerk of the Board's office. The Initial Study/Negative Declaration represents the independent judgment and analysis of the County acting as lead agency for the Project.



SECTION 3.

The Land Use Zoning District Map FH29 is amended as shown on the attached map from Single Residential, 1-acre minimum lot size, Additional Agriculture (RS-1-AA) to General Commercial (CG) on a 2.32-acre site (Zoning District Amendment), in conjunction with a Policy Plan Map amendment from Low Density Residential (LDR) Land Use Category designation to Commercial (C) Land Use Category designation and a Conditional Use Permit for a 5,000-sf. convenience store and service station with four fueling islands, a 5,324-sf. canopy, a 2,634-sf car wash, a 2,550 sf. drive thru restaurant, and a 2,244-sf. storage building (Project), located at 11279 Cedar Avenue, Bloomington (Project site).

FINDINGS FOR THE LAND USE ZONING DISTRICT MAP FH29 AMENDMENT:

1. The proposed amendment is internally consistent with all other provisions of the Policy Plan. Based on the evidence contained in the Project's supporting documents, the proposed amendment is consistent with and will further the goals and policies of the Policy Plan as further indicated below:

Policy LU-1.3. Fiscal sustainability. When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

Consistency: The Project applicant is required to construct and install all necessary improvements to serve the Project and maintain service levels in the community. The Project applicant is also required to pay all applicable development impact fees, as well as property taxes to ensure long-term operations and maintenance of public facilities and services in the area.

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.

Consistency: The Project is located in an area where commercial uses exists and are expanding. The site design provides sufficient setbacks, landscaping and buffering to minimize potential negative impacts on existing adjacent neighborhoods.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The Policy Plan and Zoning District Amendments facilitate a Project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety, and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services. A commercial/retail development on this site would offer community benefit of expanded services to include a convenience store and restaurant opportunities. The Project will also promote significant economic development within the community, including construction jobs.
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 Project will promote significant economic development within the community, including construction jobs, as well as providing local services.
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 recent adoption of the Policy Plan established a land use pattern for the surrounding area. The proposed Policy Plan Amendment and Zoning District

Amendment will be consistent with the pattern established by the Policy Plan and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The parcel will become an extension of the General Commercial (CG) zone to the south along Cedar Avenue, and compatible with the Community Industrial (IC) zoning designation to the west across Cedar Avenue.

5. The proposed Land Use Zoning District change does not conflict with provisions of the Development Code. The Project will be in compliance with the Development Code with adoption of the Policy Plan Amendment and Zoning District Amendment. Conditions of approval and the plan check process will ensure compliance of countywide development standards and standards for specific land uses and activities.
6. The proposed Land Use Zoning District Change will not have a substantial adverse effect on surrounding property. An Initial Study/Mitigated Negative Declaration was prepared for the Project and concluded that the Project would not have a significant adverse impact on the environment and surrounding properties with the implementation of recommended mitigation measures, which are incorporated as conditions of approval for the Project. Appropriate mitigation measures and conditions of approval will ensure countywide performance standards are met and that the Project will not have an adverse effect on the surrounding property.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical), 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 will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. All components of the Project were analyzed by the appropriate County departments and determined to be physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access, public services and utilities, 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.
8. Pursuant to provisions of the California Environmental Quality Act 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 conditions of approval and mitigation measures. The Board adopts the Mitigated Negative Declaration and a Notice of Determination will be filed with the San Bernardino County Clerk of the Board's office. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the County acting as lead agency for the Project.



SECTION 4.

The Land Use Zoning District Map FH28 is amended as shown on the attached map from Multiple Residential (RM) to Community Industrial (IC) on two parcels totaling 1.8 acres (Zoning District Amendment), in conjunction with a Policy Plan Map amendment from Medium Density Residential (MDR) Land Use Category designation to Limited Industrial (LI) Land Use Category designation and a Conditional Use Permit for two warehouse/fabrication buildings of 16,831 sq. ft. and 15,613 sq. ft. (Project), located on the south side of Arrow Route, approximately 350 feet west of Calabash Avenue (Project site).

FINDINGS FOR THE LAND USE ZONING DISTRICT MAP FH28 AMENDMENT:

1. The proposed amendment is internally consistent with all other provisions of the Policy Plan. Based on the evidence contained in the Project's supporting documents, the proposed amendment is consistent with and will further the goals and policies of the Policy Plan as further indicated 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.

Consistency: The Project site is within an area that has a mixed development pattern and has undergone a transition with the expansion of industrial related uses. The block between Mulberry and Calabash Avenues along Arrow Route has a variety of land uses, including industrial, commercial, and both multiple family residential and single-family residential land uses. The adjoining two parcels to the west undertook a similar land use change in May 2017 with the approval of a General Plan Amendment/Zone Amendment from Multiple Residential (RM) to Community Industrial (IC). The Development Code contains criteria for new industrial development adjacent to residential land uses, including building setbacks and landscaping. The Project has met those requirements and also oriented the traffic pattern and project activities to occur within the interior of the site away from adjoining residential uses.

Policy LU-2.4. Land Use Map Consistency. We consider 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 proposed land use change will provide compatibility with the adjoining land uses to the west and south of the Project site. Conforming residential land uses exist to the east and the Project design is compatible with the County's Development Code criteria for industrial uses adjacent to residential land uses. The Project has also oriented the traffic pattern and project activities to occur within the interior of the site away from adjoining residential uses.

Policy LU-2.12. Office and Industrial Development in the Valley Region. We encourage office and industrial uses in the unincorporated Valley region in order to promote a countywide jobs-housing balance.

Consistency: The Project is an industrial use that would provide opportunity for increased local employment opportunities and promote a countywide jobs-housing balance.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the amendment facilitates a project that has incorporated appropriate conditions of approval and mitigation measures to protect public health and enhance safety, while providing increased economic opportunities and ensuring adequate environmental protection for the existing environment.
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 proposed Zoning District Amendment reflects an ongoing land use transition in the project area that provides a variety of land uses, consisting primarily of industrial, thereby providing an opportunity to achieve a better jobs-housing balance.
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 recent adoption of the Policy Plan established a land use pattern for the surrounding area. The proposed Zoning District Amendment to Community Industrial (IC) represents an extension of the existing land use category and zoning district to the west and south. Limited Industrial also exists in the adjoining block to the east on the south side of Arrow Route, between Calabash and Banana Avenues.
5. The proposed Land Use Zoning District change does not conflict with provisions of the Development Code because the Project site conforms to the size and location criteria specified for the Community Industrial (IC) zoning district and will conform to the development standards and other applicable land use regulations of the Community Industrial (IC) zoning district.
6. The proposed Land Use Zoning District change will not have a substantial adverse effect on surrounding property. The Project site represents an extension of the industrial land use pattern to the west and south. The proposed use for the Project site is also conditioned to adhere to the Development Code requirements regarding noise, odor, lighting and use requirements, in addition to the identified mitigation measures contained in the Initial Study/Mitigated Negative Declaration that will mitigate environmental impacts to adjacent uses. The Project design is such that the potential adverse effects from vehicle trips and grading activities and their resulting operational noise, air emissions, and odors would not adversely affect nearby residences.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical), 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 will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The Project has been evaluated and conditioned to provide a safe and accessible site for the proposed operation. Fire and police protection will be provided by the San Bernardino County Fire Protection District and the San Bernardino County Sheriff's Department and appropriate emergency vehicle access has been incorporated into the site design. Water and sewer service is to be provided by Fontana Water Company and an on-site septic system approved by County Environmental Health. The County has evaluated all aspects of the Project and determined that the Project does not constitute a hazard to neighboring properties.
8. Pursuant to provisions of the California Environmental Quality Act 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 conditions of approval and mitigation measures. The Board adopts the Mitigated Negative Declaration and a Notice of Determination will be filed with the San Bernardino County Clerk of the Board's office. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the County acting as lead agency for the Project.



SECTION 5. The Land Use Zoning District Map DJ04, FH29 and FH28 Amendments shall become effective thirty (30) days after the adoption of this ordinance.

CURT HAGMAN, Chairman
Board of Supervisors

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

LYNNA MONELL,
Clerk of the Board of Supervisors
of San Bernardino County

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 22nd of June, 2021, at which meeting were present Supervisors: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr. and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 22nd of June, 2021.

Approved as to Form
MICHELLE D. BLAKEMORE
County Counsel

LYNNA MONELL,
Clerk of the Board of Supervisors

By: _____
JOLENA E. GRIDER
Deputy County Counsel

By: _____
Deputy

Date: _____