

RESOLUTION NO. 2020-197

A RESOLUTION OF THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS AMENDING THE COUNTY GENERAL PLAN BY APPROVING THE COUNTYWIDE PLAN, POLICY PLAN TEXT, LAND USE DESIGNATION MAP, AND VARIOUS POLICY MAPS AND APPROVING THE COUNTYWIDE PLAN, BUSINESS PLAN TEXT

On Tuesday October 27, 2020, on motion of Supervisor Rowe, duly seconded by Supervisor Gonzales and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the Countywide Vision was adopted by the Board of Supervisors in 2011 and serves as the guiding set of goals for the Countywide Plan; and

WHEREAS, the Countywide Plan is designed to serve as the comprehensive general plan for the County of San Bernardino ("County"); and

WHEREAS, the Countywide Plan consists of the following components: the Policy Plan which contains the required and optional elements of a general plan and their goals and policies as legally mandated by State law, with the exception of the previously adopted Housing Element and the Renewable Energy and Conservation Element; and the Business Plan which contains the Governance Element, Implementation Plan, Tracking and Feedback Program, and the Regional Issues Forum; and

WHEREAS, the Policy Plan and the Business Plan are policy components of the Countywide Plan and were designed to be internally consistent and used together to guide the County's actions in order to achieve the Countywide Vision; and

WHEREAS, a Program Environmental Impact Report ("PEIR") (SCN 2017101033) was prepared for the Countywide Plan which adequately discussed the impacts of the project and indicates that significant environmental impacts will result; and

WHEREAS, a Final PEIR was prepared for the Countywide Plan in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines; and

WHEREAS, on October 27, 2020, the Board of Supervisors reviewed, studied, and found that the environmental documentation of the project complied with CEQA and certified the Final PEIR prepared for the Countywide Plan, making environmental findings pursuant to CEQA, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring Program; and

WHEREAS, Section 65358 of the California Government Code requires that any mandatory element of a general plan shall be amended no more than four times during any calendar year; and

WHEREAS, the Countywide Plan contained in this Resolution constitutes the third amendment to the San Bernardino County General Plan during 2020; and

WHEREAS, the San Bernardino County Planning Commission and Board of Supervisors have conducted legally noticed public hearings during which the Countywide Plan was considered and testimony received; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby declares the following:

SECTION 1. The Board of Supervisors finds and determines that the foregoing recitals are true and correct and are incorporated by reference herein as if stated in full.

SECTION 2. The Board of Supervisors certifies the Final PEIR based on the following findings and conclusions:

- a) The Final PEIR for the Countywide Plan has been completed and processed in compliance with the requirements of CEQA and State CEQA Guidelines; and
- b) The Final PEIR was presented to the Board of Supervisors, and the Board of Supervisors as the decision-making body of the County reviewed and considered the information contained in the Final PEIR prior to approving the proposed project; and
- c) The Final PEIR reflects the Board of Supervisors independent judgement and analysis.

SECTION 3. The Board of Supervisors approves the Countywide Plan and hereby adopts the Countywide Plan (Policy Plan) as the updated general plan of the County. By adopting the Countywide Plan and all its components, the Board of Supervisors amends the County's 2007 General Plan (text and maps) in its entirety as follows, with the exception of the previously adopted Housing Element and the Renewable Energy and Conservation Element which are hereby incorporated into the Countywide Plan in their approved form:

- a) The Countywide Plan text located in Attachment "A" is adopted and is incorporated by reference herein as if stated in full.
- b) The following is a list of Land Use Designations adopted by this Resolution and applied to unincorporated County properties by the Policy Plan Map, LU-1 (Land Use Map):

<u>Land Use Designation Prefix</u>	<u>Land Use Designation Name</u>
RL	Rural Living
VLDR	Very Low Density Residential
LDR	Low Density Residential
MDR	Medium Density Residential
C	Commercial
IL	Limited Industrial
IG	General Industrial
PF	Public Facility
RLM	Resource Land Management
OS	Open Space
SD	Special Development

- c) All 2007 General Plan Maps are rescinded by this Resolution and replaced by the web-based maps located on the Countywide Plan official website and included for reference in Attachment "B".

SECTION 4. Based on the entire record before the Board of Supervisors and all written and oral evidence presented, and the findings made in this Resolution, the Board of Supervisors concludes as follows:

- a) That the Countywide Plan promotes the goals and objectives of the County of San Bernardino and is consistent with the Countywide Vision; and

b) The Countywide Plan is a long-term, compatible, integrated, and internally consistent statement of polices relating to the development of a complete community concept and a sustainable county; and

c) All aspects of the Countywide Plan (Policy Plan) are found to be consistent and in compliance with Government Code Section 65300 et seq.; and

d) The Policy Plan text amendment is internally consistent with all other provisions of the Policy Plan and any adopted specific plan; and

e) The Policy Plan text amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and

f) The Land Use Designation changes included within the Policy Plan are in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised; and

g) The Land Use Designation changes included within the Policy Plan will not have a substantial adverse effect on surrounding property.

SECTION 5. The Board of Supervisors hereby approves the two map system for the County, consisting of the Land Use Map (LU-1) which identifies all property in the unincorporated County with a Land Use Designation which complies with and is consistent with the goals and polices contained in the Policy Plan, and a Zoning Map which, when adopted, will classify all property in the unincorporated County with a zone which is consistent with the Land Use Designation for the property and compliant with San Bernardino County Development Code (“Development Code”) requirements.

SECTION 6. The Board of Supervisors hereby determines that until such time as a Zoning Map is approved by the Board of Supervisors (referred to herein as the “interim period”), the following interim procedures for determining Policy Plan (General Plan) consistency and how properties in the unincorporated County can be used and/or developed will be in affect:

a) The existing Land Use District classification for properties within the unincorporated County shall be deemed to be the Zone Classification (Zone) for each property until such time as an official Zoning Map is adopted by the Board of Supervisors. The development standards, uses, and applications identified in the current Development Code for each Zone shall remain in force during the interim period.

b) During the interim period, in cases where a nonconformity exists between the Land Use Designation and the existing Land Use District (Zone) of a parcel, and a property owner desires to develop the land pursuant to the existing zoning of the property, a property owner may submit an application to develop in accordance with the existing zoning of the property. Applications that have been accepted as complete, in compliance with State law (Government Code Section 65943), by the County before the effective date of the updated Zoning Map, shall be processed pursuant to the existing Land Use District (Zone), regulations, and requirements for the property in effect at the time the application was accepted as complete. If an application is accepted as complete, the application must be pursued in good faith by the owner until a final action by the County has been made, but in no case longer than the time period provided in subsection (g), below. If approved, an entitlement must be vested (development begun or use commenced) prior to the initial expiration date as determined by the regulations and requirements in effect at the time of approval. If no application is submitted or if the entitlement has not been vested within the required timeframe, all land use actions including extensions of time must be consistent with the Land Use Designation and updated Zoning Map for the parcel.

c) During the interim period, if a nonconformity exists between the Land Use Designation and the Land Use District (Zone) of a parcel, and a property owner desires to use or develop their property in conformance with the Land Use Designation, a property owner may submit an application

for a zone change consistent with the Land Use Designation along with the appropriate development or use application for approval by the County.

d) If a Zone classification does not exist for implementing the Land Use Designation, the County's Planning Director or the Zoning Administrator, will determine which existing Land Use District (Zone) best achieves the purpose of carrying out the intent of the Land Use Designation and utilize that zone to apply development standards, until such time as an official Zoning Map is adopted by the Board.

e) Once a new Zone Map has been adopted by the Board of Supervisors or the time limits set forth in Section 5(b), if applicable, have expired, the interim period provisions will be terminated. Thereafter, all use and development applications must be consistent with the Policy Plan text, the Land Use Designation Map, and be implemented through the application of the Zone Map and applicable provisions of the Development Code. After the termination of the interim period, the County shall deny any use or development application that is not consistent with the Land Use Designation and applicable Zone Map.

f) If a nonconformity exists between the Land Use Designation and the Zone for a property after adoption of the new Zone Map, the County will, upon notification of such situation, determine the most appropriate Zone classification for the property, consistent with the Land Use Designation and in conformance with the Zone definitions, and, if necessary, recommend an update to the Zone Map to ensure consistency.

g) After the termination of the interim period, all formally submitted applications which have been deemed complete and are in the process of being reviewed for approval by the County shall have one year to be acted upon by the initial review authority. If not acted upon by that time period, the application shall be deemed to be denied with prejudice.

SECTION 7. The Policy Plan (general plan) adopted by this resolution shall be effective 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES:	SUPERVISORS:	Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

* * * * *

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

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of October 27, 2020. #100 jrh

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

Approved as to Legal Form:

MICHELLE D. BLAKEMORE
County Counsel

By: _____
BART BRIZZEE
Principal Assistant County Counsel

Date: _____

ATTACHMENT A
[INSERT COUNTYWIDE PLAN TEXT]

**ATTACHMENT B
ADOPTION OF GENERAL PLAN MAPS**

The following General Plan maps are adopted by this Resolution and located on the Countywide Plan official website:

<u>Map #</u>	<u>Map Title</u>
<u>Land Use Element</u>	
LU-1	Land Use Map
LU-1(A)	Land Use Map – Valley Region
LU-1(B)	Land Use Map – Mountain Region
LU-1(C)	Land Use Map – North Desert Region (Victor Valley & Barstow)
LU-1(D)	Land Use Map – North Desert Region (Trona, Baker, Needles)
LU-1(E)	Land Use Map – East Desert
LU-2	General Boundaries
LU-3	Military Influence Overlay
<u>Infrastructure and Utilities Element</u>	
IU-1	Water Service Wholesale Providers
IU-2	Groundwater Basins
IU-3	Wastewater Treatment Facilities
IU-4	Regional Flood Control Facilities
IU-5	Waste Disposal & Landfills
IU-6	Natural Gas Service
IU-7	Electric Utility Service
<u>Transportation & Mobility Element</u>	
TM-1	Roadway Network
TM-1(A)	Roadway Network - Valley Region
TM-1(B)	Roadway Network - Mountain Region
TM-1(C)	Roadway Network - North Desert Region (Victor Valley, & Barstow)
TM-1(D)	Roadway Network - North Desert Region (Trona, Baker, & Needles)
TM-1(E)	East Desert Region
TM-2	Transit Network
TM-3	Mobility Focus Areas
TM-4	Bicycle & Pedestrian Planning
TM-5	Goods Movement
TM-6	Airports
<u>Natural Resources Element</u>	
NR-1	Air Districts and Basins
NR-2	Parks & Open Space Resources
NR-3	Scenic Routes and Highways
NR-4	Mineral Resource Zones
NR-5	Agricultural Resources
<u>Hazards Element</u>	
HZ-1	Earthquake Fault Zones
HZ-2	Liquefaction & Landslides
HZ-3	Dam & Basin Hazards
HZ-4	Flood Hazards
HZ-5	Fire Hazard Severity Zones
HZ-6	Fire Responsibility Areas
HZ-7	Existing Noise Contours
HZ-7(A)	Existing Noise Contour - Valley & Mountain Regions
HZ-7(B)	Existing Noise Contours - North Desert Region
HZ-7(C)	Existing Noise Contours - East Desert Region

HZ-8 Future Noise Contours
HZ-8(A) Future Noise Contours – Valley and Mountain Regions
HZ-8(B) Future Noise Contours – North Desert Region
HZ-8(C) Future Noise Contours – East Desert Region
HZ-9 Airport Safety & Planning Areas
HZ-10 Environmental Justice and Legacy Communities
HZ-11 Wind Erosion Hazards

Personal and Property Protection Element

PP-1 Critical Facilities
PP-1(A) Critical Facilities – Transportation
PP-1(B) Critical Facilities – Public
PP-1(C) Critical Facilities - Utilities
PP-2 Evacuation Routes
PP-3 Sheriff Operations

Economic Development

ED-1 Commercial, Employment, and Industrial Redevelopment Focus Areas

Health & Wellness

HW-1 Educational Facilities
HW-2 Public Facilities