

the County under any obligation to change the zoning solely to enhance the private investment value of the property. There has never been any guarantee that the property could be used for anything other than the low-density use currently prescribed by the existing zoning designation.

The owners' desire to maximize their private financial gain by changing the zoning must not be mistaken as a public benefit. It is a misrepresentation to assert (as the authors of the DEIR try to do) that the proposed project has some kind of superior benefit. In seeking higher profits, the owners have wagered heavily on the County's pro-development reputation, betting the odds that their private interest would trump the public benefit, opening the door for their project. But, the County is under no obligation to reward private speculation.

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o More Housing is Not a Benefit

The Moon Camp owners claim that the addition of more houses should be regarded as a public benefit that overrides the degradation of scenic forest habitat and the loss of open space that would be caused by the zoning change. This claim might have merit in an urban setting, but is not valid inside a public National Forest alongside a scenic mountain lake. In addition, according to the County assessor's office there are already approximately 1,076 buildable lots in the small Fawnskin community. Creating 50 more cannot be considered a public need or benefit.

There is also already substantial development on the south shore of Big Bear Lake, much more in fact than what many people regard as reasonable or safe in proportion to the size of our small National Forest. The San Bernardino National Forest already stands out as having the highest percentage of development inside its boundaries of any National Forest in the country.

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With over 700 homes on the market (and others in foreclosure), there is no public basis for adding more housing in the overall Big Bear Valley and much less on the north shore. Instead, there is a cumbersome surplus of available housing on the market. Also the history of real estate in the mountain area is one of rapid continual turnover so that there are always ample opportunities for new home buyers during any fluctuation in the economy. For those who wish to reside in Big Bear, the opportunity is always available. More housing cannot be considered as a public benefit in this context.

o The Landowners' Viewpoint

The DEIR argues that the project site is next to areas of similar housing density and it is unfair to deprive them of an equivalent use of their land. However, the very small older subdivision to the east of Moon Camp is the product of a much earlier period, when circumstances were quite different. The fact that the proposal is next to National Forest, where zero density prevails and open space is essential, is not taken into account. Yet it is the most important reason to maintain the status quo and not change the existing rural zoning. The fact that over 60% of the site is bounded by either National Forest or lakefront is also not taken into account. The rural zoning is appropriate for the site, because it is compatible with the forest and therefore also in the best public interest.

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The developers believe that all rural zoning on private land in the National Forest is only a temporary "holding zone" meant to be cast aside as soon as a specific project for the site is proposed. This concept may have been plausible 20 years ago, when the prior General Plan was being drafted, a time when substandard infrastructure, fire danger and forest impacts were not such magnified problems as they are today. Historically, no one questioned the use of shake roofs in the mountains. Although shake roofs still exist in the mountains, no one thinks they are entitled to a shake roof simply because their neighbor has one. Because conditions are worse than they were 20 years ago, and because our

natural resources are diminishing at an alarmingly high rate, rural zones should to be maintained.

The County must take into account the context of the surroundings and the public interest, especially inside the San Bernardino National Forest. The holding zone concept does not alter the fundamental test required for a zoning change or diminish the meaningful basis for keeping an existing rural zoning designation.

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(b) Must Be Consistent with Goals and Policies of the General Plan

The project site's zoning designation of RL-40 is fully consistent with the General Plan. However, the proposed General Plan amendment to convert the Moon Camp zoning from its low-density rural designation to an urban RS-20,000 zone, which increases the density by 50-fold, would not be consistent with significant goals and policies of the General Plan. Below is a summary of various goals and policies of the General Plan, which if strictly enforced would prohibit the Moon Camp zone change and subdivision proposal from being approved.

- o The growth management and open space policies of the General Plan contain many guidelines that do not support a Moon Camp zone change, as the following citations pertaining to open space and natural resources indicate:

OR-1 Because preservation of open space lands will be facilitated through the application of land use standards, the County shall implement the following actions:

b. Develop and apply development policies/standards to support retention of open space lands by: requiring large lot sizes, high percentage of open space or agricultural uses, and clustering.

c. Utilize the Hazard and Resources Overlay Maps to identify areas suitable or required for retention as open space. Resources and issues identified on the Overlays which indicate open space as an appropriate use may include: flood, *fire, geologic*, aviation, noise, cultural, prime soils, *biological, scenic resources*, minerals, agricultural preserves, utility corridors, *water supply and water recharge*. (Italics added).

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Insofar as the Moon Camp site is part of a biologically sensitive area of the National Forest, where fire is also a major hazard, there is substantial reason to support large acreage parcels and the highest percentage of open space possible for the kind of rural mountain living that is most compatible with the wildland forest environment. In addition, the site's limited water supply and inadequate water recharge rate, coupled with the area's spectacular scenic resources, would dictate that the County consider this site as being worthy of retention as open space.

OR-18 Because preservation of natural resources cannot be accomplished only through the use of publicly owned land, the County shall apply the following policies to development and construction proposals on private lands.

e. Direct growth away from areas containing fragile or erosion-prone soils, especially those which support natural habitats.

OR-24 Because preservation of rare, threatened, or endangered species depends on the preservation of habitat which supports populations of these species, the County shall implement the following policies:

a. Seek to protect and conserve rare or endangered flora and fauna with limited or specialized habitats as well as common habitats necessary to support these species.

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d. Seek to provide protection and management to maintain habitat values where protection of natural areas and endangered species is not provided by another agency.

e. Review land use designations to ensure that planned land uses provide adequate protection for natural areas in areas containing known or potential biotic resources or designated as open space zones, corridors or active trail alignments on the Resources Overlay. This policy shall also apply to areas adjacent to zones, corridors or active trail alignments.

OR-25 Because the development of private lands can adversely affect the management strategies of the federal agencies which administer public lands within San Bernardino County, the County shall apply the following policies:

b. Review the planning documents of the public agency to determine the intensity of uses allowed on surrounding public lands when examining private land uses which are surrounded by public lands.

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OR-27 Because preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas, the County shall review the Land Use Designations for unincorporated areas within ten (10) miles of any state or federally designated scenic area, national monument, or similar area [i.e. National Forest], to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas.

OR-28 Because preservation of natural resources is a goal of the County, the County shall support land use and landscape strategies and standards which protect wildlife habitats and important vegetation.

The most appropriate land use strategy for the preservation of natural resources, especially in a valuable National Forest, is the maintenance of compatible low-density zoning. Where wildlife habitat and unique forest vegetation are clearly enhanced by an established low-density zone, it would be unreasonable to eliminate an existing land use designation that presently conforms with these goals of the County.

- o Additional county goals and policies emphasize the importance of scenic qualities, whereby consistency with the General Plan can best be upheld by low-density zoning.

C-56 Restrict development along scenic corridors.

OR-50 Because a clear definition of scenic values is important to the County's goal of protecting the quality of existing visual resources, the County shall apply the following definitions of scenic value:

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a. Features meeting the following criteria shall be considered for designation as scenic resources:

i) A roadway, vista point, or area which provides a vista of undisturbed natural areas.

ii) Includes a unique or unusual feature which comprises an important or dominant portion of the viewshed (the area within the field of view of the observer).

- b. Features meeting the following criteria shall be specifically defined as scenic, unless a clear finding can be made that no scenic values are present:
- ii) All areas containing significant biological resources, as identified on the Biotic Overlay map.
 - vii) Stands of timber consisting primarily of old-growth timber, or timber which has not been harvested within the past 50 years.
 - viii) Any natural blue-line stream, except those which have been channelized or lined with concrete.
 - x) Any lake or reservoir (uncovered) with a surface area of at least one acre.
 - xiv) All areas of critical environmental concern or special value identified by the County of San Bernardino, the Bureau of Land Management, the U.S. Forest Service and the Southern California Association of Governments.

OR-51 Because the provision of scenic areas, trails and scenic highways is an integral part of the planning process, the County shall require the following:

a. Review of proposed development along scenic highways and trails shown on the Resource Overlay Maps to ensure preservation of scenic values for the traveling public and those seeking a recreational driving experience.

b. Define the Scenic Corridor to extend 200 feet on either side of the designated route, measured from the outside edge of the right-of-way, trail or path. Development along scenic corridors shall be required to demonstrate through visual analysis that proposed improvements are compatible with the scenic qualities present.

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OR-53 Because preservation of scenic qualities is important to the County, development which would alter the character of visually significant resources should be prevented.

Standing timber, lake shore vistas, scenic highway, National Forest landscape and significant biological resources such as bald eagle habitat are all specific outstanding scenic qualities and features identified as important in the General Plan and found on the Moon Camp parcel. The proposed zoning change, predicated on an untenable General Plan amendment, would severely alter the character of these visually significant resources. For this reason, the zone change is clearly not consistent with the County General Plan, which prescribes that the detrimental effects inherent in the Moon Camp proposal should be prevented.

- o The General Plan has goals and policies focused on public safety, wildfire danger and evacuation that would not be consistent with the proposed Moon Camp zone change.

OR-59 Because public health and safety can be protected through the use of open space, the County may maintain open space where flood, fire, geologic, seismic hazards, noise or other conditions endanger public health and safety.

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Eliminating the existing RL-40 land use designation for the proposed project site instead of legitimately maintaining valuable open space in the high fire hazard area of the mountain region would not be in conformance with the above open space policy.

- o County Land Use policies also provide a basis for not allowing inappropriate zone change amendments. In the first paragraph of Section 11D6 (Land Use/Growth Management) it is emphasized that "[Land] use affects the public health, safety and welfare." Therefore the County includes goals and policies such as:

D-24 Ensure adequate access for emergency evacuation and for emergency vehicles in the event of wildland fires and other natural disasters.

D-47 Provide a compatible and harmonious arrangement of land uses in the rural area and encourage the conservation of natural and cultural resources for the benefit of residents and visitors.

D-49 Determine what the land is best suited for, match man's activities to the lands' natural suitability, and minimize conflict with the natural environment.

D-50 Support measures to...encourage the protection and preservation of Open Space for recreational uses.

D-51 Ensure that the quality of life of County residents is not depreciated by future growth.

- o In an area like Fawnskin, where the quality of life is defined by the maintenance of low-density rural and wildland forest characteristics, unwarranted urban growth clearly depreciates that quality. Locational criteria, fire hazard area, rural characteristics, wildlife, aesthetics, public lands and ecological elements are all significant factors in the General Plan that impact the zoning in a small wildland setting like Fawnskin surrounded by a unique National Forest.

LU-1 Because it is essential to locate new development in areas where the economic strength derived from agriculture, petroleum, rangeland or mineral resources is not impaired and in order to ensure that the value of the other resources which exist in the county is not diminished, the following policies/action shall be implemented:

f. Enact and enforce regulations which will *limit development in ecologically sensitive areas* such as those adjacent to river or streamside areas, (as shown on the Overlay maps) and *hazardous areas such as flood plains, steep slopes, high fire risk areas* and geologically hazardous areas. (Italics added).

g. Preserve and encourage the management of suitable land for *greenbelts, forest, recreation, flood control, adequate water supply, air quality improvement, habitat for fish, wildlife and wild vegetation.* (Italics added).

LU-2 Because the County wants to promote and provide safe, attractive, varied residential areas convenient to public facilities, employment and shopping centers, the following policies/actions shall be implemented:

a. Require that the design and siting of new residential development meet *locational* and development standards that ensure compatibility with adjacent land uses and community character. (Italics added).

This last policy is critical, because the proposed project (and zone change) would be contrary to the General Plan's locational standards, incompatible with adjacent National Forest land use, and incompatible with north shore's scenic open space and the Fawnskin community character.

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