

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 19, 2023

FROM

MARK WARDLAW, Director, Land Use Services Department

SUBJECT

Flamingo 640 Campground Appeal

RECOMMENDATION(S)

1. Conduct a public hearing to consider an appeal of a Planning Commission action denying a conditional use permit for a Project that includes campground and related facilities that contain 75-camp sites, camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways within an approximate 25-acre portion of a 640-acre parcel.
 - Appellant/Applicant: RoBott Land Company
 - Community: Landers
 - Location: East side of Highway 247, south of the extension of Luna Vista Lane
2. Pursuant to San Bernardino County Code Section 86.08.050(a), after conducting the public hearing the Board of Supervisors may take one of the following actions:
 - a. Grant the appeal, reversing the Planning Commission's action, and approve the Project.
 - b. Grant the appeal, reversing the Planning Commission's action, and provide direction that the Project be modified.
 - c. Deny the appeal, affirming the Planning Commission's action, and deny the Project.
3. If the Board of Supervisors adopts Recommendation 2.a., above, take the following actions for approval of the Project:
 - a. Adopt the mitigated negative declaration and the mitigation monitoring and reporting program.
 - b. Adopt the findings for approval of the conditional use permit.
 - c. Adopt the conditional use permit, subject to the conditions of approval.
 - d. Direct the Clerk of the Board of Supervisors to post and file the notice of determination.
4. If the Board of Supervisors adopts Recommendation 2.b., above, refer the item back to the Planning Commission for consideration.
5. If the Board of Supervisors adopts Recommendation 2.c., above, take one of the following actions for denial of the Project:
 - a. Adopt a declaration of intent to deny the Project and continue the hearing to January 9, 2024, directing staff to return with written findings consistent with the evidence presented and decision to deny the Project.
 - b. Deny the Project with a statement of an alternative finding(s) as listed in San Bernardino County Development Code Section 85.06.040(a) and find the denial is exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(5).

(Presenter: Mark Wardlaw, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.
Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Department (Department), Planning Division 2023-24 budget. All costs of processing this application are paid by the applicant/appellant.

BACKGROUND INFORMATION

This item includes an appeal of a Planning Commission action denying a conditional use permit (CUP) for a campground that includes a variety of uses and activity areas, including 75-camp sites, a camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways (Project) within an approximate 25-acre portion of a 640-acre parcel. The subject property is a single parcel consisting of an entire United States Geological Survey (USGS) section that borders Highway 247 on the east and extends from Luna Vista Lane on the north to La Brista Drive on the south.

The property is designated Rural Living (RL) in the Countywide Policy Plan and zoned RL. The recommendation for approval was based, in part, on the primary use of the site as a campground, which is a permitted use in the RL zone. The Development Code defines campground generally as “[a] site used or intended for use for temporary occupancy by campers traveling by automobile or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided” and specifically a public camp as “[a] site used or intended to be used, let or rented for camping purposes by two or more camping parties in trailers, tents or other movable or temporary dwellings.” It was determined that all of the other uses and structures (camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens) were ancillary as they are not open to the public and available only to campground guests. In addition, the site design complied with County requirements and accessibility needs.

A thorough discussion analyzing the requested CUP from the perspective of site planning, Countywide Plan/Policy Plan consistency, code compliance, and environmental analysis are contained in the staff report to the Planning Commission, dated March 9, 2023, and included in the documents attached to this item.

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to identify potential impacts the proposed Project may have on the environment. The Initial Study concluded that all potential significant impacts resulting from the construction and operation of the Project can be mitigated and reduced to a less than significant level. Therefore, the Department recommended the Planning Commission adopt the Mitigated Negative Declaration (MND) and approve the Project.

At the Planning Commission hearing of March 9, 2023, there were approximately 50 speakers, both in-person and via interactive video from the County’s Joshua Tree office, with all but one opposed to the Project. The concerns raised by the speakers were relative to the following: potential destruction of habitat, use of the proposed helipad, fire danger from fire pits, scale of restaurant compared to the campground use, adverse impacts from wastewater discharge, lack of water, impacts from traffic, noise and light, and incompatibility with the general community character. Written responses were provided to the CEQA comments and provided to the

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Planning Commission. The Planning Commission did not make a motion either to approve or deny the Project, thus resulting in a denial of the Project without prejudice.

On March 13, 2023, the Applicant, RoBott Land Company, filed a timely appeal of the Planning Commission's denial of the Project. The appeal included a revised project description to allow the Project to be developed in two phases and included plans showing only Phase 1 for approval. Subsequent to the filing of the appeal, the applicant submitted another revision to the site plan to provide a response to concerns expressed by the public at the Planning Commission hearing.

Given the unique circumstances involving a lack of motion, and resultant denial, by the Planning Commission, as well as the Applicant's potential desire for the County to consider a modified version of the Project, this item includes options for recommendations to either grant or deny the appeal and associated Project. Granting of the appeal would result in either approving the CUP or, alternatively, directing the Planning Commission to consider a modified version of the Project. Findings supporting the approval of the CUP are included as an attachment to this item.

Denial of the appeal would result in denial of the CUP. Because both State and local law require findings for the approval or denial of a conditional use permit, in the event the Board of Supervisors chooses to deny the appeal, the item shall either be continued for the Department to prepare a set of proposed findings consistent with the decision, or the motion to deny can provide the facts and reason, in reference to San Bernardino County Development Code Section 85.06.040(a), why the Project is denied.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 387-5455) on November 28, 2023; Finance (Penelope Chang, Administrative Analyst, 387-4886) on November 28, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 1, 2023.

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Record of Action of the Board of Supervisors
San Bernardino County

Hearing Opened

Public Comment: Patty Domay, Pat Flanagan, Erin Briggs, Craig Dicht, Michael Cohen, Eric Hamburg, Beth Sheffield, Christine Carraher, Russell Kohn, Nancy Barton, Cordelia Reynolds, Steve Bardwell, Kevin Yoshikawa, Alex Valdivia, Adrian Field, Justin Merino, Caroline Partamian, Luke Basulto, Nancy Karl, Peo Haggstrom, Nicholas Brown, Devin Sinski, Deborah Melford, Ethan Primason, Aidan Koch, Digna Cassens, Derek Girling, Vavine Tahapehi, Veronica Koltuniak, Alice Jones, Lee Scott, Louise Goffin, Dimitrios Gerasimatos, Janice Rivera, Graham Smith, Randall Davis

Hearing Closed

APPROVE REC. NOS. 1., 2.B., AND 4.

Motion/Second: Curt Hagman/Joe Baca, Jr.

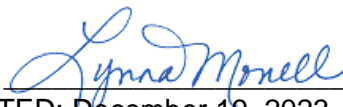
SUBSTITUTE MOTION TO APPROVE REC. NOS. 1., 2.C., AND 5.B.

Moved: Dawn Rowe Seconded: Col. Paul Cook (Ret.)

Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Joe Baca, Jr.

Nays: Jesse Armendarez, Curt Hagman

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 19, 2023



cc: File - LUSD/Planning Appeals 2023 (Flamingo 640 Campground
12/19/2023 #115) w/ attachments

JLL 12/22/2023