



## **SAN BERNARDINO COUNTY PLANNING COMMISSION MEETING MINUTES**

**County Government Center  
Covington Chambers  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415**

**Thursday, July 9, 2020**

### **COMMISSIONERS PRESENT**

Jonathan Weldy, Commissioner, First District  
Ray Allard, Vice Chair, Second District  
Michael Stoffel, Commissioner, Third District  
Gabriel Chavez, Chair, Fourth District  
Audrey Mathews, Commissioner, Fifth District

### **STAFF PRESENT**

Heidi Duron, Planning Director, LUSD  
Jason Searles, Deputy County Counsel  
Magda Gonzalez, Senior Planner, LUSD  
Lupe Biggs, Administrative Assistant, LUSD

The Planning Commission meeting of July 9, 2020, was called to order at 9:02 a.m. by Chair Chavez. Chair Chavez led the Invocation and Jason Searles, Deputy County Counsel led the Pledge of Allegiance.

Due to the guidance from the California Department of Public Health, the Governor's Executive Order and the San Bernardino County Public Health Officer to stay home a limited number of staff was present at the meeting.

Present at the meeting was Chair Chavez, Planning Director Heidi Duron, Lupe Biggs, Administrative Assistant, Jason Searles, Deputy County Counsel, Magda Gonzalez, Senior Planner and the Applicant.

Participating remotely was Vice Chair Allard, Commissioner Jonathan Weldy, Commissioner Michael Stoffel and Commissioner Audrey Mathews.

The meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 dated March 17, 2020, which suspends certain requirements of the Ralph M. Brown Act.

#### **1. a. APPROVAL OF MINUTES-MAY 21,2020 AND JUNE 4, 2020**

Commissioner Stoffel made a motion to approve the minutes for May 21, 2020 and June 4, 2020. Commissioner Weldy seconded the motion. The motion passed with a 5-0 vote.

#### **b. ADVANCE SCHEDULE**

The advanced schedule was presented by Lupe Biggs, Administrative Assistant.

#### **c. DIRECTOR'S REPORT**

Heidi Duron, Planning Director, stated staff is working to provide video conference capability for future Planning Commission hearings. She added the Advance Schedule has many upcoming projects and the Land Use Services Department office is open to the public. Ms. Duron ended by stating there are also several items that will be included in the General Plan Amendment presentation going to the Board of Supervisors on July 28, 2020.

#### **d. COMMISSIONER COMMENTS**

There were no comments.

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### 2. PUBLIC HEARING

APPLICANT: Lucerne Valley, LLC, et al./Michael Duffy  
COMMUNITY: Lucerne Valley/3rd Supervisorial District  
PROJECT NO: PEXT-2020-00004  
ب LOCATION: Extending from north to south, Sherman Way to Rabbit Springs Road and extending from west to east from Barstow Road to Post Office Road in Lucerne Valley.  
STAFF: Magda Gonzalez, Senior Planner  
PROPOSAL: Extension of Time request for Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred as "Master Tract Map No. 15791").  
CEQA RECOMMENDATION: CEQA does not apply to projects that a public agency rejects or disapproves.  
EST. TIME: 30 minutes

### **STAFF PRESENTATION:**

Magda Gonzalez, Senior Planner, presented the staff report and memo to the Planning Commission, which is on file with the Land Use Services Department.

### **RECOMMENDATION:** That the Planning Commission:

**DENY** the Extension of Time Request for Tentative Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred to as "Master Tract Map No. 15791").

### **COMMISSION COMMENTS:**

Ms. Duron introduced Tom Herrin, County Surveyor.

Chair Chavez asked for clarification regarding a letter that was submitted in May 2018. Ms. Gonzalez explained the Applicant had provided documentation of offsite improvements. Chair Chavez then asked for clarification regarding the Extension of Time Request applied for in 2017. Ms. Gonzalez stated there was a prior Extension of Time in 2000 and 2003, prior to the one presented today. Chair Chavez concluded that all legislative and discretionary extensions have been exhausted. Ms. Duron stated that during their review, there are a certain amount of extensions that can be granted under the Subdivision Map Act and that the tentative map at issue has gone beyond what is allowed. Mr. Searles clarified some of the Legislative extensions were automatic and further explained the details of the additional extensions.

Vice Chair Allard asked whether the County has Improvement Plans and a Tract Map ready to record to allow for a timely filing that will allow the Applicant to prepare bonds. Mr. Herrin stated they have completed the map checking process. He added that he was made aware of several outstanding conditions that were keeping the map from being timely filed. Vice Chair Allard asked whether there are many outstanding Conditions of Approval that need to be met and whether Improvement Plans had been drawn. Ms. Duron stated that Staff notified the Applicant at the end of May that there are several outstanding conditions. She also added that Improvement Plans may have been drawn up and listed some of the outstanding conditions. Mr. Searles explained the extensions available and authorized by the Subdivision Map Act. Vice Chair Allard asked whether enough work has been completed to accept the map to be timely filed. Staff responded that the conditions have not been completed and the County could not yet accept the map as timely filed.

### **APPLICANT COMMENTS:**

Michael Duffy, Engineer/Applicant, shared information regarding investments and the status of the Project. He also explained some issues the Project has encountered, including the time

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extension. Mr. Duffy referenced the letter he submitted, he indicated that five years of the Discretionary Extension has been granted and they are asking for a one year extension.

Chair Chavez asked if 12 months will be sufficient time to complete the Project. Mr. Duffy replied there are several conditions they are working through with Staff and depending on the status of their finances plus the coronavirus. Chair Chavez asked what will happen if they are not able to satisfy the conditions at the end of the additional 12 months. Mr. Duffy replied he would leave that to his legal counsel.

Commissioner Stoffel asked whether the item is appealable to Board of Supervisors. Ms. Duron replied that it is.

Commissioner Weldy stated to Mr. Duffy that infrastructure and investment are not grounds for an extension. He indicated that the Commission has a clear report from Staff and legal counsel. Commissioner Weldy then asked if there was anything Mr. Duffy wanted to add that would explain granting the additional time. Mr. Duffy referenced his letter and stated there is one year discretionary extension remaining.

Commissioner Weldy asked Mr. Searles whether he agrees with the Applicant's argument and asked for confirmation of the Commission's stance on the item. Mr. Searles explained the five discretionary extensions that Staff granted the Applicant and the legal options available if the Commission disagreed. He also discussed what the Subdivision Map Act and County Code allowed regarding a maximum total of time extensions. He continued to describe the settlement agreement included within the Staff Report and clarified some information for the Commission's decision on Staff's Recommendation. Mr. Searles referenced the Applicant's letter that cited case examples for their argument. He also provided counter case examples and noted sections within in the settlement agreement wherein it shows that the Applicant accepted the clarified conditions and benefits of the clarified condition.

### **PUBLIC COMMENTS:**

There were no comments.

### **ADDITIONAL COMMENTS:**

Chair Chavez stated that he believed it is not within the Commission's purview to grant an extension and all discretionary extensions have been exhausted. He also stated that if the item is appealed to the Board of Supervisors that it would be within their purview to consider the respective arguments.

Vice Chair Allard asked Mr. Searles to clarify his comments from earlier regarding the prior three year extensions. Mr. Searles replied and explained the three year extension granted after the settlement agreement, the three year extension granted in 2017, maximum life of the tentative map, and total aggregate mandatory and discretionary extensions authorized by the Subdivision Map Act.

Commissioner Weldy stated that he believed the Applicant's claims are not grounds for granting the extension and the item can be appealed to the Board of Supervisors.

### **COMMISSION ACTION:**

Commission Mathews made a motion to approve staff's recommendation. Commissioner Weldy seconded the motion. The motion passed with a 5-0 vote.

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**COMMISSION VOTE**

MOTION: Mathews  
SECOND: Weldy  
AYES: Chavez, Allard, Weldy, Stoffel and Mathews  
NOES: None  
RECUSED: None  
ABSENT: None  
ABSTAIN: None


**3. PUBLIC COMMENTS:**

Chair Chavez opened the Public Comments at 10:01 a.m. Having no requests to speak, Chair Chavez closed the Public Comments at 10:01 a.m.

**4. ADJOURNMENT:**

There being no further business, Commissioner Stoffel made a motion to adjourn the meeting. Vice Chair Allard seconded the motion. The meeting was adjourned at 10:02 a.m.

	8/20/20		8/20/2020
<b>Chair Chavez</b>	<b>Date</b>	<b>Heidi Duron</b>	<b>Date</b>
Chair Chavez, Planning Commission		Planning Director, Land Use Services Department	

	8/20/2020
<b>Lupe Biggs</b>	<b>Date</b>
Administrative Assistant, Land Use Services Department	

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