



SAN BERNARDINO COUNTY
PLANNING COMMISSION MEETING MINUTES
County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, September 17, 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
Karen Watkins, Planning Manager, LUSD
Jerry Blum, Countywide Plan Coordinator, LUSD
Suzanne Peterson, Senior Planner, LUSD
Lue Biggs, Administrative Assistant, LUSD

The Planning Commission meeting of September 17, 2020, was called to order at 9:02 a.m. by Chair Chavez. Chair Chavez led the Invocation and Commissioner Weldy 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, Vice Chair Allard, Commissioner Jonathan Weldy, Commissioner Mathews, Planning Director Heidi Duron, Deputy County Counsel Jason Searles, Administrative Assistant Lue Biggs, Planning Manager Karen Watkins, Countywide Plan Coordinator Jerry Blum, Senior Planner Suzanne Peterson and PlaceWorks Consultant Colin Drukker.

Participating remotely was Commissioner Michael Stoffel and PlaceWorks Consultant JoAnn Hadfield.

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-AUGUST 20, 2020

Commissioner Mathews made a motion to approve the minutes for August 20, 2020. Commissioner Weldy seconded the motion. The motion passed with a 5-0 vote.

b. ADVANCE SCHEDULE

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

c. DIRECTOR'S REPORT

Heidi Duron, Planning Director, thanked everyone present in the Board Chambers and participating remotely. She added that with the anticipated attendance at today's hearing, the County is still able to comply with the State requirements for public gatherings. Ms. Duron concluded by confirming PlaceWorks Consultant JoAnn Hadfield was connected via telephone.

d. COMMISSIONER COMMENTS

Commissioner Weldy stated he had received unsolicited email comments for item 2 on the agenda and has forwarded them to Staff to be included in the record. Commissioner Stoffel stated he also received emailed comments for item 2 on the agenda.

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2. PUBLIC HEARING

APPLICANT:	County of San Bernardino Land Use Services Department
COMMUNITY:	Countywide
PROJECT NO:	P201400317
LOCATION:	Countywide
STAFF:	Jerry Blum, Countywide Plan Coordinator
PROPOSAL:	Recommendation to the Board of Supervisors for adoption of a comprehensive general plan update, Countywide Plan, including: the Policy Plan - goals, policies and maps; Business Plan – Governance Element and Implementation Plan; certification of the Final Program Environmental Impact Report; repeal 14 Community Plans; and recognize 35 new Community Action Guides.
CEQA RECOMMENDATION:	Certification of the Program Environmental Impact Report
EST. TIME:	3 hours

STAFF PRESENTATION:

Planning Director Heidi Duron, Planning Manager Karen Watkins, Countywide Plan Coordinator Jerry Blum and PlaceWorks Consultant Colin Drukker, 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 **RECOMMEND** that the Board of Supervisors:

Environmental Impact Report:

- 1) Certify the Final Program Environmental Impact Report;
- 2) Adopt the CEQA Findings of Facts and Statement of Overriding Considerations;
- 3) Adopt the Mitigation Monitoring and Reporting Program;
- 4) Direct the Clerk of the Board to file the Notice of Determination;

Countywide Plan (Policy Plan):

- 5) Adopt the Resolution amending the County General Plan by approving the Countywide Plan (Policy Plan) Text, Land Use Designation Map, and various Policy Maps;

Countywide Plan (Business Plan):

- 6) Adopt the Resolution approving the Business Plan; and

Community Action Guides:

- 7) Adopt the Resolution repealing existing 14 Community Plans and recognizing 35 Community Action Guides.

COMMISSION COMMENTS:

Vice Chair Allard asked if the General Plan is a piece of the Countywide Plan or does the Countywide Plan replace the General Plan. Ms. Duron replied the Countywide Plan includes an update to the current General Plan. Vice Chair Allard then asked if the Countywide Plan, General Plan and Business Plan are adopted by the same ordinance. Ms. Duron replied Staff's Recommendation includes adopting a couple Resolutions. Mr. Searles added clarification that the Countywide Plan includes the Policy Plan and further explained Staff's Recommendation. Ms. Duron added that there are subsequent updates to the Development Code that are forthcoming.

Commissioner Weldy stated he will hold his questions till after Public Comments.

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Commissioner Mathews thanked Ms. Duron and Staff for their work. She also stated she was present for the previous General Plan and this Plan encompasses more. Commissioner Mathews concluded by commending Staff on an excellent job.

Commissioner Stoffel stated he would reserve his comments for later in the hearing.

Chair Chavez stated he appreciated the detailed effort in the documents he reviewed. He also stated he has worked with Mr. Blum for about 15 years and he is an expert in this field.

APPLICANT COMMENTS:

There were no comments.

PUBLIC COMMENTS:

Pat Flanagan, resident of Joshua Tree, spoke in opposition of the Project, asserting the County Policy Plan is flawed in regards to climate change. She listed and described some examples.

Janet Johnston, resident of Joshua Tree, spoke in opposition of the Project, stated the proposed Community Action Guides provide helpful guidance, but are not legal documents. She added that they are different from their own Community Plan and listed some examples.

Jane Hunt-Ruble, resident of Muscoy, spoke in opposition of the Project, stated she is concerned with the whole plan and the Muscoy Community Action Guides. She noted and detailed her comments on the Draft Environmental Impact Report. Ms. Hunt-Roble then listed her concerns with the Vulcan Mining Project.

Neil Nadler, resident of Lucerne Valley, spoke in opposition of the Project, asked to not get rid of the Community Plans and listed various reasons to support his statement. He also stated the Policy Plan needs to be stronger and ask the Board of Supervisors to keep the 14 existing Community Plans.

Steve Mills, resident of Los Angeles, did not register in favor or in opposition, but asked to include Lucerne Valley in the Environmental Justice Focus Area (EJFA) and listed reasons to support his statement.

Jack Unger, resident of Newberry Springs, did not register in favor or in opposition, but stated he serves on the Board of Directors and Chairman of the Civic Hub Strategic Planning Committee for the Newberry Community Services District. He described some of the plans the Strategic Planning Committee has been working on. He indicated there are many good goals in the Community Action Guide. Mr. Unger also stated that applying city zoning solutions to rural desert communities will be a hindrance. He concluded by stating his concerns with the current COVID-19 restrictions.

John Smith, resident of Apple Valley, spoke in opposition of the Project, stated a document was submitted to Land Use Services on August 14, 2019, siting issues in the Countywide Plan from the law firm of Zemanek and Mills. He continued to describe some of the information in the document and how it pertained to the desert communities.

ADDITIONAL COMMENTS:

Chair Chavez also mentioned there were six additional emailed comments they had received, which are on file with the Land Use Services Department.

Commissioner Weldy asked for clarification regarding Vehicle Miles Traveled (VMT) and Level of Service, and whether they are affecting traffic counts or planning documents. Mr. Drukker went into detail to explain the data collection for VMT. Commissioner Weldy also asked how working from home conditions are affecting VMT. Mr. Drukker responded by describing their work with the Regional Transportation Agencies. Commissioner Weldy asked if the County is subject to Regional Housing Needs Assessment (RHNA) numbers, in regards to housing requirements and density size in some areas. Ms. Duron stated the Housing Element and RHNA has a scheduled path that staff is working on and is not part of the proposed Countywide Plan and recommendation. Commissioner Weldy described his concerns with the projected

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growth information in the Staff Report. Mr. Drukker summarized how they accumulated the projected growth data for the County Housing Element. Commissioner Weldy added we do not know the impact of Accessory Dwelling Units (ADU's) yet and stated his concerns. He then asked Mr. Blum how the data system will be maintained. Mr. Drukker answered and explained the information in the General Plan is low maintenance.

Commissioner Weldy stated the Workforce Development Board is putting together an asset mapping tool and asked if there's a tie-in with the Countywide Plan. Mr. Drukker stated he has been working with Economic Development Agency (EDA) and described some of the data they have been tracking is linked to the Countywide Plan. He continued to describe how the data can be applied to Geographic Informational System (GIS) Map.

Commissioner Mathews stated the development is excellent and she is also on the Workforce Development Board. She added that the work she has been assigned, she sees it included in the General Plan. She added the language in the documents is similar to the language the governor is using in his development policies. Commissioner Mathews concluded by stating Staff has done an excellent job to project future needs.

Vice Chair Allard summarized some of the public comments regarding Community Plans and the Community Action Guides. He asked if there were overriding consideration in the Final Environment Impact Report (EIR) document. Vice Chair Allard continued to address the topic of infrastructure and some of the information provided in the presentation. He concluded by asking if the Development Code will be a part of the Countywide Plan. Ms. Duron replied the current Development Code will remain in effect with subsequent changes that will be coming soon. Vice Chair Allard addressed the public comments regarding Lucerne Valley being removed from EJFA, he asked if Staff could look into it. He also asked for clarification regarding the Enviro Screening Scopes data chart. He asked if some of the desert biological information could be added to the document. Vice Chair Allard concluded his comments by stating to keep in mind fundamental rights of a land owner.

Chair Chavez asked for clarification if ADU's were taken into account for the General Plan. Mr. Blum replied that State laws have been changing recently and the issue is more relative to the Development Code. Chair Chavez asked to address the resident's concerns regarding the Community Plans and summarized how the Countywide Plan will expand the process.

Mr. Blum stated Staff wanted to expand community involvement and include any community that wanted to be recognized. He continued to describe the process of the Community Plans and Community Action Guides. He concluded by stating the new Policy and Business Plan offer more transparency and informative government.

Ms. Duron then addressed Vice Chair Allard's comments, the repeal of the Community Plans is not stripping the community of their identity and the Community Action Guides still highlights their uniqueness. Vice Chair Allard referred to the interactive map and asked if the user will be guided to Community Action Guides. Mr. Blum replied he's not sure if the map is the appropriate place. He went on to explain Specific Plans and Implementation Plan. Vice Chair Allard asked if there was consideration and coordination to include the spheres of influences. Mr. Blum responded yes and a map layer shows spheres of influence.

Commissioner Stoffel stated the comments from rural communities sounded like it would have a negative impact on them and asked Staff to address those comments. Mr. Drukker provided a demonstration on the Countywide Plan beta website to explain his answer regarding Community Plans and navigate the interactive maps. Commissioner Stoffel asked for clarification if the Community Plans were not legal documents. Mr. Drukker replied they were legal documents and explained they were an appendix in the General Plan. He went on to describe the Policy Plan has the same content as the General Plan and the Community Action Guides carry a lot of the details of what the community wants to do. Commissioner Stoffel asked if there was something removed regarding Lucerne Valley. Mr. Drukker responded by explaining there was a common policy in the Community Plans that the County shall not make any changes to the Land

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Use Plan and the County's decision to manage the expectation in those policies. Commissioner Stoffel asked Staff to address the comments that people felt they didn't have enough time to review and provide feedback. Mr. Drukker described the Community Planning timeline for the revisions and meetings conducted with communities over the years. Commissioner Stoffel concluded his comments by stating staff did an amazing job preparing all the information.

Vice Chair Allard asked whether existing nonconforming is affected by policy change. Ms. Duron replied the Development Code will address some of the legal nonconforming issues. Mr. Drukker stated they added and defined the phrase, New Development, and explained how it is to be applied. Mr. Searles then added State law provides specific rights in regards to Vested Rights and the Development Code, which regards the Land Use Policy being proposed for future development.

Commissioner Weldy asked for clarification for Environmental Justice (EJ) designation in regards to Lucerne Valley not being included. Mr. Drukker described the criteria California Environmental Protection Agency (CalEPA) used to make their determination and used the interactive map to offer further explanation. Commissioner Weldy noted the Policy Land Use 4.11 regarding restricting Franchise Business in Joshua Tree. Mr. Drukker explained the County saw the area's request for this and how the restriction can be applied. Commissioner Weldy confirmed there are definitions provided of the terms Franchise Business and Area Franchise Restricted. Commissioner Weldy summarized the emailed and public comments and his reasons for supporting the Project.

Vice Chair Allard and Ms. Duron clarified Staff's Recommendation which includes the Errata and correction to the zoning for the parcel in Helendale.

COMMISSION ACTION:

Commissioner Mathews made a motion to approve staff's recommendation as clarified by Ms. Duron. Vice Chair Allard seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Mathews
SECOND: Allard
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 12:26 p.m. Having no requests to speak, Chair Chavez closed the Public Comments at 12:27 p.m.

4. ADJOURNMENT:


There being no further business, Commissioner Mathews made a motion to adjourn the meeting. Commissioner Weldy seconded the motion. The meeting was adjourned at 12:27 p.m.

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	10/8/20		10/8/2020
Chair Chavez	Date	Heidi Duron	Date
Chair Chavez, Planning Commission		Planning Director, Land Use Services Department	

	10/8/2020
Lupe Biggs	Date
Administrative Assistant, Land Use Services Department	
