

RESOLUTION NO. 2020-195  
FOURTH CYCLE 2020  
GENERAL PLAN/POLICY PLAN LAND USE ELEMENT AMENDMENT

On Tuesday, November 17, 2020, on motion by Supervisor Gonzales, duly seconded by Supervisor Rutherford, and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, Section 65358 of the California Government Code requires that any mandatory element of the General Plan/Countywide Plan, Policy Plan shall be amended no more than four times during any calendar year; and

WHEREAS, the General Plan/Countywide Plan, Policy Plan Amendments contained in this resolution constitute the fourth amendment to the San Bernardino County General Plan/Countywide Plan, Policy Plan Land Use Element in 2020; and

WHEREAS, on October 27, 2020, the Board of Supervisors adopted the Countywide Plan, which contains a Policy Plan and Policy Plan Map, LU-1 (Land Use Map) component that amended the 2007 General Plan (text and maps) in its entirety; and

WHEREAS, the resolution adopting the Countywide Plan, including the Policy Plan and Land Use Map component is not effective until 30 days after its adoption date of October 27, 2020; and

WHEREAS, the Board of Supervisors have reviewed and evaluated the projects comprising of the fourth cycle for consistency with both the 2007 General Plan and 2020 Countywide Plan, Policy Plan component, and desire to amend both plans and applicable maps in order to ensure the appropriate General Plan/Policy Plan land use designation is reflected in the governing land use document for each of the projects below except the Vulcan Project; and

WHEREAS, the Board of Supervisors amended the Land Use Designation for the parcels associated with the Vulcan Project as part of the 2020 Countywide Plan. As a result of this action, the 2020 Countywide Plan, Policy Plan Land Use Designation would authorize the proposed mining use with the approval of a conditional use permit requested as part of the project application. Notwithstanding the adoption of the Countywide Plan, the Board of Supervisors desire to provide findings establishing that the proposed project is consistent with both the 2007 General Plan and 2020 Countywide Plan, Policy Plan and to amend the 2007 General Plan in the event it is later determined, or subsequently required to be, the governing land use document; and

WHEREAS, the San Bernardino County Planning Commission and Board of Supervisors have conducted legally noticed public hearings during which the projects comprising the Fourth Cycle of the Land Use Element were considered and testimony received; and

WHEREAS, the Board of Supervisors has made the findings necessary to adopt the General Plan/Policy Plan Amendment; and

THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby amends the San Bernardino County General Plan Land Use Element and Countywide Plan, Policy Plan Land Use Element as follows:

**KURI RV & PERSONAL STORAGE/1<sup>ST</sup> SUPERVISORIAL DISTRICT LUZD MAP FH05/Policy Plan Map LU-1****SECTION 1.**

The General Plan Land Use Zoning District Maps are amended as shown on the attached map marked "LUZD MAP FH05" from Phelan-Pinon Hills/Rural Living (PH/RL) to Phelan-Pinon Hills/Rural Commercial (PH/CR) and the Policy Plan Policy Plan Maps are amended as shown on the attached map marked "LU-1" from Rural Living (RL) to Commerical (C) in conjunction with a Conditional Use Permit for a self-storage facility with a 2,160 square-foot office, a 2,388 square-foot caretakers dwelling, four self-storage structures totaling 73,401 square feet, and outdoor RV storage (Project) on 8.62 acres, located North of Lindero Street, extending between Arrowhead Road and Baldy Mesa Road (Project site).

**FINDINGS FOR THE GENERAL PLAN/POLICY PLAN AMENDMENT:**

1. The proposed amendment is internally consistent with all other provisions of the General Plan/Countywide Plan, Policy Plan and will further the objectives, goals and policies of the respective plans. This amendment is consistent specifically with the following 2007 General Plan, Phelan-Pinon Hills Community Plan and 2020 Countywide Plan, Policy Plan goals and policies:

**2007 General Plan Consistency Analysis:**

**Goal ED 1.** The County will have a vibrant and thriving local economy that spans a variety of industries, services, and other sectors.

*Consistency: The Project will provide aid in providing a thriving local economy by providing services beneficial to the community.*

**Goal ED 4.1.** Promote commercial development that enhances the County's economic base, particularly for small businesses, and provides jobs for its residents.

*Consistency: The proposed Project proposes a personal and recreational vehicle storage facility that will stimulate the County's economic base and provide jobs for its residents.*

**Goal D/CO 3.** Preserve the dark night sky as a natural resource of the Desert Region.

*Consistency: The proposed Project will comply with development code regulations pertaining to dark night sky protection and safety standards.*

**Goal LU 1.** The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

*Consistency: The proposed Project is located in an area where it will serve the social and economic needs of its residents, as there is no similar commercial development in the area.*

**Policy LU 1.1.** Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

*Consistency: The proposed Project's location is consistent in that a well-integrated mix of different land uses including residential to the north, south, east and west that already*

**KURI RV & PERSONAL STORAGE/1<sup>ST</sup> SUPERVISORIAL DISTRICT LUZD MAP FH05/Policy Plan Map LU-1**

*surrounds it. Clusters of Neighborhood Commercial to the southeast, and Institutional farther northwest make the proposed Project a well-integrated use.*

**Policy LU 1.3.** Promote a mix of land uses that are fiscally self-sufficient.

*Consistency: The proposed Project is fiscally viable as it is located in an area where personal and recreational vehicle storage is limited. As such, the proposed Project will meet the needs of potential customers living in the area.*

**Policy LU 3.1.** Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other utilities, from other incompatible uses.

*Consistency: The Project proposes to change the land use designation from rural living to rural commercial and proposes a use suited for the area given the location, access and availability of infrastructure.*

**2020 Countywide Plan, Policy Plan Consistency Analysis:**

**Policy LU-1.1.** Growth. We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

*Consistency: The Project will provide aid in providing a thriving local economy by providing services beneficial to the community. The Project proposes a personal and recreational vehicle storage facility that will stimulate the County's economic base and provide jobs for its residents.*

**Policy LU-1.3.** Fiscal Sustainability. When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

*Consistency: The proposed Project proposes a personal and recreational vehicle storage facility that will stimulate the County's economic base and provide jobs for its residents.*

**Policy LU-4.7.** Dark skies. We minimize light pollution and glare to preserve views of the night sky, particularly in the Mountain and Desert regions where dark skies are fundamentally connected to community identities and local economies. We also promote the preservation of dark skies to assist the military in testing, training, and operations.

*Consistency: The proposed Project will comply with development code regulations pertaining to dark night sky protection and safety standards. Dark skies are of importance to the Phelan community as such the applicant has designed their project with this in mind.*

**Policy LU-2.1.** Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

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*Consistency: The proposed Project is located in an area where it will serve the social and economic needs of its residents, as there is only one similar commercial development in the area. The Project site is bounded to the north, south, east and west by residential dwellings, clusters of Neighborhood Commercial to the southeast, and Institutional zoning further northwest.*

**Policy LU-2.10.** Unincorporated commercial development. We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.

*Consistency: The proposed Project's location is consistent in that it will meet the needs of residents and motorists traveling Phelan Road.*

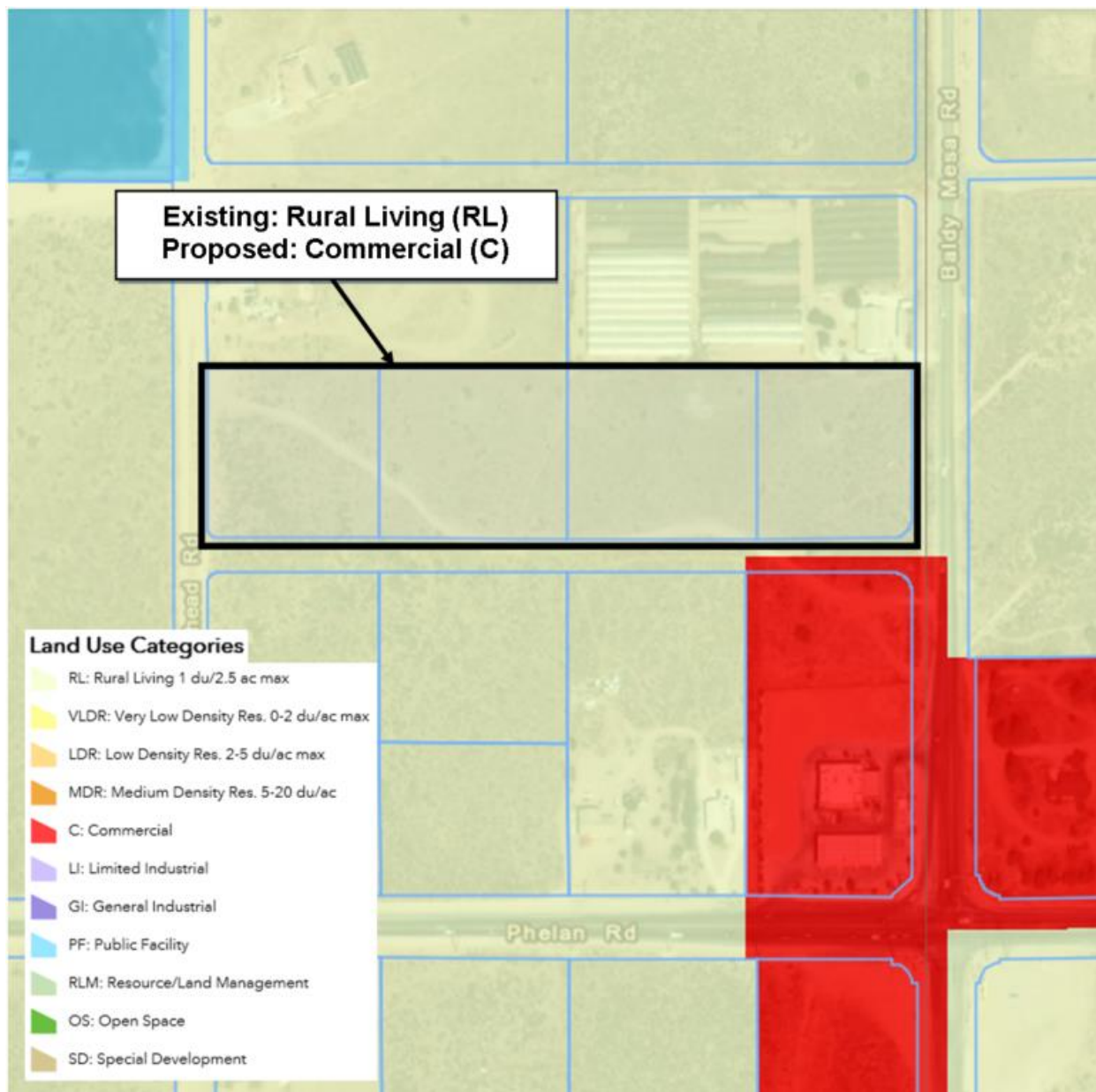
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the amendment facilitates a Project that has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services; the Project will promote significant economic development within the local community, including construction jobs, all of which support local businesses such as personal and recreational vehicle storage facility.
3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The Project will provide a personal and recreational vehicle storage facility while maintaining the goals and policies of the 2007 General Plan and 2020 Countywide Plan, Policy Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The proposed Project retains and protects the existing desert character of the area by maintaining the rural setting. The Project will also promote significant economic development within the community, including construction jobs.
4. The proposed land use district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The Project site is located adjacent to existing commercial development, a convenience store and gas station located to the south, vacant land to the east and west, and residences to the north. Existing Baldy Mesa Road will provide vehicular access to the Project site and all necessary public services and infrastructure will be available.
5. The proposed land use zoning district change does not conflict with provisions of the Development Code. The Project site conforms to the size and location criteria specified for the Rural Commercial (CR) land use zoning district and all other applicable Development Code requirements.
6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property. The Project includes appropriate mitigation measures and Conditions of Approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property. In addition, there is existing commercial development to the south of the Project site.

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7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, the provision of public and emergency vehicle access (e.g., fire and medical), public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided Conditions of Approval. The Project will have sufficient permitted solid waste storage capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified Conditions of Approval.
8. Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed as part with the San Bernardino County Clerk's office. The IS/MND represents the independent judgment and analysis of the County acting as lead agency for the Project.





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**SECTION 2.**

The General Plan Land Use Zoning District Maps are amended as shown on the attached map marked "LUZD MAP FH22" from Muscoy Community Planning Area, Single Residential, 1-acre Minimum Parcel Size (MS/RS-1) to Muscoy Community Plan Area, Community Industrial (MS/IC) in conjunction with a Conditional Use Permit to allow Surface Mining and a Reclamation Plan (2020M-01)(SMRP) for the proposed Area Q Quarry in accordance with the Surface Mining and Reclamation Act (SMARA) and the County Development Code, on 196 acres (Project site).

\*Assessor Parcel Numbers: The Area Q site is comprised of portions of the following Assessor's Parcel Numbers (APN's): 0262-201-11-0000, 0262-201-12-0000, 0262-201-13-0000, 0262-201-14-0000, 0262-211-02-0000, 0262-211-03-0000, 0262-211-04-0000, 0262-211-05-0000, 0262-211-06-0000, 0262-221-03-0000, 0262-221-04-0000, 0262-221-05-0000, 0262-221-09-0000, 0262-221-10-0000, 0262-221-11-0000, 0262-221-12-0000, 0262-221-13-0000, 0262-221-17-0000, 0262-221-21-0000, 0262-221-23-0000, 0262-221-29-0000, 0262-221-30-0000, 0262-231-01-0000, 0262-241-13-0000, 0262-241-14, 0262-241-16-0000, 0262-241-26-0000.

**FINDINGS FOR THE GENERAL PLAN AMENDMENT (GPA):**

1. The proposed amendment is internally consistent with all other provisions of the 2007 General Plan, the Muscoy Community Plan and 2020 Countywide Plan, Policy Plan and will further the objectives, goals and policies of the respective plans. This amendment is consistent specifically with the following goals and policies:

**2007 General Plan Consistency Analysis:**

**Goal LU 1.** The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

*Consistency: The Project seeks an amendment to the Project site's General Plan land use zoning designation from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). Surface mining operations and related facilities and activities within the County are generally permitted in the Mineral Resources (MR) zone, however the Community Industrial (IC) designation is appropriate and consistent with the adjacent Cajon Creek extraction area, and the preliminary land use designation given to the Project site by the City, as the Project site falls within the City's sphere of influence; and would be consistent with the uses allowed along the Cajon Boulevard corridor. Surface mining operations and related facilities and activities are permitted in the Community Industrial (IC) zoning designation, subject to approval of a Conditional Use Permit (CUP).*

*The Project site is surrounded by existing mining operations to the north, and industrial operations to the east. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. The Project includes construction of a southern berm that would buffer proposed mining operations from existing residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the*



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*surrounding environment. The Project would be compatible and harmonious with the surrounding land uses and would be fiscally viable and meet the general social and economic needs of the residents, and therefore would be consistent with this goal.*

**Policy LU 1.1.** Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

*Consistency: The Project would allow Vulcan to continue to provide a reliable and sustainable local source of high-quality aggregates to help meet the current and long-term demand for construction materials in San Bernardino County. Vulcan's operations would also continue to create jobs in the local economy. For these reasons, the Project is considered consistent with this policy.*

**Policy LU 1.2.** The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.

*Consistency: The proposed Project includes a request for a zone change from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). Surface mining operations and related facilities and activities are allowable in the Community Industrial (IC) land use designation. The Project site is surrounded by existing mining operations to the north and industrial operations to the east. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. A southern berm is proposed along the site's southern boundary to act as a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Project would also provide a final reclamation land surface that is consistent with the future final landform planned for the adjacent Cajon Creek Quarry.*

*The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. The southern berm would be installed along the site's southern boundary and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy*

**Goal LU 4.** The unincorporated communities within the County will be sufficiently served by industrial land uses.

*Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to*

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*help meet the current and long-term regional demand. Therefore, the Project is compatible with this policy.*

**Policy LU 4.1.** Protect areas best suited for industrial activity by virtue of their location and other criteria from residential and other incompatible uses.

*Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to help meet the current and long-term regional demand. These findings below, along with the findings within the Draft and Final EIR demonstrate that the Project is compatible with the County General Plan.*

**Policy LU 7.1.** Ensure that land use developments within the state-delineated Mineral Resource Zones (MRZs) are in accordance with the adopted mineral resources management policies of the County.

*Consistency: The Project site occurs in a state-designated MRZ-2 zone, indicating that significant mineral deposits (i.e., sand and gravel) are present, or there is a high likelihood for their presence. Since the Project proposed the extract of these mineral resources in accordance with State and County policies, the Project is considered consistent with this policy.*

**Policy MS/LU 1.1.** Require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character.

*Consistency: The Project seeks an amendment to the Project site's General Plan land use zoning designation from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). The proposed use of the site for mining operations is consistent with the community character, as mining operations currently exist north of the Project site.*

*The Project site meets the following locational criteria of the Community Industrial (IC) land use zoning designation (County of San Bernardino 2007 General Plan, page II-18):*

- *Areas located within urban areas where full urban services are available.*
- *Areas of existing industrial uses.*
- *Areas physically suited for industrial activities.*
- *Areas that are or can be adequately buffered from adjacent uses in other land use categories.*
- *Areas where industrial traffic is not routed through residential or other areas not compatible with industrial traffic.*
- *Areas appropriate for development of large acreages using the concepts of planned development to provide industrial parks with unified landscaping, signing, building design, services, infrastructure, and circulation.*
- *Areas located peripheral to urban areas where residential or long-term agricultural uses are inappropriate.*

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- *Areas that have stable soil with average slope of 10 percent or less.*

*Rural areas where there is a demonstrated need for industrial land uses. Upon County approval of the zone change, the site's current land use designation would be changed to MS/IC (Muscoy Community Plan, Community Industrial). The IC (Community Industrial) land use zoning designation allows for "Natural resources development (mining/material extraction)" with the conditional approval of a CUP. Therefore, with the conditional approval of the Project and the changed land use zoning designation to MS/IC, the Project would be compatible with the County General Plan and would be consistent with this policy.*

**Policy MS/LU 1.5.** When more intensive development is proposed adjacent to developed large lots, the new development shall be required to provide adequate buffering, so that compatibility between rural residential uses and more urban uses may be maintained.

*Consistency: The Project would not conflict with County buffers policies. The southern berm and proposed landscaping would buffer proposed mining operations from the residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the surrounding environment. As such, the Project is consistent with this policy.*

### **2020 Policy Plan Consistency Analysis:**

The proposed mining operation is consistent with the goals, maps, policies and standards of the newly adopted General Industrial (GI) Land Use Category, existing Regional Industrial (IR) District and future Regional Industrial (IR) Zoning District adopted via the Countywide Plan with the approval of a Mining Conditional Use Permit and Reclamation Plan Approval. This Project is a temporary use of a 196.0-acre, privately owned parcel of land that will be reclaimed to open space upon project completion. Use of the site for high quality construction aggregate extraction allows a measure of economic gain while providing a much-improved open space value. The project is consistent with the below Goals and Policies.

### **LAND USE ELEMENT** **PURPOSE**

- Designates the distribution, location, intensity, and balance of land uses for the unincorporated areas of the county.
- Establishes goals for where, when, and how the county grows, which is also guided by policies in other elements.
- Provides direction for new development on community design, land use compatibility, and interagency coordination.
- Provides guidance for orderly expansion of incorporated areas.

**Policy LU-2.4 Land Use Map Consistency.** We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

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*Consistency: The Project will be located within a General Industrial (GI) Land Use Category with the adoption of the County Wide Plan and within a Regional Industrial (IR) zoning district with the future adoption of the Zoning Ordinance. Surface mining operations and related facilities and activities within the County are generally permitted in the Mineral Resources (MR) zone, however the Regional Industrial (IR) designation is appropriate and consistent with the adjacent Cajon Creek extraction area, and the preliminary land use designation given to the Project site by the City, as the Project site falls within the City's sphere of influence; and would be consistent with the uses allowed along the Cajon Boulevard corridor. Surface mining operations and related facilities and activities are permitted in the existing Regional Industrial (IR) zoning designation, subject to approval of a Conditional Use Permit (CUP).*

*The Project site is surrounded by existing mining operations to the north, and industrial operations to the east. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. The Project includes construction of a southern berm that would buffer proposed mining operations from existing residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the surrounding environment. The Project would be compatible and harmonious with the surrounding land uses and would be fiscally viable and meet the general social and economic needs of the residential, and therefore would be consistent with this policy.*

**Policy LU-2.7 Countywide jobs-housing balance.** We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities and household income, and improve quality of life. We also strive for growth that furthers a balance of jobs and housing in the North Desert region and the Valley region.

*Consistency: The Project would allow Vulcan to continue to provide a reliable and sustainable local source of high-quality aggregates to help meet the current and long term demand for construction materials in San Bernardino County. Vulcan's operations would also continue to create jobs in the local economy. For these reasons, the Project is considered consistent with this policy.*

**Policy LU-2.3 Compatibility with natural environment.** We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

*Consistency: The proposed Project includes a Conditional Use Permit and Reclamation Plan. Surface mining operations and related facilities and activities are allowable in the existing Regional Industrial (IR) land use designation. The Project site is surrounded by existing mining operations to the north and industrial operations to the east. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. A southern berm is proposed along the site's southern boundary to act as a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Project would also provide a final reclamation land surface that is consistent with the future final landform planned for the adjacent Cajon Creek Quarry.*

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*The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. The southern berm would be installed along the site's southern boundary and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy*

**Policy LU-2.1 Compatibility with existing uses.** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

*Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. The project design included buffers and landscaping that are designed to reduce impacts to noise and visibility to the residential tracts located south of the Area Q site. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to help meet the current and long-term regional demand.*

**NATURAL RESOURCES ELEMENT****PURPOSE**

- Establishes policies that preserve and enhance the beauty and resiliency of our natural resources.
- Provides guidance on coordinating with others to manage, conserve, and protect natural resources such as watersheds, wildlife habitat areas and corridors, and other natural and open space areas.
- Promotes clean air and a supply of water for human consumption and the natural environment.
- Supports the maintenance and enhancement of a countywide system of open space, parks, and recreation assets.
- Provides guidance and support for mining operations and the preservation of viable agricultural and grazing lands.
- Provides guidance on the location and distribution of new development to protect natural resources.

**Policy NR-6.1 Mineral resource areas.** We prioritize the conservation of land area with mineral resources by prohibiting or discouraging development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a.

*Consistency: The project is located in a Mineral Resource Zone (MRZ) and is being prioritized as a mining operation with the approval of a Conditional Use Permit (CUP).*

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**Policy NR-6.2 Mining Operations and reclamation.** We require and monitor mineral extraction activities to ensure that the operation and reclamation of mined lands is consistent with the State Surface Mining and Reclamation Act of 1975 (SMARA).

*Consistency: The project is being developed and approved in compliance with the State Surface Mining and Reclamation Act (SMARA).*

**Policy NR-6.3 Conservation of construction aggregate.** We encourage the continued operation of existing mining facilities and streamline the permitting of new mining facilities (consistent with the Policy Plan and other local, state, and federal regulations) to establish aggregate resources that are sufficient to satisfy 50 years of County demand.

*Consistency: The approval of the Conditional Use Permit and Reclamation Plan will expand an existing mining operation in a very streamline manner, which is consistent with this policy.*

### **HAZARDS ELEMENT**

**Goal HZ-1 Natural Environmental Hazards.** Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by natural environmental hazards and adaptation to potential changes in climate.

*Consistency: The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. A berm on the southern property boundary would be installed and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy.*

**Policy HZ-3.1 Health Risk Assessment.** We require projects processed by the County to provide a health risk assessment when a project could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits.

*Consistency: The Health Risks of the proposed use were analyzed in the Draft EIR. The Air Quality, Health Risk and Climate Change Impact Assessment in Appendix D1, determined that public receptor health risk levels were less than the significance threshold necessarily corresponding with even less health risk impact to workers. Nevertheless, worker health risk was assessed for disclosure purposes. Finally, cancer burden was calculated as discussed in Section 3.5.3 and determined to be less than the SCAQMD significance threshold of 0.5. Therefore, the health risk assessment performed shows that the Project impacts on health risks would be less than significant.*

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County. Approval of the General Plan Amendment would change the Land Use District designation of the Project site from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre

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Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial) under the 2007 General Plan. The proposed Project will develop the parcel into an open pit quarry. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. The existing Project site is currently developed with fifteen single-family residential structures and is divided from most of the community to the south by the Devil Creek Diversion Channel. Access to the current Project site is from 5th Avenue, a dirt road that connects to Cajon Boulevard. This street only provides access to existing onsite residents and has no outlet.

The Project site's western boundary is bordered by the Southern Pacific Railroad (SPRR) tracks, which lies between the Project site and Lytle Creek and Cajon Creek. The Devil Creek Diversion Channel (a concrete channel) occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of the concrete channel. The Devil Creek Diversion Channel, including the existing earthen berm (approximately eight-feet high) located just south of the channel, would not be impacted by the Project, and would continue to serve as an existing barrier between mining operations and residential areas in the community of Muscoy to the south. Additionally, installation of the southern berm along the Project site perimeter would also not divide the area as the southern berm footprint would run immediately parallel to the existing Devil Creek Diversion Channel. Cajon Boulevard is to the east of the Project site and Vulcan's existing Cajon Creek Quarry occurs north of the Project site. The Project would not divide the residential community of Muscoy nor would the site divide the industrial area to the east of the Project site. The Project has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area

3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The existing Project site is currently developed with fifteen single-family residential structures, and has been extensively disturbed by human activities, including illegal dumping. A variety of mining and industrial land uses exist near the Project site. It is surrounded by residential neighborhoods to the south/southeast, industrial facilities to the east/northeast, and open-space (i.e., Cajon Creek Wash) to the west. Vulcan's existing Cajon Creek Quarry site, specifically Area L, is to the north. Nearby urban centers include the community of Muscoy (immediately southeast), the City of San Bernardino (City)(immediately north and east), and the City of Rialto (1.25 miles to the southwest). Approval of the general plan amendment would change the Land Use District designation of the Project site from Muscoy, Single Residential (RS-1) to Muscoy, Community Industrial (IC) under the 2007 General Plan. The proposed Project will develop the parcel into an open pit mine, which would be consistent with the proposed general plan amendment and allow for regional improvements such as housing, commercial development, industrial development, and infrastructure to be constructed as anticipated in the County's General Plan because the region must have a consistent and predictable source of competitively priced building materials, including aggregate. This Project would provide a local source of high-quality aggregate that augments the existing supply and contributes to projected future needs within the County. In addition, being a local source, the Project would reduce the need to transport aggregate into the region thereby reducing potential impacts associated with traffic, air quality, and greenhouse gas emissions throughout the region.

The Project would provide an average of 1.9 to 2.6 million tons annually over an approximate 30-year period with an anticipated maximum annual of 3.1 million tons of aggregates (sand and gravel), depending on market demand. The maximum permitted salable material to be mined over the life of the mine is 40 million tons. Obtaining aggregate from within the San Bernardino Region is environmentally preferable to obtaining aggregate from other locations situated outside of the market demand area. Specifically, local sourcing of needed aggregate materials avoids importation via on-road trucks and



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reduces air pollutant emissions associated with long-distance trucking of material from outside the San Bernardino Region.

Furthermore, at the proposed location, with the proposed buffers and landscaping, including the Conditions of Approval associated with the Conditional Use Permit Mining project, the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the Project would lead to the construction of a mining project on an underutilized site that could no longer support single-family residential homes. As such, the proposed Project will be a benefit to the community and region and not compromise existing development in the area.

4. The proposed land use district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The proposed Land Use District change will meet the minimum size requirements enumerated in the San Bernardino County Development Code (Development Code) and will allow for the creation of an open pit-mining project within a Community Industrial (IC) Land Use Zoning District. The Mining use is considered a logical and appropriate extension of the mining project located north of the Project site given that industrial land uses are located to the east and northeast of the Project site.
5. The proposed land use zoning district change does not conflict with provisions of the Development Code. The change in the Land Use District from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial) under the 2007 General Plan and will not conflict with the Development Code. The Project will comply with all provisions set forth in Section 85.06.100 (Surface Mining and Reclamation Plan Applications) and Section 88.03.020 (Incorporation of SMARA and State Regulations). The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing the act (California Code of Regulations Section 3500 et seq.) ("State Regulations") are made a part of the Development Code.

The Project is in conformance with Section 88.03.040 (Permit, Plan, and Financial Assurance Requirements) of the Development Code and is requesting approval of a Conditional Use Permit, Reclamation Plan, and will provide required financial assurance. The General Plan allows mining operations to be located in areas adjacent to industrial operations. Since the Project is located in an urbanized sphere, adjacent to another open pit mine, the change in zone will not conflict with the provisions of the Development Code and will be in full compliance.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property. Adequate public services and facilities will be provided in accordance with provisions of the Conditional Use Permit, Conditions of Approval, and mitigation measures provided in the Final EIR. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the safety and appearance of the area by improving a vacant lot with an active operation that will improve the overall appearance of the site. As demonstrated in Section 3.1 of the Draft EIR, the proposed southern berm is expected to completely obscure existing views of the site, as well as views of the active mining areas and proposed operations. Therefore, implementation of the Project is expected to improve the overall visual quality of the Project site, as the existing illegally dumped debris found on the Project site would be removed and no longer be visible once operations commence.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and

**VULCAN AREA Q QUARRY/5<sup>TH</sup> SUPERVISORIAL DISTRICT****LUZD MAP FH22**

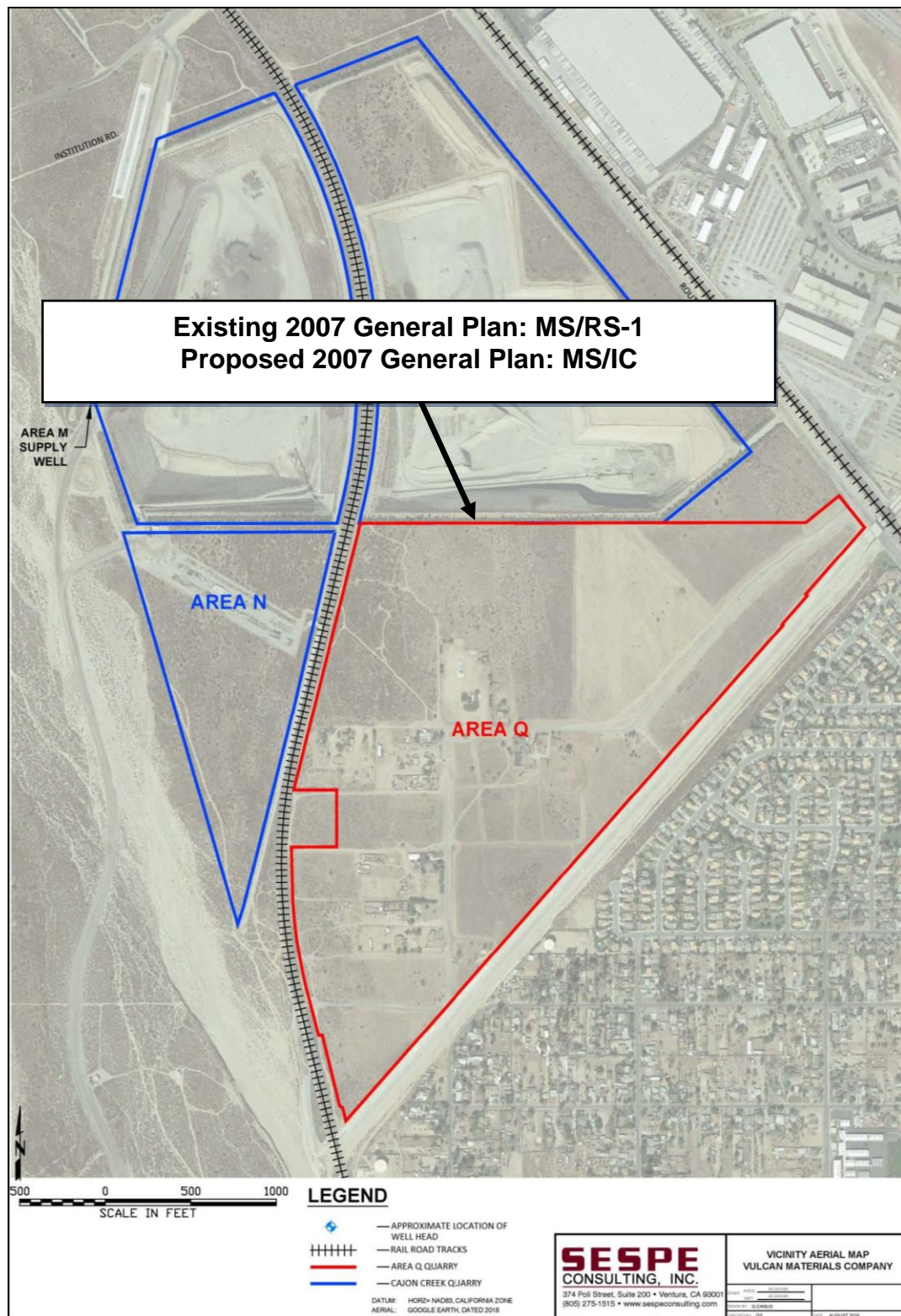
disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. A variety of mining and industrial land uses exist near the Project site. It is surrounded by residential neighborhoods to the south/southeast, industrial facilities to the east/northeast, and open-space (i.e., Cajon Creek Wash) to the west. Vulcan's existing Cajon Creek Quarry site, specifically Area L, occurs north of the Project site. The Cajon Creek Quarry (consisting of Areas L, M, and N) occurs north and northeast of the Project site and currently provides high-quality local aggregates (sand and gravel) to serve the regional market. The Project includes the relocation of mining operations from Area L, once operations have ceased, to the proposed Project site (Area Q). The Project site would be developed with an open pit mine on land that is physically suitable for the requested use. The proposed change in the land use designation to MS/IC will allow for the development of an open pit mine with the approval of a Conditional Use Permit. The proposed Project will comply with the minimum lot size requirements for the GPA.

The proposed Project as designed will not jeopardize or constitute a hazard to property or improvement in the vicinity given that the Project utilizes existing roadways associated with operations located in the Area L Quarry. Therefore, no significant adverse impacts to law enforcement are identified or anticipated, with the proposed mitigation measures required. The proposed Project, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area with the proposed buffers and landscaping.

8. Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced project has been and was subject to an Environmental Impact Report (EIR). The project has determined to have numerous impacts which require Mitigation Measures. These impacts and Mitigation Measures are detailed in the Final EIR (FEIR) which were prepared in compliance with CEQA and all Mitigated Measures identified in the FEIR have been incorporated into the Project's Conditional Use Permit as Conditions of Approval. The FEIR reflects the independent judgment of the County of San Bernardino. The FEIR was reviewed and considered prior to adoption and approval of the Project.

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## LUZD MAP FH13/Policy Plan Map LU-1

**SECTION 3.**

The General Plan Land Use Zoning District Maps are amended as shown on the attached map marked "LUZD MAP FH13" from Oak Hills Community Plan Area, Resource Conservation (OH/RC) and Oak Hills Community Plan Area, Floodway (OH/FW) to Oak Hills Community Plan Area, Rural Living (OH/RL) and the Countywide Plan Policy Plan, Policy Plan Maps are amended as shown on the attached map marked "LU-1" from Resource Land Management (RLM) and Public Facility (PF) to Rural Living (RL) in conjunction with a Planned Developed Permit (PDP) and Tentative Tract Map (TTM) 18533 to subdivide approximately 155 acres into fifty-four (54) residential lots, one (1) open space lot, and two (2) lettered detention basin lots (Project) on approximately 155 acres located at the southwest corner of Whitehaven Street and Braceo Street (Project site).

1. **FINDINGS FOR THE GENERAL PLAN/POLICY PLAN AMENDMENT:** The proposed amendment is internally consistent with all other provisions of the 2007 General Plan, Oak Hills Community Plan and 2020 Countywide Plan, Policy Plan and will further the objectives, goals and policies of the respective plans. This amendment is consistent specifically with the following 2007 General Plan, Oak Hills Community Plan and 2020 Countywide Plan, Policy Plan goals and policies:

**2007 General Plan Consistency Analysis:**

**Goal D/CO 1.** Preserve the unique environmental features and natural resources of the Desert Region including native wildlife, vegetation and scenic vistas.

*Consistency: On-site open space/conservation lot in the southern portion of the Project site is proposed which will preserve unique environmental features affecting native wildlife and vegetation.*

**Policy D/CO 1.1.** Encourage the greater retention of existing native vegetation for new development projects to help conserve water, retain soil in place and reduce air pollutants.

*Consistency: The Project proposes a 39-acre open space lot which will retain native vegetation, conserve water, retain soil in place and reduce air pollutants. Additionally, the Project will not employ a mass grading approach but will grade only building pads and driveways for each residential lot.*

**Policy OH/LU 1.2** In recognition of the community's desire to preserve the rural character and protect the area's natural resources, projects that propose to increase the density of residential land uses or provide additional commercial land use districts or zones within the plan area should only be considered if the following findings can be made:

- a. That the change will be consistent with the community character. In determining consistency the entire General Plan and all elements of the community plan shall be reviewed.

*Consistency: The proposed development, with a minimum lot size of 1.75 acres, and average lot size of 2.15 acres will be compatible with the existing surrounding land uses in the area, will not detract from the community character and is compliant with all other aspects of the community plan.*

WHITEHAVEN ESTATES/1<sup>ST</sup> SUPERVISORIAL DISTRICT

## LUZD MAP FH13/Policy Plan Map LU-1

- b. That the change is compatible with surrounding uses, and will provide for a logical transition in the plan area's development. One way to accomplish this is to incorporate planned development concepts in the design of projects proposed in the area.

*Consistency: The proposed development, with a minimum lot size of 1.75 acres, and average lot size of 2.15 acres will not detract from the community character. The planned development concept is proposed for this Project in order to provide a mechanism to preserve Oro Grande Wash as an open space feature while reducing the minimum lot size from 2.5 acres to 1.75 acres.*

- c. That the change shall not degrade the level of services provided in the area, and that there is adequate infrastructure to serve the additional development that could occur as a result of the change. Densities should not be increased unless there are existing or assured services and infrastructure, including but not limited to water, wastewater, circulation, police and fire, to accommodate the increased densities.

*Consistency: All infrastructure, public facilities and services are available to serve the Project.*

**2020 Countywide Plan, Policy Plan Consistency Analysis:**

**Policy LU-2.3.** Compatibility with natural environment. We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

*Consistency: The Project proposes to establish a 39-acre open space lot that will conserve the natural environment in Oro Grande Wash. Additionally, the Project will minimize land alteration by employing a grading concept whereby only building pads and driveways will be graded. Mass grading approach will not be utilized.*

**Policy LU-2.8.** Rural lifestyle in the Mountain/Desert regions. We intend that new residential development in the unincorporated Mountain and Desert regions offer a lower intensity lifestyle that complements the suburban and urban densities in incorporated cities and towns to provide a range of lifestyle options. Master planned communities in unincorporated Mountain/Desert regions may provide a broader range of lifestyles and densities.

*Consistency: With the proposed minimum lot size of 1.75 acres and an average of 2.15 acres, the Project maintains the lower intensity lifestyle of the immediate surrounding community and complements the suburban and urban densities in incorporated cities and towns, providing a range of lifestyle options.*

**Policy NR-3.2.** Residential clustering. We allow residential development to cluster housing units in order to reduce the consumption of undeveloped land, maximize the amount of open space, preserve natural resources, conform to natural topography/grade, and/or reduce exposure of structures to natural hazards.

*Consistency: The Project is processing a Planned Development Permit to allow the "clustering" of residential lots with a minimum size of 1.75 acres and an average of 2.15 acres, while creating a 39-acre open space lot in the Oro Grande Wash area.*

WHITEHAVEN ESTATES/1<sup>ST</sup> SUPERVISORIAL DISTRICT

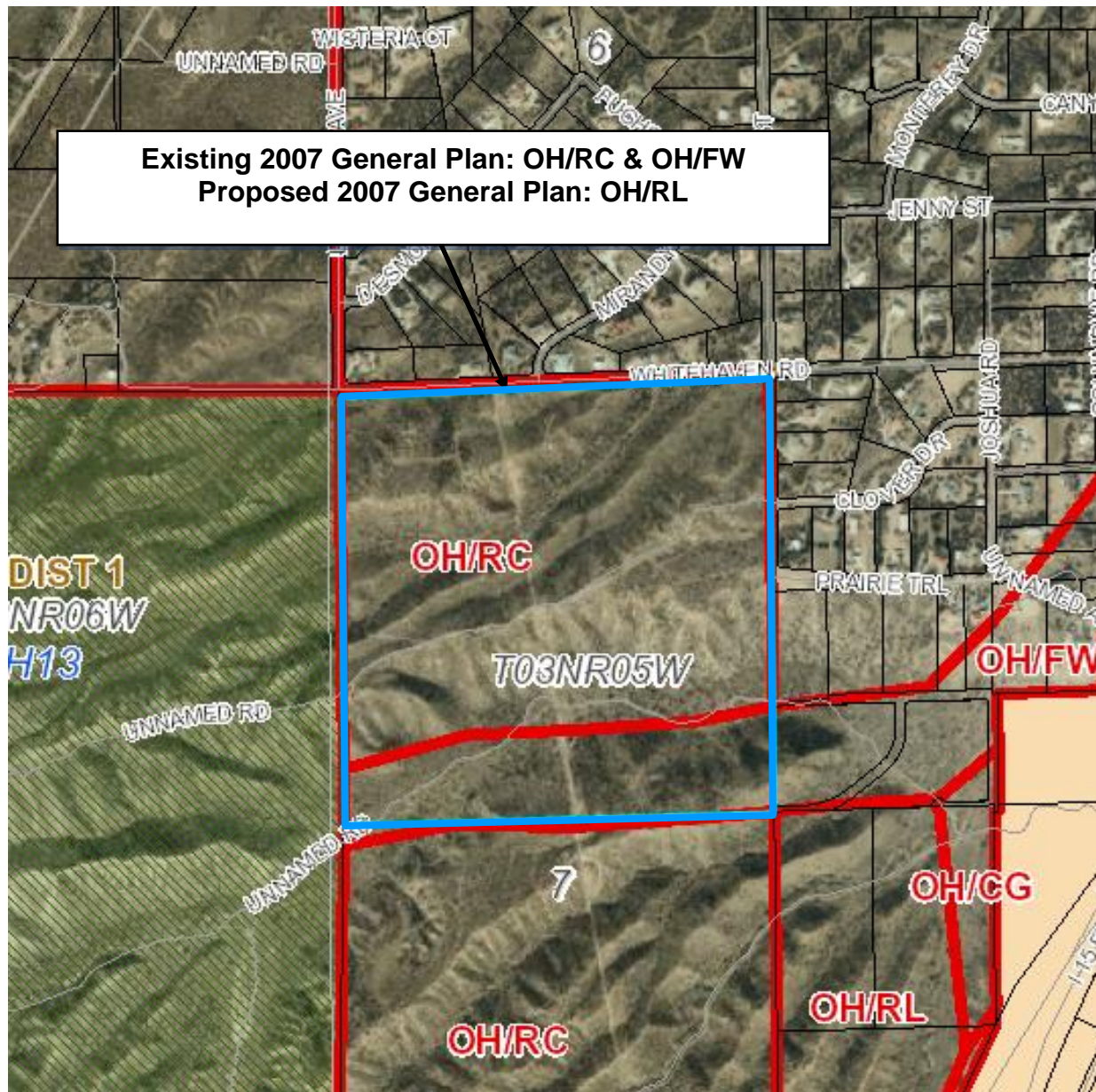
## LUZD MAP FH13/Policy Plan Map LU-1

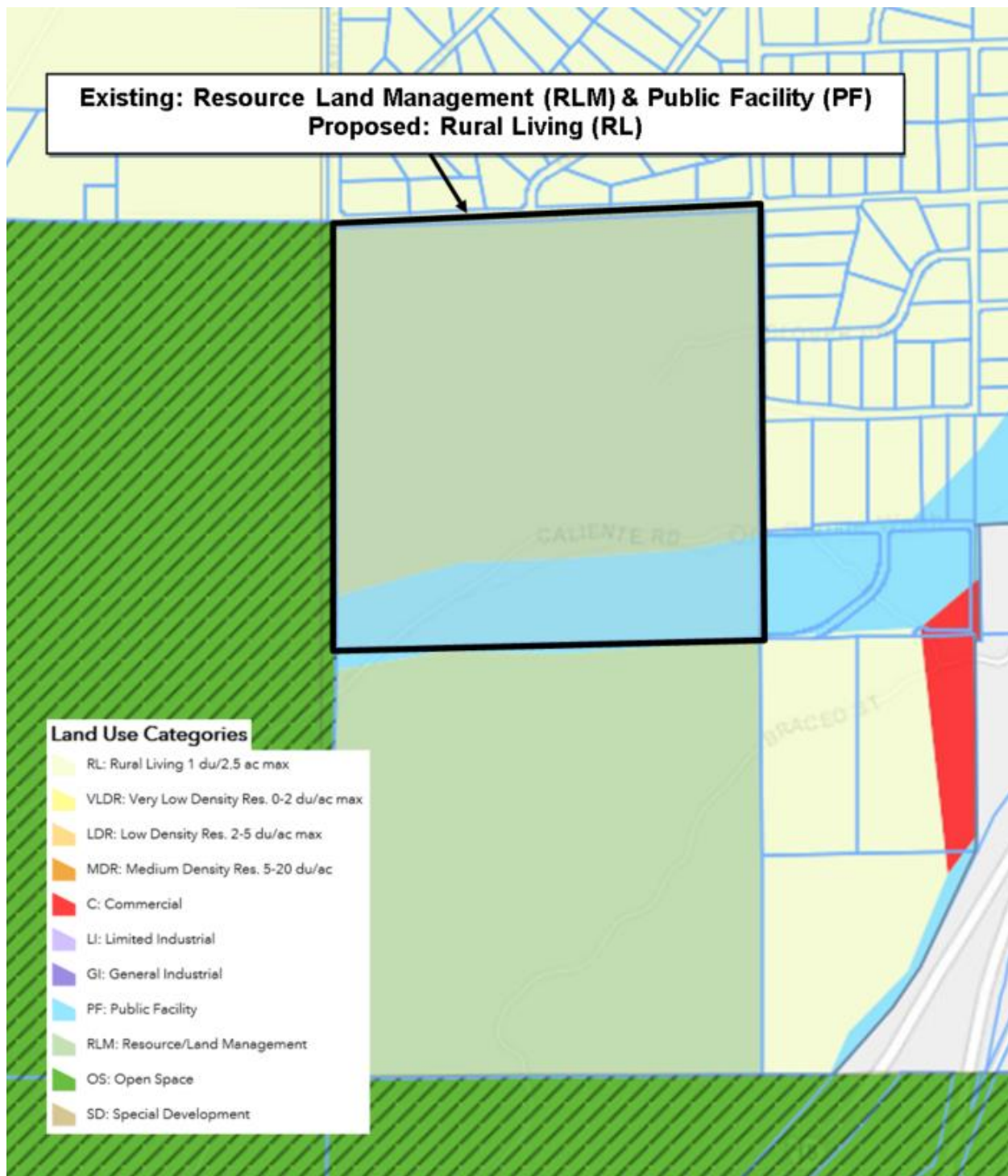
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County because the amendment facilitates a project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services; the Project will promote significant economic development within the local community, including construction jobs, which support local businesses such as recreation/retail establishments, building supplies and materials establishments, as well as eating establishments; the Project formally sets aside valuable habitat for the protection of the most sensitive biological resources.
3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The Project will provide housing opportunities on 54 residential lots while maintaining the goals and policies of the 2007 General Plan, the Oak Hills Community Plan and the 2020 Countywide Plan, Policy Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The proposed Project retains and protects the existing desert character of the community, an identified goal of the 2007 General Plan, Oak Hills Community Plan and 2020 Countywide Plan, Policy Plan, by preserving open spaces and conservation areas. The Project will also promote significant economic development within the community, including construction jobs.
4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area because the Project site is located with existing residential development to the north and east. Existing circulation improvements will provide vehicular access to the Project site and all necessary public services and infrastructure are available.
5. The proposed land use zoning district change does not conflict with the provisions of the Development Code. Concurrent with the proposed general plan amendment, the applicant is processing a Planned Development Permit which will allow a minimum lot size of 1.75 acres, a reduction from the 2.5-acre minimum in the Rural Living (OH/RL) land use zoning designation requested, while conserving Oro Grande Wash as a 39-acre open space/conservation lot. The Project conforms to all other applicable Development Code requirements.
6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property because the Project is compatible with surrounding land uses and includes appropriate mitigation measures and conditions of approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property.
7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, the provision of public and emergency vehicle (e.g., fire and medical) access, and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.) to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided appropriate conditions of approval. The Project will have access to sufficient permitted solid waste storage and landfill capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified conditions of approval.

**WHITEHAVEN ESTATES/1<sup>ST</sup> SUPERVISORIAL DISTRICT****LUZD MAP FH13/Policy Plan Map LU-1**

8. Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed as part with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.







**SECTION 4.**

The General Plan Land Use Zoning District Map/Countywide Plan, Policy Plan Land Use Policy Plan Map Amendment shall become effective thirty (30) days after the adoption of this resolution. This resolution was 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                     )  
  ) ss.  
COUNTY OF SAN BERNARDINO        )

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 November 17, 2020.

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: \_\_\_\_\_