



SAN BERNARDINO COUNTY PLANNING COMMISSION MEETING MINUTES

County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, September 9, 2021

COMMISSIONERS PRESENT

Jonathan Weldy, Chair, First District
Ray Allard, Vice Chair, Second District
Michael Stoffel, Commissioner, Third District
Tom Haughey, Commissioner, Fourth District
Kareem Gongora, Commissioner, Fifth District

STAFF PRESENT

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

The Planning Commission meeting of September 9, 2021, was called to order at 9:01 a.m. by Chair Weldy. Planning Director Heidi Duron led the Invocation and Vice Chair Allard led the Pledge of Allegiance.

Present at the meeting was Planning Director Heidi Duron, Deputy County Counsel Jason Searles, Senior Planner Anthony DeLuca, Senior Planner Magda Gonzalez, Senior Planner Suzanne Peterson, Administrative Assistant Lupe Biggs and Applicant Dexter Liu.

Participating remotely was consultant Colin Drukker.

The meeting was conducted pursuant to the provisions of the Governor's Executive Order N-08-21 dated June 11, 2021, which suspends certain requirements of the Ralph M. Brown Act.

ROLL CALL

Chair Weldy and Vice Chair Allard were present at the meeting. Commissioner Stoffel and Commissioner Haughey participated remotely. Commissioner Gongora arrived in the Chambers following the roll call.

1. a. APPROVAL OF MINUTES-JULY 8, 2021 AND AUGUST 19, 2021

Commissioner Stoffel made a motion to approve the minutes for July 8, 2021 and August 19, 2021. Vice Chair Allard 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 the Pine Rose Cabins project that the Planning Commission recommended approval to the Board of Supervisors will be up for approval next week. Ms. Duron also noted that she and Chair Weldy participated in a joint agency conference call that took place yesterday with the Town of Apple Valley and the Building Industry Association (BIA).

d. COMMISSIONER COMMENTS

There were no comments.

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2. PUBLIC HEARING

APPLICANT: Resurgence Solar I & II
COMMUNITY: Kramer Junction / 1st Supervisorial District
PROJECT NO: PROJ-2021-00019/PROJ-2021-00079
LOCATION: Highway 395 approximately 1.2 miles north of Kramer Junction
STAFF: Anthony DeLuca, Senior Planner
PROPOSAL: Two Conditional Use Permits to decommission an existing 150-megawatt (mw) concentrated thermal solar facility (SEGS III thru VII) and redevelop as a 150-mw photovoltaic (pv) solar facility including 150 mw battery energy storage system, and associated infrastructure with no expansion of the site or capacity.
CEQA RECOMMENDATION: Notice of Exemption
EST. TIME: 60 minutes

STAFF PRESENTATION:

Anthony DeLuca, Senior Planner, presented the staff report and memos to the Planning Commission, which is on file with the Land Use Services Department.

RECOMMENDATION:

That the Planning Commission:

1. **FIND** that the Project is exempt from CEQA pursuant to Section 15302, Subdivision (c) of the CEQA Guidelines;
2. **ADOPT** the Findings as contained in the staff report (Exhibit A);
3. **APPROVE** the two Conditional Use Permits to decommission an existing 150 MW concentrated thermal solar facility (SEGS III-VII) and redevelop the site with a 150 MW photovoltaic (PV) solar facility including a 150 MW BESS and associated infrastructure with no expansion of the site or capacity subject to the Conditions of Approval (Exhibit C) as follows:
 - a) A Conditional Use Permit for Resurgence Solar I to decommission and demolish the previously permitted 150 MW SEGS III-VII solar thermal power facility on 706 acres and the redevelop, at the same location as SEGS III-V, a new PV solar facility and associated infrastructure necessary to generate up to 90 MW of renewable electrical energy with up to 90 MW of battery energy storage on APNs: 0491-101-16, -17, -18, and -19, 0491-151-38, -39, and -40.
 - b) A Conditional Use Permit for Resurgence Solar II to decommission and demolish the previously permitted 150-MW SEGS III-VII solar thermal power facility on 466 acres and the redevelop, at the same location SEGS VI and VII, a new PV solar facility and associated infrastructure necessary to generate up to 60 MW of renewable electrical energy with up to 60 MW of battery energy storage on APNs: 0498-171-05, and -06.
4. **DIRECT** staff to file the Notice of Exemption.

APPLICANT COMMENTS:

Ms. Duron announced there was a memo from staff regarding additional comments and Findings. She also stated the recommendation include these Findings listed in the memo.

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Dexter Liu, the Applicant, presented a slide presentation to the Planning Commission, which is on file with the Land Use Services Department.

COMMISSION COMMENTS:

Chair Weldy summarized the comment letter from the law office of Adams Broadwell Joseph & Cardozo that staff had received prior to the meeting. Deputy County Counsel Jason Searles provided a further explanation that the exemption for the Project is legally defensible, contrary to what the letter suggests. Chair Weldy and staff discussed the comment period for the Project and the time this comment letter was received.

Commissioner Gongora asked some environmental questions regarding emissions, Joshua Trees and local bird migration within the Project area. Ms. Duron explained the Applicant provided a technical study that supports the Project being exempted from the California Environmental Quality Act (CEQA). Mr. DeLuca clarified the location of the Joshua Tree, that it is not within the footprint of the Project. He also stated the Biological Report may contain the information the Commissioner is requesting. Mr. Searles described how the CEQA exemption applies to this Project. Commissioner Gongora also asked about fire prevention for the Project site. Mr. Liu described their fire prevention measures.

Commissioner Haughey shared his familiarity with the rural Project area and stated he doesn't see any possible environmental impact.

Vice Chair Allard asked to see a picture of the solar panels. Mr. Liu described their appearance.

PUBLIC COMMENTS:

There were no comments.

ADDITIONAL COMMENTS:

Commissioner Gongora asked for clarification regarding the additional Findings. Ms. Duron reviewed the context of staff's memo.

COMMISSION ACTION:

Commissioner Haughey made a motion to approve staff's recommendation. Vice Chair Allard seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Haughey
SECOND: Allard
AYES: Weldy, Allard, Stoffel, Haughey and Gongora
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

3. PUBLIC HEARING

APPLICANT:	Land Use Services Department
COMMUNITY:	Countywide
PROJECT NO:	PMISC-2020-00005
LOCATION:	Countywide
STAFF:	Magda Gonzalez, Senior Planner

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PROPOSAL: Development Code Amendment to repeal current Chapter 83.70 "Glare and Outdoor Lighting" and replace with new Chapter 83.70 "Light Trespass" which clarifies and expands standards to regulate glare and light trespass. The new chapter includes title, purpose, definitions, applicability, valley requirements, mountain and desert requirements, conflicts with other laws, application of ordinance to legal non-conforming lighting, and enforcement and penalties.

CEQA RECOMMENDATION: Notice of Exemption

EST. TIME: 60 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 recommend that the Board of Supervisors take the following actions:

1. **FIND** that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3);
2. **ADOPT** the findings as contained in the staff report;
3. **ADOPT** the proposed Ordinance to repeal Chapter 83.07 ("Glare and Outdoor Lighting") of Division 3 of Title 8 of the San Bernardino County Code and to add Chapter 83.07 ("Light Trespass") to Division 3 of Title 8 of the San Bernardino County Code, relating to countywide light standards; and
4. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

COMMISSION COMMENTS:

Vice Chair Allard confirmed the timeframe to comply with the ordinance is 24 months. Ms. Gonzalez replied yes for Residential zonings. They both discussed the lighting options residents can use. Vice Chair Allard also asked for the timeframe for Commercial zones. Ms. Gonzalez replied Commercial and Industrial zones have 18 months. The two also discussed how Light Trespass cannot enter Public Right-of-Ways and how it is measured.

Commissioner Haughey stated it will be interesting to see how the ordinance will affect the County.

Commissioner Stoffel thanked staff for the work on addressing the changes.

APPLICANT COMMENTS:

There were no comments.

PUBLIC COMMENTS:

Luke Sabala, resident of Joshua Tree, spoke in favor of the Project, he thanked everyone involved with the Ordinance. He also recognized former Code Enforcement Chief Andy Wingert's input on this item.

Steve Bardwell, resident of Joshua Tree, spoke in favor of the Project, stated he is a member of 3rd District Dark Sky Committee. He expressed his thanks to staff. He listed some of the benefits that would come from the Ordinance.

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Jane Hunt-Ruble, resident of Muscoy, did not register a position on the Project, stated she is in support of the Ordinance and described her familiarity with it. She also stated how she was pleased to see that the valley area was included. Ms. Hunt-Ruble asked how the Ordinance will be implemented to the Vulcan Mining project approved for her area. She then asked for clarification regarding jurisdictional borders.

Ted Stimpfel, resident of Newberry Springs, spoke in opposition of the Project, stated it does not benefit their community health and safety. Mr. Stimpfel described a number of concerns that could affect his community. He also described his personal experience with real estate and its connection to the Ordinance.

Pat Flanagan, resident of Twentynine Palms, registered in favor of the Project, but did not wish to speak.

ADDITIONAL COMMENTS:

Ms. Duron stated the Ordinance is relative to unincorporated properties in the County. Chair Weldy asked whether the Vulcan project is in the County or City. Ms. Duron replied both and policies from both jurisdictions apply.

Mr. Searles reviewed the Ordinance's implementation timeframes.

Vice Chair Allard asked what happens in the instance of County light trespassing in the City. Ms. Duron stated properties in the County must comply with the Ordinance.

Vice Chair Allard summarized some of the context in the Ordinance and stated he trusts County staff to address any further hardships.

COMMISSION ACTION:

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

COMMISSION VOTE

MOTION: Gongora
SECOND: Haughey
AYES: Weldy, Allard, Stoffel, Haughey and Gongora
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

4. PUBLIC HEARING

APPLICANT:	Land Use Services Department
COMMUNITY:	Countywide
PROJECT NO:	PMISC-2020-00059
LOCATION:	Countywide
STAFF:	Suzanne Peterson, Senior Planner
PROPOSAL:	Informational workshop to provide an overview of the Housing Element, review new housing laws and requirements, review housing outreach and analysis, and provide a timeline for the County's Housing Element update.
CEQA RECOMMENDATION:	Notice of Exemption
EST. TIME:	60 minutes

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STAFF PRESENTATION:

Suzanne Peterson, Senior Planner, gave an informational presentation and memo, which is on file with the Land Use Services Department.

RECOMMENDATION:

The following staff report is provided for information purposes and will review the following items for public and Planning Commission review and comment:

- Housing Element contents
- New Housing Laws
- The RHNA allocation process and County's housing needs
- Housing types, density and affordability
- Review outreach efforts

COMMISSION COMMENTS:

Vice Chair Allard asked staff to define unsheltered. Ms. Peterson replied homeless and stated the information was taken in 2020 Point-In-Time Count by the San Bernardino County Homeless Partnership in collaboration with the Office of Homeless Services.

Chair Weldy asked for confirmation of the number of County residents with disabilities. Ms. Peterson stated the definition of disability is broad and the data applies to the unincorporated areas. Colin Drukker, Principal with PlaceWorks, provided clarification for both questions from Chair Weldy and Vice Chair Allard.

Chair Weldy and Ms. Peterson reviewed the allocation data proposed for eight years and the number of units the County is currently building. Chair Weldy also discussed the item of alternate housing. Ms. Duron noted that staff presented the Housing Element Annual Progress Report (APR) to the Board of Supervisors in April and summarized some of the data from the report.

Chair Weldy further discussed additional dwelling unit statistics being applied to the County's Regional Housing Needs Assessment (RHNA) figures. Ms. Peterson stated Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) do count. Vice Chair Allard and Chair Weldy discussed the construction process of Accessory Dwelling Units. Ms. Peterson provided some of the Housing Element APR data that included new ADUs and JADUs. She also clarified staff is not relying on the ADU numbers to meet the County's RHNA. Vice Chair Allard shared some of his knowledge with ADUs in the Fontana area and pointed out items that stood out to him.

Commissioner Gongora asked how Environmental Justice Focus Areas are considered and how is Senate Bill (SB) 330 is applied in regard to Inclusionary Housing Policy. Mr. Drukker explained how the Countywide Plan complies with Senate Bill (SB) 1000 and identifies Environmental Justice Focus Areas. He continued to identify the content that has been updated and items still being updated. Commissioner Gongora and Mr. Drukker continued to discuss Environmental Justice Focus Area data.

Commissioner Haughey stated he was surprised with some of the information presented and shared some of his concerns.

Commissioner Stoffel stated he agreed with the Chair and Vice Chair's comments. He mentioned there are issues with getting ADUs started. Chair Weldy and Commissioner Stoffel discussed funding and loans for ADUs.

APPLICANT COMMENTS:

There were no comments.

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PUBLIC COMMENTS:

Steve Bardwell, resident of Joshua Tree, spoke in favor of the Project, stated Short Term Rentals (STRs) have not been mentioned and described its effect on the Housing Element data. Janet Johnston, resident of Joshua Tree, spoke in favor of the Project, mentioned the Housing Element's effect on trade and tech schools not having funding. She also shared that Community Plans are a necessity.

Jane Hunt-Ruble, resident of Muscoy, did not register a position on the Project, stated she is confused on the RHNA data and described parking issues within her community. She discussed additional housing issues.

ADDITIONAL COMMENTS:

Commissioner Gongora shared an item he had read about regarding owning a home and using it as an STR. He then asked how that would affect the RHNA information. Ms. Peterson replied STRs are an item staff considers a constraint and heavily impacted in the desert and mountain areas. Chair Weldy added clarification that STR opportunities will be different for the valley and desert areas. Ms. Duron also added staff is receiving various comments regarding STRs and they are monitoring how it does have an impact on housing availability.

Vice Chair Allard asked about permits for Airbnb's, and Ms. Duron replied STRs require a permit. Chair Weldy and Vice Chair Allard discussed the difference between STRs and Airbnb's. Ms. Peterson clarified the APR considers the number of units, not how the unit is being used and does get counted to the total number of housing units. Mr. Searles shared the State has ADU laws that prohibit the use of certain ADUs as STRs and it is also local decision.

COMMISSION ACTION:

As this item was a workshop presentation only, no action of the Commission was required.

5. PUBLIC COMMENTS:

Chair Weldy opened the Public Comments at 11:38 a.m. Having no requests to speak Chair Weldy closed the Public Comments at 11:38 a.m.

Emailed comments were included in the record.


6. ADJOURNMENT:

There being no further business, Commissioner Gongora made a motion to adjourn the meeting. Vice Chair Allard seconded the motion. The meeting was adjourned at 11:38 a.m.

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Handwritten signature of Chair Weldy in blue ink.

Chair Weldy **Date**
Chair Weldy, Planning Commission

Handwritten signature of Heidi Duron in blue ink.

10/6/2021

Heidi Duron **Date**
Planning Director, Land Use Services Department

Handwritten signature of Lupe Biggs in blue ink.

10/7/2021

Lupe Biggs **Date**
Administrative Assistant, Land Use Services Department
