



San Bernardino County

Legislation Text

File #: 3121, Agenda Item #:

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

October 27, 2020

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Countywide Plan, Community Action Guides and Related Actions

RECOMMENDATION(S)

1. Conduct a public hearing to consider the Countywide Plan to include the Policy Plan (General Plan), Business Plan, Community Action Guides and related actions and materials.
 2. Certify the Final Program Environmental Impact Report.
 3. Adopt the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations.
 4. Adopt the Mitigation Monitoring and Reporting Program.
 5. Adopt the Resolution to:
 - a. Amend the County General Plan and approve the Countywide Plan (Policy Plan) Text, Land Use Designation Map, and various policy maps as the Third Cycle 2020 General Plan Amendment.
 - b. Approve the Business Plan and plan text.
 6. Adopt the Resolution to:
 - a. Repeal the 14 existing Community Plans.
 - b. Recognize the 35 new Community Action Guides
 7. Direct the Clerk of the Board to file the Notice of Determination.
- (Presenter: Terri Rahhal, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of the recommendations will not result in the use of additional Discretionary General Funding (Net County Cost). Funding for adoption of the Countywide Plan and the Implementation Program, including essential updates to the County Development Code, has been allocated in the Land Use Services 2020-21 budget. Funding for one year of consultant assistance in implementation is included in the PlaceWorks Contract No. 15-248 A-4, which was approved by the Board on February 11, 2020 (Item No. 46) and will continue through October 2021. Additional programming and costs will be required to sustain the plan and will be requested in future recommended budgets as a cost to be shared with multiple departments.

BACKGROUND INFORMATION

The County General Plan was last updated in 2007. In 2010, the County Board of Supervisors (Board) set out to establish a vision for the future of the County as a whole. The 24 cities and towns and the community at large was engaged in the Countywide Vision adopted in 2011. Following adoption of the Countywide Vision, which calls for the creation of a “complete county,” the Board adopted the County Paradigm and Job Statements in 2012.

In 2015, the County launched an effort to create an unprecedented General Plan—a web-based comprehensive “complete county” plan that complements and informs the Countywide Vision by taking into account all services—not just land use planning—provided by County government. This “complete county” plan was dubbed the Countywide Plan (Project). The extensive community engagement begun with the Countywide Vision continued during the development of the Countywide Plan, ensuring representation of the unique values and priorities of the many diverse unincorporated communities. The Countywide Plan will serve as a guide for County decision-making, financial planning, and communications. Its web-based format will provide a wealth of accessible data related to County policies and operations, allowing easy public access to County data for general information and independent use.

Public Outreach

There has been an extensive public outreach effort for this Project. Between 2015 and 2019, the County engaged with members of the public, not-for-profit agencies, and civic organizations to better understand their issues and what they wanted to see preserved, maintained, and/or improved upon through the Countywide Plan. The communities also provided input resulting in key changes proposed regarding where growth should and should not occur in the unincorporated areas. The intent of this outreach effort was to bring meetings to the people in their communities as much as possible, thereby minimizing the need for residents to travel long distances to meetings in the County Government Center. County staff and project consultants attended 75 meetings in over 50 communities in the Valley, Mountain, and Desert regions. Meetings were held at varied locations and times of day, in an attempt to reach as many people as possible. This effort resulted in over 2,000 persons attending and participating in the community and regional meetings. Thousands of comments were received and replied to from social media platforms established for the Countywide Plan. Information obtained through public engagement was invaluable to the formulation of the policy documents and resulted in a greater understanding and appreciation of the individual communities involved.

County Growth Projections

The process of preparing the Countywide Plan included scenario modeling which demonstrated that the County can best serve its communities, businesses, institutions, and visitors by focusing new development in and around cities, towns, and communities with access to existing infrastructure and services, while preserving natural open spaces that define San Bernardino County and its residents’ way of life. This approach to growth is reflected in the principles, goals and policies of the Countywide Plan, which emphasize fiscally sustainable land use and infrastructure planning. This approach is also compatible with the preferences of residents, while maintaining opportunities for economic development, avoiding development in high hazard areas, and conserving the County’s valuable natural and cultural resources.

Regional Plans of the Southern California Association of Governments (SCAG) project that the population of San Bernardino County will grow by 630,456 between 2016 and 2040. Of that total, the incorporated cities and towns will represent 92 percent of the growth (580,776 population) while the unincorporated County area will

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grow by approximately 49,680 persons, representing only eight percent of the countywide population. Most of the growth in the unincorporated area is projected to occur in the Valley and North Desert regions as shown by the following chart:

Region	Population Growth	Percent of Growth
Valley	24,893	50.1
Mountain	2,355	4.8
North Desert	21,073	42.4
East Desert	1,359	2.7
Total Unincorporated	49,680	100.0

Countywide Plan Components

The Countywide Plan is organized around two main documents:

1. *The Policy Plan* - which serves as the County's general plan but in a more comprehensive way. The Policy Plan recognizes and differentiates the County's dual roles of serving as a "municipal" government for County unincorporated areas and as a "regional" government delivering programs, including those mandated or funded by the state and/or the federal government, to the County as a whole.
2. *The Business Plan* - which takes an innovative, systems approach to managing the County's resources. The Business Plan will provide a policy foundation as well as an integrated system of governance, including managing, prioritizing, and tracking the County's economic resources. The Business Plan will steer the integration of Policy Plan goals, policies, and actions into County operations and budgets.

Policy Plan

The Policy Plan amends the 2007 General Plan excluding the Housing Element and the Renewable Energy and Conservation Element. The Policy Plan is driven by the 2011 Countywide Vision. One of the basic principles of the Policy Plan is that land use and development will determine the revenue base and costs for services in the County. There is a seemingly unlimited demand for County services, yet the discretionary funding to provide services is limited. Therefore, the County must consider fiscal impacts in its review of development proposals, land use changes and changes to County services. When considering fiscal impacts, the County must consider initial capital investments, long-term operations and maintenance, desired levels of

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service, capital reserves for replacement, and the impacts on existing uses and services. These overarching principles, aimed at fiscal sustainability, are used to establish goals and policies throughout the Policy Plan, which are supported by administrative and fiscal policies in the Business Plan and Governance Element.

Although it covers many more topics than the 2007 General Plan, the Policy Plan has streamlined County goals and policies. The 2007 General Plan and Community Plans contain 404 goals and 1,704 policies. Combined, the Policy Plan Elements contain only 52 Goals and 360 policies, organized in four major topic areas, as follows:

Built Environment

Land Use Element

Housing Element (adopted in 2014; no amendments proposed)

Infrastructure and Utilities Element

Transportation and Mobility Element

Resources and Conservation

Natural Resources Element

Renewable Energy and Conservation Element (adopted in 2017, amended in 2019; no amendments proposed)

Cultural Resources Element

Safety and Security

Hazards Element

Personal and Property Protection Element

Economy and Wellness

Economic Development Element

Health and Wellness Element

Two elements previously adopted by the Board are being incorporated into the Countywide Plan without amendments. The Housing Element must be updated on a regional cycle, and the Renewable Energy and Conservation Element was recently added to the General Plan. The Policy Plan complies with State law regarding the content of general plans, and has been written to incorporate the latest legislative acts affecting general plans. Specifically, the Policy Plan complies with the following new laws that have come into effect since the last general plan update was adopted in 2007:

- AB 162 - Flood and Ground Water Mapping
- AB 1358 - Complete Streets
- SB 375 - Sustainable Community Strategies
- SB 1241 - Wildfire Assessment
- SB 743 - Vehicle Miles Traveled
- AB 52 - Tribal Consultation
- SB 379 - Climate Adaptation and Resiliency Planning
- SB 1000 - Environmental Justice
- SB 1263 - Public Water Systems

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A major change as a result of the Policy Plan is the establishment of a two map system of land use map and zoning map, moving away from the one map system currently used. The Policy Plan includes a Land Use Map (LU-1) that designates all land in the Unincorporated County area into one of the following land use categories:

- Rural Living 1 dwelling unit per 2.5 acres maximum
- Very Low Density Residential 0 - 2 dwelling units per acre, maximum
- Low Density Residential 2 - 5 dwelling units per acre - maximum
- Medium Density Residential 5 - 20 dwelling units per acre - maximum
- Commercial
- Limited Industrial
- General Industrial
- Public Facility
- Resource Land Management
- Open Space
- Special Development

The Land Use Designations will allow for various zones to be classified within each land use category. Zoning changes within the same Land Use Designation will no longer require a General Plan amendment, but will require a zoning amendment. As part of the Implementation Program, new zones will be adopted and applied to properties in the unincorporated areas in coordination with a future update of the Development Code for consistency with the Countywide Plan.

After adoption of the Countywide Plan there will be an interim period where the new Land Use Designation (general plan) map will be effective but there will not be a new, corresponding zoning map. Section 5 of the adopting resolution provides procedures for dealing with these situations until an official zoning map is adopted by the Board or a property owner submits an application to use or develop their property in conformance with the provisions of the resolution. After a zoning map is adopted and all formally submitted land use applications have been acted upon or their time expired, all future actions will be required to be consistent with the Policy Plan and the Development Code. If, after the interim period ends, a property is found to have an inconsistency between the Land Use Designation and the Zone classification, the Planning Director will determine the most appropriate Zone classification for the property, consistent with the Land Use Designation and in conformance with the Zone definitions.

Business Plan

Through the Business Plan the County is taking an innovative, systems approach to managing the County's resources. The Business Plan will provide a policy foundation as well as an integrated system of managing County resources and tracking the effectiveness of fiscal decisions. The Business Plan will steer the integration of Policy Plan goals and policies with budgeting and operations. The Business Plan contains the following sections:

1. *Governance Element* - The Governance Element attempts to capture and preserve the existing way in which the County provides consistent, transparent, effective, and accountable governance for future leaders and the public. This element is consistent with the Countywide Vision Statement: "We envision a model community which is governed in an open and ethical manner, where great

ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.”

The purpose of the Governance Element is to provide guidance on County decision-making processes for officials, staff, the public, and other stakeholders. It will allow the County to operate in a business-like manner, incorporate the concept of adding long-term value into the decision-making process, and integrate the Countywide Plan into the County’s ongoing operations, and budget process.

2. *Implementation Plan* - The Implementation Plan consists primarily of actions that are essential to begin over the next one to five years to carry out the Countywide Plan policies and continue progress toward achieving the Countywide Plan goals. The Implementation Plan is intended to be reviewed and updated on an annual basis to determine whether any current activities fall short or additional actions are needed to support the Countywide Plan goals and policies. The Implementation Plan works alongside the Tracking & Feedback system, which includes additional actions associated with the tracking of priority objectives and feedback on those objectives.
3. *Tracking and Feedback System* - The Business Plan establishes a process for tracking progress toward measurable indicators of success, enabling the County to refine implementation toward a more effective, efficient, transparent, and accountable County government. This tracking and feedback mechanism is intended to measure progress toward the Countywide Plan’s priority goals and objectives. The tracking and feedback system will be provided through a web-based platform which will enable the County to upload, illustrate, narrate, and share internal and external data and information related to the goals and objectives of the Countywide Plan.
4. *Fiscal Analysis Model* - The Fiscal Analysis Model is a tool that will improve the ability of the County to evaluate the fiscal impacts on the County resources (both capital and operating) of proposed policy, budgetary, and land use decisions. The model will be used to provide a statistical analysis of fiscal impacts of a proposed action in order to inform staff, the public and the Board prior to the decision being made. The model will be sophisticated enough to identify the gap between revenues and expenditures of changes to the goals and policies of the Countywide Plan, changes to land use designations, and for specific development projects.

Community Action Guides

The Community Action Guides (CAGs) comprise a new system of community planning that articulates values and priorities of each community, with a greater focus on community self-reliance and grass-roots action. The CAGs were completed with significant levels of community participation. This process has expanded the number of communities that are covered by the community planning process. With the repeal of the 14 existing Community Plans the goals, policies, land use, and infrastructure plans have been incorporated in the Policy Plan. Most of the actions identified in the CAGs will be implemented by community residents, with potential assistance from the County and other partners, as needed.

Environmental Impact Report

A critical step in the Countywide Plan process was the preparation of the Program Environmental Impact

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Report (PEIR). A Notice of Preparation (NOP) for the Draft PEIR was released on October 13, 2017 and a scoping meeting was held on October 26, 2017. The Draft PEIR was completed and a Notice of Availability was issued on June 17, 2019, allowing for a 60-day review and comment period. The comment period ended on August 15, 2019, and responses to all comments have been prepared for inclusion in the Final PEIR. The Final PEIR was distributed and posted to the Countywide Plan website on August 31, 2020, for public review. The Final PEIR includes Responses to Comments received on the Draft PEIR, a Mitigation Monitoring Program and revised text of the original Draft PEIR.

Environmental Impacts Identified

The Draft PEIR analyzed 76 discreet environmental impacts associated with the Countywide Plan project. Of those, 61 were determined to be less than significant after feasible mitigation measures (if necessary) were imposed, and 15 impacts in the areas of air quality, biological resources, greenhouse gas emissions, wildfire hazards, mineral resources, noise and transportation were determined to be significant and unavoidable, even after feasible mitigation measures were imposed.

Table 1-2 of the Executive Summary of the Final PEIR, summarizes the conclusions of the environmental analysis contained in the Draft PEIR. Impacts are identified as significant or less than significant, and mitigation measures are identified for all significant impacts. The level of significance after imposition of the mitigation measures is also presented in the table. Impacts identified in the Draft PEIR and listed in Table 2-1 as being potentially significant and unavoidable include the following topics:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hazards (Wildfire, including downstream flooding or landslides, as a result of post fire slope instability)
- Mineral Resources
- Noise (temporary construction and traffic related)
- Transportation and Traffic

Discussion of Alternatives

To develop meaningful alternatives, multiple alternative scenarios were developed with the goal to maintain consistency with regional growth projections and to allow an apples-to-apples comparison during development of the proposed Project. Each alternative, as well as the proposed Countywide Plan, was designed to identify suitable sites to accommodate the net unincorporated housing growth of approximately 18,000 units projected in SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

The following alternatives, evaluated during the Policy Plan process, were selected for further analysis in the Draft PEIR:

- No Project (existing General Plan)
- Master Planned Development
- Concentrated Suburban Growth
- Limited Suburban Growth, was added to the list of alternatives as a logical growth scenario to comply with CEQA criteria for alternatives analyses.

A more detailed description of all proposed alternatives is provided in Section 1.5.2 Alternatives Selection of the Final PEIR, Executive Summary.

The Concentrated Growth Alternative has been identified as the environmentally superior alternative because it would reduce eight of the 18 environmental topics in comparison to the proposed Project and would reduce three of the proposed Project's significant, unavoidable impacts to less than significant. Although this

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alternative could achieve the majority of the project objectives, due to the higher densities in the Valley region this alternative could jeopardize the existing character and heritage goal for this region.

Comments on the Draft Program Environmental Impact Report

The County received 24 comment letters from interested parties regarding the Draft PEIR. Of those, seven were federal, state, regional, and local agencies; eight were from organizations, and; nine were from individuals. A full listing of all commenters is provided as part of the Final PEIR.

Within the 24 comment letters, there were 187 separate comment points relating to the adequacy of the Draft PEIR. The comments received relating to impacts associated with implementation of the proposed Countywide Plan include transportation, air quality, cultural tribal resources, water quality, biological resources and conservation, environmental justice, land use compatibility, impact of renewal energy projects, aesthetics and view shed impacts.

There were a number of individuals and organizations who commented on the Draft PEIR as well as unrelated topics, most having to do with the proposed repeal of the Community Plans. Although not required by CEQA, the County has provided responses to both the comments on the Draft PEIR as well as addressing the other non-EIR comments.

Effect of New Material in Final Environmental Impact Report

Some of the responses to comments resulted in minor modifications to the text of the PEIR. Those text changes are incorporated into the Final PEIR, Chapter 3.2 - Draft PEIR Revisions in Response to Written Comments. County staff has reviewed this material and determined that none of the changes constitutes the type of significant new information that requires recirculation of the Draft PEIR for further public comment or indicates that the project will result in a significant new environmental impact or substantially increase impacts not previously disclosed in the Draft PEIR.

Unavoidable Impacts and Statement of Overriding Considerations

A statement of facts, findings and overriding considerations has been prepared for the Countywide Plan Project. Fifteen impacts were identified in the Draft PEIR as being unavoidable significant adverse impacts to air quality, biologic resources, greenhouse gas emissions, wildfire hazards and resulting slope instability, mineral resources, noise, and traffic circulation / VMT. Overriding considerations for the Project are proposed and include implementation of the objectives established for the Countywide Plan, increase in housing to meet the County's regional housing needs, consistency with regional goals in the RTP/SCS, preservation of community identity, promotion of the County's economic vision and other considerations.

Implementation and Monitoring of the General Plan

An Implementation Plan and a Tracking and Feedback Program are incorporated as sections in the Business Plan. The Implementation Plan relies on two major work efforts to implement the goals and policies of the Countywide Plan.

First, is a Development Code amendment to be consistent with the text and map of the Policy Plan. This work effort will result in a new zoning map and the updating of much of the Development Code. There are 31 separate immediate actions in the Implementation Program regarding the update of the Development Code to bring it into consistency with the Policy Plan. In addition, staff will be reviewing all chapters of the Development Code to determine if they need updates and/or an amendment to improve the clarity and streamlining of its provisions. The majority of these actions need to be initiated immediately after the adoption of the Policy Plan.

Second, are the actions, programs, initiatives, and collaborations to be taken to achieve the goals established in the Countywide Plan. There are 56 separate actions to be taken over the next five years. These actions are divided into three timeframes to indicated the priority of the actions: five immediate - meaning to be initiated

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within the first year after adoption of the Countywide Plan; 39 short term - meaning actions to be initiated within three years of adoption of the plan, and; 12 mid-term - meaning actions to be initiated and/or concluded within five years of adoption of the plan.

Planning Commission

The Project was considered in a public hearing by the Planning Commission on September 17, 2020. At the hearing, six members of the public expressed their concerns about the Project and asked that the Project be denied, while one member of the public did not express an opinion. Eleven comment letters were received and submitted to the Planning Commission for review during an intermission. General comments included retaining the Community Plans, identifying Lucerne Valley as an Environmental Justice Focus Area, concerns of adopting during Covid-19 and climate change. By a 5-0 vote, the Planning Commission recommended approval of the Project.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on September 29, 2020; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on October 8, 2020; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 9, 2020.