



10-23-2020

County of San Bernardino

Terri Rahhal, Director Land Use Services

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Dear Director Rahhal and Supervisors:

The Morongo Basin Conservation Association is pleased to present comments for consideration by the Board of Supervisors on the 2020 County Wide Plans and Community Plans throughout the County.

Our communities need your help.

INTRODUCTION

We all live, work, volunteer, own land, own homes or rent, own businesses, and raise our families in the San Bernardino County communities of Joshua Tree, Pioneertown, Morongo Valley, Lucerne Valley, Homestead Valley, Landers, Daggett, and Newberry Springs. Thus, we have concerns in the entirety of the current Draft Countywide Plan Update (aka General Plan update) and specifically in the Desert Region, that this letter is concerning. It affects the past, present, and future of our desert and the communities that we love.

We want the Draft County Policy Plan done correctly to benefit both the County and its citizens, as we work together toward productive community improvements and avoid wasting valuable time and energy on constant defense against harmful projects.

The San Bernardino [SB] County Board of Supervisors are voting on October 27th to repeal our 14 2007 Community Plans, and adopt the 2020 Countywide Policy Plan [2020 CWP] (the General Plan with a new name) for a County that is larger than the states of Massachusetts, Rhode Island, Delaware, Connecticut combined. You can find information here: www.countywideplan.com



The SB County Land Use Services Department oversees land use in 12% of that acreage, but that is still a lot of land. These 14 unincorporated communities, along with others that do not as yet have community plan land use documents for their communities, are spread out across the wildly diverse terrain of Valley, Mountain, and Desert Regions that comprise the county.

<http://countywideplan.com/wp-content/uploads/2020/09/Boundary-Map-1-200715.pdf>

At this linked document, you can see a listing of which communities the Supervisors represent, and who has 2007 Community Plans and 2020 Community Action Guides (CAG's). This may not be 100% accurate, but it is handy to get a perspective. [Links to all Community Action Guides by District](#)

Each community has its own history and unique character, its own natural threats, social and economic conditions that form its own context that should inform decisions. Removing the more refined policies that are in the Community Plans that address local conditions and came from local knowledge of local hazards including dangerous traffic intersections, wash crossings, flooding areas, and fires, could put our communities at risk and compromise the SAFETY of our communities. Developers, citizens, and county planners all need to know what has happened in the past, to prevent the same problems happening again in the present or future.

STRENGTH OF GENERAL PLANS

We have been in touch with The Governor's Office of Planning and Research (OPR). They have good information, but they do not have review authority. Their excellent "2017 General Plan Guidelines" [GP Guidelines] come without oversight. The 2007 Plans did a great job of following these GP Guidelines.

https://www.opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf

The General Plan Guidelines do hold some weight in court:

**703 Pursuant to stipulation, this court has also taken judicial notice of the general plan guidelines adopted by the office of planning and research in September 1980.*

Sierra Club v. Board of Supervisors, 126 Cal. App. 3d 698 - Cal: Court of Appeal, 5th Appellate Dist. 1981

Oversight of Planning Law in California is citizen-enforced through the California Environmental Quality Act (CEQA) and its review processes, and the Attorney General, as the "People's Attorney", also holds this authority. These checks and balances are what a robust democracy needs to avoid corruption.

Federal Policy Framework

The basis for Environmental Justice (EJ) lies in the Equal Protection Clause of the U.S. Constitution. The Fourteenth Amendment expressly provides that the states may not "deny to any person within [their] jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, §1).

(pg4 https://opr.ca.gov/docs/20200706-GPG_Chapter_4_EJ.pdf)

Enshrined in California Law is the right of citizens to a safe place to live. The General Plan is an extension of these rights and protections for communities and citizens.

Enforcement and Remedies

Any resident or property owner may sue to enforce the requirements for the adoption of an adequate general plan (58 Ops.Cal.Atty. Gen. 21 (1975)). The same is true for enforcing the requirements that zoning and subdivisions must be consistent with the general plan (Gov. Code §§ 65860(b), 66499.33). As the state's chief law enforcement officer, the Attorney General may do the same (58 Ops. Cal.Atty.Gen. 21; Cal. Const., art. V, § 13). Additionally, persons living outside a city have standing to sue if the city's zoning practices exclude them from residing in the city or raise their housing costs by adversely affecting the regional housing market (Stocks v. City of Irvine (1981) 114 Cal.App.3d 520).

The courts may impose various remedies for failure to have a complete and adequate general plan (Gov. Code §§ 65750, et seq.). One is a writ of mandate to compel a local

government to adopt a legally adequate general plan. The courts also have general authority to issue an injunction to limit approvals of additional subdivision maps, parcel maps, rezonings, and public works projects or (under limited circumstances) the issuance of building permits pending adoption of a complete and adequate general plan (Id., 58 Ops.Cal.Atty.Gen. 21 (1975), Friends of “B” Street v. City of Hayward (1980) 106 Cal.App.3d 988, *Camp v. Mendocino* (1981) 123 Cal.App.3d 334). Where a court finds that specific zoning or subdivision actions or public works projects are inconsistent with the general plan, it may set aside such actions or projects. Under certain circumstances, the court may impose any of these forms of relief prior to a final judicial determination of a general plan’s inadequacy (Gov. Code § 65757). [2017 General Plan Guidelines pg 258]

As stated in the Attorney General’s website

<https://oag.ca.gov/environment/communities>:

The Attorney General stands up for environmental justice communities, be they urban or rural, whether located in southern, central or northern California. Every Californian should have the opportunity to live in a community that is healthy and safe. This means that individuals must be able to make informed decisions about the environment in which they live, work, and play, and local governments must make informed choices in the planning and development of communities. Much of the Attorney General's environmental work seeks to protect and ensure informed decision making. He wants every parent to know the Attorney General's Office has done everything it can for the health of their kids. That's what makes California a place worth living in, and that's worth fighting for.

THE 2007 PLANS WORK WELL TOGETHER

Our concerns are more than the repeal of our Community Plans. We also feel there are issues with adequacy of the proposed 2020 Countywide Policy Plan (CWP) itself.

The 2007 General Plan, Environmental Impact Report (EIR), Development Code, and Community Plans (2007 Plans) all work well together, and as required, are internally consistent. The citizens, developers, planners, and County Planning Staff have a complete, comprehensive, and readable framework for understanding concerns through its robust Introductions and Policies. It introduces countywide concerns, then moves into a complete Section for each Region (Mountain, Valley, Desert) giving more detail, and then along with the co-equal and co-legal Community Plans, moves into community-specific local concerns. It is a “page-turner” for anyone interested. It is a complete whole and is easy to search through for specific issues.

These 14 2007 Community Plans work well with and are consistent with the 2007 General Plan and Development Code. The Community Plans provide historical context and describe the character of the communities, leading to clear objectives, goals, and policies that refine the 2007 General Plan's Countywide and County Desert Region Policies to address community-specific local conditions. They are easily comprehensible, readable, and comprehensive documents, so that efficient decisions and review can be achieved. It is easy to search through the pdf's of the 2007 Plans that the County has available on the web. They provide a clear framework, so the public can absorb and comprehend the information and navigate through the documents.

<http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf>
<http://www.sbcounty.gov/Uploads/lus/CommunityPlans/JoshuaTreeCP.pdf> plus 13 other ones
<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>
http://countywideplan.com/wp-content/uploads/2015/09/2007_GP_EIR.pdf

LEGAL VALIDITY OF PLANS AND REQUIRED FINDINGS

Starting the day these 2007 Plans were adopted into code, the County began to diminish their worth, confusing the public and Commissioners as to their legal validity. The County has not been diligent in referring to these Plans during the review process of developments as is required. The worth of these Plans is enshrined in law.

Communities have had to cling to the shield of the 2007 Community Plans, General Plan, EIR, and Development Code (2007 Plans) to battle through the CEQA process to defend the beautiful places we and millions of tourists love, against harmful development.

Since the passing of the 2007 Plans, there have been four CEQA lawsuits initiated on three different projects, just within the plan boundary of Joshua Tree. The weakness that caused these conflicts was not the written 2007 Plans, but in the county review process for consistency.

These decisions that do not respect the Plans have permanent consequences.

Just ask the Joshua Tree neighborhood who must look at a terrible ugly and out-of-scale cell tower by Sky View Chapel every day. It was passed through planning, even though it is not consistent with the totality of intent for the character of the community clearly expressed in the 2007 Community Plan, and it was also against the neighbors' concerns of safety and well-being. It completely denigrates the views and character of that area. This breach in trust led to some neighbors making this post card, and a few of them were so disgusted they moved.



This language clearly stating the required consistency of a proposed project is reflected in:

Development Code Section 87.02.060

(a) Required Findings for approval.

(1) Mandatory findings. *The review authority shall approve a Tentative Map ONLY after first making ALL of the following findings...*

(A) *The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan...*

From the 2007 Development Code, where the Community Plans “reside”:

Chapter 82.23 Community Plans, Specific Plans and Area Plans

82.23.010 Purpose.

(a) *Purpose.* Specific Plans, Community Plans and Area Plans may be established to **allow the implementation of special development standards** for specified areas.

(b) *Intent.* The **intent is to ensure that the County’s approval of a proposed development in these specified areas is consistent with the standards as adopted for specific areas.**

(Ord. 4011, passed - -2007) (Amended Ordinance 4067 (2009))

§ 82.23.020 Adopted Community Plans.

(a) *Available for Review.* All **adopted** Community Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).

(b) *Adopted Plans.* The following symbols appear as a prefix on the land use zoning district maps to identify the various community plan areas that have been adopted by the Board: (3) (B) Joshua Tree JT

Chapter 85.06 Conditional Use Permit

85.06.010 Purpose

(a) *Conditional Use Permit.* A Conditional Use Permit provides a process for reviewing uses and activities that MAY be appropriate in the applicable land use zoning district, but whose effects on a site and surrounding cannot be determined before being proposed for a specific site.

86.06.040 Findings Required

*(a) General findings for all Use Permits (Conditional and Minor). The review authority shall first find and justify that **all** of the following are true before approving a Conditional Use Permit ...application*

- 1. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan.**

CA Government Code Section 65860:

(a) County zoning ordinances shall be consistent with the general plan of the county. A zoning ordinance shall be consistent with a county general plan only if both of the following conditions are met:

- (1) The county has officially adopted such a plan.*
- (2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.*

(c) In the event that a zoning ordinance becomes inconsistent with a general plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

LACK OF CLARITY

This confusion continues and is illustrated by a Planning Commissioner question and explanation following at 44:30 Minutes in the Sept 17th Planning Commission meeting, two hours into the hearing, on the day they are voting to repeal these so important 2007 Plans.

<https://www.youtube.com/watch?v=ebzJqmb0ADM&list=PLJcG0TJ0JtaLWUYdMDy0n-U9w3aPK7c59&index=3> (video #3)

A Planning Commissioner's question, at minute 16:35 also shows how unclear all of this is by asking if there is now going to be both a General Plan AND this new Policy Plan. He is asking this question on the day he is voting to repeal the comprehensive 2007 Plans, (NOT including the 2007 Development Code as that is not part of the vote and will stay current until it is updated), and adopt the still-unclear and not fully operational web-based 2020 CWP. There is a lot of uncertainty, and uncertainty can cause problems.

COMMUNITY ENGAGEMENT

The different communities across the County had a robust and focused community led engagement in the 2007 General Plan/ Community Plan/ Development Code/EIR update process in 2003- 2007, leading to the robust and focused 2007

Plans that were adopted by the Board of Supervisors into the County Code on March 13, 2007. You can see the sustained effort here: [Joshua Tree Municipal Advisory Council 2004 Community Plan Proposal](#) .

The following is an accounting of volunteer resources that were expended in the achievement of this community plan: More than 2000 total person-hours are estimated to have been involved in development and accomplishment of the plan by committee members, i.e. about 300 working days in a period of just over one year. Total financial expenditures, literally out of pocket, for miscellaneous expenses including photocopying is estimated at over \$1000.

The Attorney General was concerned about the lack of robust community engagement in the current update process as expressed in Footnote 29 of the August 15, 2019 letter from the Attorney General to the County.

<https://www.oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments-cnty-san-bernardino-eir.pdf>

We appreciate the County's efforts to engage with EJ communities during the development of its "Community Action Guides." However, community engagement through these voluntary community plans, which the County does not plan to enforce or oversee, are not a substitute for SB 1000's requirements for community engagement for the general plan itself.

The Attorney General seems to concur with us that there is no legal substance to the Community Action Guides (CAG's). The Community Action Guides are not legal documents and will only be informally "recognized". They are information guides, only.

State Code requires public engagement in the Plans.

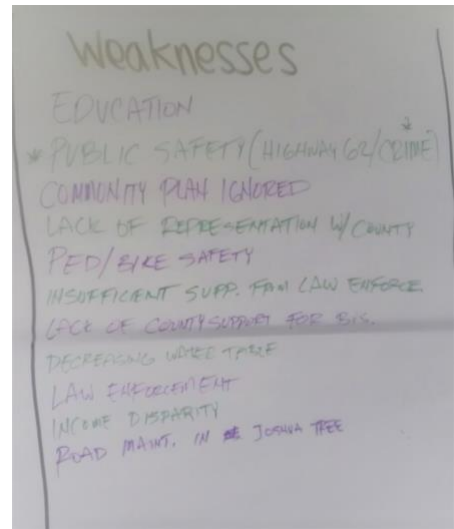
*65351. During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, **California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate.***

2016-2020 UPDATE PROCESS

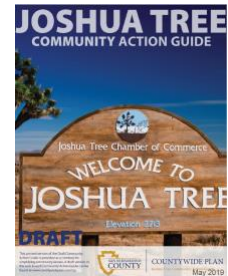
In a huge contrast to the robust community-led engagement during the 2007 Plan update process, the community engagement during the 2016 - 2020 update was limited to 3 two-hour sessions and was directed and controlled by outside consultants and focused to sticky notes. It was a frustrating process, forcing the tables of community members to reduce their righteous concerns/issues from a multitude to the few for the sake of the ease of the consultants. One comment voiced frequently was that we wanted to keep and update our 2007 Community

Plans. The sticky note work was then whisked off by the consultants, and later in September 2017, we were presented with the resulting word clouds and consultant-written “Draft Community Plan”.

When this update process started in 2016, we were led to believe that we were updating our community plans, but in an improved format. We were trying to keep an open mind and have a hopeful attitude, but we were a bit dubious due to our extensive history with the County where the “teeth” of the Plans was constantly diminished by the county. This concern is expressed in the public comment written on the SWOT analysis “Weakness” board at the 2/25/16 Joshua Tree county-led meeting, that our “Community Plan Ignored” by the county. This comment was later taken out of context, or cherry-picked from possibly one person, in the County’s published Joshua Tree CAG, to imply the Community Plan was unpopular in the Community and ignored by the community. “No organized plan; the last community plan was largely unpopular and ignored.” That is not what was said at the meeting.



This distinction between the CAG’s and 2007 Community Plans was not clearly presented or emphasized. Communities protested about the terminology once we saw the product and realized that they were not proper land use documents. The county did listen and did change their name to “Community Action Guides”.



There was an interesting Planning Commission Workshop on November 3, 2016. The county was presenting proposed revisions to the Countywide Land Use Map resulting from public input from the workshops in 12 communities. The Commissioners “saw” the weakness in the fact the communities were not getting a chance to respond to these map changes and demanded that the maps be brought to the communities. They did come back in 2018, but once again at these meetings, our main comment to keep the 2007 Community Plans was ignored.

ISSUES WITH THE 2020 COUNTYWIDE POLICY PLAN

There is an onerous volume and depth of information to process and review, and the 2020 CWP has moved so far away from the nice organized and comprehensible 2007 Plans with so many fundamental and detail changes, it is nearly impossible to do a one-to-one comparison. With every day we find more issues of concern. The County did put together “matrixes” that are available to show where the 2007 policies went into the 2020 CWP. The extreme reduction is seen better by comparing both the 2007 General Plan (previous links) and the 2020 Policy Plan Table of Contents:

2020 Policy Plan pdf

http://countywideplan.com/wp-content/uploads/2020/08/CWP_PolicyPlan_Draft_20200724_tracked.pdf

Joshua Tree Community Action Guide

http://countywideplan.com/wp-content/uploads/2019/05/03_Joshua-Tree_CAG_Final2019.pdf

Matrix showing 2007 to 2020

http://countywideplan.com/wp-content/uploads/2019/05/JoshuaTree_Matrix_20190516_clean.pdf

The greatest loss, besides the Community Plans, is the powerful comprehensiveness of the 2007 General Plan, with its detailed Regional Sections of policies for each Element. It was a gold-standard example of following the Guidelines from OPR.

Many communities repeatedly requested during the 2016 to 2018 process, all the way into the Planning Commission meeting on Sept 17th, 2020, that we keep our 2007 Community Plans and update them. Community members view the Community Plans as manifestations of our local identity and want to update them and make them more relevant to current conditions. The conciliation that they will still be on a shelf somewhere, does not replace the legal protections they provide us that is lost when they are repealed.

UNSUBSTANTIAL 2020 COMMUNITY ACTION GUIDES

There is some good information in these Community Action Guides (CAG’s), but they are only an information guide, not a land use document that legally helps to direct the future of the built environment of a community. It is clear the CAG’s were written by outside consultants, not community members. The suggested Actions lack historical context and describe some projects that are completed, are

ongoing activities, or years-long attempts by the community (sometimes even the county) to initiate, to no avail. Some of the organizations were never contacted about their suggested role in Actions.

For example, the outcomes of the Sonoran Institutes' 2012 Morongo Basin Conservation Priorities Report, a five-year study by local government agencies and organizations including Joshua Tree National Park, the 29 Palms Marine Base, the Mojave Desert Land Trust and the Morongo Basin Conservation Association, is precisely the product advocated for throughout the Joshua Tree CAG, yet it has not been incorporated into the 2020 CWP. It rests in the Old Library vault where our 2007 Community Plans are intended to go.

<http://countywideplan.com/home/library-old/>

CEQA and REPRESENTATION

All of this comes down to our insufficient degree of representation in San Bernardino County. We can only vote for one Supervisor, but five have decision making power over our community's built environment that directly affect us.

In this huge County it is not possible to reach out to voters in the other 4 districts, and it is understandable they may not be as concerned about a local project in a completely different portion of the County. It is like someone in a rural small town in Connecticut having to contact thousands of people living in suburban Massachusetts to convince them to call their Supervisor or Planning Commissioner to stop a horrible development project.

CEQA exists and General Plans/Community Plans exist to try to help cover this gap, to make sure that all citizens no matter where they live are essentially protected from government's bad choices, preserving our 14th amendment rights of equal protection under law.

The County Land Use responsibility IS entirely made up of the unincorporated communities. They have no control over incorporated community/city land use. For all these years, we have felt like we were a minor concern, when the unincorporated communities constitute all the lands to which the General Plan applies.

WHY COMMUNITY PLANS ARE NEEDED FOR PROPER REPRESENTATION

The repeal of our Community Plans removes the informed gatekeeper that should guide a project from the start. It should serve to inform the planners (most young and new to the area) as they review or disqualify a project. The Community Plan backs us up during the Planning Commission Meeting, or during an Appeal, or at the Supervisors hearing, or during CEQA litigation. By removing these Plans, along with removing the equally comprehensive Regional Sections of the General Plan, and watering down and over-generalizing the policies in the proposed Policy Plan, communities' members have lost equal protections under law.

A complete, comprehensive, and comprehensible document that truly addresses each unique community's specific needs and concerns is needed, so that there can be consistent and proper implementation in the Development Code, and zoning to bring clarity to decision-making and the CEQA review process. Thus, we all avoid future problems and legal challenge.

The County's reasoning for the repeal of Community Plans is to reduce the many redundant policies across the Plan documents. There are currently 14 Plans covering 14(+) different unique communities. The redundancy between them is completely **irrelevant**. There is no need to review a Community Plan about Muscoy when you are building a project in Joshua Tree. The elimination of policies that relate to specific Communities reduces our ability to protect our community from bad development decisions. The repeating policies between a Community Plan and the General Plan, means one can FIND what is important, and SEE that it is important. The redundancy serves a functional importance and confirms the required consistency between the Plans.

COMMUNITY PLANS ARE NEEDED FOR SAFETY

As to our main point, we do not feel the needs of the community can be addressed without the Community Plans. An example of the value of the existing 2007 Community Plans is within the County's new 2020 Implementation Plan. It references our 2007 Community Plans for the Development Code update. This information is being referenced because it is valuable and necessary, **especially for public safety**.

Localized knowledge and history are so important for the SAFETY of the community and need to be mapped out and written down available for future residents. Locals know where the dangerous washes crossing roads are, or where there have been wildfires, or which areas on the alluvial fan can flood easier. What is the best local evacuation route? What facilities can be best used in a future (or current) pandemic? All these things need to be codified into the legally adopted plan and implemented through the legally required consistent Development Code and zoning. In the desert, if you are in a flooding area, you need bigger lots, to safely move that water around your building and protect those downstream. Right now, realtors are selling lots as “buildable” that are IN a blue-line stream that can become a raging, deadly river once every 5 to 10 years. How would new people know about that if not reflected in localized maps and policies.

ENVIRONMENTAL JUSTICE FOCUS AREAS

Communities that are disadvantaged as defined in SB244, like Lucerne Valley, are now pushed out of focus due to the county using their discretion to exclude them as Environmental Justice Focus Areas as directed by the options in SB1000. Large solar projects and large marijuana grows both affect air quality, due to the scraping of our naturally vegetated carbon sequestering soil. The County’s attitude towards the needs of the unincorporated communities is clearly shown in this letter requesting Governor Brown in 2011, to VETO SB244, a Senate Bill written to protect unincorporated communities and look after their concerns.

[http://www.sbcounty.gov/Uploads/CAO/LegislativeAffairs/Letters/Governor%20Veto%20SB%20244%20\(Wolk\)%20Land%20Use%20General%20Plan%20Disadvantaged%20Communities.pdf](http://www.sbcounty.gov/Uploads/CAO/LegislativeAffairs/Letters/Governor%20Veto%20SB%20244%20(Wolk)%20Land%20Use%20General%20Plan%20Disadvantaged%20Communities.pdf)

LACK OF COMPREHENSIVENESS AND COMPREHENSIBILITY

Upon review of the 2020 Policy Plan and comparing it to the 2007 General Plan, we note the missing Noise Element, Open Space Element (65560), Conservation Element, and Environmental Justice Element. Some of these are required to be specific “Elements” by California Code 65302, others are optional Elements. The point of having a specific Element is to make it clear to the user of the document where to look to find detailed information, not to have the topics minimally addressed and hard to find.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65302
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65560

Elements are referred to as “topics” in the Policy Plan definition found in the Glossary. Why NOT just keep the recognized term “ELEMENTS” as suggested by the OPR General Plan Guidelines? Likewise, with the “General Plan” term being changed to “Policy Plan”. This revision of the generally understood lexicon creates confusion. This change of name was the first thing we were told about in 2016. Yet in September 2020 a Planning Commissioner, who was about to vote on this huge Plan that directly affects the entire future of the built environment for the County, ask this same question right before he voted showing his confusion over the General Plan/Policy Plan terms.

With discrete Elements and specifics missing from the Policy Plan, assuring that the Development Code maintains consistency with this much less-specific document becomes difficult or impossible. A strong General Plan and Community Plans is essential to having a strong, clear, and consistent Development Code.

We appreciate the mapping features and applaud the adoption of a web-based format along land use category updates of certain parcels. However the Beta version of the CWP has yet to be searchable as a whole making it extremely cumbersome to analyze and provide comments. The final CWP must be easily searchable as a single document.

PRECEDENCE FOR UPDATING THE 2007 COMMUNITY PLANS

The County has gone to great lengths to assure Communities that the policies are moved into the Policy Plan, thus assuring basic consistency.

We have been assured by Land Use Services that if there is an existing policy within a community plan under consideration for repeal that we feel has not been incorporated through the policy ‘matrix’, then this deficiency will be addressed, subsequently. However, we note that we have been asking for a Specific Plan for one area since about 2003, and it has yet to be enacted.

In 2007, when the Supervisors adopted the 2007 Plans, they had an existing 2003 Oak Hills Community Plan and kept it active, and then later brought its format into consistency with the 2007 Plans, thus the 2013 Plan date.

<https://s3.amazonaws.com/media.legistar.com/SanBernardino/65/595583.pdf>

PREPARATION OF COMMUNITY PLANS

A key component of the General Plan is the Community Plan, 13 of which have been prepared for the communities endorsed by the Board during the original scope of work. The Community Plans identify goals and policies that are unique to each particular community and are tiered from the Countywide and Regional Goals and Policies. Community Plan goals and policies have been customized to meet the specific needs or unique circumstances of individual communities. The goals and policies within Community Plans guide development in a manner that maintains the existing balance of land uses, preserves the character of the community, and complements existing development. To aid County staff and the consultants, advisory committees were established for each Community Plan area. These committees provided invaluable assistance in formulating the community goals and policies and facilitating public input into each plan. ...

A fourteenth plan, the Oak Hills Community Plan, was adopted as part of a joint effort with the City of Hesperia in 2003. Since this plan is already in effect, the format of the plan is all that needs to be amended to be consistent with the 13 new plans that have been prepared. Once the General Plan Update documents have been formally adopted, the Oak Hills Community Plan will be amended to achieve this consistency in format.

The 2007 Community Plans are housed in the Development Code, which is not part of this vote on October 27th. The Development Code is technically not going to be consistent with the new 2020 CWP until it is updated “soon”, according to the County. Thus, it is an easy step to see that the same process can apply to the updating of the 2007 Community Plans. (PLEASE SEE APPENDIX)

Instead of re-inventing the wheel, why do we not keep the wheel and just fix it: Keep the 2007 Community Plans.

Communities want and need the specificity of the Community Plans to ensure the health and safety of their communities. These plans already exist, are currently adopted into code, and housed in the Development Code that is not part of the vote on October 27th. Keeping these Community Plans ensures that the integrity and character of these communities is respected and maintained.

We respectfully ask that you do not repeal the 2007 Community Plans and initiate community-led updates of the Plans, that can then be incorporated into the forthcoming Development Code update.

The general plan of today is an extremely comprehensive, legislatively adopted document, which dictates zoning by virtue of the consistency requirement and thereby has tremendous legal implications.

Adoption of the General Plan in California: Prelude to a Permanent Constitution
Pepperdine Law Review Vol 3 Issue 3 Land Use Symposium pg S67

Thank you for your attention and consideration,

Signed,



Steve Bardwell, president
Morongo Basin Conservation Association

MBCA Board members:

David Fick, vice president
Meg Foley, director
Janet Johnston, director
Mike Lipsitz, director
Ruth Rieman, director
Marina West, treasurer

Pat Flanagan, director
Brian Hammer, director
Sarah Kennington, past president
Arch McCulloch, director
Laraine Turk, secretary

APPENDIX

San Bernardino County Development Code

Specific Plans, Community Plans and Area Plans

82.23

CHAPTER 82.23 COMMUNITY PLANS, SPECIFIC PLANS AND AREA PLANS

Sections:

- 82.23.010 Purpose
- 82.23.020 Location Requirements

82.23.010 Purpose

- (a) **Purpose.** Specific Plans, Community Plans and Area Plans may be established to allow the implementation of special development standards for specified areas.
- (b) **Intent.** The intent is to ensure that the County's approval of a proposed development in these specified areas is consistent with the standards as adopted for specific areas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.23.020 Adopted Community Plans

- (a) **Available for review.** All adopted Community Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).
- (b) **Adopted plans.** The following symbols appear as a prefix on the land use zoning district maps to identify the various community plan areas that have been adopted by the Board:

(1) Valley Community Plans:

- (A) Bloomington BL
- (B) Muscoy MS

(2) Mountain Community Plans:

- (A) Bear Valley BV
- (B) Crest Forest CF
- (C) Hilltop HT

- | | |
|--------------------|----|
| (D) Lake Arrowhead | LA |
| (E) Lytle Creek | LC |
| (F) Oak Glen | OG |

(3) Desert Community Plans:

- | | |
|------------------------|----|
| (A) Homestead Valley | HV |
| (B) Joshua Tree | JT |
| (C) Lucerne Valley | LV |
| (D) Morongo Valley | MV |
| (E) Oak Hills | OH |
| (F) Phelan/Pinon Hills | PH |

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.23.030 Adopted Specific Plans

(a) Available for review. Specific plans are adopted by the Board and shall be shown on the appropriate land use zoning district map with a Specific Plan (SP) Land Use Zoning District designation. All adopted Specific Plans are available for review at the Department and are posted on the Department web page (www.sbcounty.gov/landuseservices).

(b) Adopted plans. The following symbols appear as a prefix on the land use zoning district maps to identify the various specific plan areas that have been adopted by the Board:

- | | |
|--|----|
| (1) Agua Mansa Industrial Corridor Specific Plan | AM |
| (2) Glen Helen Specific Plan | GH |
| (3) Kaiser Commerce Center Specific Plan | KC |
| (4) Hacienda at Fairview Valley Specific Plan | HF |

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4245 (2014)

SUPERVISOR DISTRICTS: Community Plans and Community Action Guides

FIRST DISTRICT – ROBERT A. LOVINGOOD DESERT

Incorporated cities/towns: ADELANTO, APPLE VALLEY, HESPERIA, NEEDLES, VICTORVILLE

Non-plan communities: Argus, Bagdad, Baldy Mesa, Big River, Calico, Cima, Deer Lodge Park, Earp, Edwards AFB, Essex, Fenner, Fort Irwin, Havasu Lake, Homer, Ivanpah, Kelso, Milligan, Mt. Pass, Parker Dam, Randsburg, Saltus, Searchlight Junction, Silver Lakes, Summit Valley, West Cajon Valley, Wheaton Springs

Mountain Region **Wrightwood 2019 Community Action Guide** Framework **MAC**

Desert Region **Baker 2019 Community Action Guide** Framework

Desert Region **Daggett 2019 Community Action Guide** Foundation

Desert Region **East Desert 2019 Communities Action Guide** Fundamental (Nipton, Vidal, Vidal Junction, Rice)

Desert Region **El Mirage 2019 Community Action Guide** Foundation **MAC**

Desert Region **Helendale 2019 Community Action Guide** Detailed

Desert Region **High Desert 2019 Community Action Guide** Fundamental (Mountain View Acres, Spring Valley Lake)

Desert Region **Newberry Springs 2020 Community Action Guide** Foundation

Desert Region **North Desert 2019 Community Action Guide** Foundation

(Hinkley, Kramer Junction, Lenwood, Red Mountain, Barstow Heights, Hodge)

Desert Region **Oak Hills 2019 Community Action Guide** Framework **2003 then 2013 Community Plan** **MAC**

Desert Region **Oro Grande 2019 Community Action Guide** Foundation

Desert Region **Phelan-Piñon Hills 2019 Community Action Guide** Detailed **2007 Community Plan**

Desert Region **Route 66 2019 Communities Community Action Guide** Fundamental (Amboy, Cadiz, Goffs, Ludlow, Siberia)

Desert Region **Trona 2019 Community Action Guide** Fundamental

Desert Region **Yermo 2019 Community Action Guide** Foundation

SECOND DISTRICT- JANICE RUTHERFORD MOUNTAIN

Incorporated cities/towns: FONTANA, RANCHO CUCAMONGA, UPLAND

Non-Plan Communities: Alta Loma, Etiwanda, Fredalba, Silverwood

Valley Region **Devore 2019 Community Action Guide** Fundamental (Devore, Devore Heights)

Valley Region **San Antonio Heights 2019 Community Action Guide** Foundation

Mountain Region **Crest Forest 2019 Communities Action Guide** Detailed **2007 Community Plan** **MAC**
(Cedarpines Park, Crestline, Lake Gregory Village, Valley of Enchantment)

Mountain Region **Hilltop 2019 Communities Action Guide** Detailed **2007 Community Plan**
(Arrowbear, Green Valley Lake, Running Springs)

Mountain Region **Lake Arrowhead 2019 Communities Action Guide** Detailed **2007 Community Plan** **MAC**
(Agua Fria, Blue Jay, Cedar Glen, Crest Park, Deer Lodge Park, Lake Arrowhead, Rimforest, Skyforest, Twin Peaks)

Mountain Region **Lytle Creek 2019 Community Action Guide** Foundation **2007 Community Plan**

Mountain Region **Mt. Baldy 2019 Community Action Guide** Foundation

THIRD DISTRICT – DAWN ROWE MOUNTAIN and DESERT

Incorporated Cities/Towns: Barstow, Big Bear Lake, Colton, Grand Terrace, Highland, Loma Linda, Redlands, San Bernardino, Twentynine Palms, Yucaipa, Yucca Valley

Non-Plan Communities:

Barton Flats, Boulder Bay, Bryn Mawr, Crafton, East Highland, Patton, Reche Canyon, Seven Oaks

Valley Region **Mentone 2019 Community Action Guide** Detailed **2007 Community Plan**

Mountain Region **Angelus Oaks 2019 Community Action Guide** Foundation

Mountain Region **Bear Valley 2019 Communities Action Guide** Detailed **2007 Community Plan**

(Baldwin Lake, Big Bear City, Erwin Lake, Fawnskin/Northshore, Lake Williams, Moonridge, Sugarloaf)

Mountain Region **Oak Glen 2019 Community Action Guide** Detailed **2007 Community Plan**

Mountain Region **Mountain Communities 2020 Community Action Guide** Fundamental (Forest Falls and Mountain Home Village)

Desert Region **Homestead Valley 2019 Community Action Guide** Framework **2007 Community Plan**
(Flamingo Heights, Johnson Valley, Landers, Yucca Mesa)

Desert Region **Joshua Tree 2019 Community Action Guide** Detailed **2007 Community Plan** **Morongo Basin MAC**

Desert Region **Lucerne Valley 2020 Community Action Guide** Detailed **2007 Community Plan** **Lucerne/Johnson Valley MAC**

Desert Region **Morongo Valley 2019 Community Action Guide** Framework **2007 Community Plan** **MB MAC**

Desert Region **Pioneertown 2020 Community Action Guide** Foundation (Gamma Gulch, Pioneertown, Pipes Canyon, Rimrock)

Desert Region **Wonder Valley 2019 Community Action Guide** Fundamental

FOURTH DISTRICT – CURT HAGMAN URBAN

Incorporated Cities/Towns: CHINO, CHINO HILLS, MONTCLAIR, ONTARIO, UPLAND

FIFTH DISTRICT – JOSIE GONZALES VALLEY REGION

Incorporated Cities/Towns: COLTON, FONTANA, RIALTO, SAN BERNARDINO

Non-Plan Communities: Glen Helen, San Bernardino International Airport

Valley Region **Bloomington 2019 Community Action Guide** Detailed **2007 Community Plan**

Valley Region **Muscoy 2019 Community Action Guide** Detailed **2007 Community Plan**