

APPENDIX 5

LAND USE CONSISTENCY ANALYSIS (LUCA)

EARL GRAHAM FREIGHT CONTAINER STORAGE PROJECT

PROJ-2022-00082; APN: 0438-163-24
SAN BERNARDINO COUNTY COUNTYWIDE POLICY PLAN
FINAL LAND USE CONSISTENCY ANALYSIS

Prepared for:

COUNTY OF SAN BERNARDINO

LAND USE SERVICES DEPARTMENT, LEAD AGENCY

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MARCH 5, 2025 (*Amended May 25, 2025*)

TABLE OF CONTENTS

TABLE OF CONTENTS 2

1.0 INTRODUCTION..... 3

 1.1 Background..... 3

2.0 EXISTING DESIGNATED LAND USE DUE DILIGENCE 4

 2.1 Project Overview 4

 2.2 Project Location..... 4

3.0 METHODOLOGY4

 3.1 County Unincorporated Area 5

 3.2 Structure of the General Plan 6

 3.3 County Policy Plan Amendments.....8

4.0 LAND USE CONSISTENCY ANALYSYS8

 4.1 Designated Land Use & Zoning 10

 4.2 Freight Container Storage Plans21

5.0 POLICY PLAN LAND USE ELEMENT GOALS AND POLICIES28

6.0 FINDINGS39

7.0 CONCLUSIONS42

APPENDIX 1 FREIGHT CONTAINER STORAGE PLANS.....43

APPENDIX 2 SBC POLICY PLAN & 44

 SBC MUNICIPAL CODE TITLE 8 DEVELOPMENT CODE EXCERPTS

AMENDMENTS 5/25/2025:

1. Change from "Draft" to "Final".
2. 1.0 INTRODUCTION Section 1.1 Background, Analysis [Pg 4] 1) Revised to correct typo reference to CUP from TTM The proposed Project includes a Conditional Use Permit which does require a discretionary approval by the governing body.
3. 4.2 Freight Container Storage Plans [Pg26 & 27] Exhibits A & B Revised per County Planning to include Chassis Locations.
4. APPENDIX 1 Freight Container Storage Plans - Exhibits A & B Revised per County Planning to include Chassis Locations.



1.0 INTRODUCTION

The County of San Bernardino Land Use Services (LSU) Department Planning Staff recently held a meet with the proposed Project's Consultants Toby Waxman, CEO of Entitlement Strategies Group Inc. (ESG) and David Mlynarski, Principal of Transtech Consulting to advise that the County needs to perform a land use consistency analysis between the San Bernardino County Policy Plan and the proposed Earl Graham Container Storage Project to determine whether the proposed Project is consistent with the Countywide Policy Plan. Given the fact that LUS had determined last year that an Initial Study was required and ESG was already engaged by Earl Graham (EG), the Applicant, to prepare the Initial Study for the proposed Project which was underway, it was concluded that ESG would prepare the Land Use Consistency Analysis. This Land Use Consistency Analysis also documents the level of analysis performed for the project by ESG prior to commencing with the Initial Study.

1.1 Background

Entitlement Strategies Group Inc. (ESG) was engaged by EG to conduct an Initial Study in accordance with the California Environmental Quality Act (CEQA) for the Project, pursuant to San Bernardino County Land Use Services Project Review direction. It is ESG's policy to independently perform a Preliminary Review which includes research and evaluation of the applicable Municipal Codes, General Plan and Zoning land use designations and permitted/allowable uses thereof against the proposed Project's land uses for consistency and perform an independent evaluation and determination of the required land use entitlements needed to develop a proposed Project. Under CEQA, the Preliminary Review determines whether an Initial Study is warranted.

The CEQA Guidelines under **Article 5. §15060 Preliminary Review of Projects and Conduct of Initial Study** mandates that a Preliminary Review of Projects is conducted to determine if the "activity" is subject to CEQA. The Preliminary Review determines whether an activity is not subject to CEQA if it meets the test of the three "activities" qualifiers as restated in the following §15060 Preliminary Review excerpt:

"(c) An activity is not subject to CEQA if:

- (1) The activity does not involve the exercise of discretionary powers by a public agency;
- (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or
- (3) The activity is not a project as defined in Section 15378."

A Preliminary Review of the proposed Project was conducted in accordance with **CEQA Guidelines Article 5. Preliminary Review of Projects and Conduct of Initial Study**. Each of the three foregoing "activities" qualifying criteria listed in **§15060 CEQA Preliminary Review paragraphs (c) 1, 2 & 3** were analyzed to determine if the "activity" proposed is subject to CEQA.

- (1) The activity does not involve the exercise of discretionary powers by a public agency;

ANALYSIS: The proposed Project includes a *Conditional Use Permit* which does require a discretionary approval by the governing body.

- (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;

ANALYSIS: The project will result in a direct or reasonably foreseeable indirect physical change in the environment;

- (3) The activity is not a project as defined in Section 15378.”

ANALYSIS: The project will have an activity as defined in Section 15378 and therefore is a Project defined under CEQA.

Because the former LUS staff had previously made the determination that an Initial Study was required, and pursuant to an ongoing agreement between EG’s legal Counsel and County Counsel that Earl Graham would apply for a Conditional Use Permit to allow the proposed Container Storage on the site, ESG assumed the Preliminary Review had already been performed by LUS. However, because Land Use consistency is required in conjunction with the IS, ESG assumed that LUS had already concluded that the proposed “Activity” is subject to CEQA since a Conditional Use Permit requires a discretionary approval by the County.

It was agreed in the meeting that ESG would perform the required Consistency Analysis.

2.0 EXISTING DESIGNATED LAND USE DUE DILIGENCE

2.1 Project Overview

The proposed Container Storage Project (Figure 1.3, Site Plan, Figure 1.4,) consists of 779,148 SQ ft of storage area on 23.37acs.

2.2 Project Location

The Project site is generally located in the southwest portion of Section 20, Township 4 North, Range 3 West and is depicted on the Apple Valley South U. S. Geological Survey’s (USGS) 7.5-minute topographic map. The project site is specifically located east of Deep Creek Road, north of Rock Springs Road, and bordered on the south and southeast by the Burlington Northern Railroad, in the unincorporated area of San Bernardino County and within the Town of Apple Valley Sphere of Influence: Assessor’s Parcel Number (APN) 0438-016-24-0000 (23.37 Acres).

3.0 METHODOLOGY

The proposed Project is located within the unincorporated area of the County.

As such the County has jurisdiction over the proposed Project and the required entitlements for the proposed use.

The Project is also within the Town of Apple Valley Sphere of Influence as depicted in the San Bernardino County Local Agency Formation Commission (LAFCO) 3013 – Town of Apple Valley Sphere of Influence Map dated March 13, 2008 as shown in the following excerpt from this Map: EXHIBIT 3 – LAFCO 3013 Town of Apple Valley Sphere of Influence Map:

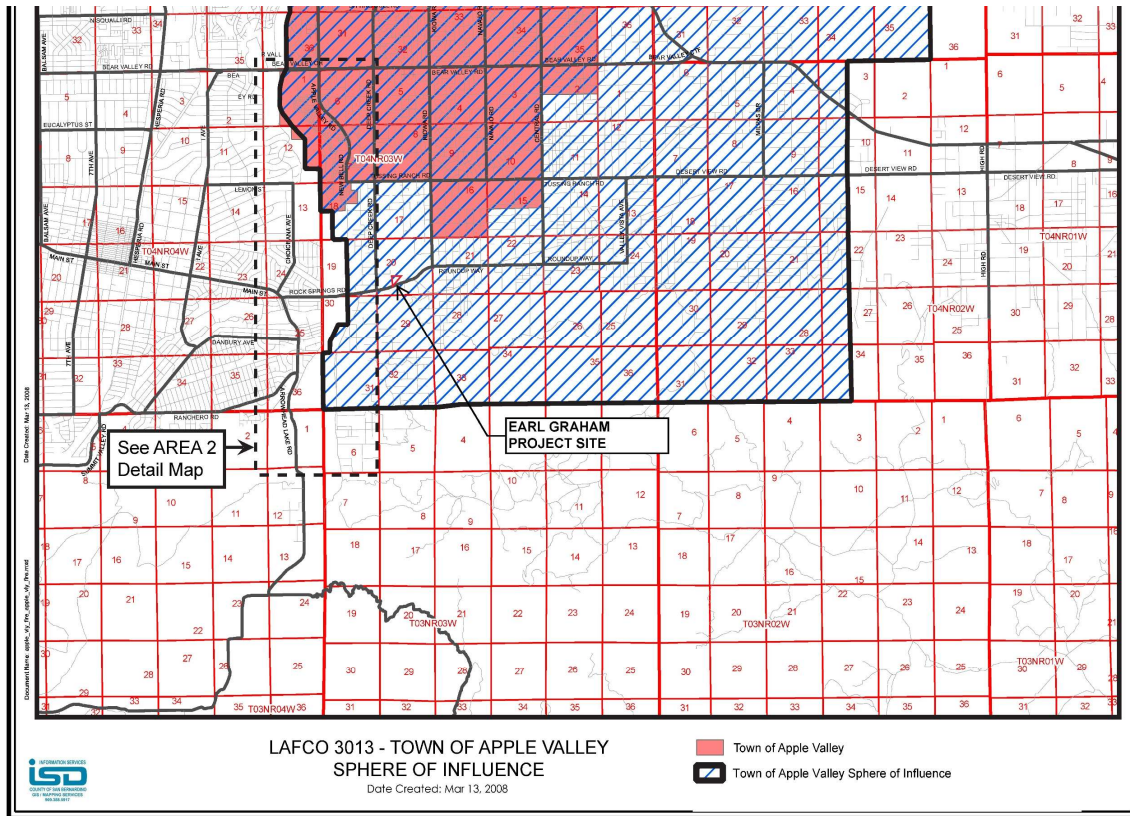


EXHIBIT 3 – LAFCO 3013 Town of Apple Valley Sphere of Influence Map

SAN BERNARDINO COUNTYWIDE PLAN (General Plan) – COUNTY POLICY PLAN - Adopted August 2022

ESG independently researched the existing underlying designated General Plan Land Use Plan Land Use Zoning District and the respective permitted/allowable land uses. ESG then evaluated the proposed Project’s land use as to whether it is a permitted/allowable land use under the existing Policy Plan and General Plan Land Use Zoning Plan designated land uses and zoning of the property.

3.1 County Unincorporated Area

The proposed Project is within the unincorporated area of San Bernardino County.

As such, the County has jurisdiction for approvals of all land development within the unincorporated land in the County and within the Town of Apple Valley Sphere of Influence.

3.2 Structure of the General Plan¹

The County began a seven-year process to enhance and expand the General Plan into a comprehensive, online Countywide Plan (CWP) in 2014, which was adopted by the Board of Supervisors on October 27, 2020. The County General Plan (2007) consisted of the seven State mandated elements – Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The County elected to include additional elements of Economic Development and Renewable Energy & Conservation in the General Plan Update known as the “*San Bernardino Countywide Plan*” (CWP). The CWP consists of the Policy Plan text, Business Plan (governance element, tracking and feedback, and implementation plan), 35 Community Action Guides, the separately bound Housing Element and Renewable Energy and Conservation Element.

The San Bernardino County Countywide Plan, adopted in August 2022, updated the County General Plan which was last updated in 2007. The Countywide Plan reflects “*the County’s efforts since 2010 when the County Board of Supervisors set out to establish a vision for the future of the County as a whole and adopted a Countywide Vision in 2011 after two years of input from the community and the County’s 24 cities and towns.*”

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 and the unique values and priorities of each unincorporated community. The CWP is intended to serve as a guide for County decision making, financial planning, and communications.”

San Bernardino Countywide Plan (SCH 2017101033) History:

Notice of Preparation	10/16/2017
EIR	6/17/2019
Notice of Determination	11/2/2020
Final Program EIR Certification	2020

The Countywide Plan (General Plan) components analyzed under the Countywide Plan Program EIR (PEIR) are as follows:

¹ REFERENCE: 2023 Countywide Policy Plan General Plan Annual Progress Report, Land Use Services Department Planning Division; San Bernardino Countywide Plan Final PEIR certified 2020; Countywide Plan Draft PEIR

- **A County Policy Plan**, an update and expansion of the County's General Plan, including a new approach to county planning that includes social services, healthcare services, public safety, and other regional County services provided in both incorporated and unincorporated areas.
- **A Community Planning Continuum** to replace existing community plans with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions for the community plan areas will be addressed in the County Policy Plan while a set of new action-oriented Community Action Guides will offer a set of potential tools and action plans framed in a set of community-driven values and aspirations.
- **A County Business Plan**, with governance policies, operational metrics, and implementation strategies that outline the County's approach to providing municipal services in the unincorporated areas and regional services for both incorporated and unincorporated areas.
- **A Regional Issues Forum**, an online resource for sharing information and resources related to issues confronting the county as a whole, including the work of the Countywide Vision element group.

The adopted CWP, as described in the *2023 Countywide Policy Plan General Plan Annual Progress Report, Land Use Services Department Planning Division*, consists of the following:

Policy Plan Text

The County Policy Plan contains long-term goals and policies that will guide County decisions, investments, and improvements toward achieving the Countywide Vision. The Policy Plan represents a unique approach to county planning. It serves as the County's General Plan for the unincorporated areas, which is mandated by state law, but it also includes policy direction for adult and child supportive services, healthcare, public safety, and other regional services the County administers in both incorporated and unincorporated areas.

Business Plan

The Business Plan provides overarching and ongoing guidance for existing County processes (i.e., budget, goals and objectives, performance measures, etc.). The Business Plan consists of a policy-based governance element and an action-oriented implementation plan and two new implementation tools: a tracking and feedback system and a fiscal analysis model. Combined, these sections and tools provide clarity and transparency to the public regarding County governance while ensuring the Countywide Plan remains meaningful and current.

Community Action Guides

The Community Action Guides were created by the community members who attended workshops, provided comments online or sent in written comments. The Action Guides are written in the words of those participating in the public engagement process. Therefore, the Community Action Guides retain the voice and future image of the community presented by the community members participating in the public engagement process. However, the implementation of each Action Statement is an opportunity for additional discussion by community 7 members and modification of the statement and action steps may be made by the community and Action Teams.

The CWP – County Policy Plan represents the general plan as recorded by the County Clerk of the Board, adopted in October 2020.²

3.3 **County Policy Plan Amendments - Adoption Amendment History**

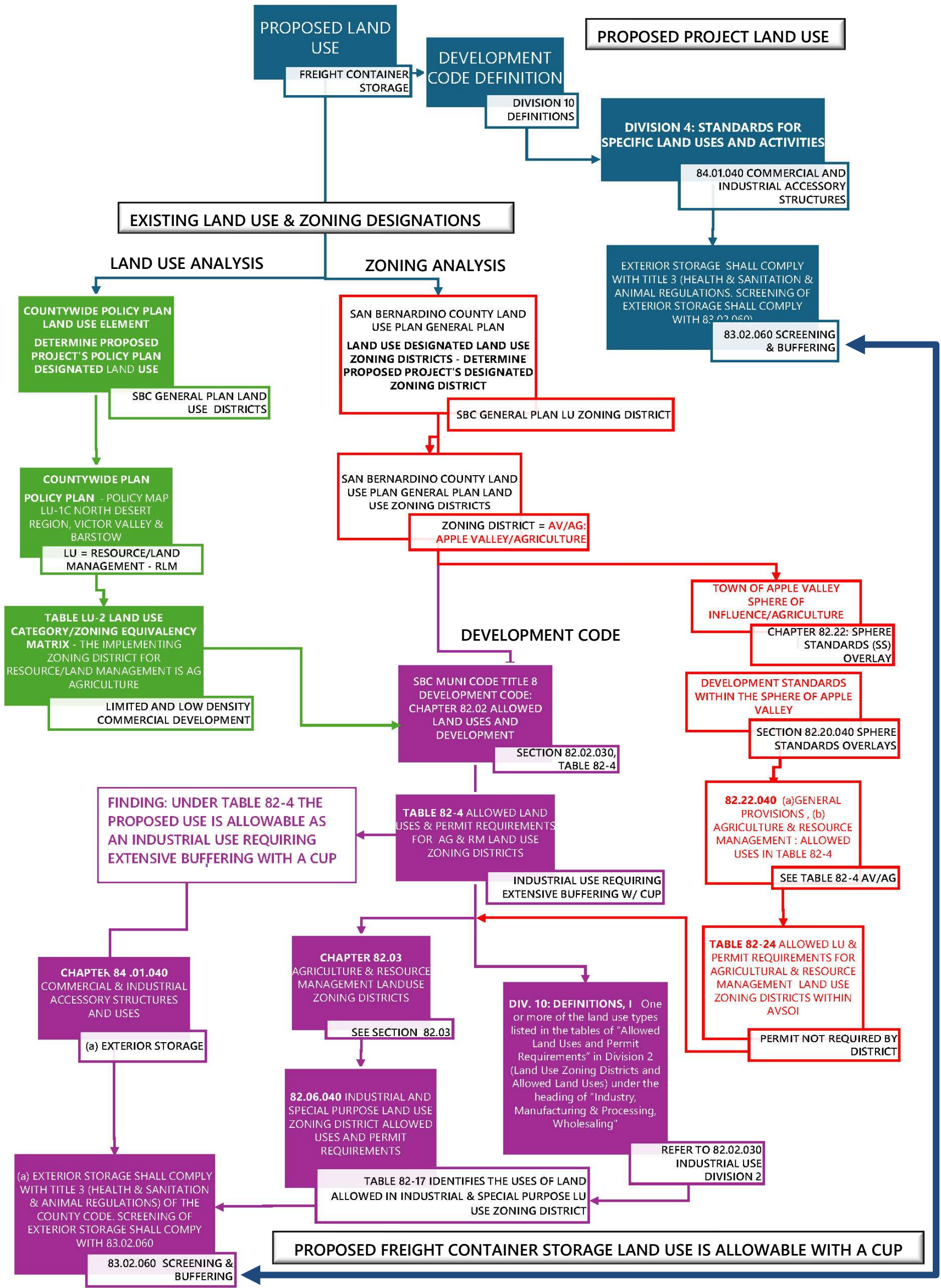
<u>Date</u>	<u>Resolution</u>	<u>Update / Amendment</u>
October 27, 2020	Resolution No. 2020-197	Policy Plan, comprehensive update
September 27, 2022	Resolution No. 2022-185	Housing Element, comprehensive update
September 27, 2022	Resolution No. 2022-186	Hazards Element, technical update

4.0 **LAND USE CONSISTENCY ANALYSIS**

Proposed land use is for freight containers storage. The consistency analysis consists of a comparative analysis of the proposed land use with the property's existing designated land use and existing designated zoning. The following **EXHIBIT 4 LAND USE CONSISTENCY ANALYSIS FLOW CHART** represents the analytical critical path through the Countywide Policy Plan and General Plan Zoning set forth in this consistency analysis:

² REFERENCE: San Bernardino County Countywide Plan - Policy Plan 2022

EXHIBIT 4 - LAND USE CONSISTENCY ANALYSIS FLOW CHART



FINDINGS & CONCLUSION:

This Consistency Analyses of the Proposed Land Use of Freight Container Storage with the existing designated land use and zoning and the Development Code has demonstrated that the Proposed Land Use is allowable in the AV/AG zone as Industrial under a Conditional Use Permit (CUP) with Screening and Buffering pursuant to Development Code §83.02.060.

Therefore, the proposed Land Use is consistent with the Countywide Policy Plan Land Use Designation of RLM and SCB General Plan Zoning District of AV/AG.

LEGEND	
KEY	ANALYSES
ABC	PROPOSED PROJECT LAND USE/RESULTS
ABC	COUNTYWIDE POLICY PLAN LAND USE ELEMENT/RESULTS
ABC	SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT/RESULTS
ABC	SBC MUNICIPAL CODE TITLE 8 DEVELOPMENT CODE/RESULTS
	ANALYTICAL PATH
	PROPOSED LAND USE CONSISTENCY ANALYSIS CONCLUSION

4.1 Designated Land Use & Zoning

The proposed project site was plotted on the Countywide Policy Plan Policy Map LU-1C Land Use Map North Desert Region, Victor Valley & Barstow as shown below in the following excerpt from the Plan, FIGURE 4.1.1. The existing designated land use category is RLM: Resource/Land Management.

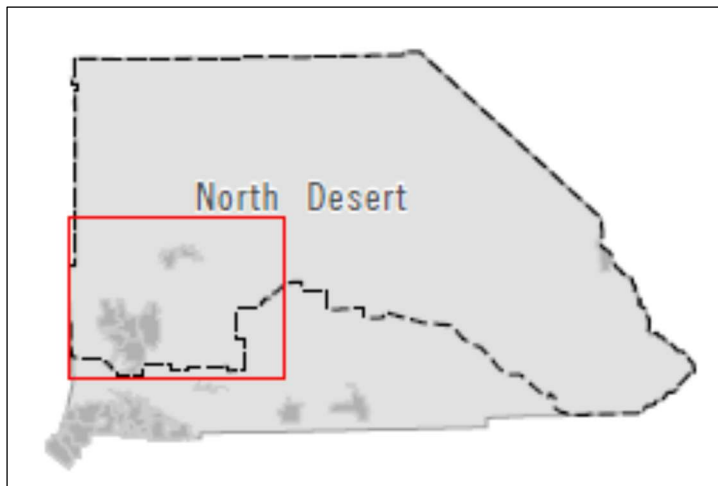
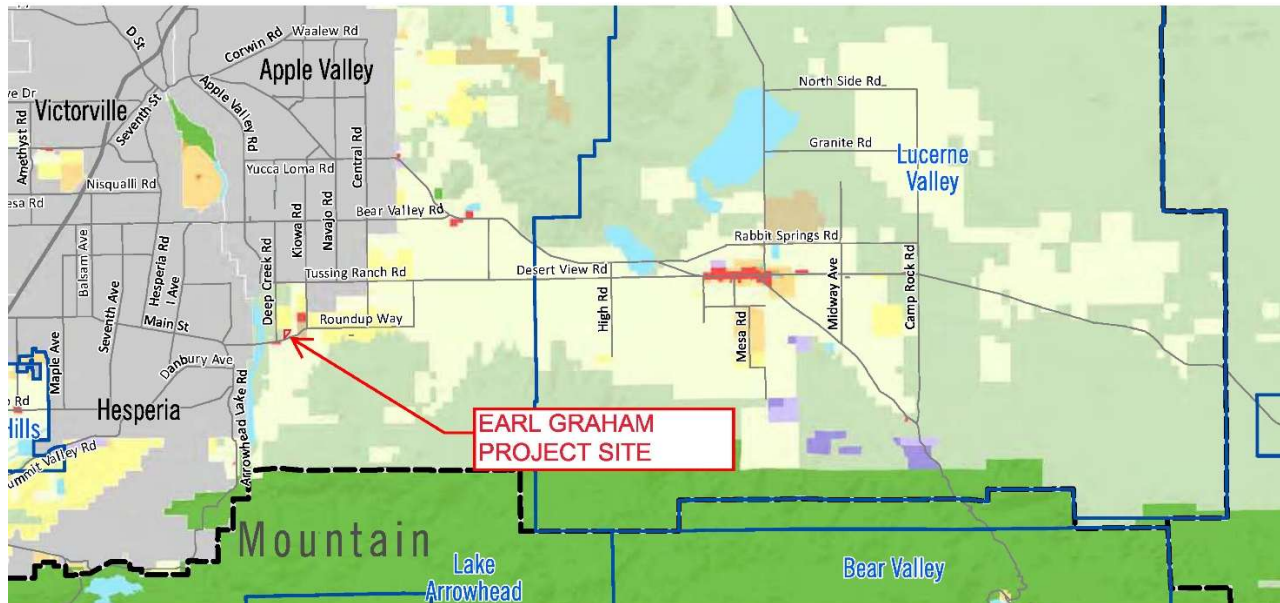


FIGURE 4.1 - Countywide Policy Plan Policy Map LU-1C Land Use Map North Desert Region, Victor Valley & Barstow

The Countywide Policy Plan Land Use Element regulates land uses using a two-map system for the unincorporated land in San Bernardino County. In the Policy Plan, a set of broad Land Use Categories provide long-term guidance and direction for the overall distribution, intensity, and compatibility of development in the unincorporated county areas.

The Policy Plan provides the basis for and is implemented by the County's Development Code, which includes a set of Land Use Zoning Districts that establishes detailed land use districts, intensities, requirements, and standards. The Land Use Zoning Districts must be consistent with the Land Use Categories. While unincorporated areas administered and/or controlled by federal, tribal, and state governments are generally outside of the County's land use authority, the two-map system is applied to these areas to convey the long-term land use plans of said entities and provide complete coverage of the unincorporated lands. The Land Use Categories and Zoning Districts would also directly govern land use if the federal, tribal, or state governments relinquished control over any of these lands in the future.

Table LU-1 summarizes the Policy Plan Land Use Categories, including the permitted density/intensity range, the primary purpose of each category, and a list of typical permitted uses. Table LU-2 depicts the implementing Land Use Zoning Districts for each Land Use Category.³

The Countywide Policy Plan Land Use Element Table LU-1 Land Use Categories is included herein as follows:

³ REFERENCE: *San Bernardino Countywide Plan, Policy Plan Land Use Element*

EARL GRAHAM CONTAINER STORAGE CUP

SBC Countywide Policy Plan – FINAL Proposed Project Land Use Consistency Analysis

PROJ-2022-00082; APN: 0438-163-24

March 5, 2025, (Amended May 25, 2025)

Built Environment Section | Land Use Element

Table LU-1. Land Use Categories

Land Use Category		Density / Intensity Range	Primary Purpose	Description of Typical Uses ^{2,3}
RESIDENTIAL LAND USES				
RL	Rural Living	1 unit per 2.5 acres max	<ul style="list-style-type: none"> Allow for rural residential development set in expansive areas of open space that reinforce the rural lifestyle while preserving the county's natural areas Minimize development footprint and maximize undeveloped areas Allow for cluster-type development to provide and preserve open space 	<ul style="list-style-type: none"> Rural residential Small-scale, non-water-intensive, and incidental agricultural (commercial-scale agriculture permitted in Oak Glen and Mentone community planning areas) Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations
VLDR	Very Low Density Residential	2 units per acre max	<ul style="list-style-type: none"> Allow for very low density residential uses when developed as single family neighborhoods that can share common infrastructure, public facilities, and services 	<ul style="list-style-type: none"> Single-family residential uses Incidental agriculture Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations
LDR	Low Density Residential	2 to 5 units per acre ¹	<ul style="list-style-type: none"> Promote conventional suburban residential neighborhoods that support and are served by common infrastructure, public facilities, and services 	<ul style="list-style-type: none"> Single-family residential uses Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations
MDR	Medium Density Residential	5 to 20 units per acre ¹	<ul style="list-style-type: none"> Provide areas for a wide range of densities and housing types Promote efficient location of higher density residential development and neighborhoods in relation to infrastructure and transit systems, as well as employment opportunities, retail and service businesses, and community services and facilities 	<ul style="list-style-type: none"> Single-family and multiple residential uses (or any mix thereof) Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations
EMPLOYMENT GENERATING LAND USES				
C	Commercial	0.75 FAR max 5 units per acre max	<ul style="list-style-type: none"> Provide suitable locations for retail, office, and service commercial businesses that serve the needs of local residents, regional markets, and visitors/tourists Provide employment opportunities for residents in the surrounding area Allow for a mix of commercial and lower density residential uses in rural areas (when residential is permitted in the underlying zoning district) 	<ul style="list-style-type: none"> Retail stores and personal services Office and professional services Lodging, recreation, and entertainment Heavy commercial with adequate buffering for surrounding residential uses In rural areas: agriculture and lower density residential
LI	Limited Industrial	0.50 FAR max	<ul style="list-style-type: none"> Provide suitable locations for light or limited industrial activities where operations are totally enclosed in a structure and limited exterior storage is fully screened from public view Provide suitable locations for employee-intensive uses, such as research and development, technology centers, corporate offices, clean industry, and supporting retail uses Provide employment opportunities for residents in the surrounding area 	<ul style="list-style-type: none"> Light industrial and manufacturing Wholesale, warehouse, and distribution Transportation services Agricultural support services Neighborhood-scale and community-scale energy facilities (see note 3 on limitations)
GI	General Industrial	0.75 FAR max	<ul style="list-style-type: none"> Provide suitable locations for general or heavy industrial activities where all or part of operations take place outside of enclosed structures, exterior storage is not fully screened from public view, or involve large equipment Provide areas for industrial activity that generates substantial odors, noise, vibration, or truck traffic Provide employment opportunities for residents in the surrounding area 	<ul style="list-style-type: none"> General or heavy industrial, manufacturing, and processing Recycling and salvage operations Wholesale, warehouse, and distribution, including rail facilities Mineral extraction and associated processing Transportation services Agricultural support services Neighborhood-, community-, and utility-scale energy facilities (see note 3 on limitations)

EARL GRAHAM CONTAINER STORAGE CUP

SBC Countywide Policy Plan – FINAL Proposed Project Land Use Consistency Analysis

PROJ-2022-00082; APN: 0438-163-24

March 5, 2025, (Amended May 25, 2025)

Built Environment Section | Land Use Element

October 2020

Table LU-1. Land Use Categories

Land Use Category		Density / Intensity Range	Primary Purpose	Description of Typical Uses ^{2,3}
PUBLIC AND SPECIAL LAND USES				
PF	Public Facility	n/a	<ul style="list-style-type: none"> Provides areas for public and quasi-public uses and facilities to meet current and future needs Protect and ensure the continued operation of public facilities and systems during times of flooding, fire, or other hazardous events Prevent the loss of life or property caused by flooding by preserving areas and capacity to carry/dischage flood flow Protect floodways from encroachment by land uses that could be endangered during times of flooding; prohibit occupancy or encroachment of any improvement that would unduly affect the capacity of floodways 	<ul style="list-style-type: none"> Civic and educational buildings and facilities Utility systems, facilities, and corridors Neighborhood, community, and utility-scale energy facilities (see note 3 on limitations) Channels, drainage areas, and other floodways Transportation corridors and facilities Cemeteries and landfills Commercial agriculture/grazing
RLM	Resource/Land Management	1 unit per 40 acres max	<ul style="list-style-type: none"> Manage, preserve, and protect natural resources such as agricultural/grazing lands, watersheds, minerals, and wildlife habitat areas, as well as open space areas not otherwise protected or preserved Provide areas for military operations and training while minimizing impacts on and from surrounding civilian uses Allow for limited rural development while minimizing the expansion of development outside of existing communities 	<ul style="list-style-type: none"> Natural resource conservation, such as watersheds, habitat areas and corridors, wilderness study areas, areas of critical environmental concern, and national conservation lands Mineral resource extraction and processing, commercial agriculture and grazing Military facilities, operations, and training areas Recreation areas Renewable energy facilities consistent with the Renewable Energy and Conservation Element (see note 3 on limitations) Single family homes on very large parcels Limited and low density commercial development Lands under the control of the state or federal government or tribal entities
OS	Open Space	n/a	<ul style="list-style-type: none"> Provide and preserve publicly-owned land for parks and open space Manage, preserve, and protect natural areas, habitats, and wildlife corridors 	<ul style="list-style-type: none"> Local, regional, and state parks and recreation areas National forests, monuments, parks, preserves, and wilderness areas Locally conserved lands for the purposes of resource management, mitigation, land banking, or similar purpose Public facilities in an open space setting Privately-owned land treated as RLM designated lands, unless otherwise restricted by government regulations Mineral extraction, timbering, or similar activities as permitted by federal or state regulations Commercial-scale agriculture in the Oak Glen and Mentone community planning areas and in the Crafton Hills
SD	Special Development	With a Specific Plan: 30 units per acre max 2.0 FAR max Without a Specific Plan: 4 units per acre max 0.25 FAR max	<ul style="list-style-type: none"> Allow for a combination of residential, commercial, and/or manufacturing activities that maximizes the utilization of natural and human-generated resources Identify areas suitable for large-scale, master planned developments Promote cluster-type development to provide and preserve open space Allow for a mix of residential, commercial, and public/quasi-public uses in rural areas Facilitate joint planning efforts among adjacent land owners and jurisdictions 	<ul style="list-style-type: none"> Specific plans and master planned development Mixed use development in rural areas

1. For a parcel designated LDR or MDR, property owners can build one residential unit on an existing lot even if the resulting density would be below the minimum density. Additionally, if a parcel is adjacent to a lower density Land Use Category and is not required to connect to sewer, property owners can subdivide/develop below the minimum density.

2. The list of typical uses is not exhaustive and is intended to further clarify the purpose of each land use category. The exact uses permitted in each land use category is subject to the regulations of the underlying Zoning District as described in the Development Code.

3. The list of typical uses is also subject to and limited by policies in every element of the County Policy Plan. Policy 4.10 of the Renewable Energy and Conservation Element, for example, prohibits utility-oriented renewable energy projects in the Rural Living land use category and any land use category within the boundaries of multiple community planning areas.



Table LU-2. Land Use Category/Zoning Equivalency Matrix

Land Use Category		Implementing Zoning Districts	
Rural Living	RL	RL RL-5 RL-10 RL-20 RL-40	Rural Living
Very Low Density Residential	VLDR	RS-1 RS-20M	Single Residential
Low Density Residential	LDR	RS-14M RS-10M RS	Single Residential
Medium Density Residential	MDR	RM	Multiple Residential
Commercial	C	CG CH CN CO CR CS	General Commercial Highway Commercial Neighborhood Commercial Office Commercial Rural Commercial Service Commercial
Limited Industrial	LI	IC CS	Community Industrial Service Commercial
General Industrial	GI	IR	Regional Industrial
Special Development	SD	SD SP	Special Development ¹ Specific Plan ¹
Public Facility	PF	FW IN	Floodway Institutional
Resource/Land Management	RLM	AG RC	Agriculture Resource Conservation
Open Space	OS	OS RC	Open Space Resource Conservation

Note:

1. Although the Special Development (SD) and Specific Plan (SP) Land Use Zoning Districts are generally intended to implement the SD Land Use Category, the SD and SP Land Use Zoning Districts can act as an implementing district for any Land Use Category.

The County of San Bernardino Title 8 Development Code Chapter 82.03: Agriculture and Resource Management Land Use Zoning Districts regulates this Zoning district.

§82.03.040 Agricultural and Resource Management Land Use Zoning District Allowed Uses and Permit Requirements sets forth the land uses that may be allowed within the agricultural and resource management land use zoning districts as follows:

(a) General Permit Requirements. Table 82-3 identifies the uses of land allowed by this Development Code in each agricultural and resource land use zoning district established by Chapter 82.01 (Land Use Plan and Land Use Zoning Districts, and Overlays), in compliance with § 82.02.030 (Allowed Land Uses and Planning Permit Requirements).

(b) Requirements for Certain Specific Land Uses. Where the last column in Table 82-4 (Specific Use Regulations) includes a Section number, the referenced Section may affect whether the use requires a Site Plan Permit, Conditional Use Permit, Minor Use Permit, Planned Development Permit, or other County approval, and/or may establish other requirements and standards applicable to the use.

Table 82-4 is included herein on the following page. The pertinent land use of AG and corresponding allowable use of Industrial use requiring extensive buffering with a CUP is highlighted.

TABLE 82-4

Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
Land Use <i>See Division 10 (Definitions) for land use definitions</i>	Permit Required by District				Specific Use Regulations
	RC	AG	FW	OS	
<i>Table 82-4</i>					
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts					
Land Use <i>See Division 10 (Definitions) for land use definitions</i>	Permit Required by District				Specific Use Regulations
	RC	AG	FW	OS	
Agricultural, Resource & Open Space Uses					
Agricultural support services	M/C	M/C	CUP	—	
Animal keeping	S	S	S	—	84.04
Community gardens	A	A	A	—	
Crop production, horticulture, orchard, vineyard	A	A	A	—	
Industrial hemp cultivation - Small scale (minimum 1-acre lot size)	P	P	P	—	84.35
Industrial hemp cultivation - Large scale (minimum 5-acre lot size)	CUP	CUP	CUP	—	84.35
Livestock operations	S	S	S	—	84.04
Natural resources development (mining)	CUP	CUP	CUP	—	88.03
Nature preserve (accessory uses)	p(1)	p(1)	p(1)	p(1)	
Lake, reservoir	M/C	M/C	M/C	M/C	
Pond	A	A	A	A	
Winery	M/C	M/C	—	—	
Industry, Manufacturing & Processing, Wholesaling					
Composting operations	CUP	CUP	—	—	
Hazardous waste facilities	CUP	CUP	—	—	84.11
Industrial use requiring extensive buffering	CUP	CUP	—	—	
Recycling facilities	S	S	—	—	84.19

DIVISION 4 STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES, §84.01.040 Commercial and Industrial Accessory Structures provides for accessory structures and uses that are related to primary commercial and industrial uses. The proposed use of Freight Container Storage is an accessory use to an industrial use. This section paragraph (a) Exterior Storage states that Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with §83.02.060 (Screening and Buffering). This is consistent with the allowable use highlighted in TABLE 82-4 above.

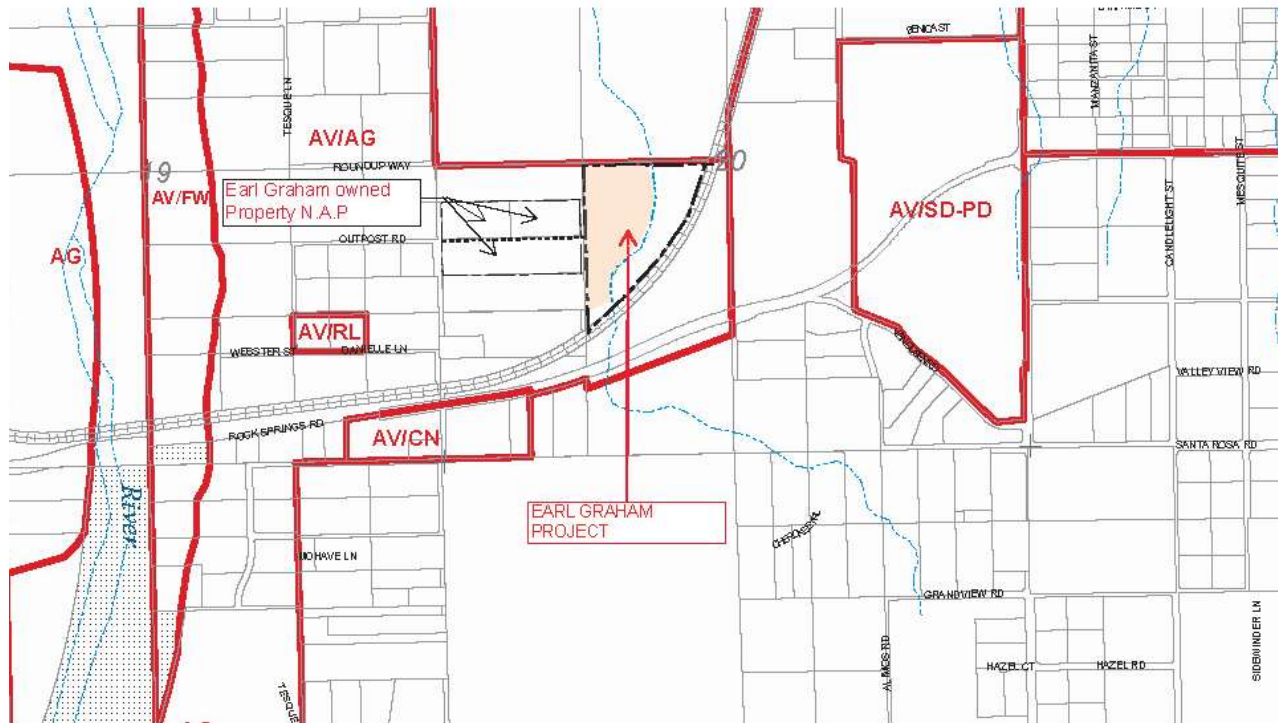
EARL GRAHAM CONTAINER STORAGE CUP



SBC Countywide Policy Plan – FINAL Proposed Project Land Use Consistency Analysis

PROJ-2022-00082; APN: 0438-163-24

March 5, 2025, (Amended May 25, 2025)

The proposed project site was plotted on the General Plan Land Use Plan FH07A as shown below in the following excerpt from the Plan, FIGURE 4.1.2. The existing designated land use is AV/AG, i.e., Town of Apple Valley Sphere of Influence/Agriculture.



Land Use Zoning Districts

<p>AG – Agriculture</p> <p>CG – General Commercial</p> <p>CH – Highway Commercial</p> <p>CN – Neighborhood Commercial</p> <p>CO – Office Commercial</p> <p>CR – Rural Commercial</p>	<p>CS – Service Commercial</p> <p>FW – Floodway</p> <p>IC – Community Industrial</p> <p>IN – Institutional</p> <p>IR – Regional Industrial</p> <p>OS – Open Space</p>	<p>RC – Resource Conservation</p> <p>RL – Rural Living</p> <p>RM – Multiple Residential</p> <p>RS – Single Residential</p> <p>SD – Special Development</p> <p>SP – Specific Plan</p>
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County designated Land Use Zoning Districts do not apply to Federal or State owned property.

EXHIBIT 4.1.2 - General Plan Land Use Plan FH07A

The General Plan Land Use Plan is included herewith in APPENDIX 1.



The General Plan Land Use Element land use designations of the properties surrounding and immediately adjacent to the Project site are AV/AG to the north, AV/AG to the west and south and railroad to the east and all are predominately vacant listing in **TABLE 4.0 Existing Land Use & Zoning Land Use:**

Existing Land Use and Land Use Zoning		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	AV/AG Agriculture
North	Vacant	AV/RS-1 Single Family
South	Vacant, railroad	AV/AG Agriculture
East	Vacant, railroad	AV/AG Agriculture & existing elevated railroad
West	Vacant, scattered single-family residential	AV/AG Agriculture

TABLE 4.0 Existing Land Use & Zoning Land Use

The designated land use prefix of AV in the designation of AV/AG means Town of Apple Valley Sphere of Influence. This is regulated by CHAPTER 82.22: SPHERE STANDARDS (SS) OVERLAY, §82.22.040 Development Standards within the Sphere of Apple Valley:

(a) *General Provisions.* The provisions contained in this section are only those provisions that are different from countywide provisions and unique to the Apple Valley Sphere of Influence.

(b) Agricultural and Resource Management Land Use Zoning Districts—Allowed Uses and Permit Requirements. As outlined in Table 82-4 of Chapter 82.03, except for the unique uses noted below:

Table 82-24				
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts within the Apple Valley Sphere of Influence				
LAND USE See Division 10 (Definitions) for land use definitions	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/RC	AV/AG	AV/FW	
Table 82-24				
Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts within the Apple Valley Sphere of Influence				

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	AV/RC	AV/AG	AV/FW	
Agricultural, Resource & Open Space Uses				
Community garden	A	A	A	
Nursery (Wholesale)	M/C	M/C	M/C	
Recreation, Education & Public Assembly				
Desert botanical garden	MUP	MUP	—	
Historical landmarks and structures	A	A	A	
Zoos	CUP	CUP	—	
Services—General				
Licensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.23
Unlicensed Residential Care Facility with 7 or more persons	CUP	CUP	—	84.32

Key			
A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

The proposed Project land use of AV/AG then falls within the allowable uses as listed in Table 82-4. The land use of Industrial use requiring extensive buffering is allowable in the AV/AG zone:

“§84.01.040 Commercial and Industrial Accessory Structures and Uses.

This Section provides standards for accessory structures and uses that are related to primary commercial and industrial uses.

1. *Exterior Storage. Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code. Screening of exterior storage shall comply with §83.02.060 (Screening and Buffering).”*

The following is this Section:

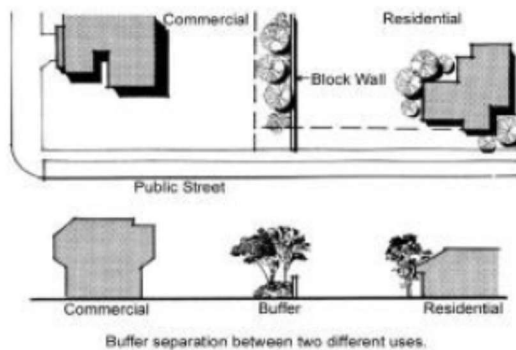
“§ 83.02.060 Screening and Buffering.

This Section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas, and surface parking areas. Multi-family and nonresidential land uses shall comply with the requirements of this Section.

The proposed land use is classified as an allowable Industrial Use within the AG zoning District and therefore must comply with these requirements.

(a) Screening Between Different Land Uses.

- (1) An opaque screen consisting of plant material, a minimum of ten feet in width, and a solid masonry wall, a minimum of six feet in height, shall be installed along parcel boundaries whenever a commercial, institutional or industrial development adjoins a residential land use zoning district.
- (2) The maximum height of walls shall comply with the provisions of Chapter 83.06 (Fences, Hedges, and Walls).
- (3) The walls shall be architecturally treated or landscaped on both sides to avoid the appearance of unfinished precision block, subject to the approval of the Director.
- (4) Minimum sizes of plant materials shall conform to the requirements in §83.10.070(d) (Landscape Standards Minimum Sizes of Plant Materials).

Figure 83-2 Screening and Buffering**(b) Mechanical Equipment, Loading Docks, and Refuse Areas. This section is not applicable to the proposed project.**

- (1) Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, etc.), loading docks, refuse storage areas, and utility services shall be screened from public view from adjoining public streets and rights-of-way and surrounding area(s) zoned for residential or open space uses.
- (2) The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.
- (3) Landscaping shall be installed adjacent to the walls at the discretion of the Director.

(c) Outdoor Storage Areas. This section is applicable to the proposed project.

- (1) The use of outdoor areas for storage purposes shall be subject to the following standards:
 - (A) Outside storage areas shall be screened with a solid sight-obscuring wall not less than six feet nor more than eight feet in height, of a type and design approved by the Director. The wall shall include sight-obscuring gates. The wall and gate(s) shall be continuously maintained in good repair.

- (B) *Stored materials shall be kept below the level of the fence or other screening mechanism.**
- (C) *Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.*
- (D) *Exterior storage shall comply with Title 3 (Health and Sanitation and Animal Regulations) of the County Code.*
- (2) *Incidental outdoor storage shall be allowed, subject to the above standards. Outdoor storage categorized as a primary land use shall be subject to the applicable permitting requirements identified in Division 2 (Land Use Zoning Districts and Allowed Land Uses) and the above standards.*
(Ord. 4011, passed - -2007; Am. Ord. 4085, passed - -2009)"

4.2 Freight Container Storage Plans

The following Freight Container Storage Plans were prepared for the Project by Red Brick Consulting and include line of sight exhibits and screening and buffering plans and sections. Also included herewith is the following EXHIBIT A and EXHIBIT b Sections And Details. These Plans and Exhibits show extensively how the proposed Project includes the required buffering and screening from the adjacent RS-1 Zoning District. The land use in the other adjacent land uses are the same as the subject property, i.e., AV/AG, therefore screening requirements in the foregoing Paragraph are not required.

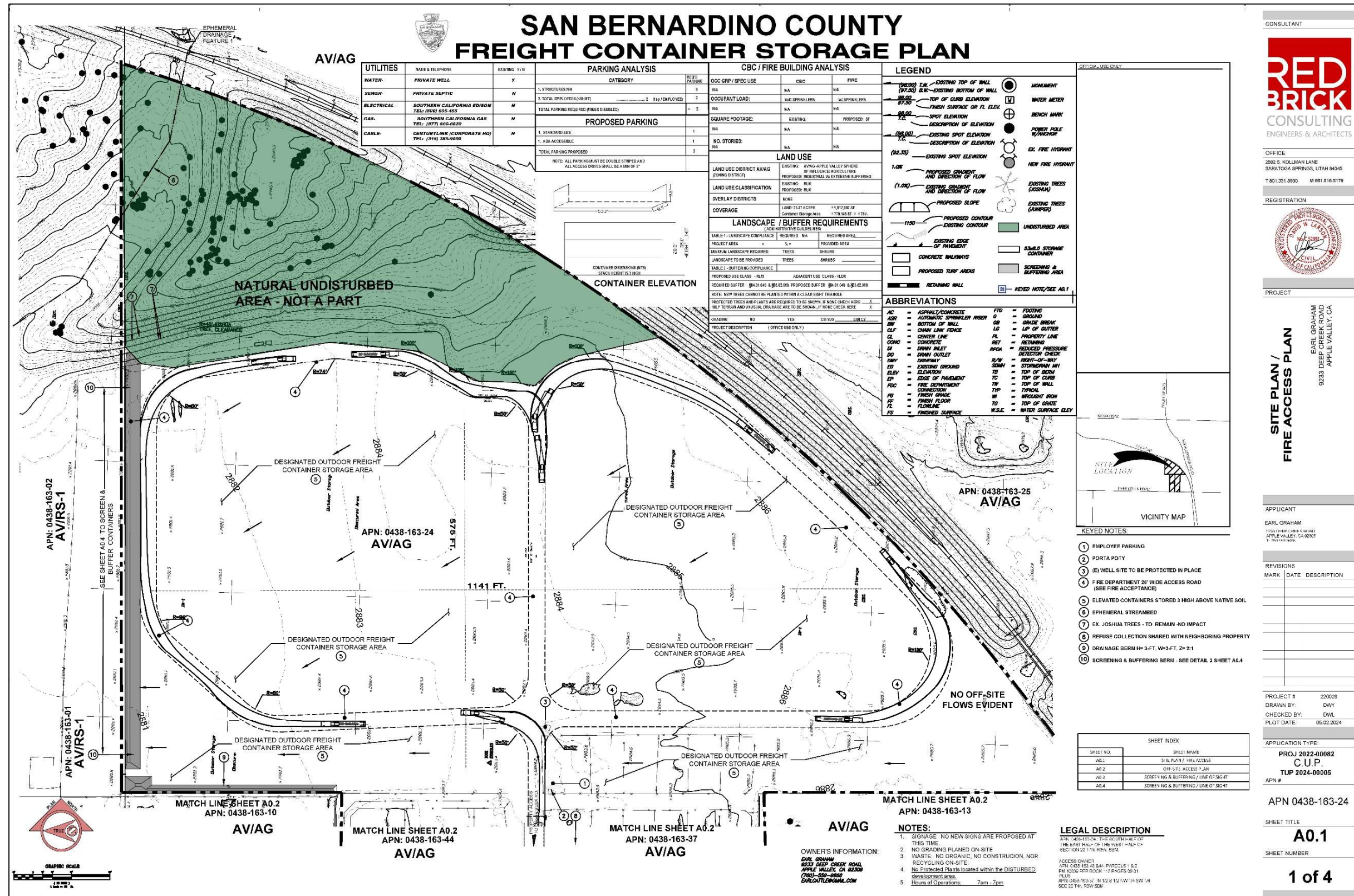


FIGURE 4.2 – SITE PLAN AND FIRE ACCESS PLAN

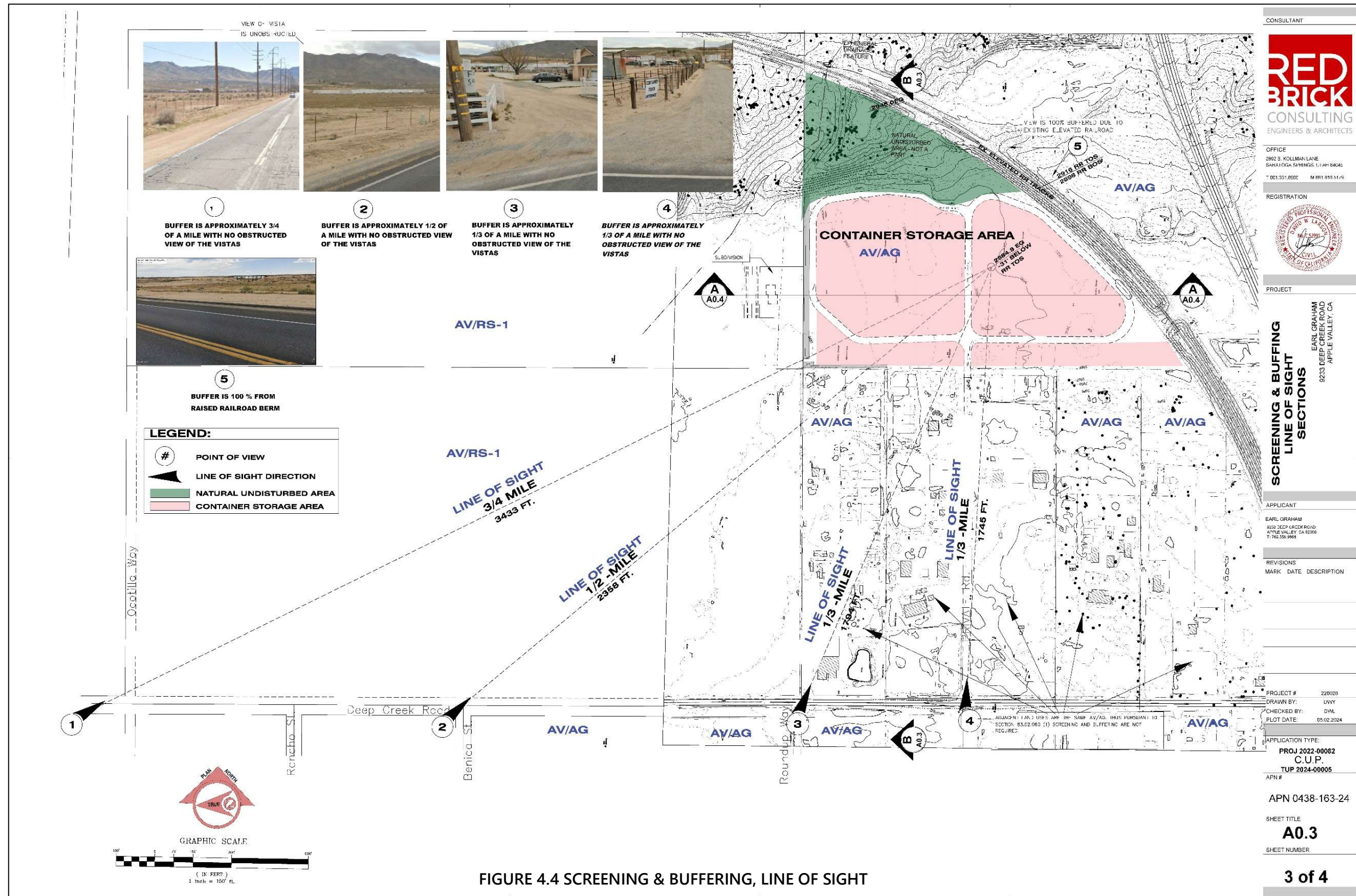


FIGURE 4.4 SCREENING & BUFFERING, LINE OF SIGHT

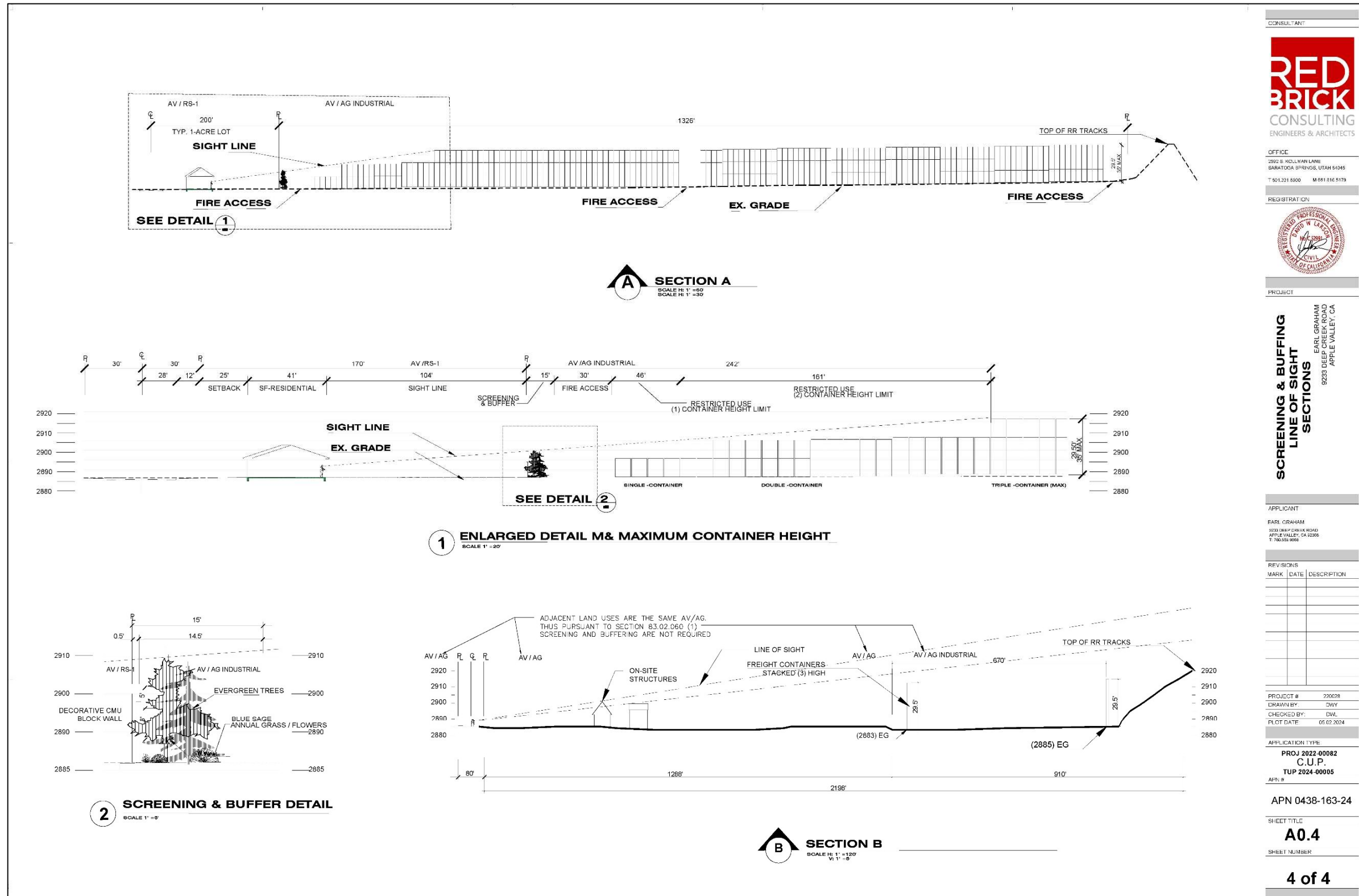


FIGURE 4.5 SCREENING & BUFFERING, LINE OF SIGHT DETAIL



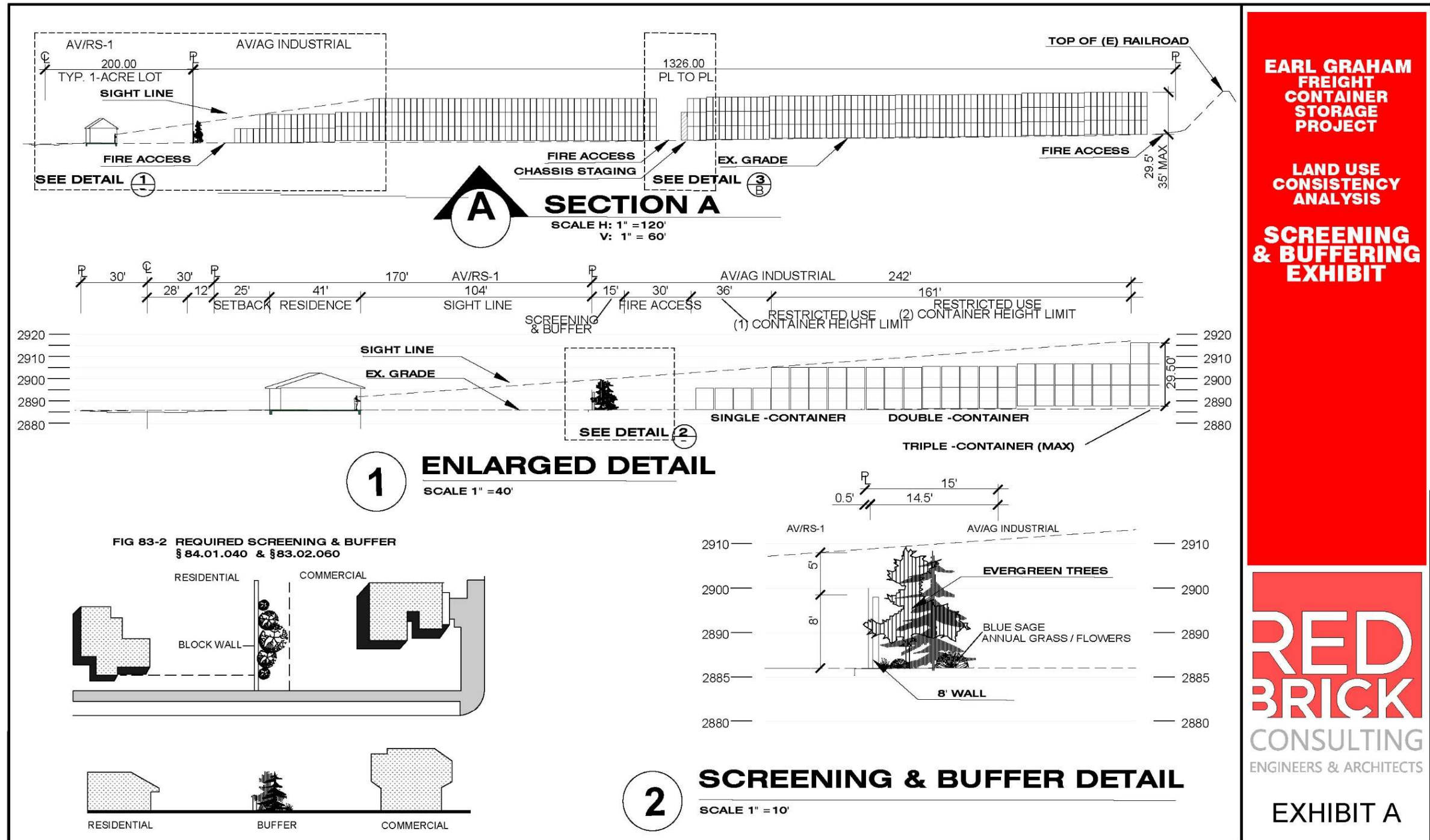
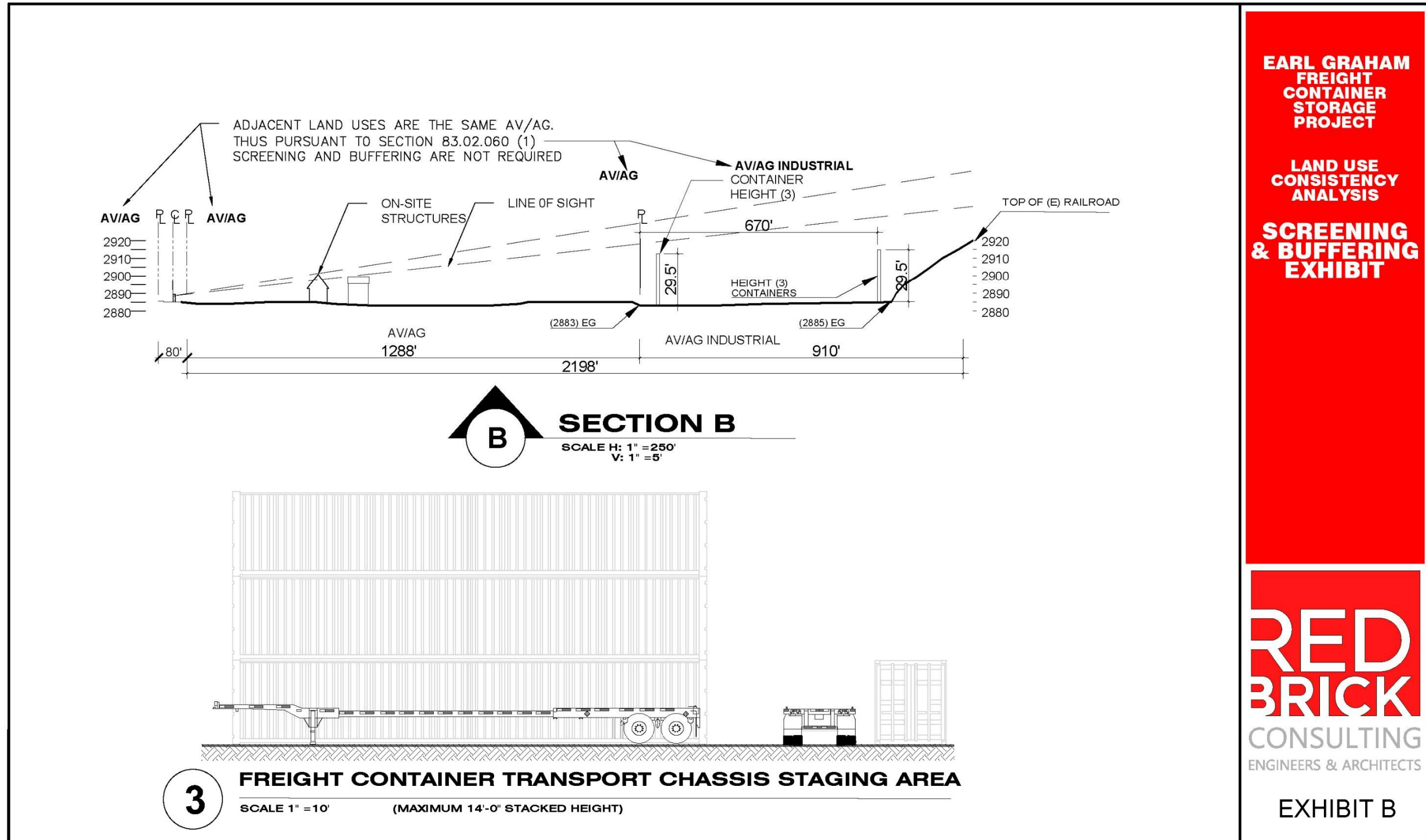


EXHIBIT A SCREENING & BUFFERING



**EARL GRAHAM
 FREIGHT
 CONTAINER
 STORAGE
 PROJECT**

**LAND USE
 CONSISTENCY
 ANALYSIS**

**SCREENING
 & BUFFERING
 EXHIBIT**

**RED
 BRICK**
 CONSULTING
 ENGINEERS & ARCHITECTS

EXHIBIT B

EXHIBIT B – SCREENING AND BUFFERING SECTIONS

5.0 POLICY PLAN LAND USE ELEMENT GOALS AND POLICIES

The proposed Project land use is analyzed for consistency with the Policy Plan Land Use Element Goals and Policies. Each Goal and Policy is listed herein and includes the analysis, findings and conclusions for consistency.

Goal LU-1 Fiscally Sustainable Growth

Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.

*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.*

Analysis: The proposed Project area is within a land use area of AV/AG, that has an allowable use of Industrial with Extensive Buffering. The proposed land use of freight container outdoor storage supports the regional economy in that the freight containers are an integral part of the regional shipping industry that provides goods to the regional marketplace.

Findings & Conclusion: The proposed Project is consistent with Policy LU-1.1

*Policy LU-1.2 **Infill development.** We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.*

Analysis: The proposed Project is for outdoor freight container storage on an existing vacant underutilized lot. Public services are not required for the proposed land use.

Findings & Conclusion: The proposed Project is consistent with Policy LU-1.2.

*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.*

Analysis: The proposed Project does not require any initial capital investments, long-term operations and maintenance. The Project will not have any needs for service for public facilities and services, nor capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

Findings & Conclusion: The proposed Project is consistent with Policy LU-1.3.

*Policy LU-1.4 **Funding and financing mechanisms.** We require the establishment of community facility districts, lighting and landscaping maintenance districts, and other types of funding and financing mechanisms for new development when the County determines that it may be necessary to maintain fiscal sustainability. We prefer the expansion of existing districts to the establishment of new districts.*

Analysis: The proposed Project consists of providing interim outdoor storage area for freight containers on private property which does not require funding mechanisms, nor lighting maintenance district. The Project will have no fiscal impact to the County.

Findings & Conclusion: The proposed Project is consistent with Policy LU-1.4.

Policy LU-1.5 *Development impact fees.* We require payment of development impact fees to ensure that all new development pays its fair share of public infrastructure.

Analysis: The proposed Project will pay its fair share of applicable public infrastructure which are yet to be determined.

Findings & Conclusion: The proposed Project is consistent with Policy LU-1.5.

Policy LU-1.6 *Tax sharing.* We may utilize tax sharing as a tool to extend public facilities and services from adjacent municipalities into unincorporated areas as an alternative to the County's direct provision of public facilities and services when it is fiscally sustainable for the County.

Analysis: Public facilities are not required for the proposed use of Freight Container Storage and therefore not applicable.

Findings & Conclusion: LU-1.6 is not applicable to the Project.

Goal LU-1 *Fiscally Sustainable Growth*

Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.

Findings & Conclusion: Based on the foregoing analysis of findings and conclusions of Policies LU-1 through LU-1.6, the proposed Project is consistent with Goal LU-1.

Goal LU-2 *Land Use Mix and Compatibility*

An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

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.

Analysis: The proposed Project has been located, scaled, screen and buffered in accordance with all pertinent sections of the Development Code in particular §83.02.060 Screening and Buffering standards. SEE ATTACHED EXHIBITS A and B to

minimize negative impacts to adjacent property with a land use of RS-1 as required under the Development Code.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.1.

*Policy LU-2.2 **Compatibility with planned uses.** We require that new residential development is located, scaled, buffered, and designed to minimize negative impacts both on and from adjacent areas designated for nonresidential land uses.*

Analysis: The project is not a new residential development, consequently this Policy is not applicable.

Findings & Conclusion: This Policy is not applicable to the propose Project.

*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.*

Analysis: The use project has been designed to avoid natural undisturbed jurisdictional area as identified in the Biological Resources Assessment and Aquatic Resources Delineation conducted for the proposed land use.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.3.

*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.*

Analysis: This consistency analysis has determined that the proposed Project is consistent with the Policy Plan Land Use Map and the County Zoning District Map.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.4.

*Policy LU-2.5 **Hillside preservation.** We require that new development in sloping hillside areas preserve the natural character of the surrounding environment and does not further exacerbate natural hazards or erosion.*

Analysis: The proposed Project completely avoids the existing sloping area.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.5.

*Policy LU-2.6 **Coordination with adjacent entities.** We require that new and amended development projects notify and coordinate with adjacent local, state, and federal entities to maximize land use compatibility, inform future planning and im-*

plementation, and realize mutually beneficial outcomes.

Analysis: The local state and federal entities will be notified during the Initial study phase in compliance with CEQA.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.6.

*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.*

Analysis: The proposed land use of Freight Container Storage is an integral part of the freight industry supplying commerce and goods and supporting the economic growth.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.7.

*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.*

Analysis: The proposed Project is not a residential development project not a Master planned community and consequently Policy LU-2.8 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.8.

*Policy LU-2.9 **Suburban lifestyles in the Valley region.** We intend that new residential development in the unincorporated Valley region offer a suburban lifestyle that is similar to that of adjacent cities.*

Analysis: The proposed Project is not a residential development project not a Master planned community and consequently Policy LU-2.8 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.9.

*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.*

Analysis: The proposed Project is not a commercial development project not a Master planned community and consequently Policy LU-2.8 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.10.

Policy LU-2.11 Office and industrial development in the Mountain/Desert regions. We allow new office and industrial uses in unincorporated Mountain/Desert regions in order to meet the service, employment, and support needs of the unincorporated areas.

Analysis: The proposed industrial land use of Freight Container Storage is an integral part of the shipping and commerce industries which provide services, employment and support the needs of the unincorporated area.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.11.

Policy LU-2.12 Office and industrial development in the Valley region. We encourage office and industrial uses in the unincorporated Valley region in order to promote a countywide jobs-housing balance.

Analysis: The proposed Project is not located within the Valley region and consequently, Policy LU-2.12 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.12.

Policy LU-2.13 Short-term private home rentals. We enforce appropriate operation standards, maintenance standards, and permitting procedures for the establishment and maintenance of short-term private home rentals in the unincorporated areas.

Analysis: The propose Project is not a Short-term private rental home land use and consequently Policy LU-2.13 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.13.

Policy LU-2.14 Contiguous land administration. We support the consolidation of disconnected land areas under public ownership or administration to increase financial and environmental value, streamline the management of land and resources, and establish more complete and effective transition areas or buffers. Such consolidation may include transfer of title of property among public entities and the purchase or swapping of private property voluntarily sold when the consolidation is fiscally neutral or beneficial to the County.

Analysis: The proposed Project is on privately owned land and as such Policy LU-2.12 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-2.14.

Goal LU-2 Land Use Mix and Compatibility

An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

Findings & Conclusion: The proposed Project is consistent with Goal LU-2.

Goal LU-3 Annexations and Sphere Development

Annexations and development in spheres of influence that improve the provision of public services to incorporated and unincorporated residents and businesses.

Policy LU-3.1 Annexation of unincorporated areas. We support the annexation of unincorporated areas when it will result in a more effective and efficient provision of public services and a net fiscal benefit to the County.

Analysis: The proposed Project is within the Town of Apple Valley Sphere of Influence with a designated zoning district of AV/AG.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-3.1.

Policy LU-3.2 Annexations with planned incompatible land uses. We oppose annexations when future planned land uses for the proposed annexation area would be incompatible with the remaining adjacent unincorporated lands.

Analysis: The proposed Project does not include a land use requiring a proposed annexation. The Project meets the Development Standards for the designated Land Use and Zoning.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-3.2.

Policy LU-3.3 City/town standards in SOIs. Upon negotiation with individual jurisdictions, we may require new development in unincorporated municipal sphere of influence areas to apply the improvement standards for roads and sidewalks of the incorporated jurisdiction.

Analysis:

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-3.3

Goal LU-3 Annexations and Sphere Development

Annexations and development in spheres of influence that improve the provision of public services to incorporated and unincorporated residents and businesses.

Findings & Conclusion: The proposed Project is consistent with Goal LU-3.

Goal LU-4 Community Design

Preservation and enhancement of unique community identities and their relationship with the natural environment.

Policy LU-4.1 Context-sensitive design in the Mountain/Desert regions. We require new development to employ site and building design techniques and use building materials that reflect the natural mountain or desert environment and preserve scenic resources.

Analysis: The proposed Project consists of placement of Freight Containers and their storage which does not require construction of new buildings. Site screening and buffering is incorporated into the site plan as required by the applicable Development Code for the allowable land use.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.1.

Policy LU-4.2 Fire-adapted communities. We require new development in high or very high fire hazard severity zones to apply fire-resistant design techniques, including fuel modification areas, fire resistant landscaping, and fire-resistant building materials.

Analysis: The project site is located within a “Moderate” fire hazard severity zone as depicted on CPP Policy Map HZ-5 Fire Hazard Severity Zone. Buildings are not being constructed.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.2.

Policy LU-4.3 Native or drought-tolerant landscaping. We require new development, when outside of high and very high fire hazard severity zones, to install and maintain drought-tolerant landscaping and encourage the use of native species.

Analysis: The project site is located within a “Moderate” fire hazard severity zone as depicted on CPP Policy Map HZ-5 Fire Hazard Severity Zone. Buildings are not being constructed. Consequently, the Policy is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.3.

Policy LU-4.4 Natural topography in the Mountain region. We require new development in the Mountain region to retain natural topography and minimize grading unless it is necessary to reduce exposure to natural hazards. Consequently, the Policy is not applicable.

Analysis: The project site is located in the Desert region. Consequently, the Policy is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.4.

*Policy LU-4.5 **Community identity.** We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.*

Analysis: The proposed project is located outside of the Communities listed in Table LU-3. Additionally, the proposed project does not include new building development.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.5.

*Policy LU-4.6 **Adaptive reuse.** We encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the unique sense of place, identity, and history of our communities.*

Analysis: The project site does not have any existing structures. Therefore this Policy is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.6.

*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.*

Analysis: The project is not proposing nighttime lighting and will therefore preserve views of the night sky.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.7.

*Policy LU-4.8 **Public gathering spaces.** We require the development of safe and attractive public gathering spaces that facilitate social interaction, community events, and physical activity in master planned communities, large residential developments, and large commercial developments.*

Analysis: The project is not a large residential development nor a large commercial development. Consequently Policy LU-4.8 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.8.

*Policy LU-4.9 **CPTED.** We require public gathering spaces to use CPTED (crime prevention through environmental design) principles and ensure sufficient access for public safety services.*

Analysis: The proposed land use is on private property and does not include nor require public gathering spaces. Consequently Policy LU-4.9 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.9.

Policy LU-4.10 Entry monumentation, signage, and public art. We encourage the installation of durable signage, entry monumentation, and/or works of public art in commercial areas of unincorporated Community Planning Areas as a means of reinforcing a community's character, culture, heritage, or other unique features.

Analysis: The proposed land use is not a commercial land use. An entry monument sign is not proposed. Consequently Policy LU-4.10 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.10.

Policy LU-4.11 Businesses in Joshua Tree. We prohibit the establishment of franchise businesses in the commercial focus area/franchise-restricted in Joshua Tree to preserve the unique community character and its value as a year-round, world renowned tourist destination.

Analysis: The proposed Project is not located within Joshua Tree. Consequently, Policy LU-4.11 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-4.11.

Goal LU-4 Community Design

Preservation and enhancement of unique community identities and their relationship with the natural environment.

Findings & Conclusion: The proposed Project is consistent with Goal LU-4 Community Design.

Goal LU-5 Military Mission

The federal government maintains and invests in military facilities and operations in the county to further the mission of national defense, thereby generating employment opportunities for residents and commercial opportunities for businesses in the county.

Policy LU-5.1 Military land use compatibility. We coordinate with military stakeholders to ensure compatible land uses in areas where military operations on or off installations could affect public health and safety, or where civilian activities could have an impact on current or future military operations. We will coordinate with military stakeholders to resolve existing land use conflicts and protect public safety in the Military Influence Overlay.

Analysis: The proposed Project site is not located within the Military Influence Overlay as depicted on the Countywide Policy Plan Policy Map LU-3 Military Influence Overlay. Consequently, Policy LU-5.1 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.1.

*Policy LU-5.2 **Military Influence Overlay.** We require conditional use permits for projects within the Military Influence Overlay that could penetrate the defined floor elevation of the military airspace, or that could encroach upon military operations. We consider how development of roads and infrastructure within the Military Influence Overlay will promote growth that might lead to incompatible land use.*

Analysis: The proposed Project site is not located within the Military Influence Overlay as depicted on the Countywide Policy Plan Policy Map LU-3 Military Influence Overlay. Consequently, Policy LU-5.1 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.2.

*Policy LU-5.3 **Open space for military activity and buffering.** We engage with military installations to preserve open space areas to facilitate military training and operations and to buffer civilian areas from military activity.*

Analysis: The project is within civilian owned land and buffered by the railroad on the east, screening and buffering on the north and civilian owned land on the west therefore Policy LU-5.3 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.3.

*Policy LU-5.4 **Ranged activities and projects.** We require activities and projects that can exert impacts beyond project boundaries, such as renewable energy facilities, wireless communication systems, and unmanned aircraft systems, to coordinate with military installations in preliminary planning and throughout the project's construction stages and long-term operation.*

Analysis: The proposed Project site is not located within the Military Influence Overlay as depicted on the Countywide Policy Plan Policy Map LU-3 Military Influence Overlay. The proposed land use is for onsite freight container storage and does impact beyond Project boundaries and will not impact renewable energy facilities, wireless communication systems, and unmanned aircraft systems.

Coordination with military installations in preliminary planning and throughout the project's construction stages and long-term operation will not be necessary.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.4.

*Policy LU-5.5 **Transportation and infrastructure.** We consider military needs for operations and training when planning and improving local and regional transportation and infrastructure systems.*

Analysis: The proposed Project will not require Transportation and infrastructure improvements.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.5.

*Policy LU-5.6 **Military partnerships.** We maintain effective partnerships among military and community stakeholders and pursue joint projects that provide long-term mutual benefits for the military, County, and general public.*

Analysis: The proposed Project site is not located within the Military Influence Overlay as depicted on the Countywide Policy Plan Policy Map LU-3 Military Influence Overlay. The project is within civilian owned land and buffered by the railroad on the east, screening and buffering on the north and civilian owned land on the west therefore Policy LU-5.3 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.6.

*Policy LU-5.7 **Economic development opportunities with the military.** We leverage our relationship and increased coordination with the military to expand employment and commercial opportunities with military agencies.*

Analysis: The proposed Project site is not located within the Military Influence Overlay as depicted on the Countywide Policy Plan Policy Map LU-3 Military Influence Overlay. The project is a Freight Container Storage land use not a commercial land use located within civilian owned land and buffered by the railroad on the east, screening and buffering on the north and civilian owned land on the west therefore Policy LU-5.3 is not applicable.

Findings & Conclusion: Therefore, the proposed Project is consistent with Policy LU-5.7.

Goal LU-5 Military Mission

The federal government maintains and invests in military facilities and operations in the county to further the mission of national defense, thereby generating employment opportunities for residents and commercial opportunities for businesses in the county.

Findings & Conclusion: The proposed Project is consistent with Goal LU-5.

Goal LU-6 Amendments to the Policy Plan

Analysis:

Findings & Conclusion: Therefore, the proposed Project is consistent with Goal LU-6.

Analysis: The proposed Project land use Zoning of Industrial with Extensive Buffering is consistent with the existing designated land use AV/AG and will not require a Policy Plan Amendment. Therefore, Goal LU-6 is not applicable.

Findings & Conclusion: The proposed Project is consistent with Goal LU-6.

6.0 FINDINGS

The Development Code § 82.01.020 Land Use Plan and Land Use Zoning Districts states that, *“The Land Use Plan and the Land Use Zoning District Maps have been adopted as part of the General Plan by ordinance and resolution. This Development Code implements the goals and policies contained in the General Plan and contains the development standards and regulations for the land use zoning districts.”*

The Countywide Plan County Policy Plan October 2020 is the County General Plan (CPP). The CPP “Tables Land Use Categories and Zoning” [pg. 7] sets forth the methodology by which land use and zoning is administered. This section states the following:

“Land Use Categories and Zoning

The County plans and regulates land uses using a two-map system for the unincorporated land in San Bernardino County. In the Policy Plan, a set of broad Land Use Categories provide long-term guidance and direction for the overall distribution, intensity, and compatibility of development in the unincorporated county areas.

The Policy Plan provides the basis for and is implemented by the County’s Development Code, which includes a set of Land Use Zoning Districts that establishes detailed land use districts, intensities, requirements, and standards. The Land Use Zoning Districts must be consistent with the Land Use Categories.

While unincorporated areas administered and/or controlled by federal, tribal, and state governments are generally outside of the County’s land use authority, the two-map system is applied to these areas to convey the long-term land use plans of said entities and provide complete coverage of the unincorporated lands. The Land Use Categories and Zoning Districts would also directly govern land use if the federal, tribal, or state governments relinquished control over any of these lands in the future.

Table LU-1 summarizes the Policy Plan Land Use Categories, including the permitted density/intensity range, the primary purpose of each category, and a list of typical permitted uses. Table LU-2 depicts the implementing Land Use Zoning Districts for each Land Use Category”.

The County has a two-plan system for land use and zoning. The General Plan Land Use Plan for the General Plan Land Use Zoning Districts and the Countywide Policy Plan Land Use Element Land Use Plan. The proposed Project was designed in accordance with the applicable Development Code Sections for both.

The designated Land Use is RLM. The implementing zoning district is AG-Agriculture. The designated zoning is AV/AG – Apple Valley Sphere of Influence/Agriculture.

The applicable development code sections pertaining to the Apple Valley Sphere of Influence were analyzed for applicability of the proposed use. Section 82.20.040 exceptions are not applicable; Section 82.22.040 (a) and (b) are applicable. The allowed uses listed in Section 82.22.040 Table 82-4 of Industrial Use requiring extensive buffering with a CUP is an allowable use. The proposed use of Freight Container Storage is defined under Development Code Division Definitions (I) as “Allowed Land Uses and Permit Requirements” in Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of “Industry, Manufacturing & Processing, Wholesaling”. **Section 82.02.030 Industrial Land Use Division 2** was analyzed for consistency with the proposed land use which then refers to Section 82.060.040 Industrial and Special Purpose Land Use Zoning District Allowed Uses and Permit Requirement.

CONDITIONAL USE PERMIT

The proposed Land Use of Freight Container Storage is allowable as an Industrial Use under a Conditional Use Permit. Development Code **Chapter 85.06 CONDITIONAL USE PERMIT/MINOR USE PERMIT sets** forth the requirements and regulations for a CUP.

The General Findings pursuant to **§85.06.040 Findings Required** are analyzed for consistency as follows:

§85.06.040 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 or Minor Use Permit application.

- (1) The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.

Findings: The proposed Site Plan has been designed in accordance with the applicable Development Code requirements for the intended use. The intended use of Freight Container Storage will employ 2 persons. Parking space have been provided, natural undisturbed open space is provided, required screening buffering has been incorporated as required as shown on Exhibits A and B. Adequate fire access has been incorporated and approved by the Apple Valley Fire Protection District. **Therefore, this finding is justified and true.**

- (2) The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.

Findings: The site access is from Deep Creek Road through a recorded Private Driveway Access pursuant to Parcel Map No. 10309 recorded by the San Bernardino County Recorder in Book 112 pages 30/31 of Parcel

Instrument No. 87-026291 of Parcel Maps on January 27, 1987 attached herewith as APPENDIX 3. **Therefore, this finding is justified and true.**

- (3) The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

Findings: This Consistency Analysis has demonstrated that the proposed use is consistent with the surrounding existing land uses and designated land uses of the abutting property. Technical Studies for noise, traffic, vibration, air quality, greenhouse gas, energy, biological, cultural and aquatic resources conducted for the proposed use have concluded that there will be no impacts. The intended use is for freight container storage which are not permanent structures. There will be no site development occurring with the intended use. The use will not substantially interfere with the present or future ability to use solar energy systems. **Therefore, this finding is justified and true.**

- (4) The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.

Findings: This has demonstrated that the proposed use and consequently the lack of development is consistent with the Countywide Policy Plan land use, goals and policies, County General Plan Zoning District uses and County Development Code. **Therefore, this finding is justified and true.**

- (5) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.

Findings: The intended use is for freight container storage which does not require any additional infrastructure given the lack of development. **Therefore, this finding is justified and true.**

- (6) The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and general welfare.

Findings: The proposed site is consistent with the existing land use and has been designed in accordance with the County Development Code which protects the public health, safety and general welfare. As such any conditions pursuant to the future CUP approval would be satisfied by the project site design and Technical Studies as currently prepared. **Therefore, this finding is justified and true.**

- (7) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

Findings: The site design for outdoor freight container storage does not include nor require heating and cooling. Consequently, use of solar energy systems and passing natural heating and cooling opportunities is not applicable. *Therefore, this finding is justified and true.*

Based on the foregoing, the required findings for a Conditional Use Permit have been met.

7.0 CONCLUSIONS

This Consistency Analysis of the Proposed Land Use of Freight Container Storage for consistency with the existing Countywide Policy Plan designated Land Use, existing designated County Zoning District County Development Code and Policy Plan Land Use Element Goals and Policies has demonstrated that the Proposed Land Use is allowable in the AV/AG zone as Industrial under a Conditional Use Permit (CUP) with Screening and Buffering pursuant to Development Code §83.02.060 all as set forth in the foregoing findings. The proposed Project’s design incorporates the requirements of the Development Code for screening and buffering as depicted on FIGURES 4.2, 4.3, 4.4 & 4.5 and EXHIBITS A and B included herein.

The Countywide Policy Plan Land Use Element was thoroughly analyzed for consistency. Based on the foregoing analyses, findings and conclusions the Proposed Land Use is consistent with the Policy Plan Land Use Element.

Therefore, the proposed Land Use is consistent with the Countywide Policy Plan Land Use Designation of RLM and SCB General Plan Zoning District of AV/AG.

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APPENDIX 1

FREIGHT CONTAINER STORAGE PLANS

APPENDIX 2

SBC POLICY PLAN AND SBC MUNICIPAL CODE TITLE 8 DEVELOPMENT CODE EXCERPTS