

SAN BERNARDINO STATE ROUTE 247 CORRIDOR PROTECTION PROGRAM

For the Proposed State Scenic Highway Designation
For Four Sections of State Route 247
Between Yucca Valley and Barstow in the Mojave Desert

I. INTRODUCTION

This document is San Bernardino County's Corridor Protection Program (CPP) for segments of State Route (SR) 247. The CPP documents how existing policies and ordinances (protection measures) will protect the scenic quality along nominated segments of SR 247. The CPP was created as part of the nomination process for designating portions of the route as an official State Scenic Highway along the four most intact landscapes (see Figure 1).

The SR 247 CPP documents existing San Bernardino County (County) and federal protection measures for the [five legislatively required elements](#) listed below:

1. Regulation of Land Use and Density of Development
2. Detailed Land and Site Planning
3. Control of Outdoor Advertising
4. Careful Attention to and Control of Earthmoving and Landscaping
5. The Design and Appearance of Structures and Equipment

The five legislatively required areas are addressed in detail in the section *"The CPP's Five Areas of Protection Measures."*

II. BACKGROUND

San Bernardino County's intention to designate scenic routes like SR 247 began with the adoption of the 2007 General Plan. In 2020, the County adopted the Countywide Plan – Policy Plan and updated the County's scenic policies.

SR 247 has a local scenic route designation in the *Policy Plan* in Policy Map NR-3 Scenic Routes and Highways. In January 2015, the County updated San Bernardino County Development Code (Development Code) regulations for scenic routes, with review by and recommendations from the California Department of Transportation (Caltrans), to maintain consistency with the California *Scenic Highway Guidelines* (Ordinance attached). Policies related to industrial renewable energy projects in the County's Renewable Energy and Conservation Element provide additional protections.

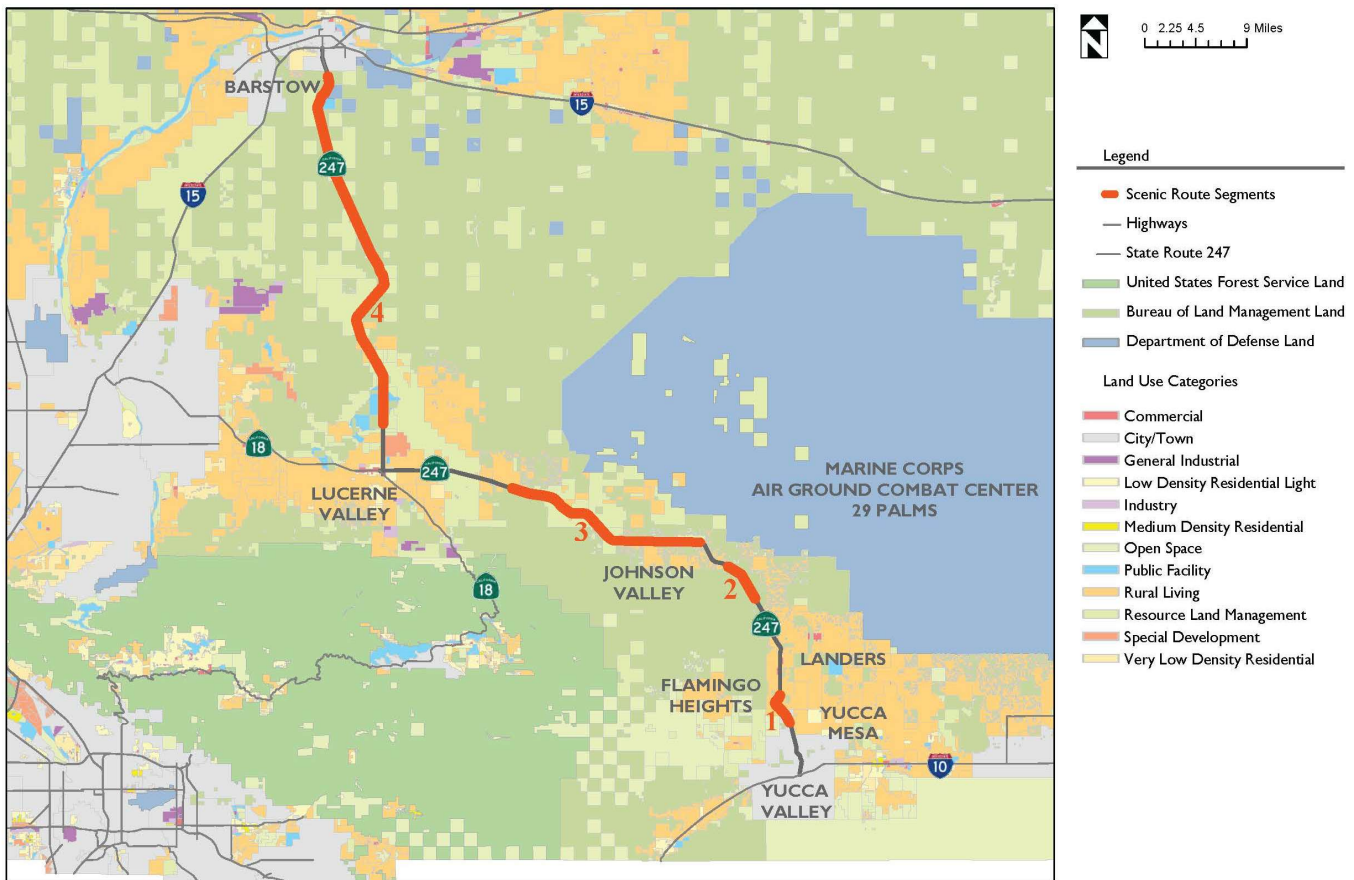
Figure 1: Map showing the four segments of State Route 247 nominated for official designation (from SR 247 Visual Assessment). These are the segments that meet the Scenic Highway Program's visual quality requirements.



The County adopted development standards to respect and balance many shared goals of County citizens. These include developing their property, conserving scenic resources, enhancing tourism opportunities within the great open spaces in the County, and providing infrastructure and services necessary for public safety and convenience.

The section of SR 247 proposed for the Scenic Highway Designation is protected by stringent land use requirements pertaining to development and visual resources. The proposed scenic corridor extends through areas which are regulated by the San Bernardino *Countywide Plan* and Development Code (see Figure 2). Pertinent policies and ordinances from each of these documents are provided in the sections below.

Figure 2: Jurisdiction and land use along proposed State Route 247 Scenic Highway



III. THE CPP'S FIVE AREAS OF PROTECTION MEASURES

This section of the CPP describes how the five legislatively required areas are addressed by County or federal protection measures. The bulk of San Bernardino County's protection measures are contained in the Countywide Plan and the associated Development Code.

SAN BERNARDINO COUNTYWIDE PLAN

The *San Bernardino Countywide Plan (Countywide Plan)* is a collection of planning tools intended to guide future decisions, investments, and improvements throughout the County. After five years of analysis and public engagement, the *Countywide Plan* was adopted in October 2020. Two components of the *Countywide Plan* are the *Policy Plan*, which supersedes the 2007 *General Plan*, and strategic planning documents called "[Community Action Guides](#)."

The *Policy Plan* considers all services provided by County Government and is composed of goals, policies, tables, and maps. Six of the 11 elements include goals and policies related to scenic resources or development that could affect scenic resources. The Community Action Guides communicate the unique values and priorities of each unincorporated community, including topics that influence scenic and visual quality.

In the following discussion of the five legislatively required areas of scenic quality protection, the CPP discusses the protection measures listed in any of the above referenced plans or guides as "Countywide Plan" language. Hyperlinks are provided for more information as appropriate.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

The purpose of the San Bernardino County Development Code is to implement the *Countywide Plan* by classifying and regulating the uses of land and structures within unincorporated San Bernardino County; by preserving and protecting the County's important agricultural, cultural, natural, open space and scenic resources; and by protecting and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County. The Development Code provides standards and guidelines to conserve and protect the County's important agricultural, cultural, natural, open space, and scenic resources.

1. Regulation of Land Use and Density of Development

(i.e., density classifications and types of allowable land uses)

In a December 9, 2021, [Land Use Services Department Planning Commission Staff Report](#), it states that: “Ninety-five percent of the land area adjacent to the corridor of [State Route 247](#) between Yucca Valley and Barstow is Resource/Land Management (approximately 70 percent) or Rural Living (approximately 25 percent). The larger viewshed also includes large areas of Open Space with minimal amounts of industrial, commercial and public facilities land uses. Resource/Land Management and Open Space are federally owned land under the jurisdiction of the Bureau of Land Management or the U.S. Forest Service. Development on those lands would be under their policies, plans and codes. Regardless of the ownership, these areas allow for rural development such as parks, recreation, public facilities, mineral extraction, and commercial agriculture. Depending on the type of development, they would be developed under the scenic, open space and/or renewable energy code requirements. Developments allowed in the Rural Living category is limited to single-family homes and accessory structures on large lots from 2.5 acres to 40 acres.”

COUNTYWIDE PLAN

[Land Use Element](#)

How the County accommodates development and arranges land use is critical to achieving the Countywide Vision. The County only has land use authority over approximately 12 percent of unincorporated lands (the balance is primarily under federal control). As the regional service provider and municipal government, the County must plan for uses and development that adds value to its communities and the overall county, in terms of function, design, and fiscal return. The County can best serve our communities, businesses, institutions, and visitors by focusing new development in and around cities, towns, and communities with access to infrastructure and services, while preserving natural open spaces that define San Bernardino County and our way of life.

Goal LU-4 Community Design: Preservation and enhancement of unique community identities and their relationship with the natural environment.

Policy LU-4.5 Community identity The County requires 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, the County considers the aspirations section of Community Action Guides when reviewing new development.

Land Use Element Tables

Community Character

The County contains dozens of unincorporated communities. In the evaluation of proposed development, the County uses standards and guidance in the Development Code and goals and policies from the *Policy Plan* to determine whether a proposed development would positively reinforce or negatively affect the desired community character and identity of an unincorporated community. Although the goals and policies throughout the entire *Policy Plan* may apply, those contained in the Land Use Element will commonly be the initial reference points.

In particular, *Policy LU-4.5* directs the County to ensure that new development is consistent with the physical and historical character and identity of an unincorporated community planning area. This policy also directs the County to ensure consistency with the values and aspirations as defined by each community in their Community Action Guides. When determining the consistency of new development with a community's character, the County refers to Table LU-3 (below) from the *Policy Plan* to identify the key community characteristics and features that new development should reinforce.

Table LU-3. Community Character

Community Category	Key Characteristics and Features
Rural Desert Communities Baker, El Mirage, Homestead Valley ⁵ , Lucerne Valley, Morongo Valley, Newberry Springs, Oak Hills, Pioneertown ⁶ , Phelan/Pinon Hills	• A rural lifestyle characterized by the predominance of large lots, limited commercial development, and the prevalence of the desert landscape and natural resources. • Abundant views of open spaces, natural features, and dark skies. • Scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists. • Small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. • Mining of mineral resources with minimal negative impacts on local residents.

Homestead Valley includes Flamingo Heights, Johnson Valley, Landers, Yucca Mesa. Pioneertown includes Gamma Gulch, Pioneertown, Pipes Canyon, Rimrock.

Land Use Categories & Zoning

The County plans and regulates land uses using a two-map system for 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* 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.

The *Countywide Plan* Land Use Categories Map (Figure 2) shows the scenic corridor of SR 247 including the four sections discussed in the Visual Assessment. Approximately 70 percent of the corridor is in Resource/Land Management (RLM) and 25 percent in Rural Living (RL). The other five percent is in Commercial, Public Facility or Special Development. Outside the corridor on both sides the viewshed has large areas of Open Space with minimal General Industrial, Limited Industrial, Low Density Residential and Very Low Density Residential.

A description of the primary Land Use Categories along the corridor and in the viewshed are provided in the table below:

LAND USE CATEGORY	PRIMARY PURPOSE	DESCRIPTION OF TYPICAL USES
RLM - Resource/Land Management	• 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 (All are compatible with Scenic Corridor Protection). <i>Less compatible purposes include</i> • Provide areas for military operations and training while minimizing impacts on and from surrounding civilian uses (less compatible purposes) • Allow for limited rural development while minimizing the expansion of development outside of existing communities (less compatible purposes)	• 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
RL - Rural Living	• 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.	• Rural residential • Small-scale, non-water-intensive, and incidental agricultural • Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations and fire stations
OS - Open Space	• Provide and preserve publicly owned land for parks and open space • Manage, preserve, and protect natural areas, habitats, and wildlife corridors	• 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 & Crafton Hills
PF – Public Facility	- 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/discharge 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	- 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

The list of typical uses is also subject to and limited by policies in every element of the County *Policy Plan*, as noted in the above Land Use Category table LU-1. 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.

The Countywide Plan modified some of the Land Use Categories along the route that may not be compatible in varying degrees with the scenic values expressed in the Policy Plan. The land use category changes were made based on the existing uses and/or ownership of the parcels. The historic land uses in the area include ranching, recreation and mining, which can have noticeable visual effects on the landscape, historically and in the future.

The Zoning Map will be adopted in 2025 in conjunction with the new Land Use Tables and code consistent with the current Land Use Map. The table below identifies the implementing zones for the various land use categories. The main difference between the one-map and two-map systems is that the land use defines an area where the use is currently taking place or we allow the use, while the zoning is a finer definition of the land use based on the existing development or best location for future development.

Land Use Category		Implementing Zoning Districts
Rural Living	RL	Rural Living: RL, RL-5, RL-10, RL-20, RL-40
Very Low Density Residential	VLDR	Single Residential: RS-1, RS-20M
Low Density Residential	LDR	Single Residential: RS-14M, RS-10M, RS
Commercial	C	General Commercial: CG Neighborhood Commercial: CN Rural Commercial: CR
Limited Industrial	LI	Community Industrial: IC

General Industrial	GI	Regional Industrial: IR
Special Development	SD	Special Development: SD
Public Facility	PF	Floodway: FW Institutional: IN
Resource/Land Management	RLM	Agriculture: AG Resource Conservation: RC
Open Space	OS	Open Space: OS Resource Conservation: RC

Visual Assessment and Land Use Categories

The largest Land Use Category designation within the viewshed for SR 247 is Resource/Land Management and Open Space. Other Land Use Category designations along SR 247 are minimal and their intrusions are considered minor. The Visual Assessment is included as Appendix B.

Included in the viewshed of Section 4 (see Figures 1 and 2), north of the unincorporated community of Lucerne Valley, there are three Land Use Category designations (Public Facility, General Industrial and Limited Industrial) that allow development in varying degrees. For example, the blue area just south of Barstow is an existing pit for San Bernardino County to mine sand for transportation projects and the large area in blue within the Lucerne Valley planning area is a dry lake, which is part of the floodway system for the County. In addition, the same area is traversed by three transmission lines which are considered minor intrusions. Any increase in transmission lines or additional substations within this area could impact scenic values.

Areas of purple south of Lucerne Valley and on the north slopes of the Granite Mountains to the west are areas of mining operations and related facilities. The mine workings are visible from SR 247 and are expected to continue for an additional 30-50 years.

[Housing \(H\) Element](#)

The County's 2021–2029 Housing Element contains goals, policies, and programs to address state law requirements and the needs of our unincorporated communities. The County also provides housing services to the entire county through the Housing Authority and Community Development & Housing Agency. The goals and policies below are from the current Housing Element.

Goal H-3 Housing and Neighborhood Quality

Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.

Policy H-3.1 Public services, amenities, and safety. We support the provision of adequate and fiscally sustainable public services, infrastructure, open space, nonmotorized transportation routes, and public safety for neighborhoods in the unincorporated area.

Policy H-3.2 Code enforcement. We support the timely removal of neighborhood blight through graffiti abatement, abandoned or inoperative automobile removal, trash and debris removal, housing repair, and other code enforcement efforts.

Policy H-3.3 Housing maintenance. We establish and enforce public health, safety, building, and zoning standards to ensure housing and property maintenance that yields safe, sound, and attractive residential properties.

Transportation & Mobility (TM) Element

A large and diverse multimodal transportation network serves residents, businesses, and visitors throughout San Bernardino County. The efficiency of this transportation network is a key asset to businesses operating in the county and influences the quality of life experienced by residents.

While cars and trucks are expected to be the dominant mode of transportation throughout the lifetime of this plan, we recognize the need to invest in robust alternatives for residents, including complete streets, public transit systems, and off-street networks that promote walking and bicycling. With dozens of communities spread across 20,000 square miles and four subregions, we must also design transportation and mobility systems to be sensitive to the local and environmental context.

Goal TM-2 Road Design Standards: Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.

Policy TM-2.1 Context sensitive approach We maintain and periodically update required roadway cross sections that prioritize multi-modal systems inside mobility focus areas (based on community context), and vehicular capacity on roadways outside of mobility focus areas (based on regional context).

Policy TM-2.2 Roadway improvements We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code.

Additional standards may be required in municipal spheres of influence.

Policy TM-2.5 Context-based features When making road improvements, we provide feasible, context-based transportation features (including vista areas along scenic routes).

Natural Resources (NR) Element

The County's abundant natural resources are integral to our quality of life, community identities, and economic success. Natural resources include agricultural/grazing lands, watersheds, minerals, native plants and wildlife, and plant and wildlife habitat areas. Appropriately managed, they provide safe air and water for our people and the environment, improve the health of our residents and workers, attract visitors from around the world, and sustain the productivity of our local and national economies.

The County also sets standards and applies designations to preserve the varied scenic resources across the unincorporated lands. The protection and conservation of biological resources is primarily regulated and controlled by state and federal agencies, with the County enforcing state and federal laws.

The County is the lead agency for mining activity on all private and public lands in unincorporated areas and facilitates the extraction of mineral resources while minimizing adverse effects on the environment and communities. Although the rich agricultural lands of the Valley region were long ago urbanized, the County promotes the preservation and continued viability of remaining agricultural resources and farming operations.

Goal NR-3 Open Space, Parks, and Recreation: A system of well-planned and maintained parks, trails, and open space that provides recreation opportunities for residents, attracts visitors from across the region and around the country, and preserves the natural environment.

Policy NR-3.1 Open space preservation. We regulate land use and coordinate with public and nongovernmental agencies to preserve open space areas that protect natural resources, function as a buffer against natural hazards or between land uses, serve as a recreation or tourist destination, or are central to the identity of an unincorporated community.

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

Policy NR-3.3 Management of designated areas. We coordinate with public and nongovernmental agencies to sustainably manage and conserve land within or adjacent to locally-, state-, or federally-designated open space or resource conservation areas.

Policy NR-3.4 Land exchange. We coordinate with state and federal agencies to exchange publicly owned lands in order to provide additional areas for open space, recreation, and resource protection. We also request the right of first refusal on publicly owned lands made available for purchase to the public.

Policy NR-3.5 Private conservation efforts. We support nongovernmental organizations and private entities who purchase, own, maintain, and expand areas for conservation and preservation. We also support the voluntary transition of privately held lands within a larger boundary designated by the state or federal government for open space and resource conservation to public ownership.

Goal NR-4 Scenic Resources: Scenic resources that highlight the natural environment and reinforce the identity of local communities and the county.

Policy NR-4.1 Preservation of scenic resources We consider the location and scale of development to preserve regionally significant scenic vistas and natural features, including prominent hillsides, ridgelines, dominant landforms, and reservoirs.

Policy NR-4.2 Coordination with agencies. We coordinate with adjacent federal, state, local, and tribal agencies to protect scenic resources that extend beyond the County's land use authority and are important to countywide residents, businesses, and tourists.

Renewable Energy (RE) and Conservation Element

The County government has jurisdictional control over nearly 2 million acres of land representing 12% of total land within the county boundary, exclusive of incorporated cities and public land under the control of state or federal agencies. Much of this total has potential for renewable energy (RE) generation facility siting.

Renewable resources available in the county include biomass fuels, wind, and solar energy. Various technologies are available to convert these renewable energy sources into a usable form of energy. Existing technologies and facilities in the county vary in scale and intensity. The majority of existing renewable energy production in the county occurs at large facilities that supply energy to the statewide power grid for consumption throughout California and beyond.

Although renewable energy provides a path to a clean energy future, RE facilities have the potential to cause unintended negative effects on sensitive biological species and habitat, visual resources, cultural resources, and nearby communities. To achieve a clean energy future that minimizes negative effects consistent with local values, the County has considered how to reduce energy use through energy efficiency and conservation measures. The County has identified renewable energy facility standards that concentrate on community-oriented RE facilities that produce electricity for local consumption.

Core Values

Conservation of Natural and Cultural Resources: Stewardship that conserves and responsibly uses environmental, scenic, recreational, and cultural assets, ensures healthy habitats for sensitive plants and wildlife, enhances air quality and makes the county a great place for residents and visitors alike. Renewable energy, when developed responsibly, is a valuable natural resource.

Goal RE-4 Environmental Compatibility: The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.

RE Policy 4.5: Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable (i.e., with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses.

RE Policy 4.10: Prohibit utility-oriented RE project development on sites that would create adverse impacts on the quality of life or economic development opportunities in existing unincorporated communities. Any exceptions or revisions to the following policy direction would require approval by the Board of Supervisors.

RE 4.10.1: Prohibit development of utility oriented RE projects in the Rural Living land use districts throughout the County.

RE 4.10.2: Prohibit development of utility-oriented RE projects within the boundaries of existing community plans, which at the time of adoption of this Element are the Bloomington, Muscoy, Bear Valley, Crest Forest, Hilltop, Lake Arrowhead, Lytle Creek, Oak Glen, Homestead Valley, Joshua Tree, Lucerne Valley, Morongo Valley, Oak Hills and Phelan/Pinon Hills Community Plans.

The above policies do not preclude the construction of new solar development. Community oriented solar would be allowed. A community solar facility is one that provides most (51%) of its power off-site within the local community (up to 60 acres and no more than 10MW energy generation). The proposed project must meet the criteria as outlined in the RECE Chapter III - *Community Oriented Renewable Energy* and provide evidence of acceptance into the SCE Community Renewables Program. Mitigation for impacts from community oriented solar is addressed through the policies below.

Goal RE-5 Siting: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.

RE Policy 5.7: Support renewable energy projects that are compatible with protection of the scenic and recreational assets that define San Bernardino County for its residents and make it a destination for tourists.

RE 5.7.1: Site RE generation facilities in a manner that will avoid, minimize or substantially mitigate adverse impacts to sensitive habitats, cultural resources, surrounding land uses, and scenic viewsheds.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

Chapter 82.19: Open Space (OS) Overlay

82.19.010 Purpose

The Open Space (OS) Overlay is created to address the issue of open space from many perspectives. It does not simply protect natural open space areas for wildlife; the Open Space Overlay strikes a balance between the needs of an urbanizing County and the many uses, which require open lands. The following are descriptions of the many types of open space considered in the overlay:

- (a) *Natural Resources*. Open space for the protection of natural resources encompasses a variety of areas, which are required to maintain biological diversity, to protect significant natural features, and to ensure that future generations will have access to a quality “natural” experience.
- (b) *Scenic Resources*. Scenic areas in the County contain vistas that rival many found elsewhere in the State and the nation. These scenic resources can be deteriorated by increased urbanization along scenic corridors. The Open Space Overlay seeks to preserve these resources and to provide additional opportunities for the public to enjoy these pleasing features.

82.19.030 Special Requirements for Natural Resources

Areas designated for Wildlife Corridors, Special Policy Areas or Buffer Zones: When a land use is proposed, or an existing land use is increased by more than 25 percent of disturbed area within a OS Overlay designated as a wildlife corridor, special policy area or buffer zone, the land use application shall include a biotic resources report or other special report as appropriate for the subject area prepared as follows, except where the Director finds that prior environmental studies approved by the County have determined that the site does not contain viable habitat.

Chapter 83.05: Dedications and Installations of Street and Trail Improvements

83.05.040 Dedication and Installation of Trail Right-of-Way.

- (c) Development Standards. (2) The scenic corridor on either side of a proposed trail route, measured from the outside edge of the right-of-way, trail, or path shall be identified. Development along the scenic corridor shall be compatible with existing scenic qualities.

BLM LAND USE PLANNING

The BLM manual “[*1601 – Land Use Planning*](#)” states that: “The BLM’s mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Land use plan decisions will further this mission by identifying desired outcomes and actions that restore and maintain the health of the land; preserve natural and cultural heritage; reduce threats to public health, safety, and property; and provide opportunities for environmentally responsible recreational and commercial activities.”

“When making land use plan decisions, the BLM will consider information from all available sources, including scientific data gained from resource assessments, information regarding

ecosystem protection and restoration needs, the reasonably foreseeable development of consumptive and non-consumptive uses, and social and economic information.”

It continues: “These plans help ensure that the public lands are managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water, and archaeological values” (Section 02 Objectives).

2. Detailed Land and Site Planning

(i.e., permit or design review authority and regulations for the review of proposed developments)

Analysis of Land Use Categories Impacts and Mitigation of these Impacts.

Permit or design review authority and regulations for the review of proposed developments is described below for each of the County’s land uses.

1. Rural living (RL) allows for rural residential development set in expansive areas of open space that reinforce the rural lifestyle while preserving the County’s natural areas. This land use category allows for 1 dwelling unit per 2.5 acres. This rural residential type of development may negatively impact the scenic corridor by developing some of the currently undeveloped lands. This will be mitigated through building permit review which will require the residential development to adhere to the setback and lot coverage standards of the zoning.
2. Very Low Density Residential (VLDR) allows for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. This land use category allows for 2 units per acre. Very Low Density Residential is more dense than Rural Living and would allow for more development to occur in a smaller footprint, which could negatively impact the scenic corridor. This will be mitigated through building permit review similarly to Rural Living by requiring that residential development meet the setback and lot coverage standards of the zoning.
3. Low Density Residential (LDR) promotes conventional suburban residential neighborhoods that support and are served by common infrastructure, public facilities and services. The allowed density in this land use category is 2 to 5 units per acre. This increase in density is a higher type density and could negatively impact the scenic corridor. Proposed land divisions such as parcel and tract maps will be reviewed by Land Use Services staff for adherence to the density restrictions in the <i>Countywide Plan</i> land use category and conformance to the site development and infrastructure standards of the Development Code.
4. Medium Density Residential (MDR) provides areas for a wide range of densities and housing types. Medium Density Residential promotes 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. The allowed density in this land use category is 5 to 20 units per acre, which is the highest density allowed in a residential zone in the <i>Countywide Plan</i>. This high density land use category could negatively impact the scenic corridor which is currently a predominantly rural corridor. This will be mitigated by requiring review of Minor Use Permit and Conditional Use Permit applications for conformance to the <i>Countywide plan</i> and Development Code.
5. Commercial (C) provides suitable locations for retail, office, and service commercial businesses that serve the needs of local residents, regional markets, and visitors/tourists. Commercial land uses would impact the corridor if developed without review standards. Commercial land uses will be reviewed through Minor Use Permit and Conditional Use Permit applications to ensure compliance with the <i>Countywide Plan</i> and Development Code.

6. Limited Industrial (LI) provides 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. This land use category also provides suitable locations for employee-intensive uses, such as research and development, technology centers, corporate offices, clean industry, and supporting retail uses. The land uses allowed under this land use category could negatively impact the scenic corridor due to the industrial nature of the land use category. This will be mitigated through review of the Minor Use Permit and Conditional Use Permit applications to ensure compliance with the development standards in the Development Code and Countywide Plan.
7. General Industrial (GI) provides 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. This land use category could negatively impact the scenic corridor due to noise, odors and truck traffic. This will be mitigated through the project review process, including environmental review and mitigation through the California Environmental Quality Act, and review of the Minor Use Permit and Conditional Use Permit applications.
8. Public Facility (PF) provides areas for public and quasi-public uses and facilities to meet current and future needs. Typical land uses in this land use category include civic and educational buildings and facilities, utility systems, channels, drainage areas and cemeteries. These land uses provide significant benefits to the local community. In addition, it could still negatively impact the scenic corridor by increasing development in the area. This will be mitigated through review of the building and infrastructure plans for conformance to the Development Code and Countywide Plan.
9. Resource/Land Management (RLM) provides for the management, preservation, and protection of natural resources such as agricultural/grazing lands, watersheds, minerals, and wildlife habitat areas, as well as open space areas not otherwise protected or preserved. Typical land uses in this land use category include single family homes on very large parcels at a density of 1 unit per 40 acres, limited and low-density commercial development, and renewable energy facilities consistent with the Renewable Energy and Conservation Element. These land uses may negatively impact the scenic corridor. This will be mitigated through the project review process, including environmental review and mitigation through the California Environmental Quality Act, and review of the Minor Use Permit and Conditional Use Permit applications.
10. Open Space (OS) provides and preserves publicly-owned land for parks and open space. This land use category also provides for the management, preservation, and protection of natural areas, habitats, and wildlife corridors. Mineral extraction may be allowed in this land use category. The extraction of the mineral resources could negatively impact the scenic corridor. All proposed mining would be mitigated through review of the proposed mining plans to ensure compliance with the approved reclamation plans, and conformance to the Development Code and Countywide Plan.
11. Special Development (SD) allows for a mix of residential, commercial, and public/quasi-public uses in rural areas. Promotes cluster type development to provide and preserve open space. This land use category allows Specific Plans and master planned development. This could negatively impact the scenic corridor. This will be mitigated through review of the Specific Plan for compliance with the Development Code and <i>Countywide Plan</i> as well as through the environmental review and mitigation through the California Environmental Quality Act.

COUNTYWIDE PLAN

Housing (H) Element

The County's Housing Element contains goals, policies, and programs to address state law requirements and the needs of our unincorporated communities. The goals and policies from

the current Housing Element that describe review mechanisms and enforcement of regulations are described below.

Goal H-3 Housing and Neighborhood Quality: Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock.

Policy H-3.1 Public services, amenities, and safety. We support the provision of adequate and fiscally sustainable public services, infrastructure, open space, nonmotorized transportation routes, and public safety for neighborhoods in the unincorporated area.

Natural Resources (NR) Element

Goal NR-4 Scenic Resources: Scenic resources that highlight the natural environment and reinforce the identity of local communities and the county.

Policy NR-4.1 Preservation of scenic resources. We consider the location and scale of development to preserve regionally significant scenic vistas and natural features, including prominent hillsides, ridgelines, dominant landforms, and reservoirs.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

Chapter 82.19: Open Space (OS) Overlay

82.19.010 Purpose

The Open Space (OS) Overlay established by 82.01.030 (Overlays) was created to address the issue of open space from many perspectives.

82.19.040 Development Criteria within Scenic Areas.

- (a) *Applicability* The criteria below shall be used to evaluate a land use proposal within a scenic area in an Open Space Overlay and shall apply to: (1) Areas with unique views of the County's desert, mountain and valley areas or any other aesthetic natural land formations. (2) An area extending 200 feet on both sides of the ultimate road right-of-way of State and County designated "Scenic Highways" as identified in the General Plan. The area covered may vary to reflect the changing topography and vegetation along the right-of-way.
- (b) *Report.* A special viewshed analysis shall be required if it is determined through the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA) that the proposed project may have a significant negative impact on the scenic values of the subject parcel. This analysis shall identify mitigation measures designed to reduce or eliminate potentially significant impacts to the viewshed.

Chapter 85.03 Application Procedures

The process required by the County to ensure compliance with goals and policies of the *Countywide Plan* is outlined in the County Development Code and includes the following:

- (1) Filing a detailed application and plot plan of the proposed development.
- (2) Completion of an Initial Study evaluating the environmental impacts of the proposed development including proposed mitigation measures to minimize all negative impacts to the greatest extent possible.
- (3) Ensure compliance with all development standards of the Development Code to include the Open Space Overlay standards.
- (4) Prepare Conditions of Approval for the project to include all required mitigation measures.
- (5) Conditionally approve the project.
- (6) Ensure compliance of all conditions prior to final occupancy.

Chapter 87.06 Subdivision Design and Improvement Requirements

87.06.030 Subdivision Design Standards

- (a) *Purpose.* This Section establishes standards for the design and layout of subdivisions, and the design, construction, or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable community plan, and any applicable specific plan.

BLM CALIFORNIA DESERT CONSERVATION AREA (CDCA) PLAN:

Related to facility siting, the CDCA provides guidance for facilities related to electrical generation, transmission, and communication sites. All maintenance and operation of existing facilities are regulated by the plan and must meet all National Environmental Policy Act (NEPA) requirements. Related to land planning, the CDCA also provides planning guidance on how to consider and preserve resources and other topics related to managing public lands.

3. Control of Outdoor Advertising

(i.e., prohibition of off-premise advertising signs and control of on-premise advertising signs)

COUNTYWIDE PLAN

Natural Resources (NR) Element

Goal NR-4 Scenic Resources: Scenic resources that highlight the natural environment and reinforce the identity of local communities and the county.

Policy NR-4.3 Off-site signage. The County prohibits new off-site signage and encourages the removal of existing off-site signage along or within view of County Scenic Routes and State Scenic Highways.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

Chapter 82.19: Open Space (OS) Overlay

82.19.010 Purpose Chapter 82.19 of the San Bernardino County Development Code establishes standards and criteria for the preservation of open space.

82.19.040 Development Criteria within Scenic Areas.

(l) Signs. On-site signs within this overlay shall be designed to reflect and preserve the unique scenic values of the scenic area. They shall not exceed 100 square feet in area. This on-site sign size requirement only applies to new on-site signs approved after January 15, 2014. No on-site signs existing prior to January 15, 2014, will be considered illegal or abandoned based upon the requirements of this subsection. The provisions of Chapter 83.13 (Sign Regulations) are applicable to the signs regulated by this subsection. The provisions of Chapter 83.13 and the environmental review required for all discretionary projects will ensure that the scenic quality of properties located within the overlay will be addressed.

4. Careful Attention to and Control of Earthmoving and Landscaping

(i.e., grading ordinances, grading permit requirements, design review authority, landscaping and vegetation requirements)

COUNTYWIDE PLAN

Land Use Element

How the County accommodates development and arranges land use is critical to achieving the Countywide Vision. While the county may appear to have a limitless supply of land, the County only has land use authority over approximately 12 percent of unincorporated lands (the balance is primarily under federal control).

As the regional service provider and municipal government, the County must plan for uses and development that adds value to its communities and the overall county, in terms of function, design, and fiscal return. The County can best serve our communities, businesses, institutions, and visitors by focusing new development in and around cities, towns, and communities with access to infrastructure and services, while preserving natural open spaces that define San Bernardino County and our way of life.

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.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

Chapter 83.04: Conditional Grading Compliance & Chapter 83.08 Hillside Grading Standards

Chapters 83.04 and 83.08 establish regulations for development in relation to grading:

- Ensure development in the hillside areas is designed to fit the existing landform.
- Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines and rock outcrops.
- Alternative approaches to conventional grading practices should be considered by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., landform, scenic quality, slopes, and vegetation).

83.08.040 Hillside Grading Standards

(a) *Landform Grading and Revegetation Standards.* Incorporation of the basic principles of the landform grading and revegetation concept in the design and construction of hillside development projects shall be required so that they will be in harmony with the natural topography and reflect existing plant distribution patterns. The general principles of landform grading and revegetation include the following elements: (1) The basic land plan

flows with the natural topography rather than against it. This means that street patterns and building pad configurations follow the underlying topographic features rather than cutting across them. (2) Manufactured Sites. (A) All manufactured cut and fill slopes exceeding 15 feet in height, which will be either exposed to permanent view or are adjacent to environmentally sensitive areas, shall be designed with features characteristic of natural slopes so that their ultimate appearance will resemble a natural slope. This shall include slopes along streets and highways, slopes adjacent to parks, schools, open spaces, and other public facilities, and other prominent and highly visible slopes.

Chapter 82.19: Open Space (OS) Overlay

82.19.010 Purpose. Open Space Overlay

(b) *Scenic Resources.* Scenic areas in the County contain vistas that rival many found elsewhere in the State and the nation. These scenic resources can be deteriorated by increased urbanization along scenic corridors. The Open Space Overlay seeks to preserve these resources and to provide additional opportunities for the public to enjoy these pleasing features.

82.19.040 Development Criteria within Scenic Areas.

Scenic areas are defined to be, per Section 82.19.040 (a) (1): (1) Areas with unique views of the County's desert, mountain and valley areas or any other aesthetic natural land formations.

(d) *Review Area.* Land development proposals, including but not limited to residential facilities, commercial activities and mobile home parks/manufactured home land-lease communities, shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of development proposals shall also provide for maintenance of a natural open space parallel to and visible from the right-of-way.

(f) *Landscaping.* The removal of native vegetation, especially timber, shall be minimized and replacement vegetation and landscaping shall be compatible with the local environment and, where practicable, capable of surviving with a minimum of maintenance and supplemental water. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.

(i) *Grading.* The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, and which are capable of surviving with a minimum of maintenance and supplemental water.

(j) *Timber harvesting.* Timber harvesting within or adjacent to the right-of-way shall be limited to that which is necessary to maintain and enhance the quality of the forest. [The

S.R.247 Scenic Corridor covers Mojave Desert and transitional mountain slopes hosting protected Joshua Tree and Juniper forests.]

- (k) *Storage Areas.* Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscaping and plantings that are compatible with the local environment and are capable of surviving with a minimum of maintenance and supplemental water.

Chapter 88.01 Plant Protection and Management

88.01.010 Purpose: This Chapter provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership. The intent is to:

- (a) Promote and sustain the health, vigor and productivity of plant life and aesthetic values within the County through appropriate management techniques.
- (b) Conserve the native plant life heritage for the benefit of all, including future generations.
- (c) Protect native trees and plants from indiscriminate removal and to regulate removal activity.
- (d) Provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources.
- (e) Protect and maintain water productivity and quality in local watersheds.
- (f) Preserve habitats for rare, endangered, or threatened plants and to protect animals with limited or specialized habitats.

88.01.050 Native Tree or Plant Removal Permits.

- (a) *When Tree or Plant Removal Permit Required.* A Tree or Plant Removal Permit shall be required for the removal of a regulated tree or plant as identified in this Chapter. (1) *Removals in Conjunction with Land Use Application or Development Permit - Director Approval.* The Director may approve the removal of regulated trees or plants when requested in conjunction with a land use application, a Building Permit, and all other development permits (e.g., Grading Permits, Mobile Home Setdown Permits, etc.). An approved land use application and/or development permit shall be considered to include a Tree or Plant Removal Permit, if the land use application or development permit specifically reviews and approves the removals. The review of a land use application or development permit shall consider and require compliance with this Chapter. (2) *Removals Not in Conjunction with Land Use Application or Development Permit - Director Approval.* The Director may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants requested not in conjunction with a land use application or development permit. (3) *Removals to Mitigate Fire Hazards - Fire Chief Approval.* The Fire Chief may approve a Tree or Plant Removal Permit for the removal of regulated trees or

plants when requested for the purposes of mitigating fire hazards and independent of a land use application or development permit.

(b) *Expert Certification*. The applicable review authority may require certification from an appropriate arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and in compliance with this Chapter. The certification shall include the information in compliance with Department procedures.

(c) *Preconstruction Inspections*. A preconstruction inspection before approval of development permits shall be required in areas with regulated trees or plants to determine the presence of regulated trees and plants. The preconstruction inspection may be combined with any other required inspection.

BLM CALIFORNIA DESERT CONSERVATION AREA (CDCA) PLAN:

The CDCA states “Although a common attribute of deserts is the sparseness of plant cover, plants are very important to the desert ecosystem and to its aesthetic aspect.” The CDCA has guidance regarding harvesting and preserving vegetation, with special guidance for preserving rare, threatened, and endangered plants.

5. The Design and Appearance of Structures and Equipment

(i.e., design review authority and regulations for the placement of utility structures, microwave receptors, wireless communication towers, etc.).

COUNTYWIDE PLAN

Housing (H) Element

Goal H-3 Housing and Neighborhood Quality: Includes regulations that pertain to neighborhood and housing appearances. Goal H-3: "Neighborhoods that protect the health, safety, and welfare of the community, and enhance public and private efforts in maintaining, reinvesting in, and upgrading the existing housing stock."

Policy H-3.2 Code enforcement We support the timely removal of neighborhood blight through graffiti abatement, abandoned or inoperative automobile removal, trash and debris removal, housing repair, and other code enforcement efforts.

Policy H-3.3 Housing maintenance We establish and enforce public health, safety, building, and zoning standards to ensure housing and property maintenance that yields safe, sound, and attractive residential properties.

Policy H-3.4 Housing rehabilitation and improvement We seek funding to facilitate the rehabilitation, repair, and improvement of single family homes, multiple family housing, and mobile homes and, if needed, the demolition of substandard housing through available loan and grant programs.

Policy H-3.6 Neighborhood improvements We support comprehensive neighborhood efforts to address housing conditions, property maintenance, infrastructure repair, public safety, landscaping, and other issues affecting the livability of neighborhoods.

Land Use Element

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.

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.

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.

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.

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.

Renewable Energy & Conservation Element

Goal RE-4 Environmental Compatibility: The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.

RE Policy 4.1 Apply standards to the design, siting, and operation of all renewable energy facilities that protect the environment, including sensitive biological resources, air quality, water supply and quality, cultural, archaeological, paleontological and scenic resources.

RE Policy 4.3 Require construction and operation of all renewable energy facilities to minimize negative effects and optimize benefits to unincorporated communities.

RE Policy 4.4 Encourage siting, construction and screening of RE generation facilities to avoid, minimize or mitigate significant changes to the visual environment including minimizing light and glare.

RE 4.4.1 Reduce visual impacts through a combination of minimized reflective surfaces, context sensitive color treatments, nature-oriented geometry, minimized vegetation clearing under and around arrays, conservation of pre-existing native plants, replanting of native plants as appropriate, maintenance of natural landscapes around the edges of facility complexes, and lighting design to minimize night-sky impacts, including attraction of and impact to nocturnal migratory birds.

SAN BERNARDINO COUNTY DEVELOPMENT CODE

Chapter 82.19: Open Space (OS) Overlay

82.19.010 Purpose. Open Space Overlay

(b) Scenic Resources. Scenic areas in the County contain vistas that rival many found elsewhere in the State and the nation. These scenic resources can be deteriorated by increased urbanization along scenic corridors. The Open Space Overlay seeks to preserve these resources and to provide additional opportunities for the public to enjoy these pleasing features.

82.19.040 Development Criteria within Scenic Areas.

(b) Report. A special viewshed analysis shall be required if it is determined through the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA)

that the proposed project may have a significant negative impact on the scenic values of the subject parcel. This analysis shall identify mitigation measures designed to reduce or eliminate potentially significant impacts to the viewshed.

- (c) *Building and Structure Placement.* Structure placement and style shall be compatible with and shall not detract from the visual setting or obstruct significant views.
- (g) *Roads, Pedestrian Walkways, Parking and Storage Areas.* A large-scale development should restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, by the placement of structures, or by landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.
- (h) *Above Ground Utilities.* Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, or by placement of structures.
- (k) *Storage Areas.* Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscaping and plantings that are compatible with the local environment and are capable of surviving with a minimum of maintenance and supplemental water.
- (m) *Wireless Telecommunication Facilities.* Wireless telecommunication facilities shall be allowed within a scenic area pursuant to Chapter 84.27 (Wireless Telecommunication Facilities) of this Code. *[Mitigation of intrusions by “camouflaged” cell towers can be improved by placement as far from the highway as possible, taking into consideration the effects of hillsides as backdrops reducing visibility.]*

Section 84.29.035 of the San Bernardino County Development Code (Required Findings for Approval of a Commercial Solar Energy Facility) lists 31 findings to determine that the location of the proposed facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses and will not lead to loss of the scenic desert qualities that are key to maintaining a vibrant desert tourist economy. In making the 31 findings of fact consideration must be given to the characteristics of the site, setting, layout and design. Some of the findings include unobtrusive and not detracting from the natural features, open space and visual qualities of the area as viewed from...roadways and highways. Proposed fencing, walls, landscaping and other perimeter features will minimize the visual impact of the project so as to blend with the environment and character of the area. The facility will minimize site grading, excavating, and filling activities and minimize ground disturbance and above ground

infrastructure. Adequate provision to maintain and promote native vegetation. The facility will avoid modification of scenic natural formations.

Chapter 84.27: Wireless Telecommunication Facilities

Chapter 84.27 of the San Bernardino County Development Code (Wireless Telecommunication Facilities) establishes guidelines for the siting of towers, antennas and related equipment.

Subsection 84.27.050 (Minimizing Impacts) ensures telecommunication facilities are located and designed to minimize their visibility. The section includes co-location and stealth facilities, separation from existing facility, ridgeline sites, non-reflective colors, camouflaging, parking, lighting, outside storage, area disturbance and power and communication lines.

General Development Standards include placement, access, utilities, etc. Structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views. Intensive land development proposals, including residential facilities, commercial activities and mobile home parks/manufactured home land-lease community, shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of development proposals shall also provide for maintenance of a natural open space parallel to and visible from the right-of-way.

Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, or by placement of structures.

84.27.050 Minimizing Impacts.

Telecommunications facilities shall be located and designed so as to minimize their visibility. To this end, all of the following measures shall be implemented for new telecommunications facilities and antennas.

- (a) *Co-Location/Stealth Facilities.* (1) No new telecommunication facilities or antennas that are visible to the general public shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless they have been designed to minimize or eliminate the visual obtrusiveness of the facility and meet all other requirements of this Chapter. New facilities that cannot meet these requirements may be approved when all of the following are provided: (A) Evidence of infeasibility of co-location on another facility or joint location in an existing antenna farm, or clear evidence that co-location on an existing facility would result in a substantial impact; and (B) Evidence of inability to stealth the facility based on technical or design considerations. (2) To avoid excessive heights of towers that are associated with co-location of antenna arrays, co-location is not required in the Mountain Region. (3) Towers that are designed to accommodate the co-location of additional providers in the future shall be initially

constructed to the lowest possible height. When additional providers are ready to be installed, the additional height needed to accommodate the extra antenna array(s) shall be constructed at that time.

- (b) *Separation from Existing Facility.* No telecommunications facility or antenna that is visible to the general public from off of the applicant's property shall be installed closer than 2,000 feet from another visible telecommunications facility or antenna without a variance, unless it is a co-location or joint location facility. This provision shall not apply to situations where either the existing or the proposed telecommunications facility or antenna within 2,000 feet uses a camouflage or stealth design approved by the County. Antennas proposed to be mounted on existing utility towers, utility streetlights and utility poles, or their substantially similar replacements shall also be exempt from this requirement.
- (c) *Ridgeline Sites.* Telecommunication facilities in areas of high visibility within sensitive viewsheds shall be sited below the ridgeline as viewed from a distance and designed to minimize their profile (e.g., screened, depressed, or located behind berms, trees, etc.).
- (d) *Non-Reflective Colors.* Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors to provide concealment of the facilities.
- (e) *Camouflaging.* For facilities that are not stealthed, telecommunication facilities and antennas and ground equipment shall blend with the predominant viewing background to the maximum extent practical, except when the treatment does not comply with Federal Aviation Authority (FAA)
- (f) *Support Facilities.* (1) Freestanding aboveground telecommunication support facilities (i.e., equipment shelters) shall be no taller than one story in height and shall be constructed to look like a structure or facility typically found in the area. (2) Where there are no structures in the immediate vicinity or for projects where a cabinet is proposed, the support facilities shall be designed and constructed to blend with the predominant viewing background or screened from view by landscaping or other method to the maximum extent practical.
- (g) *Parking.* Parking for service vehicles may be allowed on site. Paving or other surfacing shall be required in compliance with [Chapter 83.11](#) (Parking and Loading Standards). Screening shall be required where appropriate.
- (h) *Lighting.* Tower structure lighting shall be prohibited unless required by the FAA, FCC or the California Building Code (CBC). External structure and area lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
- (i) *Outside Storage.* No outdoor storage of equipment, materials or supplies shall be allowed.

Chapter 84.29: Renewable Energy Generation Facilities

84.29.010 Purpose

The purpose of this Chapter is to establish standards and permit procedures for the establishment, maintenance and decommissioning of renewable energy generation facilities. These regulations are intended to ensure that renewable energy generation facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

84.29.030 Wind Energy Development Standards.

- (a) *Height Limits.* Wind generator machine and associated meteorological tower overall height shall not exceed 500 feet. For the purposes of this Chapter, machine height shall be measured as follows: (1) Overall machine height of horizontal axis of machines shall be measured from grade to the top of the structure, including the uppermost extension of any blades. (2) Machine height of vertical axis or other machine designs shall be measured from grade to the highest point of the structure. Further restrictions may apply to ensure aviation safety.
- (b) *Setbacks and Spacing.* Wind generator setbacks shall be as follows: (1) *Setbacks Where Adjacent Parcels Contain Less than 40 Acres.* (A) A minimum wind generator setback of two times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from exterior project boundaries where the project site is adjacent to existing parcels of record that contain less than 40 acres and are not zoned as any of the compatible districts, which are as follows: RC (Resource Conservation); AG (Agriculture); FW (Floodway); RL (Rural Living); IR (Regional Industrial). (2) *Setback Where Adjacent Parcels Contain 40 Acres or More.* A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is less, shall be maintained from all exterior project boundaries. The Director may allow a reduction or waiver of this setback requirement in accordance with both of the following provisions: (A) The project exterior boundary is a common property line between two (2) or more approved wind energy projects or both properties are located within compatible districts as listed above; and (B) The property owner of each affected property has filed a letter of consent to the proposed setback reduction with the Director. (3) *Setback from Off-Site Residence(s) on Adjacent Parcels.* In all cases, regardless of parcel area, a minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 1,500 feet, whichever is greater, shall be maintained from any off-site residence. The Director may allow a reduction in this setback, not to exceed a minimum setback of one times the overall machine height, if a letter of consent from the owner(s) of record of the adjacent parcel is filed with the Director. (4) *Setback from On-Site Residences and Accessory Structures Designed for Human Occupancy.* A minimum wind generator setback of one times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any on-site residence or accessory structure designed for human occupancy. (5) *Setback from Public*

Highways and Streets, Public Access Easements, Public Trails, and Railroads. A minimum wind generator setback of one and one-half times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any publicly maintained public highway or street. A minimum wind generator setback of one times the overall machine height shall be maintained from any public access easement or railroad right-of-way. A minimum wind generator setback of 150 feet shall be maintained from the outermost extension of any blade to any public trail, pedestrian easement, or equestrian easement. (6) *Project Interior Wind Generator Spacing.* Wind generator spacing within the project boundary shall be in accordance with accepted industry practices pertaining to the subject machine.

- (c) *Compliance with Aviation Law and Department of Defense Restrictions.* The wind generator machines shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 *et seq.*). Additionally, the local Department of Defense contact person(s) shall be notified and clearance from the Department of Defense shall be required for all wind generators.
- (d) *Lighting.* Wind energy generation facilities shall be lighted in compliance with FAA (Federal Aviation Administration) regulations.

84.29.035 Required Findings for Approval of a Commercial Solar Energy Facility

- (a) In order to approve a commercial solar energy generation facility, the Planning Commission shall, in addition to making the findings required under § [85.06.040](#)(a) of the San Bernardino County Development Code, determine that the location of the proposed commercial solar energy facility is appropriate in relation to the desirability and future development of communities, neighborhoods, and rural residential uses, and will not lead to loss of the scenic desert qualities that are key to maintaining a vibrant desert tourist economy by making each of the findings of fact in Subdivision (c).
- (b) In making these findings of fact, the Planning Commission shall consider: (1) The characteristics of the commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to nearby communities, neighborhoods, and rural residential uses; and (2) The location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether within a city or unincorporated territory, or on State or Federal land.
- (c) The finding of fact shall include the following: (1) The proposed commercial solar energy generation facility is either: (A) Sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (B) Of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use. (2) Proposed fencing, walls, landscaping, and other perimeter features of

the proposed commercial solar energy generation facility will minimize the visual impact of the project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located. (3) The siting and design of the proposed commercial solar energy generation facility will be either: (A) Unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways, or (B) Located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways. (4) The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site. (28) For proposed facilities within two miles of the boundaries of a County, State or Federal agency designated wilderness area, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, the designated wilderness area.

BLM DESIGN AND APPEARANCE OF STRUCTURES AND EQUIPMENT

Lands and Renewable Energy Infrastructure

The Bureau of Land Management (BLM) has guidance regarding visual impacts of renewable energy infrastructure in [*"Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands."*](#) The manual includes best practices for siting, maintaining, and designing the appearance of solar and wind facilities. It includes additional recommendations for selecting the appropriate number and configurations of renewable energy structures.

Color of Structures and Equipment

The BLM provides guidance on color selection for a variety of purposes, including camouflaging structures for visual quality. The BLM recommends use of a BLM [*Color Chart*](#) which include paint colors based on natural tones from western landscapes.

Appendix A Public Participation

Appendix B Visual Assessment

Appendix C Other Agency Land Management Plans

Appendix D Evidence of Program Adoption