

Attachment #3

Planning Commission Minutes April 4, 2013



**SAN BERNARDINO COUNTY
PLANNING COMMISSION MEETING MINUTES
April 4, 2013**

**Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415**

COMMISSIONERS PRESENT

Randolph J. Coleman, Chair, First District
Ray Allard, Vice Chair, Second District
Elizabeth Rider, Fourth District
Audrey Mathews, Fifth District
Kerri N. Tuttle, Third District

STAFF PRESENT

Terri Rahhal, Planning Director, LUSD
Bart Brizzee, Principal Assistant County Counsel
Rochelle Brouse, Secretary, LUSD
Rosie Griffith, Tech Trainee, LUSD
David Prusch, Planner, LUSD
Vern Jones, Planning Consultant, LUSD

COMMISSIONERS ABSENT: Commissioner Kerri Tuttle, Third District, arrived at 10:02 am.

The Planning Commission Meeting of April 4, 2013 was called to order at 9:25 a.m. by Chairman Coleman. Commissioner Allard gave the invocation and Commissioner Mathews led the Pledge of Allegiance.

1. a. ADVANCE SCHEDULE:

Rochelle Brouse, Secretary, read the Advance Schedule.

b. DIRECTOR'S REPORT:

Planning Director Rahhal advised the Commission that the State of the County Address will be held Wednesday, April 10, 4:30 pm at the Citizen's Business Bank Arena. The Commission requested that staff make appointments for Commissioners Allard, Coleman, and Rider to attend. Commissioner Mathews has already made arrangements to attend.

Director Rahhal announced that LUS Staff Chris Warrick and Chris Connor have both been promoted to Senior Planner.

c. COMMISSIONERS' COMMENTS:

Commissioner Mathews extended her thanks to all for their congratulations upon receiving the Lifetime Achievement Award from the American Society of Public Administration, recently presented to her at a ceremony in New Orleans.

2. PUBLIC HEARING (Continued from March 7, 2013)

APPLICANT: Ben W. Eby

COMMUNITY: 1st Supervisorial District

PROPOSAL: Conditional Use Permit to establish a 20,000-sq. ft. covered arena with a 6,000-sq. ft. barn for personal use, with a Major Variance to allow the accessory structures to extend in front of the primary residence on a portion of 4.28 acres.

LOCATION: Phelan

PROJECT NO.: P200900360

STAFF: David Prusch

REP(S): Jonathan L. Zane Architecture

EST. TIME: 10 Minutes

RECOMMENDATION: Continue to April 18, 2013

DISCUSSION

David Prusch advised that a memo was submitted requesting that the item be continued to April 18, 2013.

Vice-Chair Allard made a motion to recommend staff's request for a continuance of the item to April 18, 2013; Commissioner Mathews seconded the motion. Commissioner Rider temporarily left the chamber due to a personal emergency and did not vote. The Motion passed on a 4-0 vote.

Recess at 9:35 a.m.

Reconvened at 10:06 a.m.

Public Discussion

No requests to speak were presented prior to the meeting's call to order. After the recess, two speakers requested the public discussion be reopened. Chair Coleman agreed to reopen the public comment section to accommodate the requestors:

Susan Pennington, 912 Groveton Ave, Glendora, opposed. Ms. Pennington wished to address what she feels is the offensive manner in which she was portrayed at the previous meeting regarding this application on March 7, 2013, particularly by Commissioner Rider. Ms. Pennington feels she was unfairly identified as a "non-resident" of the property that is adjacent to the applicant's property. Ms. Pennington purchased the property as an investment and rental property, but also lived on property from 2001 until 2005, during which time she provided all maintenance and custodial work for the property as well. She never missed a property payment throughout the housing crisis, and used the rent revenues to supplement her income and put her children through college. The property may become her retirement home some day; however, she is concerned the proposed project may impact her property value later when attempting to sell it. Since claiming ownership of the property she has paid \$17,000 in fees and taxes, and made any changes or construction through legal means. The applicant's property has illegally constructed some projects on their property which were never properly coded, and have never been properly demolished or removed.

Robert Schufeldt, 912 Groveton Avenue, Glendora, opposed. Mr. Schufeldt is the husband of Susan Pennington and co-owner of the adjacent property. He believes this item should not be continued, and wants the Commission to provide a denial based on the lack of engineering for the project, and what he believes is an illegally-operated ranch. He is concerned that with the surrounding parcels, and 80 horses producing manure will dam up the easement drainage.

Public Discussion closed at 10:14 a.m.

COMMISSION ACTION

MOTION: Allard
SECOND: Mathews
YES: Coleman, Allard, Mathews, Tuttle
NOES: None
ABSENT: Rider
ABSTAIN: None

Recess for closed session with County Counsel at 10:17 a.m.
Reconvened at 11:08 a.m.

3. PUBLIC HEARING

APPLICANT: Land Use Services Department

COMMUNITY: All

PROPOSAL: Development Code Amendment to modify definitions, regulations and permission procedures for group residential land uses and care facilities.

PROJECT NO.:

STAFF: Vern Jones, Planning Consultant

REP(S):

EST. TIME:

RECOMMENDATION: Recommend approval by the Board of Supervisors

BACKGROUND

Vern Jones presented the Staff Report, which is on file with the Land Use Services Department.

RECOMMENDATION THAT THE BOARD OF SUPERVISORS:

1. **ADOPT** the Development Code Amendment,
2. **APPROVE** the findings and,
3. **FILE** a Notice of Determination

DISCUSSION

No questions.

PUBLIC COMMENT

Chair Coleman opened the Public Comment at 11:23 a.m.

Kory Avarell: P.O. Box 1502, Lake Arrowhead, opposed. Mr. Avarell operates two licensed Substance Abuse treatment facilities. He advised that he can appreciate the changes in language; however, there needs to be more discussion and some concerns addressed before passing the amendment. The LUS staff indicates this amendment was motivated due to mountain resident's complaints. Parking is always an issue in mountain communities, no matter what the business or organization. The code requires two parking spaces for a 10 bedroom house or residential facility, and Mr. Avarell does not see any reason for sober living facilities to require more parking than any other business or private residence. The amendment requiring a House Manager be present at all times when any resident is also at the facility is a difficult problem; if the House Manager has to leave, the facility would have to force the tenants

outside on the street until the manager returns. That would not be a good practice for the residents or the community. Other requirements couldn't be met at all in a recovery setting, such as the amendment prohibiting more than two probation/parolees present at any time. The nature of addiction is that many people in recovery have criminal records, and such a rule can't be met when dealing with addicts recovering. Special exception can be made per the LUS staff, however; the spirit of the law can be changed over time. There should be no requirements for additional parking, and no rule restricting resident's presence if the house manager is not in attendance.

Greg Dorst: 18612 Santa Ana Avenue, Bloomington, opposed. Mr. Dorst is CEO of Cedar House, Inc. Cedar House has provided Substance Abuse treatment in San Bernardino County since 1973. He is concerned that the letter of the law in the amendment would prevent any facility from operating. Mr. Dorst suggested a good cause waiver would be more effective. He urged the Commission to look at the totality of the circumstances and allow for a good cause waiver.

Maureen Mann P.O. Box 9260, Cedarpines Park, in favor. Ms. Mann has lived in the mountain community for twenty years. She believes this amendment has impact on the AB 109 offender early release issues. She is concerned the County has no accurate count of the number of sober living facilities; if the amendment is adopted, then the County would know better how many facilities are operating in any area. She would like to know if the already-existing facilities would be grandfathered into the clause, or will the County require retroactive licensing? She disagreed with previous speakers, and feels adequate parking is an issue, and has been in the past. A residential care facility is not the same as a family, in that the residents are not related, and unlikely to share vehicles. She noted an anecdotal increase in crime in the local, and feels this needs a formal survey to determine if such facilities contribute to the increase. She is concerned that such a facility may have impact on property values. She is concerned that that irregular development design in the mountain communities may impact the way a "block" is defined per the amendment; how will the enforcers interpret unusual areas like the mountains? Ms. Mann suggested that the amendment ensure an on-call manager is available if there is a circumstance when the house manager is absent. She is concerned the County will not monitor the situation closely, and feels the comments made earlier suggest this issue would be best to be continued.

Public Comment closed at 11:35 a.m.

DISCUSSION:

Vice-Chair Allard inquired about the concerns defining a block; Vern Jones advised a "block" is defined in the current County Code, located on page 54 of report. This definition will apply also to this amendment.

Chair Coleman inquired whether this amendment will go to the Board of Supervisors at some time; Principal Assistant County Counsel Brizzee advised that it would.

Commissioner Mathews made a motion to accept recommendation of the Staff Report and Amendment; Commissioner Rider seconded the motion. The Motion recommended by staff passed by a 5-0 vote.

COMMISSION ACTION:

MOTION: Mathews
SECOND: Rider
YES: Coleman, Allard, Rider, Mathews; Tuttle
NOES: None
ABSENT: None
ABSTAIN: None

6. **PUBLIC COMMENTS:** This is an opportunity for the public to speak on issues that are not on the agenda, but are within the jurisdiction of the Planning Commission. The chairman may limit the time allowed for such comments. No action will be taken at this meeting on comments. Any person wanting to address the Commission must submit a Request to Speak form to the Secretary.

Joan Wallsey, Paseo Medio, Highland, CA (no speaker request) Ms. Wallsey is a senior citizen, and requested the staff please speak more clearly and loudly into the microphones.

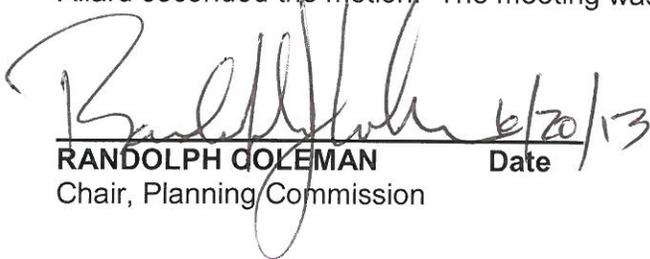
Chair Coleman opened Public Comment at 11:36 a.m., having no speaker slips, Chair Coleman closed Public Comment at 11:40 a.m.

7. **BROWN ACT TRAINING**

Principal Assistant County Counsel Bart Brizzee provided a summarized power point training of the Brown Act for the Commission. The Commission and County Counsel held a discussion regarding the legality of requests by attorneys to meet outside of the Planning Commission.

8. **ADJOURNMENT**

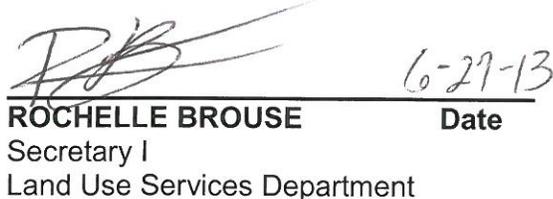
There being no further business, Chair Coleman made a motion to adjourn the meeting. Vice-Chair Allard seconded the motion. The meeting was adjourned at 12:09 p.m.



RANDOLPH COLEMAN Date 6/20/13
Chair, Planning Commission



TERRI RAHHAL Date 6-27-13
Planning Director,
Land Use Services Department



ROCHELLE BROUSE Date 6-27-13
Secretary I
Land Use Services Department