



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: June 17, 2021**

**AGENDA ITEM #2**

## Project Description

**Applicant:** County of San Bernardino Land Use Services Department

**Community:** Countywide

**Location:** Countywide

**Project No:** PMISC-2020-00010

**Staff:** Jerry Blum

**Workshop Topic:** Provide a recap of the purpose and need to update the Development Code for consistency with the recently adopted Countywide Plan - Policy Plan, and review zoning designations, overlays and Land Use Matrix. This is the first of two workshops reviewing the proposed Development Code amendment.

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Report Prepared By: Jerry Blum

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## **PROJECT DESCRIPTION**

The project consists of updating the San Bernardino County Code, Title 8 Development Code, in order to comply and be consistent with the recently adopted Countywide Plan, Policy Plan. Although the majority of the Development Code (Code) standards and provisions will remain intact and carry over from the current code, the project proposes an ordinance that will repeal Title 8 in its entirety and adopt a new Title 8 as a replacement. The new Code will be reorganized, include a new zoning classification system, zone map, and include provisions to bring the code into compliance with new state laws and Policy Plan goals and policies (i.e., environmental justice, land use compatibility, hazards avoidance, environmental protection, etc.).

## **BACKGROUND**

On October 27, 2020, the Board of Supervisors adopted the Countywide Plan, a comprehensive update of the County's General Plan (2007). A new component of the Countywide Plan is the Business Plan which provides overarching and ongoing guidance for existing County processes (i.e., budget, goals and objectives, performance measures, decision making, etc.). The Business Plan consists of a policy-based governance element and an action-oriented implementation plan, as well as two new implementation tools: (1) a tracking and feedback system, and (2) a fiscal analysis model. Combined, these sections and tools provide clarity and transparency for the public regarding County governance while ensuring the Countywide Plan remains meaningful and current.

The Implementation Plan component lays out approximately 90 implementation actions that the County must address over the next three to five years in order to ensure the goals and policies of the Countywide Plan are carried out. There are 31 actions identified in the Implementation Plan that are focused on the update to the Code in order to make it consistent with the Countywide Plan and the goals and policies contained in the Policy Plan and Business Plan. Although many implementation actions are being addressed in the comprehensive update of the Code, many will take months or multiple years to complete and bring forward for review and approval.

The goals for the Code update are to create consistency and connection between the Countywide Plan and the Code; to reorganize the Code to make it more streamlined and user friendly for decision makers, staff and the public; to update the land development and use applications and the process by which they are reviewed and approved; and to create clarity, consistency and certainty in the Code provisions so that staff and stakeholders have a clear understanding that the Code requirements are consistent with the goals and policies set forth in the Countywide Plan and are required in order to achieve the purpose of fiscal, environmental, and public services sustainability.

## **OVERVIEW**

This is the first of two workshops and will review the following:

- Countywide Plan Organization
- Implementation Plan
- Development Code Organization
- Presentation of new Zoning Classification system
  - Zones – definitions and applicability
  - Zoning Map
- Presentation of new Use Matrix
- Presentation of revised Overlay sections
- Environmental Protections Division

## **ANALYSIS**

### **Development Code Organization.**

The Development Code is currently organized in the following way:

- Division 1 – Development Code Authority and Applicability
- Division 2 – Land Use Zoning Districts and Allowed Land Uses
- Division 3 – Countywide Development Standards
- Division 4 – Standards for Specific Uses and Activities
- Division 5 – Permit Application and Review Procedures
- Division 6 – Development Code Administration
- Division 7 – Subdivisions
- Division 8 – Resource Management and Conservation
- Division 9 – Public Facilities Financing
- Division 10 – Definitions

The new organization attempts to update the divisions relative to the administration of the code, processes for the review and approval of applications, creation of zones and uses permitted in those zones, and development and use standards and place them in a more logical sequence. Division number 1, 7, 8, 9, and 10 would remain in their current place within Title 8 (Development Code). The new Code is proposed to be organized in the following way:

- Division 1 – Development Code Authority and Applicability
- Division 2 – Development Code Administration and Procedures
- Division 3 – Development and Use Permit Applications
- Division 4 – Land Use, Zoning and Allowed Uses
- Division 5 – Countywide Development Standards
- Division 6 – Hazard Avoidance and Environmental Protection Measures
- Division 7 – Subdivisions
- Division 8 – Resource Management
- Division 9 – Public Facilities Financing
- Division 10 – Definitions

#### New Zoning Classification System.

The County has moved from a one map land use classification system where the general plan land use designation is the same as the zoning, to a two map system where generalized land uses are used to describe the highest and best use of land for a geological area and a septate zone map is used to identify the actual zone of the property for each parcel of land within the County. As the County transitions from a one map system to a two map system, it is very important to minimize the changes to this system so as not to create non-conforming uses or development. A comparison of the two systems is described below:

<u>Land Use Designation</u>	<u>Proposed Zone</u>		<u>Existing Code Comparison</u>
<b>Rural Living Residential</b>	RL-40	Rural Living, 40-acre minimum lot size	same
	RL-20	Rural Living, 20-acre minimum lot size	same
	RL-10	Rural Living, 10 ac. minimum lot size	same
	RL-5	Rural Living, 5-acre minimum lot size	same
	RL-2.5	Rural Living, 2.5-acre minimum lot size	same
<b>Very Low Density Residential</b>	RE-1	Residential Estate, 1-acre minimum lot size	same, name change
	RE-20K	Residential Estate, 20,000 sq. ft. minimum lot size	same, name change
<b>Low Density Residential</b>	RS-14K	Single Residential, 14,000 sq. ft. minimum lot size	same, name change
	RS-7200	Single Residential, 7,200 sq. ft. minimum lot size	same, name change
<b>Medium Density Residential</b>	RM-L	Multiple Residential, Low	new, expanded RM into 2 zones
	RM-M	Multiple Residential, Medium	new, expanded RM into 2 zones
<b>Commercial</b>	CN	Neighborhood Commercial	same
	CG	General Commercial	same
	CH	Highway Commercial	same
	CRD	Rural Desert Commercial	currently Rural Commercial (CR)
	CS	Service Commercial	same
			eliminated Office Commercial (CO)
<b>Limited Industrial</b>	IBP	Business Park	new
	IC	Community Industrial	same
<b>General Industrial</b>	IR	Regional Industrial	same
	IH	Heavy Industrial	new
<b>Resource/Land Management</b>	AG	Agriculture	same
	RC	Resource Conservation	same
	MO	Mining Operations	new
<b>Open Space</b>	OSP	Open Space Parks	same, was Open Space (OS)
	OSC	Open Space Conservation	new
<b>Public Facility</b>	CIV	Civic	expanded, currently Institutional (IN)
	FC	Flood Control	repurposed, currently Floodway (FW)
<b>Special Development</b>	PD	Planned Development	same, limited scope
	SP	Specific Plan	same
			eliminated Special Development (SD)

### Land Use Matrix.

With the creation of individual zones comes the ability to create a hierarchy of uses within a given land use designation and recognize compatibility issues between various zones. For instance, the Very Low Density Residential land use designation is divided into two zones (RE-1 and RE-20K) with the ability to differentiate the uses allowed in each one to recognize the different lot sizes. Therefore, although a produce stand selling home grown produce may be appropriate on a one-acre lot, it would not be compatible on a 20,000 square foot lot. The Use Matrix allows for the distinction to be made. This system applies to all zones in the code.

In order to create the expanded list of uses in zones and to indicate the placement of restrictions or prohibition of uses, a new Use Matrix has been created. Each use is shown as either: Not Permitted; Permitted by Right; Administratively Permitted, Conditionally Permitted, or Allowed with a Special Permit (Temporary, Special, etc.) in each zone. Each of these terms will be discussed in more detail in Workshop #2.

### Overlays.

There are currently 16 overlays in use within the Code, including:

- Additional Agriculture
- Agricultural Preserve
- Airport Safety
- Alternate Housing
- Biotic Resources
- Cultural Resources Preservation
- Fire Safety
- Flood Plain Safety
- Geologic Hazard
- Hazardous Waste
- Mineral Resources
- Noise Hazard
- Open Space
- Paleontological Resources
- Sign Control
- Sphere Standards

Normally, overlays are used to identify an area of special interest to the County and the overlay allows different (specialized) land development and land use standards to promote economic, historic, business, and/or character defining areas of the County. These overlays recognize these areas as special areas that deserve unique and distinctive standards and design features to create or maintain the area. Two existing overlays that meet this purpose are the Additional Agriculture and the Agricultural Preserve overlay, and they are proposed for retention. Two new overlays are being proposed: the Downtown Community Core Overlay and the Tourism Overlay.

The other existing overlays are more related to identifying hazards (i.e.: fire, seismic, flooding, etc.) and environmental resources that need protection (i.e.: biological and mineral resources) and are not related to identifying these areas as special development opportunity areas. Rather, they are areas to avoid or limit development in order to protect

human life, property, and sensitive habitats and resources. Therefore, in order to provide a distinction between the purpose of the overlays to promote development in special areas and the need to identify areas of limited development potential, a new division of the Code (see below) has been created to centralize all requirements related to hazard avoidance, environmental protection, and business operations environmental performance standards. The Mineral Resources Overlay has been eliminated with the creation of the Mining Operations Zone, which provides more protection of the County's natural resources.

#### Division 6: Hazards Avoidance & Environmental Protection Measures.

Many of the existing overlays represent areas that require special development standards or development restrictions because the area is hazardous (fire, flood, seismic, airport proximity, etc.) to persons and property, or are environmentally sensitive areas that must be protected from the encroachment of development pressures. These areas are restricted by polices within various elements of the Policy Plan and identified on related Policy Maps. The Code further explains and lays out specific restrictions and standards for these areas. The existing Code, through the overlay section, addresses these hazards and environmental areas, and Chapter 83.01 (General Performance Standards) addresses use specific hazards related to noise, vibration, heat, glare, fire, electrical, waste, and air quality issues. The proposed Code update centralizes all of these topics into a new Division 6: Hazards Avoidance and Environmental Protection Measures. It links the policies of the Policy Plan with the Code provisions relative to these topics. All of the provisions, standards and restrictions of the existing overlays and performance standards are included in the new division.

### **ENVIRONMENTAL DETERMINATION**

The workshop is an informational meeting not subject to the California Environmental Quality Act (CEQA).