

April 15, 2022

TO JIM MORRISSEY, Contract Planner

COMMENT PROJECT NUMBER: PROJ-2020-00191 ASSESSOR PARCEL NO: 0629-181-01

The Homestead Valley Community Council (HVCC) is a coalition of the community associations in the four unincorporated communities of Yucca Mesa, Flamingo Heights, Landers, and Johnson Valley.

On April 25, 2021, HVCC commented on the Project. Several items in that letter have evidently been overlooked or ignored in this Mitigated Negative Declaration (MND).

Item 1) ZONING: HVCC related in detail the County's 2009 change of zoning in Flamingo Heights, establishing a **Commercial Zone corridor along State Route 247** (Old Woman Springs Road). Deemed best located along the more northerly sections, it included existing businesses while limiting driveways and unmarked roads for traffic safety entering the highway.

The planned resort site entry road is to follow the path of an existing dirt road. No mention is made of turn lanes from the two-lane highway.

The plan touts recreational facilities on the site; Flamingo Heights residents' experience shows vacation renters seek out many other desert attractions, and will drive onto Hwy 247 to tour many nearby places.

Entering or leaving this road always risks traffic speeding or passing, a major motivation for approving the 2009 location of the Commercial Zone. A known trouble spot – the swooping curve south of the resort entry, leading to the steep downhill turn into Pipes Wash.

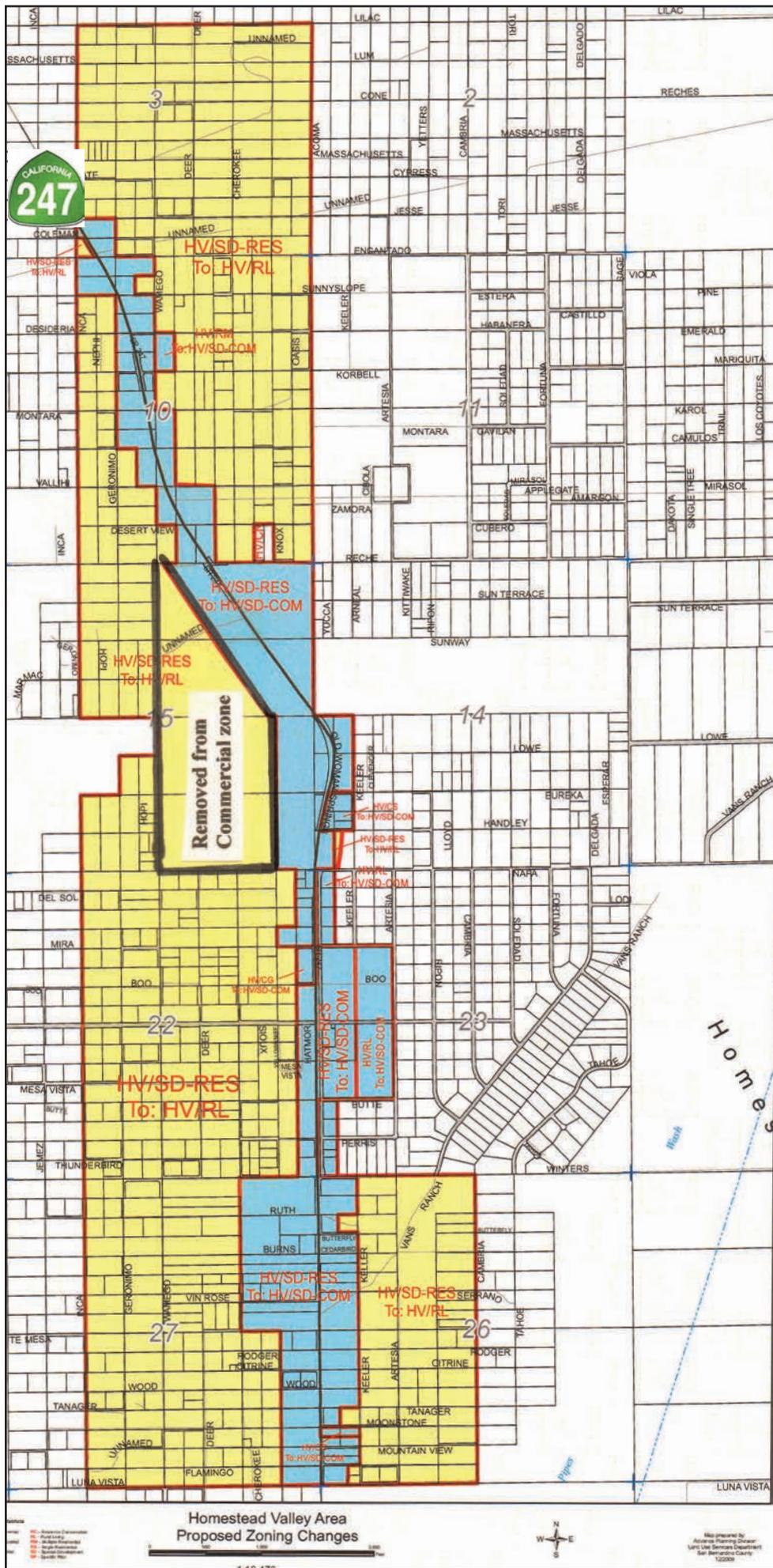
The Mitigated Negative Declaration states:

"The parcel is described as Assessor's Parcel No. 0629-181-01 and has a Countywide Plan designation of Rural Living (RL) and a zoning designation of Homestead Valley Rural Living"

In 2009, San Bernardino County proposed major zoning changes in the Homestead Valley community of Flamingo Heights.

A very long public process consolidated the Flamingo Heights Commercial Zone northwards. All the changes were made with public input to the County to protect and maintain the Rural Living Zones. SEE MAP Page 2 >>

By any criterion, this campsite is a commercial project applying for a permit in a Rural Living Zone protected by the 2009 changes. This cannot be mitigated. If it were a motel, it could not be permitted. Therefore, this Mitigated Negative Declaration does not adequately address the non-fulfill-



ment of the qualifications for the protected HV/RL zoning.

HVCC believes a more comprehensive Environmental Impact Report under CEQA will produce impact findings of significant impact, not only on biological resources but also on traffic safety.

What will be the cumulative affect? Would this set a precedent? Could all Rural Living Zones be so easily disrupted by such commercial projects?

<< FIGURE 1A
Detail of map showing zoning changes proposed by SB County in Flamingo Heights and approved by the community in 2009

FIGURE 1B
Page 3 >>
Detail of map showing resort campsite parcel does not lie in the Commercial Zone

FIGURE 2
Page 3 >>
Google map street view of curve in S.R. 247 near the resort camp public entry

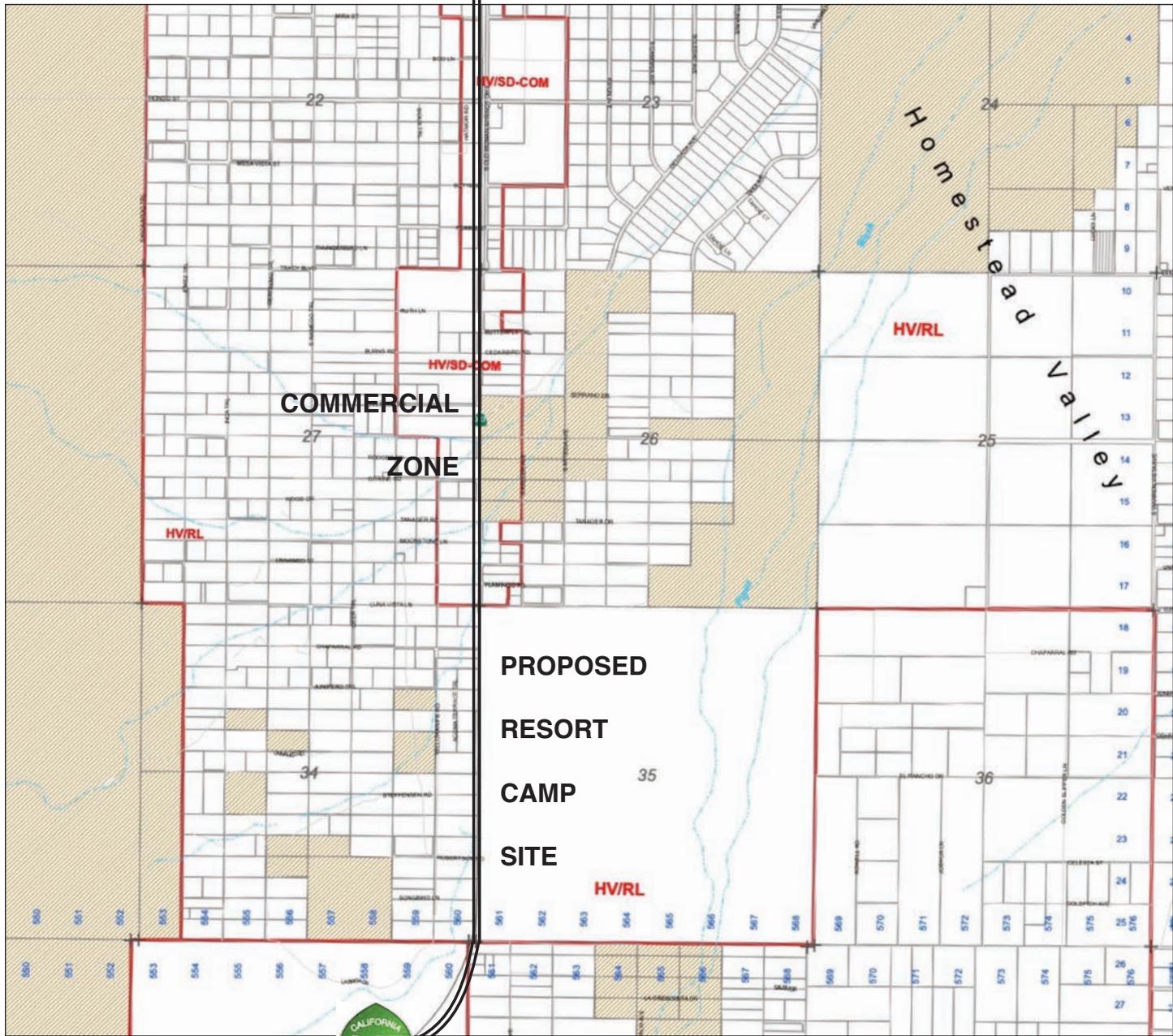


FIGURE 1B Parcel not in Commercial Zone



FIGURE 2 View south and Map of highway curve near entry

Item 2) S.R.247: HVCC is lead organization in the campaign to upgrade State Route 247 from a County Scenic Byway to a California Scenic Highway. The Scenic Corridor extends as far as the eye can see.

The scenic designation in Section 1 of the Visual Assessment accepted by Caltrans extends to Milepost 6.5 on the highway itself.

However, at that point the northbound traveler emerging out of Pipes Wash follows the northward curve of the road. The viewshed includes the entire panoramic vista proposed for this resort camping development, with a background of distant hills and mountains in Landers.



FIGURE 3 View northeast from S.R. 247 across the resort camp site, toward faraway hills in Landers. Even low-growing creosote bushes and other desert shrubs are visible at a long distance.

The Mitigated Negative Declaration argues, "The proposed Project would be required to maintain the maximum height limit of 35 feet, as is allowed within the Rural Living Zone. The placement of the camp sites generally along the westerly edge of the canyon would not obstruct the views of others toward the canyon..."

This declaration of "no significant impact" obstruction of views is beside the point. The site facilities may not constitute a visual obstruction, however they would rate as a significant visual intrusion in themselves.

HVCC argues that a more comprehensive Environmental Impact Report under CEQA, including a detailed description of the height and extent of any permanent facilities and the visibility of a large number of parked vehicles, will produce one or more findings of significant impact, not only on biological resources but a substantial adverse effect on a wide open scenic vista.

Item 3) BLM Protections

The MND has not addressed the HVCC comment concerning the Federal Bureau of Land Management ***Pipes Canyon Area of Critical Environmental Concern*** which includes the site of the proposed campground.

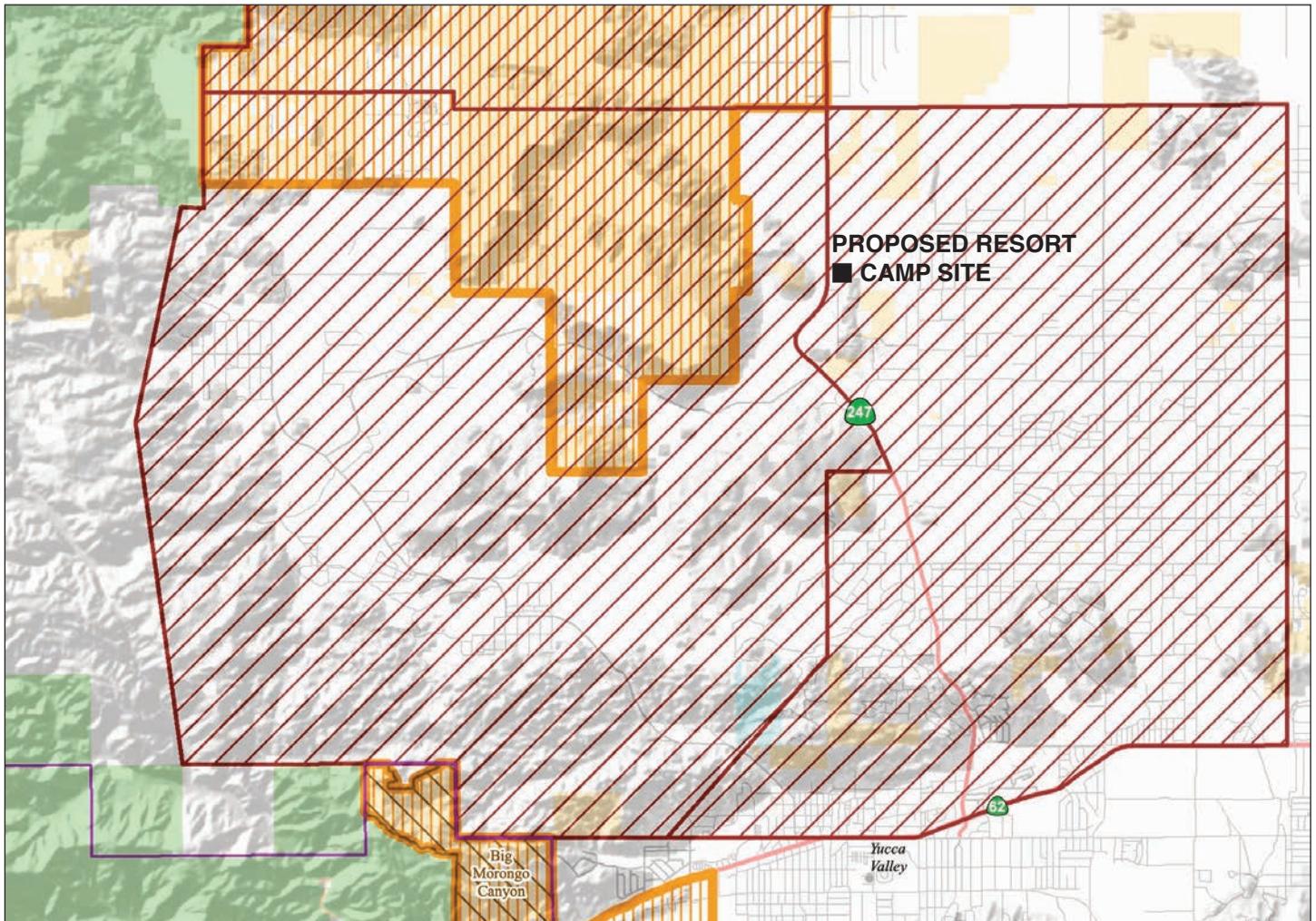


FIGURE 4 Dark red diagonal lines show much of the extent of the ACEC

The document fails to acknowledge the Bureau of Land Management interest. BLM has included a very wide area around the black lava buttes in their *Pipes Canyon ACEC*. It surrounds Pioneertown and Rimrock; its eastern area lies south of Landers and north of Yucca Valley. It includes the site of the proposed resort camp. The list of biological protections is long.

Considering Nationally Significant Cultural Values: The Pipes Canyon ACEC protects numerous prehistoric resources that meet criteria for inclusion in the National Register of Historic Places (NRHP).

It has the greatest concentration of known NRHP-eligible sites within the Barstow Field Office. Sites include petroglyphs, pictographs, rock shelters, and artifacts on trails, village sites, and milling sites.

HVCC argues that a comprehensive Environmental Impact Report under CEQA is needed, and will disclose one or more significant impacts on both biological and cultural values in the proposed resort camp site.

Item 4) Habitat This MND states "There is no USFWS-designated critical habitat for any species within 10 miles of the Project Site."

Mitigations preserving Joshua Trees may soon be subject only to existing State requirements.

The surveys reporting no federal Species of Special Concern (desert tortoises or burrowing owls) contradict the County's own Biotic Map! "Less than significant impact" is notoriously claimed for impact on species which have their dens below ground and/or rarely emerge during daylight hours.

Also, "ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES Federal: None." seems to overlook the BLM again.

HVCC argues that County must require a more comprehensive Environmental Impact Report under CEQA, and that it will disclose one or more significant impacts on wildlife and vegetation habitat.

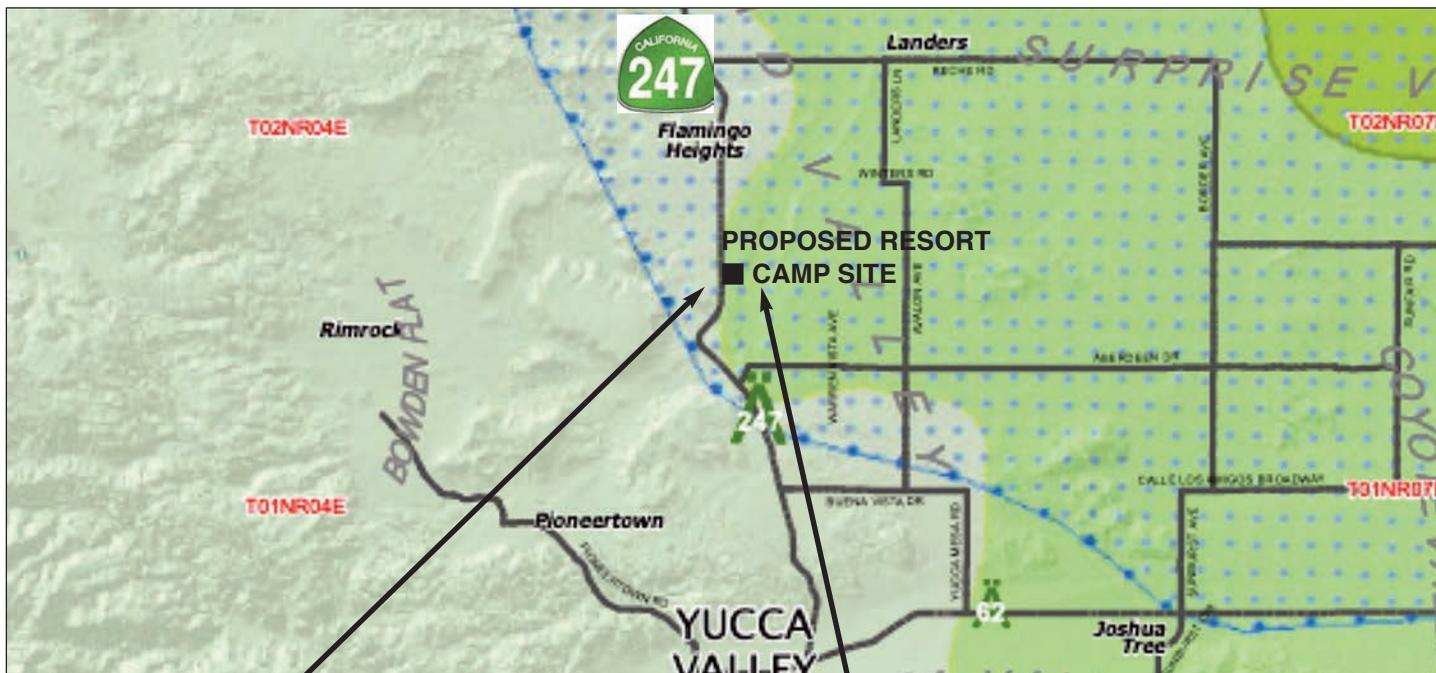
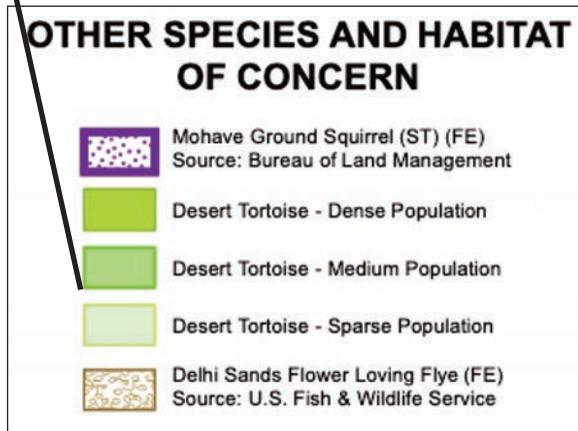
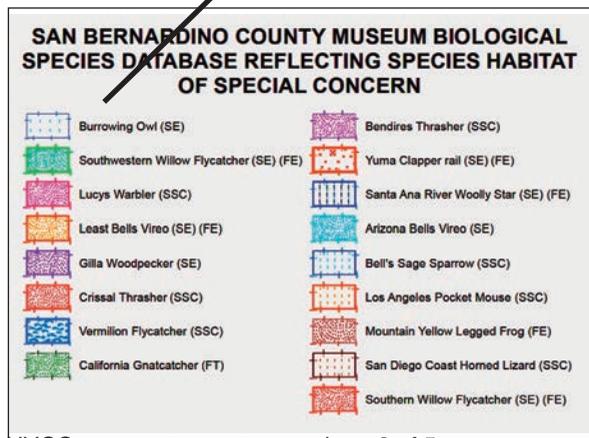
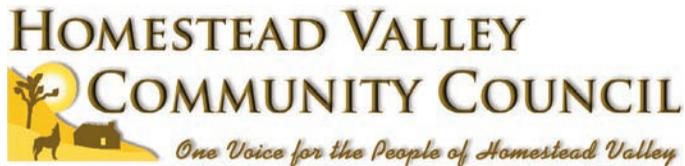


FIGURE 4 Details from County Biotic Resources Map





April 25, 2021

We repeat: Given the items listed here:

1. The 2009 County zoning agreement we entered into in good faith to protect Rural Living Zones and restrict driveway access to the highway, plus the willful disregard by the developer by proposing to site a commercial project outside the commercial corridor,
2. The intrusion of the Project facilities and multiple vehicles on the proposed commercial resort site into the line-of-sight in the State Route 247 Scenic Corridor,
3. The intrusion of this commercial resort site into the BLM ACEC,
4. The judgement call of "no critical habitat" at or near the site, despite County surveys to the contrary,

therefore the Homestead Valley Community Council opposes a Conditional Use Permit for this ill-conceived Project.

We urge San Bernardino County Land Use Services to adjudge this Mitigated Negative Declaration as inadequate and produce a more comprehensive Environmental Impact Report as required by CEQA.

Knowing the area well, we believe an EIR will disclose one or more significant impacts on biological, cultural and visual values as well as traffic safety.

FYI: at a recent HVCC meeting with a packed house, all comments opposed this project, and everyone voted against it.

Thank you for your attention,

Betty Munson, Secretary, HVCC