



June 20, 2022 Minutes
3:00 p.m. at Johnson Valley Improvement Association
50567A Quailbush Rd.

- Flag Salute
- Kim Abramson did the Roll Call - Betty Munson and Chris Nichols absent.
- Rick Sayers makes a motion to adopt the Agenda. Floy Creveling seconds. 6 in favor. None opposed. Motion passed.
- Jim Hanley makes a motion to change April and May Treasurer's Report with corrections. Rick Sayers seconds. 6 in favor. None opposed. Motion passed. Treasurer's Report given by Floy Creveling. Beginning balance \$12,278.47. Ending balance \$12,278.47. Rick Sayers makes a motion to approve the Treasurer's Report. Jim Hanley seconds. 6 in favor. None opposed. Motion passed. (See attached).
- Jim Hanley motions to reinstate the current officers to the 2022-2023 board. Rick Sayers seconds. 6 in favor. None opposed. Motion passed. Dawn Rowe swears in the 2022-2023 officers.

1. Guest Comments - none.

2. 29 Palms MCAGCC - none.

3. SB County Fire Dept - Battalion Chief Mike McClintok speaks. There were 140 calls in the Morongo Basin for the month of May.

4. Cal Fire - Battalion Chief Travis Lemm speaks. Cal Fire has been really busy. There was the Sheet Fire and a lot of little fires in the month of May. No more burn permits will be issued. Fireworks are illegal. This week will be a heat wave.

5. SB County 3rd District - Dawn Rowe reads:

1. PROJECT FACT SHEET FOR PROPOSED GLAMPING PROJECT NEAR PIPES WASH (as of June 17, 2022)

The proposed Project site is located on a portion of a 640-acre parcel, most of which is traversed by Pipes Wash. This project scope has been significantly reduced by the applicant after discussions with County staff and public comments generated by the Project Notice sent to area landowners. At this point the proposed project is a 25-acre glamping site, with onsite amenities for campers, with the other originally proposed uses removed.

The originally proposed project included a music festival site on the northwest portion of the property covering about 90 acres. The music festival component was removed. No development is proposed in the Wash nor in the 90 acres mentioned above. The applicant's proposed use prohibits the use of off-road vehicles and activities. Overnighting of RVs is also prohibited. Hiking in the area, along with buildings for crafts and other activities are proposed.

Changes to the original development plan also included removing the proposed restaurant and

bar as a publicly available commercial use, and the restaurant and bar are now only available to patrons of the campground (managed by on-site staff) as an ancillary use. The proposal does include an emergency use only helicopter pad, with no aerial tours being conducted from the site.

The County has received a significant number of comments on the proposal as part of the Project Notice and the subsequent release of the environmental document related to a variety of topics. The following are a few key items that we thought might be helpful to share.

- Zoning. The stated purpose of the Policy Plan RL Category is, and the proposed use is consistent with, a desire to maintain a rural and open space environment. The County permits campgrounds within the RL Zone upon approval of a Conditional Use Permit. "Commercial" activities have been restricted to campground guests only, thus the proposed uses are within the bounds of what is allowable in an RL zone.
- Highway 247. The Project Site is adjacent to Old Woman Springs Road/SR 247, which is a County Scenic Route and Eligible State Scenic Highway. Development restrictions along a County designated scenic route extend 200 feet on either side of the right of way. The closest proposed structures are over 700 feet from the Highway. As such, views along most of the Project frontage would be in compliance with the required setbacks.
- BLM Protections. Pipes Canyon was not listed on the BLM Web Site under their "Current List of Area of Critical Environmental Concern (ACEC)". The Initial Study states: There is no USFWS-designated critical habitat for any species within 10 miles of the Project Site.
- Site Habitat. A field survey of the property was conducted and included a jurisdictional waters delineation and focused surveys on Desert Tortoise, Borrowing owl, and Le Conte's thrasher. The result of the field survey was that no evidence of desert tortoise was found in the survey area. Desert tortoise are therefore currently absent from the Project site. Mitigation measures have also been included that mitigate any potential impacts to less than significant.

Overall, given the proposed use of the entire site, the changes to the Project Description and scope, and the ability to mitigate impacts, a Mitigated Negative Declaration is supported. There is no evidence of impacts from the currently proposed version of the project that cannot be mitigated necessitating an EIR.

2. VACATION RENTALS

Key Topics for Discussion Key Topics for Discussion

- STRs Per Parcel 1 per parcel < 2 acres, 2 per parcel 2 acres or greater
- Occupancy Limits Max 12 per house, dependent on bedroom size
- Accessory Dwelling Units
- Property Owner Notifications: Re-notice if management company changes
- Permit Number Display Requirements: Require hosting platform to display
- Two-Night Weekend Minimum: BOS eliminated
- Ownership Limits/Business Entity: Going forward, no more than 2 per entity
- Permit Fees Topics for Future Consideration*
- Hosting Platform Requirements*
- Permitting Pathways for Exceptions*
- Eviction Ban *
- Applicability to Valley Areas *
- Cap on County Permits Issued*

*Changes to these items would require re-consideration by the Planning Commission

3. 45 DAY PAUSE (issuance of vacation rental permits)

4. JOSHUA TREE PROTECTIONS AT STATE LEVEL

The California Fish and Game Commission just defaulted for additional delay after about 8 hours of testimony, comment and deliberations. This item was continued to a future meeting since there was a 2-2 vote on listing now. All of the commissioners expressed a desire to list the species, and the discussion indicated a desire to do more than just a listing like a range wide conservation plan, conduct more studies, tribal consultation and peer reviews which was direction to staff. The commission doesn't think CESA gives enough protection to a species like Joshua Tree with large ranges and threats from climate change. Comments were that local governments are not doing enough so the legislature needs to strengthen CESA. One vacant seat could be filled before the decision is made but sounds unlikely to not be listed in the future.

All protections remain in place until the October meeting, and possibly beyond.

Also regarding transferring of Vacation Rental 4-1 Not have business owner transfer vacation rentals to new owners.

9. Discuss Inviting RoBott Land Company (Flamingo 640) to next HVCC meeting in Flamingo Heights - Rick Sayers spoke with RoBott Land Company. Dawn Rowe will invite them to the July 18, 2022 meeting.

10. Committees:

1. *Standing*: Public Outreach - Jim Harvey puts our agenda on the HVCC website.
2. *Ad Hoc*: Scenic Highway 247 - Jim Harvey read Betty Munson's email:

On May 4, I wrote to Ms Heidi Duron
and Mr David Prusch

on behalf of the entire Scenic 247 Committee.

Karen Watkins, our contact in County Land Use Services, had informed us at the time of her surprising early retirement that they would be our contacts as the campaign for State Scenic Highway status goes forward. As you may imagine, our committee members who have volunteered so many hours in research and development for the County were distressed at not hearing from anyone in LUS.

After our well-received presentation last December at the Planning Commission meeting, Karen said the next steps would be:

- 1) Land Use Services to complete the public input process and finalize the Corridor Protection Plan (approx. 30 days)
- 2) Agendize the Corridor Protection Plan for Board of Supervisors' approval, and send the Letter of Intent to Caltrans (goal - Jan 25th BOS meeting)
- 3) Caltrans stamp of approval (February)

As Jim reported to HVCC, Jamal Elsaleh, Caltrans Deputy of Design, attended that December meeting to support our efforts.

Almabeth Anderson, Caltrans Landscape Architect, said he would present and recommend the proposal to their District Director, Michael Beauchamp, who then would do the same to the State Director in Sacramento.

BUT, after all this encouragement, we were faced with a last-minute requirement to get a “buy-in” from the Bureau of Land Management, the US Forest Service, the Military, and the California State Lands Commission, that they would agree to abide by the Corridor Protection Plan.

Having heard nothing since then from Land Use Services, I began trying to make contact with the Federal agencies.

Of course, I had NO official request for these agencies. Still, I explained that, as the County has jurisdiction over very little of the area traversed by the highway, I believed Caltrans was asking for their cooperation.

I also had drafted a letter for the California State Lands Commission but had no contact names.

Replies over the months have been encouraging, and I just reported them in a letter to the County Land Use Services folks.

BLM:

The majority of the 247 Scenic Corridor lies within public lands administered by the Bureau of Land Management.

Our friend Katrina Symons has recently retired, but I heard from Jeffery Childers, Acting Field Manager in the Barstow Office, who said he had not been briefed on Scenic 247 by the County.

He told me their designated "Areas of Critical Environmental Concern" contain some of the highest protections available to public lands, and requested an official draft of the County's "buy-in" agreement to review.

The Marine Base:

First, a phone call with Ms Erin Adam, G-5 Community Liaison. She feels time is of the essence, that development on the highway or near Base boundaries is a matter of great importance to the Base, in consideration of the deployment of military vehicles.

My impression: they would strongly support the existing Federal environmental *and* recreational protections for the Scenic Corridor.

Ms. Adam had heard nothing from Land Use Services about Scenic 247. She logged on to the website and sounds very positive about the Scenic 247 mission!

Michael King, Encroachment Specialist, phoned for a follow-up interview, requesting additional details on the Scenic 247 campaign, to brief the Base command.

USFS:

On April 7, I received an e-mail reply from

Zach Behrens, Public Affairs Officer, San Bernardino National Forest:

“I believe most of the views of the San Bernardino Mountains, save for the tippy top, are going to be BLM. The good news is I have a colleague who works for both BLM and the Forest Service in this area. Jihadda Govan, CC'd here, is the Sand to Snow National Monument Manager, which I believe covers the area you are looking at.”

SLC:

A very enlightening conversation with Sarah Mongano, Senior Environmental Scientist, Division of Environmental Planning and Management, California State Lands Commission (thanks to Chuck Bell for suggesting this contact!)

First, she said the BLM-State Lands Commission School Lands exchange plan announced in October 2015 never was finalized.

I quote, "...the BLM/CSLC land swap plans did not result in any actual swaps of parcels. Also, the Stagecoach Solar Project EIR is still on hold at the request of the applicant."

This consolidation was touted to "promote continuity of wilderness and wildlife corridors while supporting renewable energy goals." Highly unlikely in my opinion, given the Development Focus Areas established by the controversial DRECP within the Scenic Corridor.

Since the land exchanges never occurred, very few parcels of School Lands lie in the S.R.247 scenic corridor. I cannot guess SLC response to an agreement document to abide by 247 CPP, but our contact Sarah Mongano now is familiar with our campaign.

Three major drawbacks for the Stagecoach Solar project were discussed:

- 1) Comments on the Draft EIR pointing out Caltrans protection of corridors *eligible* for State Scenic Highway status.
- 2) the impossibility of conforming to Caltrans requirements for undergrounding transmission in the limited spaces available.
- 3) SLC lacking jurisdiction over the site.

FYI: The Stagecoach Solar project was planned in largely-undeveloped scenery, in view for miles, through which the historic Lucerne Valley Cutoff Road travels.

Stagecoach transmission would cross S.R.247 to tie into another visually-intrusive project, the Calcite substation.

These eyesores would render ineligible *fully one-half of the Scenic 247 Section 4 South*, already approved as eligible after in-person comparison with our Visual Assessment by Karen Watkins and Almabeth Anderson, Caltrans Landscape Architect.

We still have some fine-tuning on our recommendations to discuss, particularly specifying desert vegetation and special requests for turnouts with visitor information, traffic safety improvements, and directional signage.

Communications with Karen Watkins after the December hearing gave us a high degree of confidence we were closing in on completion of the Corridor Protection Plan to Caltrans requirements and were ready for a Notice of Intent letter to be approved by the Board of Supervisors.

We can only hope to hear good news soon.

11. President's Report - no report.

12. Community Reports List – Announcements – Kim Abramson says Johnson Valley Improvement Association will be having its 5 buck chuckwagon on July 2, 2022 at 5 pm for \$5 per person. Breakfast is from 7 am to 10 am every Saturday morning. Friday is Pinochle Club from 12pm to 4 pm. Floy Creveling

says the 2nd Saturday is the craft faire at the Landers Association. The Adopt a Highway will resume again in September. Quilting Club is the 1st and 3rd Tuesday from 10 am - 2 pm. The Thrift Store is open every Saturday from 10 am - 3 pm. The 3rd Saturday is the board meeting. The 3rd Monday is the USDA food distribution. September 24, 2022 will be a Giant Rock clean up. Rick Sayers says Yucca Mesa Improvement Association is still renting out their building for weddings, bar/bat mitzvah's, baby showers, etc. This Saturday, from sunrise to sunset will be a Field day- Ham Radio event. Operators from all over North America, up in Canada and down in Mexico will participate. Digna Cassens says the Flamingo Heights Community Center has a working septic tank and that on June 7, 2022, the center was open for voting with a steady flow of people.

13. Review Action Items From This Meeting - none.

Next HVCC meeting: Monday, July 18, 2022 at 3:00 pm Flamingo Heights Community Center, 55977 Perris St.

Adjourn