PLANNING COMMISSION REGULAR MEETING MINUTES
February 20, 2024 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Jarrod Miller
	Commissioner	David Saran
Absent:	Commissioner	Craig Graves

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Matt Bennett, Assistant Public Works Director
Camille Duarte, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

PUBLIC HEARING

1. Request for an Extension of Time for Tentative Parcel Map 19958, Tentative Tract Map 20090, the East Highlands Ranch Planned Unit Development (EHR PUD) Development Agreement and Impact Fee Development Agreement, related to the *Blossoms Trails* 137-unit-single-family residential subdivision on 25.5 acres generally located at the southwest corner of Greenspot Road and Church Street.

   Assistant Community Development Director Stater presented the staff report.

   Commissioner Miller asked what was the duration of time when the original tentative map was approved?

   Assistant Community Development Director Stater stated three years.

   Commissioner Miller asked when did that occur?

   Assistant Community Development Director Stater stated years 2018-2021. The Planning Commission has extended it three times.

   Chair Hamerly opened the public hearing.

Applicant Camille Bahri stated I am the owner. This is the last piece of land of East Highlands Ranch. The development agreement is still in good standing, but we are seeking an extension before it expires. In terms of the development agreement the tentative map has a nine-year life, an initial five years, then two extensions of two years each. So, the development agreement grants the size of this East Highland Ranch development initially 3,600 units but capping eventually at 2,800 units. By state law it's a three-year initial time frame, three extensions at one year. We did not follow exactly the allowed provision in the development agreement, but in essence, if the development agreement continues for another few years. Since we are at the juncture where the tentative map needs to be extended, the development agreement also needs to be extended. So that is why we thought that best way is to revisit rather than debate whether should it have been allowed under the DA or not. There are some provisions by the state due to COVID-19 that extend certain tentative maps that may apply to us. We have been working very hard on this to mitigate some of the issues that we have encountered that is not in our hands. What has happened when the market after the Great Recession came back, we did not feel that the original entitlements of 306 units would have been around 12 units per acre on a gross basis. We decided that maybe it is better to reduce our density by more than half and went with the program that was approved by the Planning Commission in 2018 is when we got the approval. It was at the same time frame when we were requested to conduct another survey of the Kangaroo Rat (K-Rat), which we had done for about 20 years and did not catch any. There is no habitat there, but we got 4 K-Rats, and it has been a nightmare since. We received our permit from the United States Fish and Wildlife Service, but since then the state has adopted the San Bernardino Kangaroo Rat as an endangered species and they have their own standards on how to mitigate it. We are around the corner of finalizing the final touches on the Incidental Take Permit that the state issues through the California Department of Fish and Wildlife. We are meeting somewhere in the middle where it is not such a heavy burden where it would scare off a potential builder.

Commissioner Miller asked so you initially approached California Department of Fish and Wildlife and received conditions back, but those were not acceptable to you? Since those were not acceptable that is when you had to find something that was acceptable, and I am sure it was a significant amount of time.

Applicant Camille Bahri stated sort of. The initial process in 2017 with the K-Rat has to go through a protocol. They have to notify us when and how many nights they will be conducting the trapping. It is a biologist that is certified who reports what is caught and that first started with the United States Fish and Wildlife Service. That process took about six years until mid-last year. Later in the process is when the California Department of Fish and Wildlife stepped in and adopted the K-Rat as an endangered species. While we were in the process with United States of Fish and Wildlife, the State stepped in, and we were advised by both agencies to complete the process we started with the Federal Agency. An example, you need an exclusionary fence to be placed before you start the grading, so the K-Rat does not migrate or be harmed. The initial requirement is a biologist on the job site, 8-10 hours a day watching for holes in the fence to make sure the K-Rat does not come in. The Santa Ana wash area that is owned and managed by the San Bernardino Valley Water Conservation District have areas that have been identified by the Federal Agencies and the State that they are good candidates to restore the K-Rat habitat.

Commissioner Miller stated I think the $752,000 Development Impact Fees on Greenspot Road is chump change. It is too small. I do not think it is what is best for our community, and it does not represent the impact to our infrastructure. I cannot support it.

Vice Chair Thomas asked has staff evaluated updating the Development Impact Fees ordnance?

Assistant Community Development Director Stater stated this is a part of a Master Plan community that had infrastructure requirements that have fulfilled over the term of the entire Specific Plan, like bridges, roads, and drainage systems. That is what offsets those lower fees and that is the purpose of the development agreement. A long-term project over many years and it is recognizing both sides. Staff understands exactly what you are stating, and the Director asked for the 5% escalator per year. Staff's opinion that a lower fee is appropriate, and what that fee is somewhat debatable. So, our recommendation was a 5% escalator.

Commissioner Miller stated that is small. I have been involved in projects with the roads or storm drains and we have seen escalation significantly beyond these numbers presented. They are too conservative and not representative.

Community Development Director Mainez stated it seems that there is a concern with one of our Commissioners. The Planning Commissioners can certainly recommend to the City Council but indicate the concern about that Development Impact Fee, because the authority sits with the Council. If you deny it tonight, it will still go to City Council for a recommendation of denial.

Chair Hamerly stated if we were to read the recommendation as it is written, and if it were to fail, we could parse it and state we are going to entertain a new motion and separate it into multiple motions and give the City Council. We do not have final finance authority, that always go to City Council for decision, however we can make an additional recommendation.

Assistant Community Development Director Stater stated the Planning Commissioners looked at fees five years ago. The development agreement is expiring October of 2024, so five years ago we did talk about fees for this project. This exact recommendation came before you to state if they are still appropriate fees to be charging the development.

Chair Hamerly stated as a Planning Commission, we recommended that the City Council put it on their list of future discussion items and to evaluate the Development Impact Fees that were representing the cost of delivering service to new units as they are constructed.

Community Development Director Mainez stated we just went through that process and the new fees will take effect April 1, 2024. Those were adjusted through a very detailed nexus study. There are two development agreements, Master Development Agreement, and Development Impact Fees Agreement.

Applicant Camille Bahri stated I have lived with this for a very long time, and I do have the background. I would be remised not to clarify a few things if you have been offended by the fee structure. The fee is revisited on a yearly basis. For instance, the city staff would remove something from the cities program that is covered by the Development Impact Fees. Also, the fee is revisited for cost, what kind of index the city feels should be applied to keep up with cost of construction. All of the fees that apply either partially or fully to the East Highlands Ranch because some fees apply 100% and escalate at the same rate that everybody else. It is typically 2.5% and what staff suggested is to double it. The $750,000 plus or minus was not the sweetheart deal that East Highlands Ranch reached with the city and getting away with murder while others are paying more. This is a reduction in view of things that the ranch provided. Many years ago, the fire station on Weaver Avenue and Base Line was built and funded by the ranch. So, it is not that the ranch or Blossom Trails is getting away with the lower fee. While this owner has not had the chance to develop its own property, although it is contributed to that fire station and is still waiting to benefit from something that they contributed cost decades ago. I hope you do not feel that the city has been short changed, there has been a lot more than the balance and the difference between not being East Highlands Ranch versus East Highlands Ranch Development Impact Fees that have been expended, put in the ground and being of service to all of the existing community for many years.

Commissioner Miller stated I understand your point. As it relates to infrastructure, I feel the drainage infrastructure in your area, specifically as it relates to Church Street, is inadequate. It had huge flooding issues, and it needs more funding. The roads that will support this development and their existing state, along with the other commercial development, will be stressed. The $750,000, no matter how you spend it with 137 lots, it is a small amount. There may have been money paid back 30 years ago, but we are in different times. The construction costs that we are seeing on these projects are not 2.5% or 5%, they are more like 25 or 30%. So, I appreciate your response, it does not change my opinion.

Applicant Camille Bahri stated the flooding on Church Street is not a city burden. 15 years ago, we built the Church Street Channel before Blossom Trails. The flooding as mentioned is not the city’s responsibility, it is the Flood Control responsibility. I would like to point out the traffic concern, we do contribute to the regional facilities with a fee specific to the East Highlands Ranch and the only median that has existed in the city is facing Blossom Trails because these the ranch did the full right of way before I came to the East Highlands Ranch in 1990. Thank you.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Saran to adopt Resolution No. 2024-004, recommending the City Council adopt a Resolution to approve Extension of Time for Tentative Parcel Map 19958 and Tentative Tract Map 20090 and introduce an ordinance to extend the term of the East Highlands Ranch PUD Development Agreement and Impact Fee Development Agreement. Motion carried, 3-1-1, with Commissioner voting no and Commissioner Graves being absent.

RESOLUTION NO. 2024-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE EXTENSION OF TIME EXT 24-002 TO EXTEND TENTATIVE PARCEL MAP 19958 (TPM 17-002) AND TENTATIVE TRACT MAP 20090 (TTM 17-001) FOR A PERIOD OF TWO YEARS AND APPROVE EXTENSION OF TIME 24-001 EXTENDING THE EAST HIGHLANDS RANCH

DEVELOPMENT AGREEMENT AND DEVELOPMENT FREE AGREEMENT FOR THE PERIOD OF FIVE YEARS TO FACILITATE THE DEVELOPMENT OF "BLOSSOMS TRAILS", A 137 UNIT RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHSIDE OF GREENSPOT ROAD WEST OF CHURCH STREET.

ANNOUNCEMENTS

The Planning Commissions next regular meeting is scheduled March 5, 2024.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:32 p.m.

Submitted by:	Approved by:
Camille Duarte, Administrative Assistant III Community Development Department	Randall Hamerly, Chair Planning Commission