



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

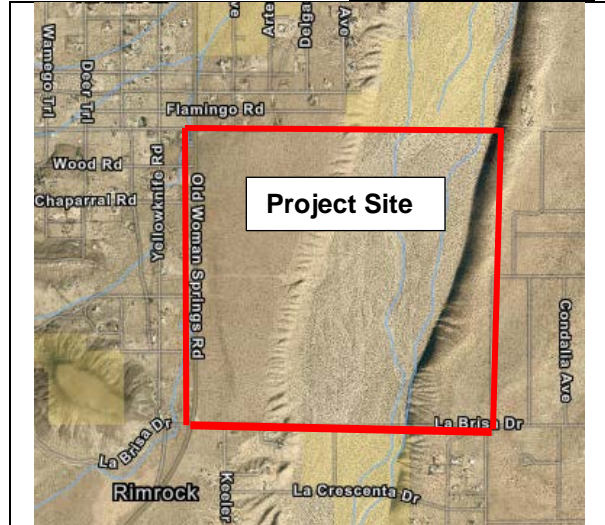
HEARING DATE: March 9, 2023

AGENDA ITEM #4

Project Description

Vicinity Map -

APN: 0629-181-01
Applicant: RoBott Land Company
Community: Landers / 3rd Supervisorial District
Location: East side of Highway 247, south of the extension of Luna Vista Lane.
Project No: PROJ-2020-00191
Staff: Jim Morrissey
Rep: Nancy Ferguson
Proposal: Conditional Use Permit for a campground that includes a number of facilities, including 75-camp sites, camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways within an approximate 25-acre portion of a 640-acre parcel.



141 Hearing Notices Sent on : February 22, 2023

Report Prepared By: Jim Morrissey, Contract Planner

SITE INFORMATION:

Parcel Size: 640 acres
Terrain: Westerly half is relatively flat. The balance of the land is primarily within Pipes Wash.
Vegetation: Numerous Joshua trees are on the property, including other desert vegetation.

TABLE 1 – SITE AND SURROUNDING LAND USES, POLICY PLAN, AND ZONING DISTRICTS:

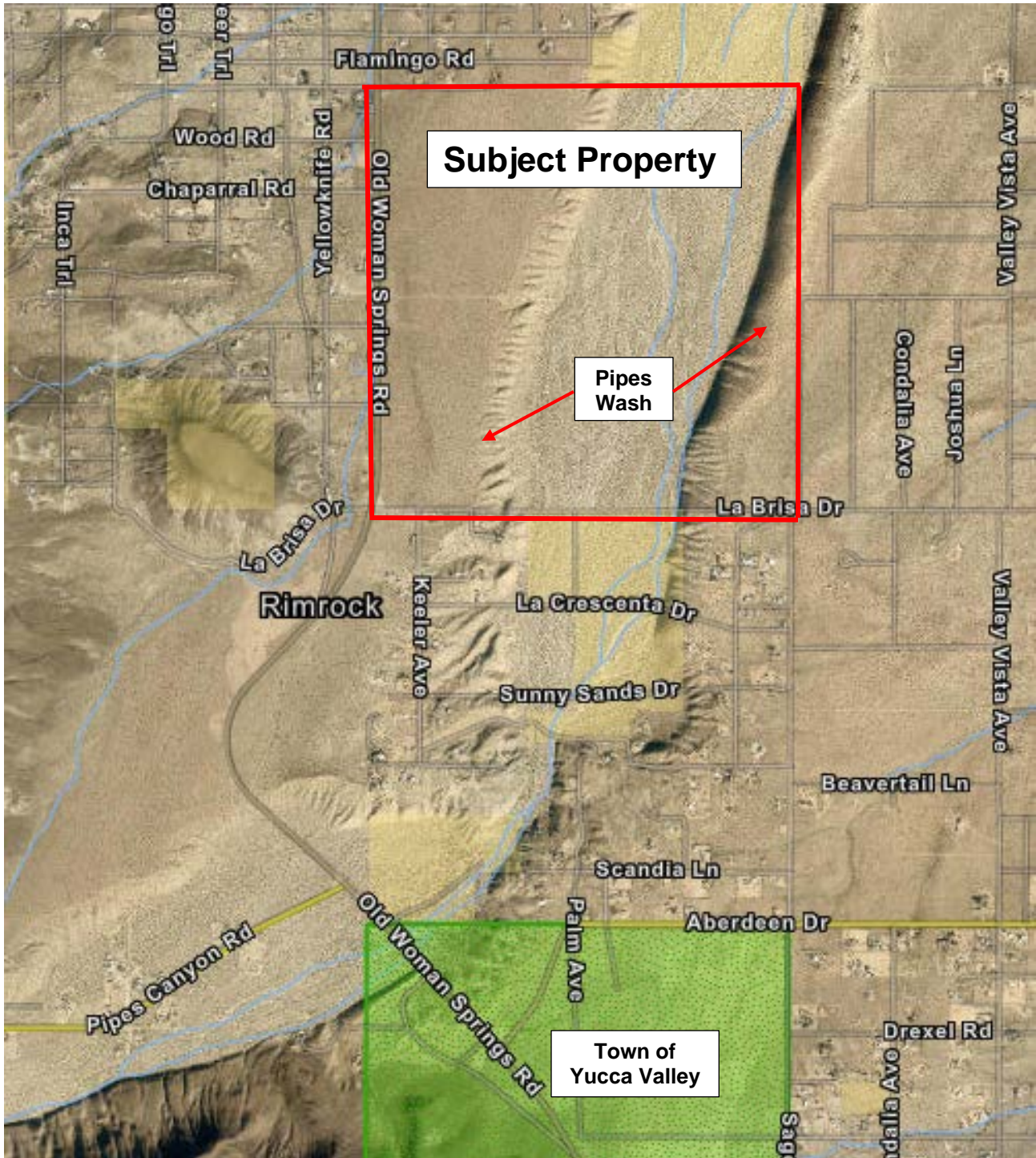
AREA	EXISTING LAND USE	LAND USE POLICY	ZONING DISTRICT
SITE	Vacant	RL (Rural Living)	RL (Rural Living)
North	Vacant and single family	RL (Rural Living)	RL (Rural Living)
South	Vacant and single family	RL (Rural Living)	RL (Rural Living) and RL-5 (Rural Living, five-acre minimum lot size)
East	Vacant	RL (Rural Living)	RL (Rural Living) and RL-5 (Rural Living, five-acre minimum lot size)
West	Single family	RL (Rural Living)	RL (Rural Living)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Big Horn Desert Water Agency	Within service area
Sewer Service:	N/A	Septic System

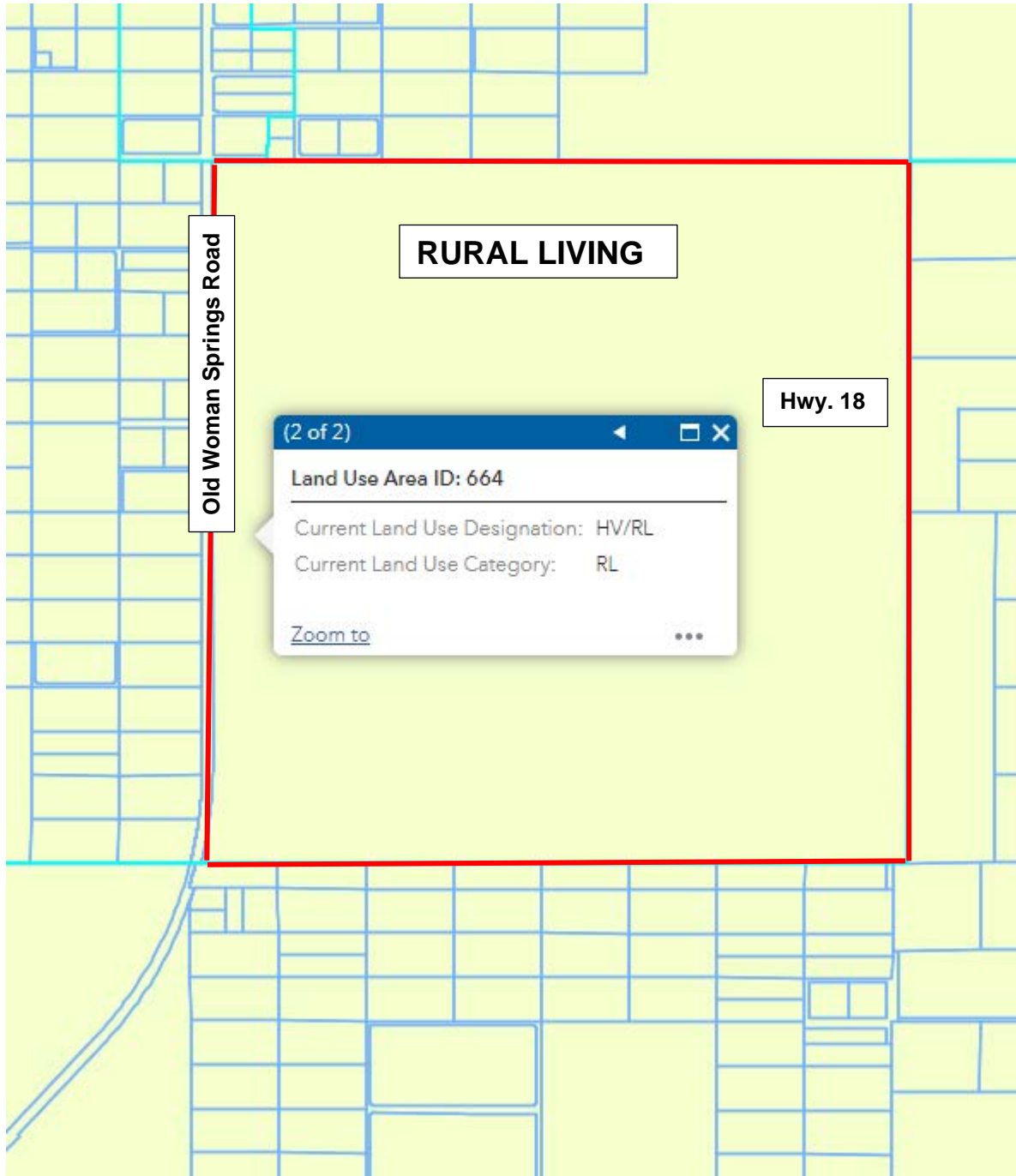
STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, **ADOPT** the Findings as contained in the staff report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Determination.¹

¹ In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

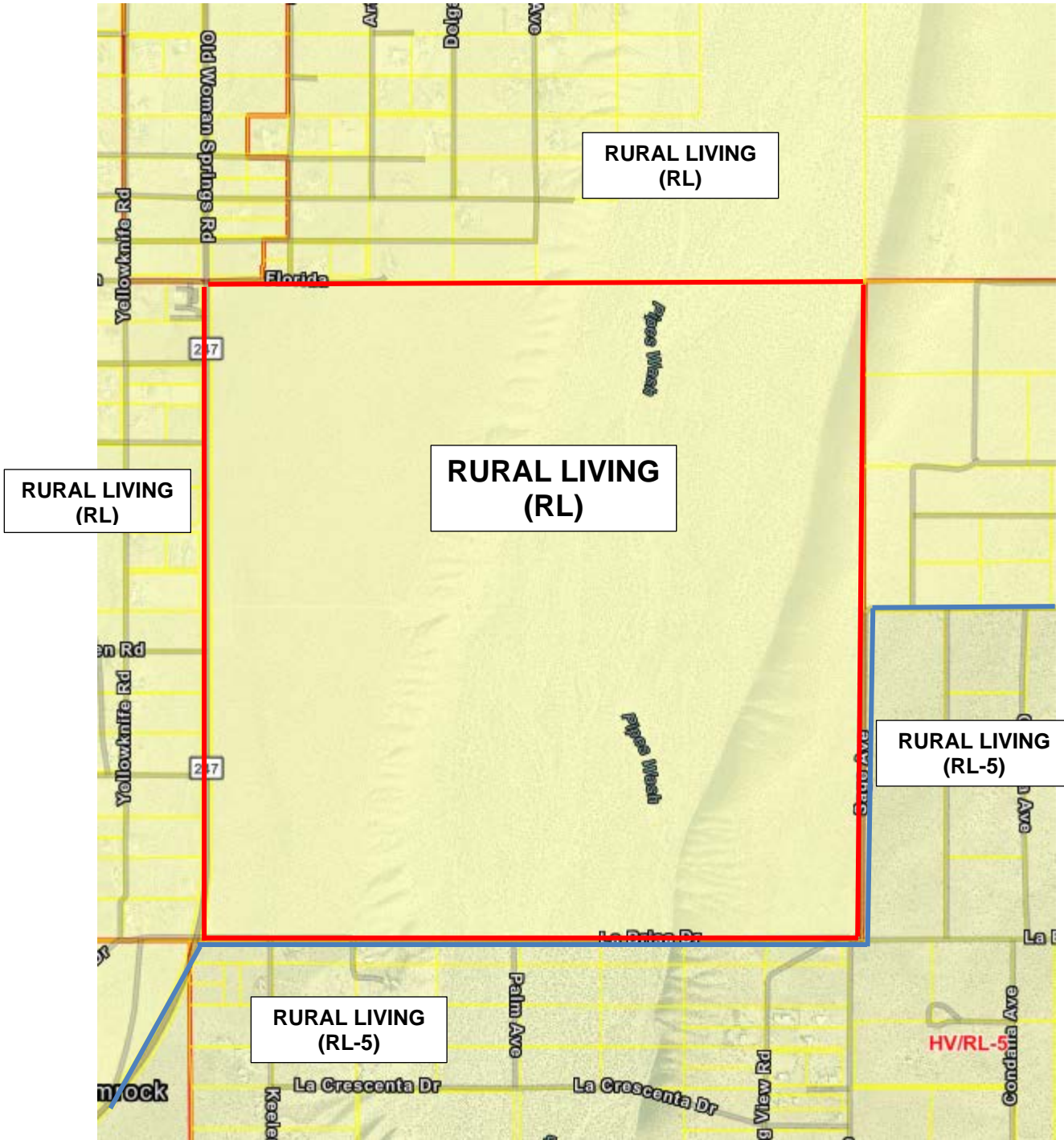
VICINITY MAP:
Aerial view of the Project Site



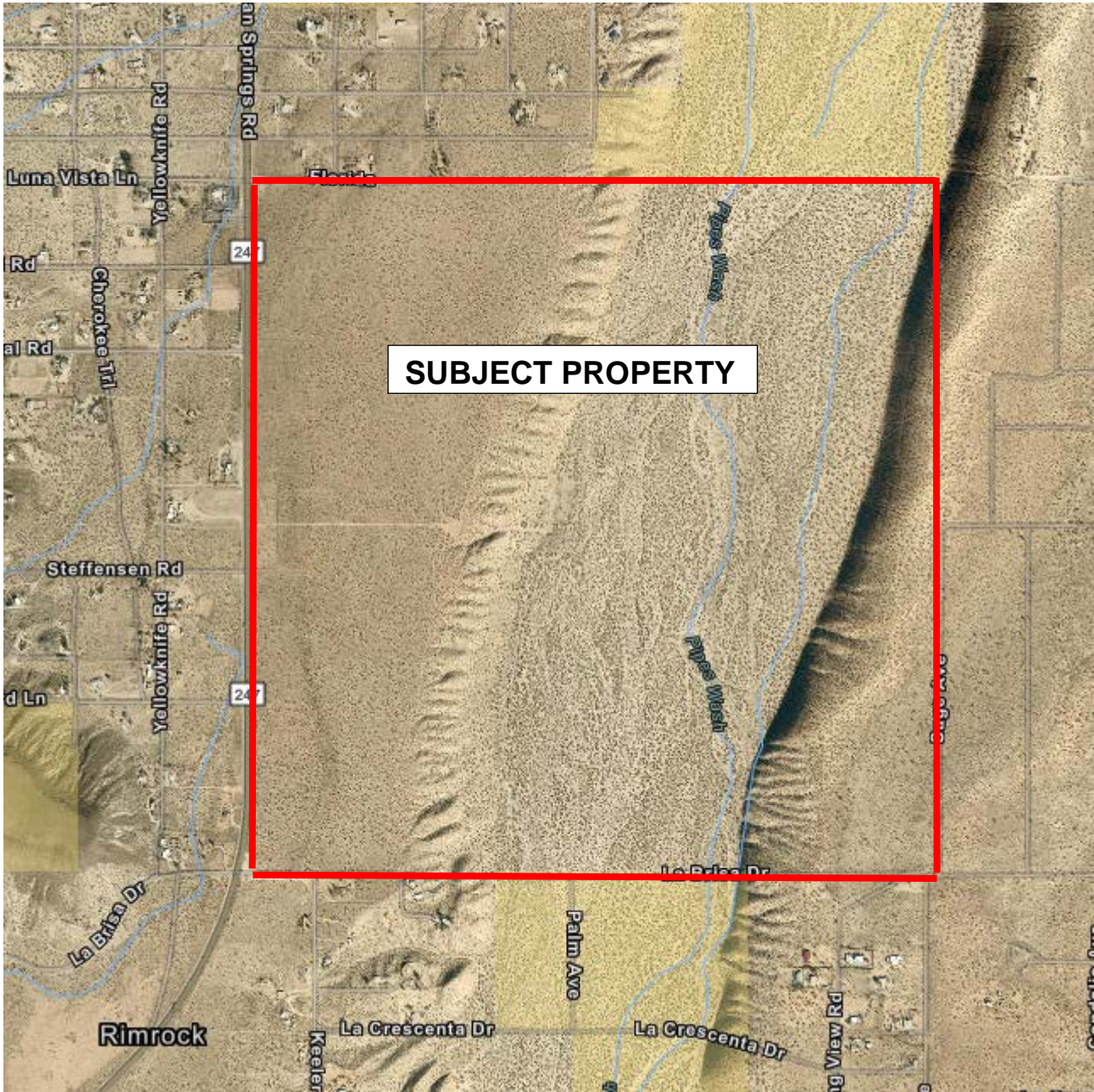
POLICY PLAN LAND USE MAP:



ZONING MAP:



AERIAL MAP:



SITE PHOTOS

View north (left photo) and south (right photo) along Old Woman Springs Road.



Looking east (left photo) from entry road from Old Woman Springs Road and looking generally south (right photo).



SITE PHOTOS
(continued)

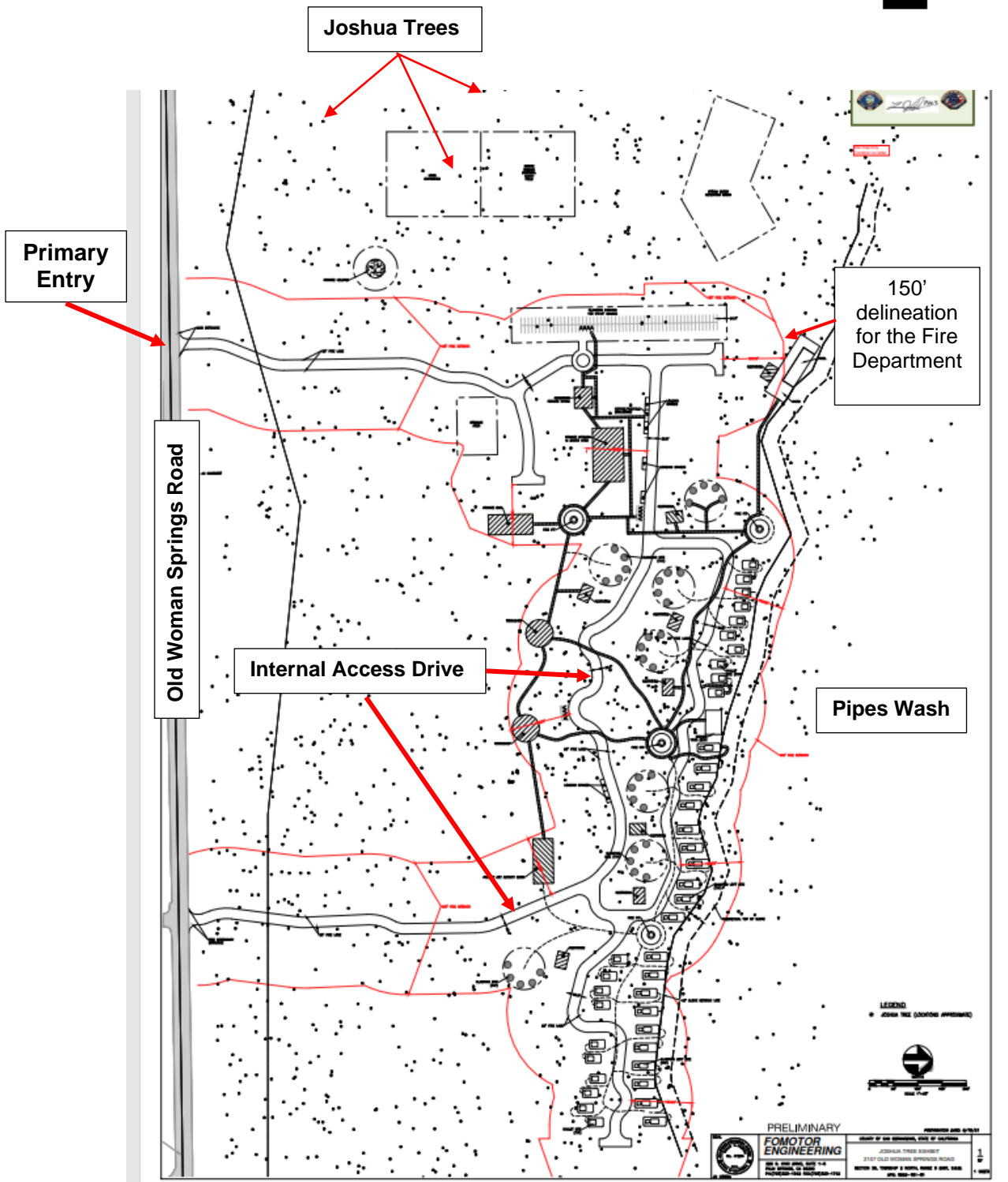
Looking north (left photo) and south (right photo) from the westerly side of Pipes Wash.



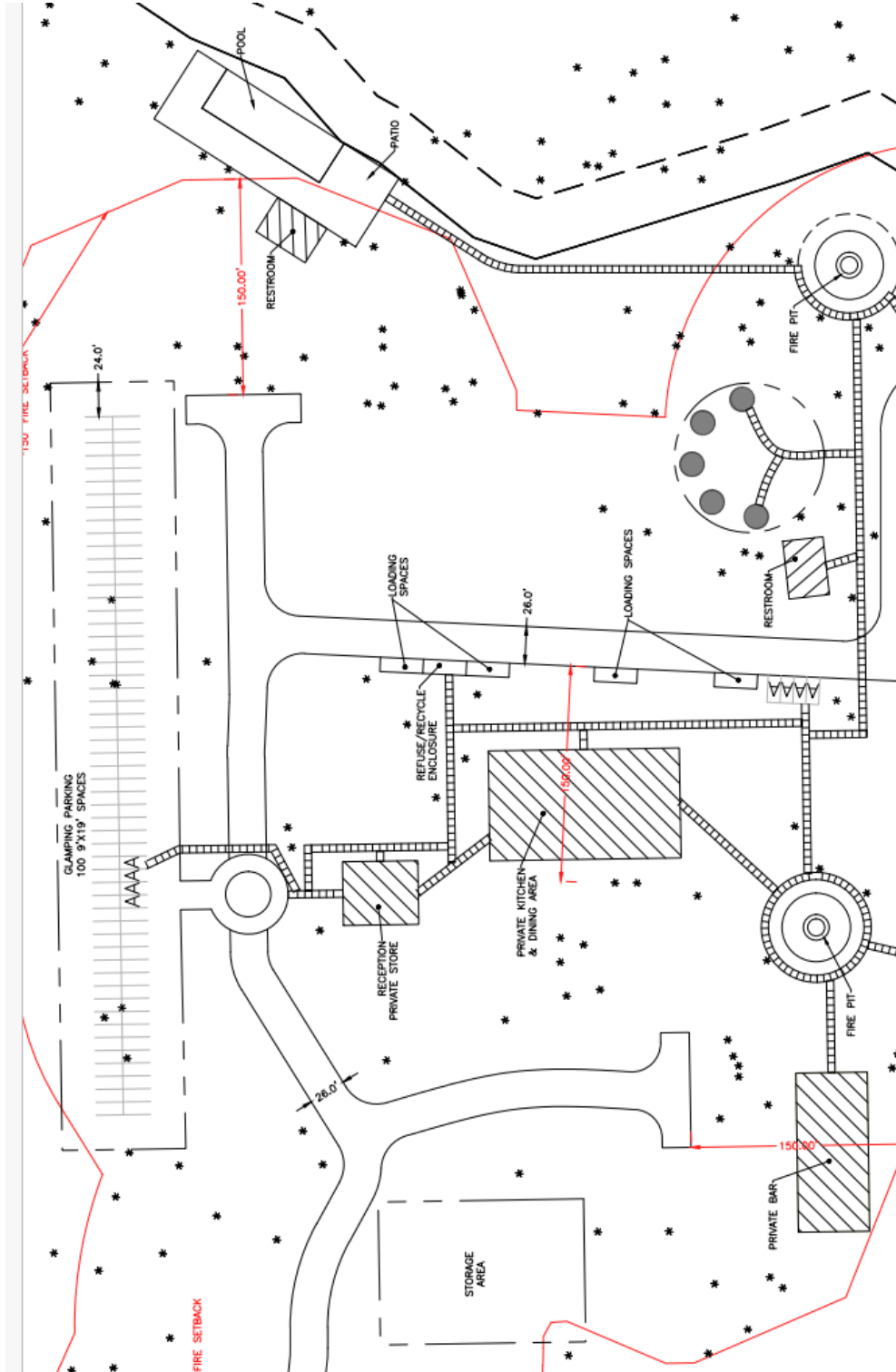
Looking across Old Woman Springs Road from the approximate proposed entry point.



SITE PLAN



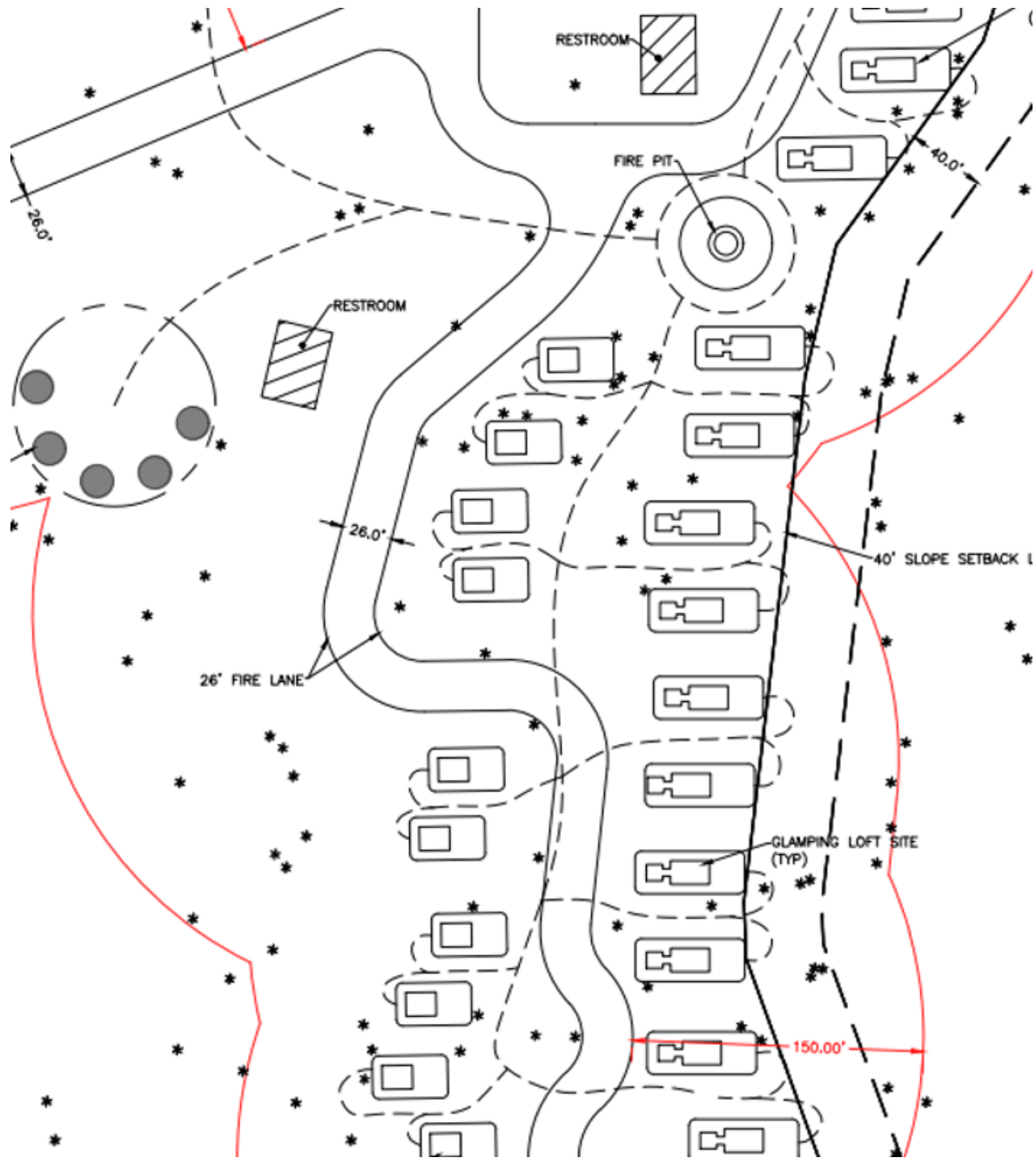
SITE PLAN ENLARGEMENTS (Upper Portion)



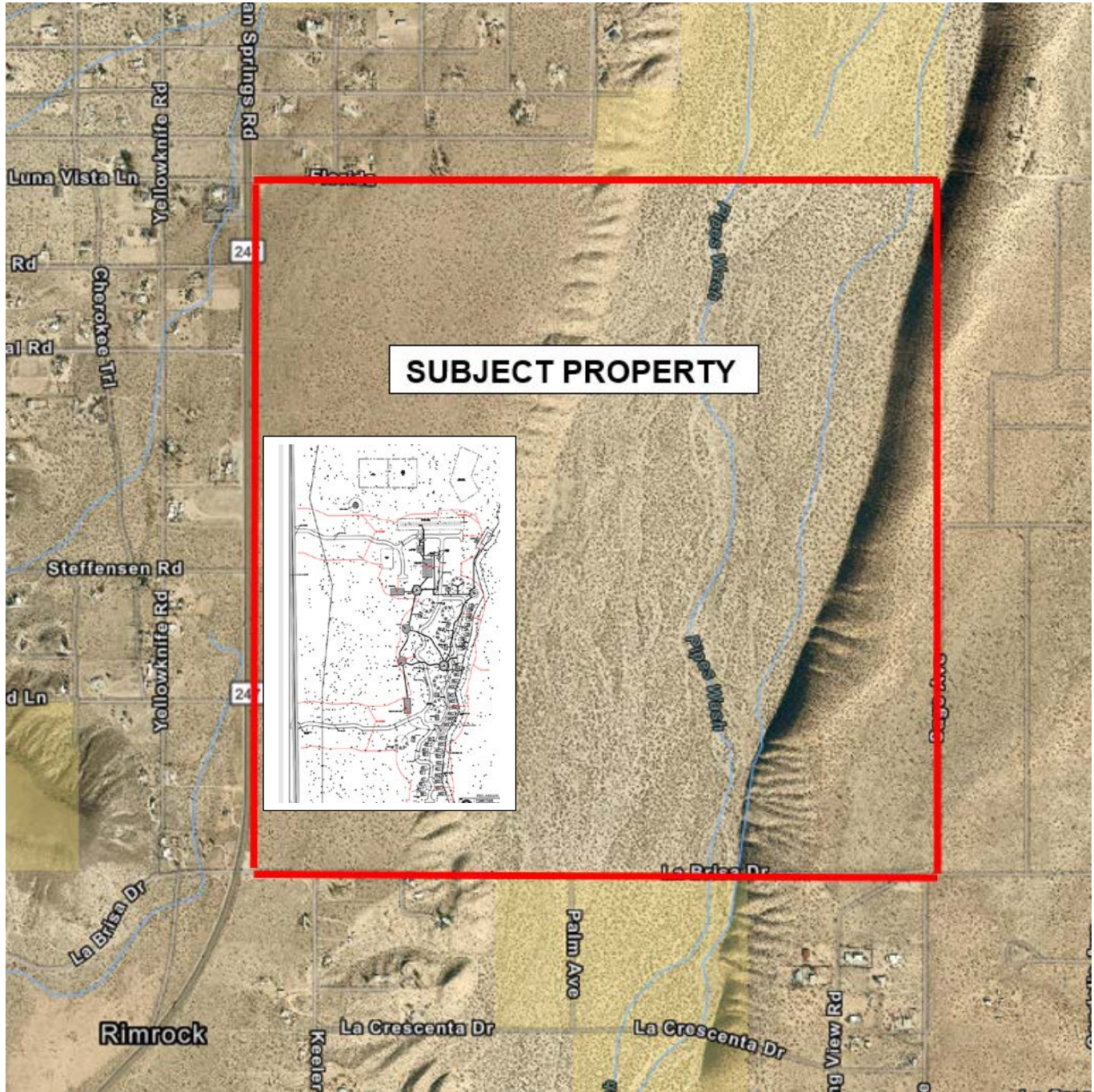
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SITE PLAN ENLARGEMENTS (Lower Portion)



SITE PLAN
SITE PLAN INSERTED ONTO AERIAL PHOTO
(approximation)



Individual Camping Designs

Three different designs are proposed.
The Left side represents the Glamping Standard, right side the Glamping Loft



The Left side represents the Teepee Suite, right side a nighttime illumination



Common Area Uses

Fire pit in the left photo, art barn displayed on the right photo



PROJECT DESCRIPTION:

RoBott Land Company (Applicant) is requesting approval of a Conditional Use Permit for a campground consisting of a maximum of 75 camp sites of various types, including several accessory buildings on approximately 25 acres of a 640-acre parcel. The parcel has two separate and distinct geographic features: The first is a flat portion that abuts Old Woman Springs Road (Highway 247) on the west and a smaller remainder portion on the southeasterly part of the property; and the second is Pipes Wash which traverses the property in a north/south direction and separates the two flatter features. Pipes Wash is a very large drainage channel with a bottom width of approximately 2,000 linear feet and a depth of approximately 100 feet, based upon the U.S.G.S Map topography for the property.

The proposed improvements would be located in the southwest portion of the project site and are as listed below.

Accommodations: Up to 75 camp sites of three distinct types:

- Camping Lofts – 1,230 square-feet (SF) each; 20 sites
- Camping Tents – 220 SF each; 35 sites
- Chalet – 850 SF each; 20 sites

Accessory Buildings/Areas

- Reception /Camp Store – 2,288 SF
- Restrooms – 1,120 SF each; 8 units
- Fire Pits –700 SF each; 4 units
- Pool/Patio – 3,000 SF
- Workshops – 3,600 SF each; 2 units
- Art Barn – 5,500 SF
- Restaurant – 10,108 SF
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- Helipad – 7,854 SF
- Storage Area: 25,275 SF
- Yoga Deck: 2,400 SF
- Retention area: 58,902 SF (subject to change)
- Sewage disposal area (e.g. septic system): 58,902 SF (subject to change)

Trails/Paths/Gardens:

- Gardens – 212,000 SF
- Internal Paths / Walkways between buildings / site activities (collectively referred to as the Project)

No major development is proposed to occur within the Pipes Canyon Wash portion of the Project site (approximately 350 acres), nor the approximately 65 acres located to the southeast of the wash. It is anticipated that there will be up to 300 visitors when fully booked. The proposed Project would require an estimated 30 (up to 50 seasonal) employees. All on-site facilities would be limited to guests only. No general public use of the restaurant, bar or other facilities would be permitted. Access to the Project site from Old Woman Springs Road would be provided by a proposed 26-foot main entrance, which currently exists as a dirt trail near the center of the Project site frontage. Additionally, there will be a secondary entrance south of the main entrance for fire access.

PROJECT ANALYSIS:

The Project site is designated on the Policy Plan Land Use Map and Zoning District Map as RL (Rural Living). This zone permits a variety of uses, including, but not limited to agricultural uses, campgrounds, indoor commercial entertainment, libraries and museums, places of worship, schools, single family residences, mobile home parks, and day care facilities.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Rural Living	Project Plans (Proposed)
Campground	CUP for Campgrounds	CUP
Policy Plan Density	RL (Rural Living) One unit per 2.5 acres for residential	N/A
Parking	Parking requirements are provided for an Organized Camp site, which does not apply	<ul style="list-style-type: none"> 75 camp sites, with a projected maximum staffing at any time of 25 persons. Number of spaces provided: 100
Property Line Setbacks	<ul style="list-style-type: none"> Front: 25 feet Street Side: 25 feet Interior Side: 15 feet Rear: 15 feet Adjacent to Single Family Zoning: 1.0 ft. per building height (26 feet) 	<ul style="list-style-type: none"> Front: Approximately 760 feet Side (south/north sides): Approximately 600/2,600 feet Rear: 4,000 feet
Building Height	35 feet maximum	<ul style="list-style-type: none"> Highest building (eating area): 33 feet Maximum tent/camp site: 15 feet
Drive Aisles	26'	26' minimum

Project Design Features

Site Plan Modifications/Notable Features

The proposed Project has a variety of features, as noted in the Project Description. Some of the features have changed over time and are noted below.

- Music Festival Area:** An area in the northwest portion of the property, covering an estimated 90 acres, was proposed for periodic music festivals. This feature has been removed and the amount of parking spaces were reduced from 400 to 100.
- Restaurant and Bar Open to the Public:** The original Project intent was to provide a restaurant and bar that was open to the public. This was considered to be a standalone commercial use and would require an amendment to the Policy Plan and a Zone District. As such, these facilities have been restricted for use by site occupants only.
- Camp Site Access:** Due to San Bernardino County Fire Protection District (Fire Department) requirement to provide a Fire Lane within 150 feet of all structures, a portion of the site plan near the area containing the individual camping sites now includes two somewhat parallel fire lanes rather than one.
- Setbacks:** The general location of site improvements has generally remained the same, with the closest building to Old Woman Springs Road setback approximately 760 feet and over 600 feet from the southerly property line. The proposed camp sites will be located an estimated 40 feet from the

end of Pipes Wash. The camp sites will be approximately 4,000 feet and 2,600 feet from the easterly and southerly property lines, respectively.

- Helipad: Placement of the helipad has changed slightly in different site plan variations, with the current location approximately 400 feet east of Old Woman Springs Road. The intent of the pad to be available only for emergency medical situations has remained the same.

HCD Approval

The California Department of Housing and Community Development (HCD) requires the Applicant to submit materials to and receive approval from HCD prior to the issuance of permits. As such, if the Planning Commission approves the Project, the Applicant will submit all required documentation to HCD for their review and acceptance. A condition of approval has been included as part of this Project indicating the Applicant is responsible for submitting material to HCD for their approval. Both HCD and County will collaborate to ensure compliance with adopted Conditions of Approval (Exhibit A).

California Environmental Quality Act Compliance

An Initial Study/Mitigated Negative Declaration (IS/MND) has been completed for the Project in compliance with the California Environmental Quality Act (CEQA) (Exhibit B). The IS/MND was made available for public review from March 22 to April 21, 2022 and concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures. The mitigation measures have been incorporated in the Conditions of Approval and cover the following topics:

- Biological Resources: A number of biological measures are recommended based upon the completion of biological and jurisdictional studies, including the following:
 - ✓ Protect Joshua trees through transplanting and stockpiling, and protective measures recommended in the Protected Plant Preservation Plan.
 - ✓ Prior to undertaking measures in the Protected Plant Preservation Plan, an Individual Take Permit shall be obtained from the California Department of Fish and Wildlife (CDFW) for any activity that results in the removal of a Western Joshua tree (*Yucca brevifolia*), or any parts thereof, or impacts the seedbank surrounding a Western Joshua tree, as deemed applicable by CDFW.
 - ✓ A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that will include information on general and special status species within the Project site.
 - ✓ A nesting bird survey shall be undertaken if construction occurs February 1 through September 15.
 - ✓ Burrowing Owl, Desert Tortoise, and other botanical surveys shall be undertaken prior to construction.
 - ✓ The proposed Project shall be designed to avoid sensitive and/or protected desert plants. If this cannot be avoided, a relocation plan is required to be submitted for approval.
 - ✓ The Applicant shall employ a qualified biologist (desert native plant specialist) to tag those trees that will eventually be approved by CDFW for relocation.
 - ✓ During construction: Trees potentially affected shall be surrounded by construction fencing; the Project biologist shall conduct a worker education class designed to ensure the distance that must be maintained between construction activity and the trees.
 - ✓ A qualified biologist shall be on call for various tasks, including worker education classes, preparation of educational pamphlets, maintenance of berms or fencing, conducting a yearly tree census to assess the health of the trees, development and implementation of a Joshua tree watering plan, development and maintenance of a Joshua tree nursery to replace trees that do not survive transplanting or affected by climate change, provide mitigation monitoring and reporting to CDFW on the health of Joshua trees.

- ✓ The applicant shall contribute to the CDFW Western Joshua Tree Mitigation Fund at such time it is established by CDFW.
- ✓ All protected yuccas to be removed shall be flagged and transplanted prior to construction, in accordance with the requirements of County Ordinances.
- Cultural and Tribal Resources: A number of cultural and tribal measures are recommended based upon the completion of historical, archaeological, and paleontological studies, including the following:
 - ✓ Archaeological monitoring shall be required during all earth-moving operations in the elevated portions of the Project site along the Pipes Canyon Wash channel.
 - ✓ If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ.
 - ✓ Cultural training should be incorporated into employee orientations.
 - ✓ Prior to the commencement of any ground disturbing activity at the Project site, the project applicant shall retain a Native American Monitor approved by the tribe that consulted on this project pursuant to Assembly Bill A52 (the "Tribe" or the "Consulting Tribe").
- Geological Resources: A qualified geologist shall inspect any excavations (foundation, utility, etc.) on the Project site during construction for possible indications of faulting and all earthwork and construction shall be in conformance with the recommendations of the Design-phase Geotechnical Investigation date January 11, 2021, for site clearing, grading, foundations, and utility trenching, etc.

Staff received comments from CDFW in a correspondence dated April 18, 2022. Their comments requested changes to some Mitigation Measures listed in the draft Mitigated Negative Declaration, along with the addition of three new mitigation measures focused on Burrowing Owls, Desert Tortoises, and obtaining a Streambed Alteration Agreement.

Changes to mitigation measures:

As a result of CDFW's comments, the County has made changes to Mitigation Measure BIO-1, BIO-3, BIO-4, BIO-6, BIO-7 and BIO-8 (Exhibit C). A lead agency may change or substitute a mitigation measure without recirculation of a mitigated negative declaration when the agency concludes as a result of the public review process that a proposed mitigation measure is infeasible or otherwise undesirable, and finds that the revised mitigation measure is equivalent or more effective in mitigated environmental impact than the original measure. The proposed changes to the existing measures would provide clarification on various aspects of each measure identified above, including specifying particular survey and mitigation design criteria, habitat replacement criteria, and reporting criteria. A CEQA finding is included with the Project findings and concludes that the changes identified above are equivalent or more effective in mitigating environmental impacts as previously determined in the circulated Mitigated Negative Declaration and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the Project and made part of the Project's Mitigation Monitoring and Reporting Program. As a result, the changes to the mitigation measures do not require recirculation of the Mitigated Negative Declaration.

Addition of new mitigation measures:

Similarly, as a result of public comment the County has added Mitigation Measure BIO-9, BIO-10 and BIO-11 (Exhibit C). A lead agency may adopt new mitigation measures without triggering recirculation if the mitigation is added in response to comments on environmental impacts already identified in the initial study. Additionally, adding conditions of approval that will not create new significant impacts and that the lead agency concludes are not necessary to mitigate significant impacts will also not trigger recirculation. Mitigation Measures BIO-9 and BIO-10 focuses on environmental impacts already identified in the initial study related to Burrowing Owls and Desert Tortoises. While the Mitigation Measures contained in the circulated document required surveys for both burrowing owls and desert tortoises, these new measures generally enhanced the explanation of these surveys, specified the type of reporting and timing of the

surveys, and identified a replacement ratio for habitat. Since the mitigation relates to previously identified impacts, the addition of BIO-9 and BIO-10 do not trigger recirculation.

Mitigation Measure BIO-11 was also requested to ensure compliance with Streambed Alteration Agreement requirements contained in the Fish and Game Code. BIO-11 would require the Applicant to obtain a correspondence from CDFW on the requirement of a Lake and Streambed Alteration Agreement prior to construction or issuance of any grading permit. The County's Land Development Division had already proposed a condition of approval that is similar to CDFW's request due to the Project's proximity to Pipes Wash. The condition was not listed as a mitigation measure in the initial study since the proposed Project has been designed to avoid the existing drainage course and thus eliminating an impact or the need for such an agreement. However, the initial study also concludes that such an agreement would be needed in the event of any Project-related impacts to the wash. In order to ensure compliance with the Fish and Game Code, BIO-11 is added as a condition of approval. The addition of BIO-11 as a condition of approval will not create new significant impacts and because the Project's findings conclude that the measure is not necessary to mitigate significant impacts, the addition of BIO-10 does not trigger recirculation. The modified measures are listed in Exhibit C and enforceable as part of the Project conditions.

Public Comments:

Public Notices were distributed to surrounding residents on several occasions, as noted below.

- Project Notices. Notices were sent to surrounding property owners within 1,300 feet of the Project site on April 6, 2021, as required by Development Code Section 85.03.080. In response, 308 emails and other correspondence were received. A 120-page petition, unsigned, was also provided.
- Environmental Public Review Notices. Notices were sent to surrounding property owners within 1,300 feet of the Project site on March 22, 2022. In response, 83 emails and other correspondence were received.

All comments have been included as Exhibit D.

The comments are quite extensive and cover a variety of topics, including:

- Project would cause habitat destruction.
- Helipad could be used for tours.
- Fire pits and illegal fires causing wildfires.
- Wastewater would adversely affect groundwater supplies.
- Scarcity of water.
- Additional noise and light.
- Area identified for quiet residential uses not camping.
- Increase traffic resulting in potential accidents and reduces safety.
- Use does not alleviate housing crisis.
- Use does not provide economic benefits for the community.
- Area subject to geologic faulting.

Responses to the comments received on the environmental document were prepared for the Project (Exhibit E). These particular comments and responses focused on the following topics:

- Scenic Resources and Vistas
- Light Pollution
- Air Quality
- Biological and Cultural Resources

- Noise Pollution
- Public Services
- Traffic and Trip Generation
- Wastewater
- Solid Waste
- Wildfire
- Need for an Environmental Impact Report

Applicant's Operational Criteria

At the request of Staff and based upon comments received from the public, the Applicant has supplied overall operational criteria they would apply to the proposed Project. The criteria summarized below is enforceable and have been incorporated into the Conditions of Approval.

General Criteria

1. No off-road vehicle use by guests shall be allowed including but not limited to sports utility vehicles, ATVs, motorcycles/dirt bikes, bicycles and scooters.
2. No accommodations for equestrian activities are proposed nor allowed.
3. No travel trailers, motor homes or campers shall be allowed on-site.
4. No parking of personal vehicles is permitted at individual camp sites. Temporary access for loading/unloading only. All guest vehicles must be moved to the parking lot.
5. No harvesting of native plants is permitted by visitors.

Site Lighting

Site lighting shall be in compliance with San Bernardino County Light Trespass Ordinance located at Chapter 83.07, including those dark sky requirements for desert areas identified in Section 83.07.060.

Noise

1. Noise levels shall be in compliance with San Bernardino County Development Code for maximum sound levels at the property lines. Daytime = 55 dBA, nighttime = 45 dBA.
2. Nighttime outdoor activities such as the use of the fire pits shall cease at 11 pm.
3. No unnecessary mechanically or electronically (e.g. music, refuse collection, exterior maintenance activities) generated noise is permitted between 11 PM and 5 AM, with the exception of an emergency. Incidental noise, such as air conditioning compressors, septic systems, and on-site security is not part of this restriction.

Campfires

Campfires shall only be within the designated fire pits as shown on the Site Plan (Exhibit F). Use of fire pits shall be controlled by a Campsite employee. No individual camp fires shall be allowed.

RECOMMENDATION:

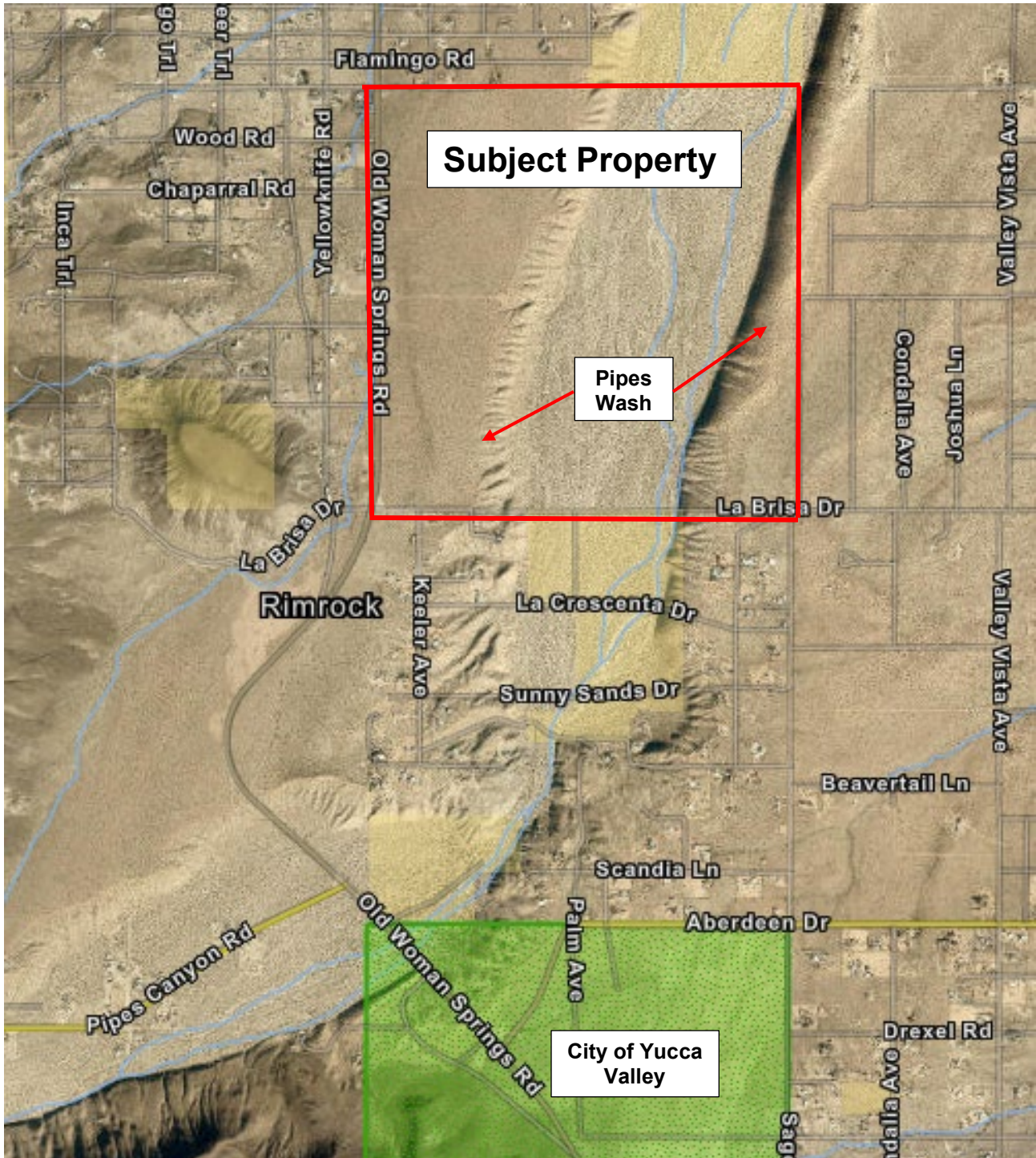
That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits B and G);
2. **ADOPT** the recommended Findings for approval of the Project (Exhibit H);
3. **APPROVE** the Conditional Use Permit for a campground that includes a number of facilities, including 75-camp sites, camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways within an approximate 25-acre portion of a 640-acre parcel, subject to the recommended Conditions of Approval (Exhibit A), and;
4. **DIRECT** staff to file the Notice of Determination (Exhibit I).

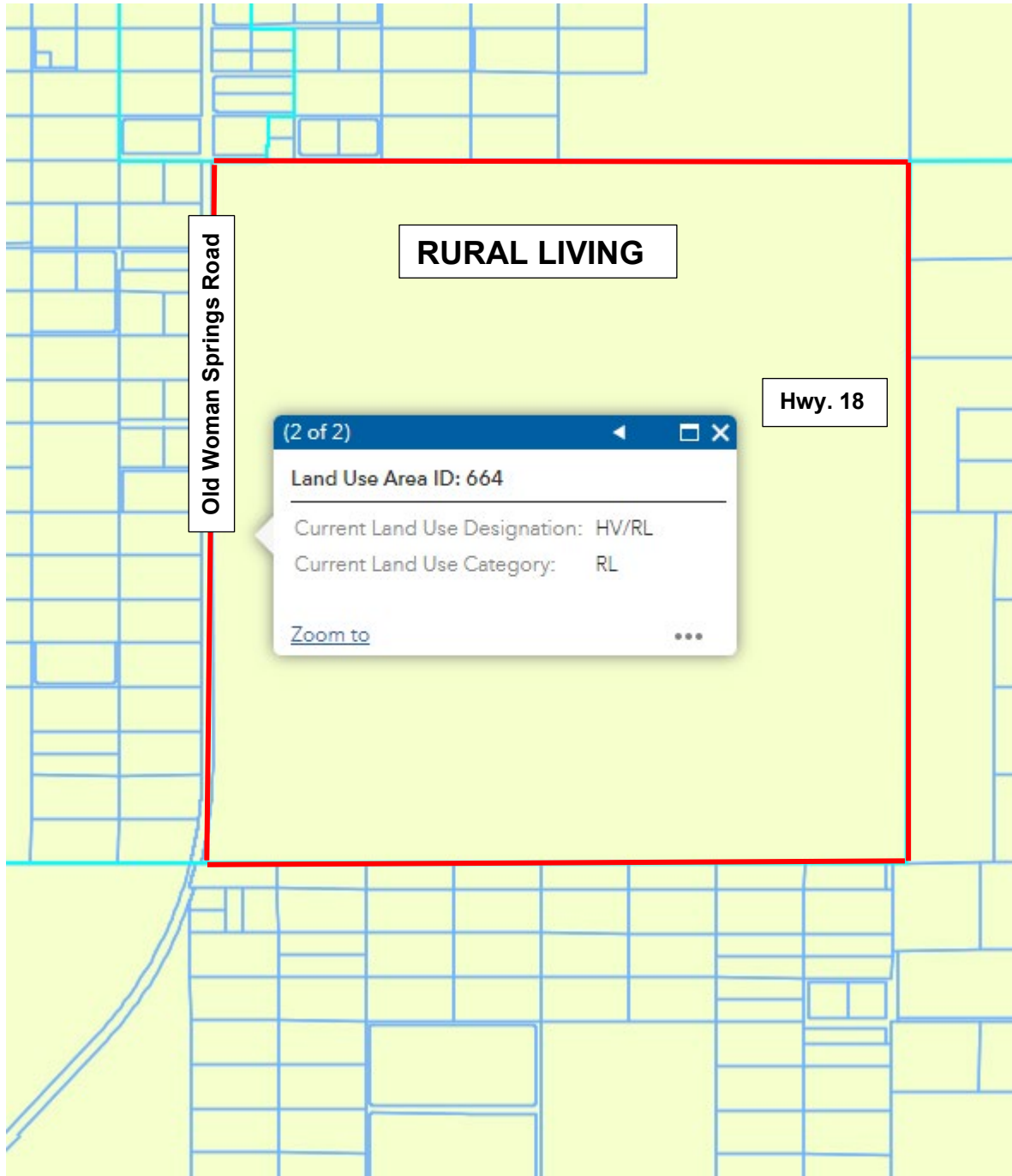
ATTACHMENTS:

- EXHIBIT A: Conditions of Approval
EXHIBIT B: Initial Study/Mitigated Negative Declaration
www.sbcounty.gov/uploads/LUS/Environmental/Resort_Camping_Proj_2020_00191/Initial%20Study.pdf
EXHIBIT C: Modified Mitigation Measures
EXHIBIT D: Comment Letters/Correspondence
EXHIBIT E: Responses to Comments
EXHIBIT F: Site Plan
EXHIBIT G: Mitigation Monitoring and Reporting Program
EXHIBIT H: Findings
EXHIBIT I: Notice of Determination

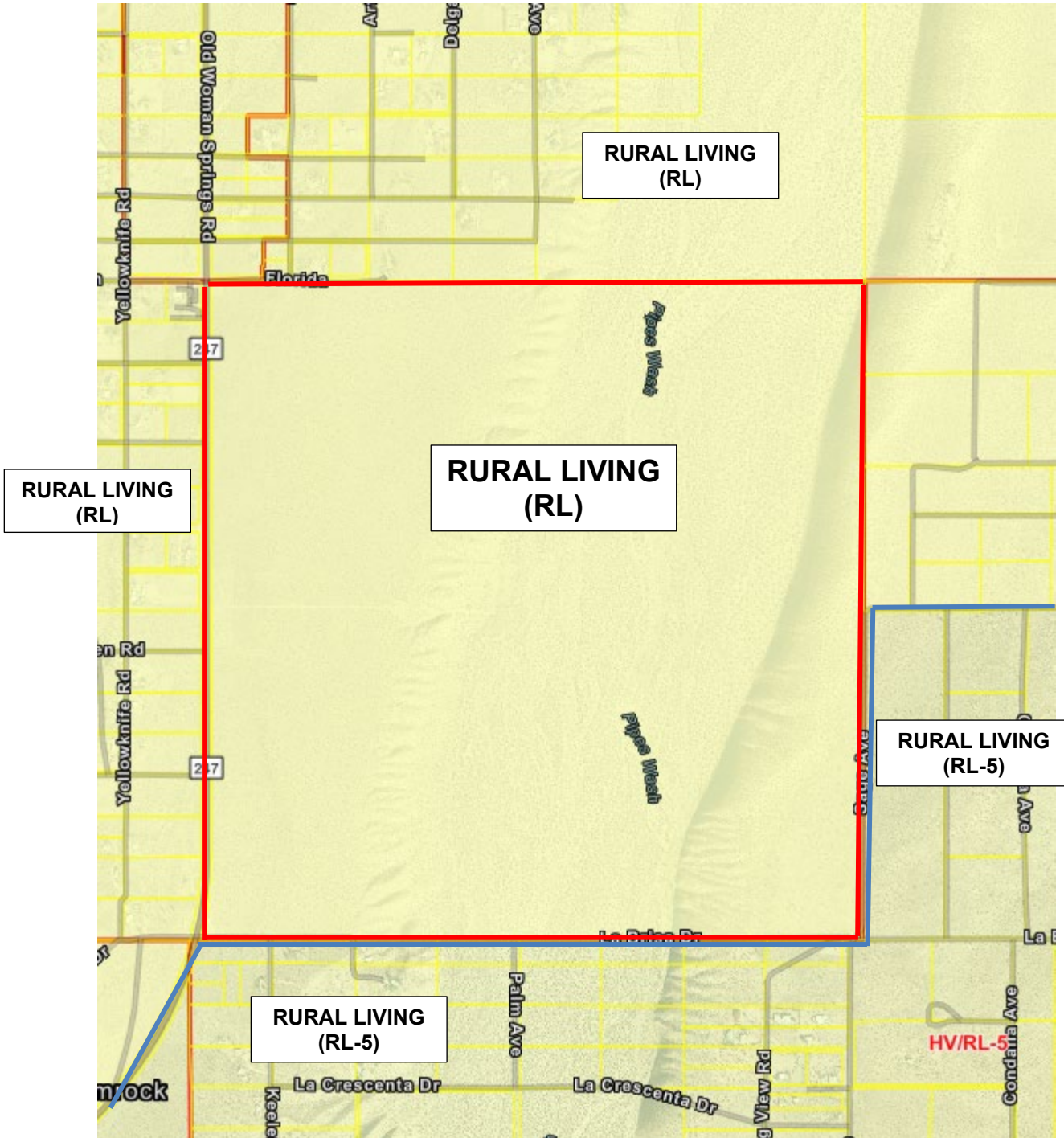
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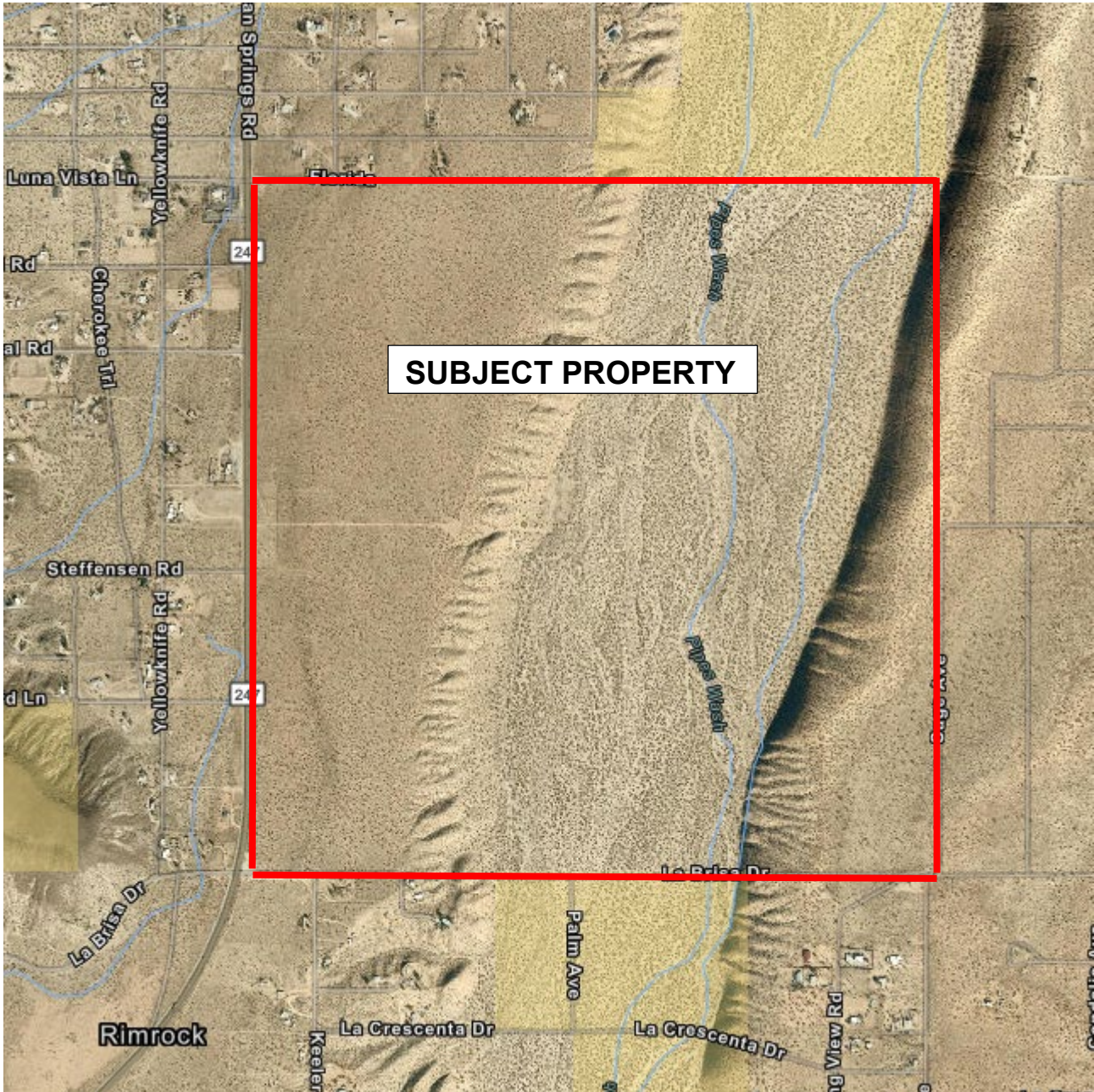
POLICY PLAN LAND USE MAP:



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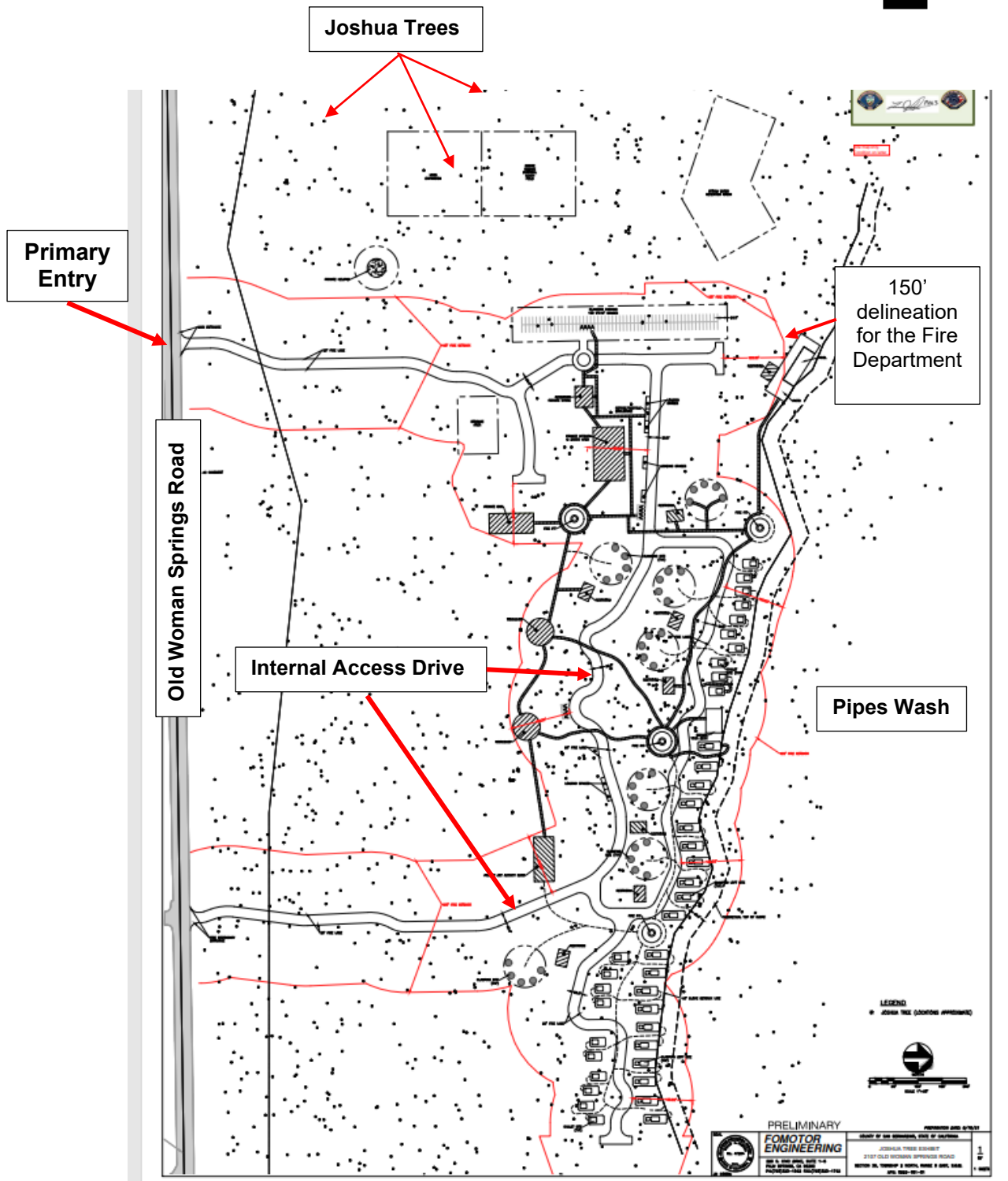
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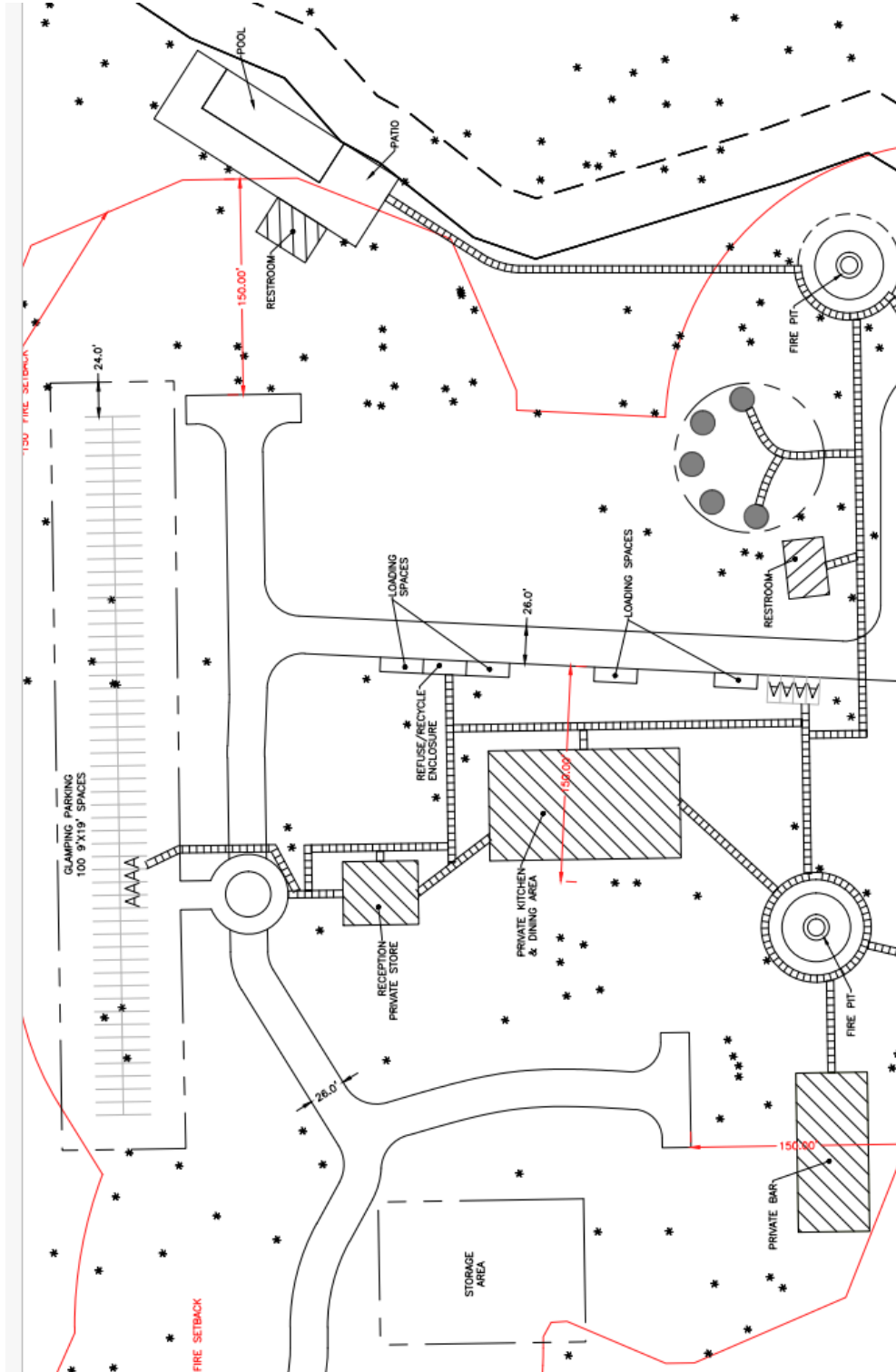
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SITE PLAN



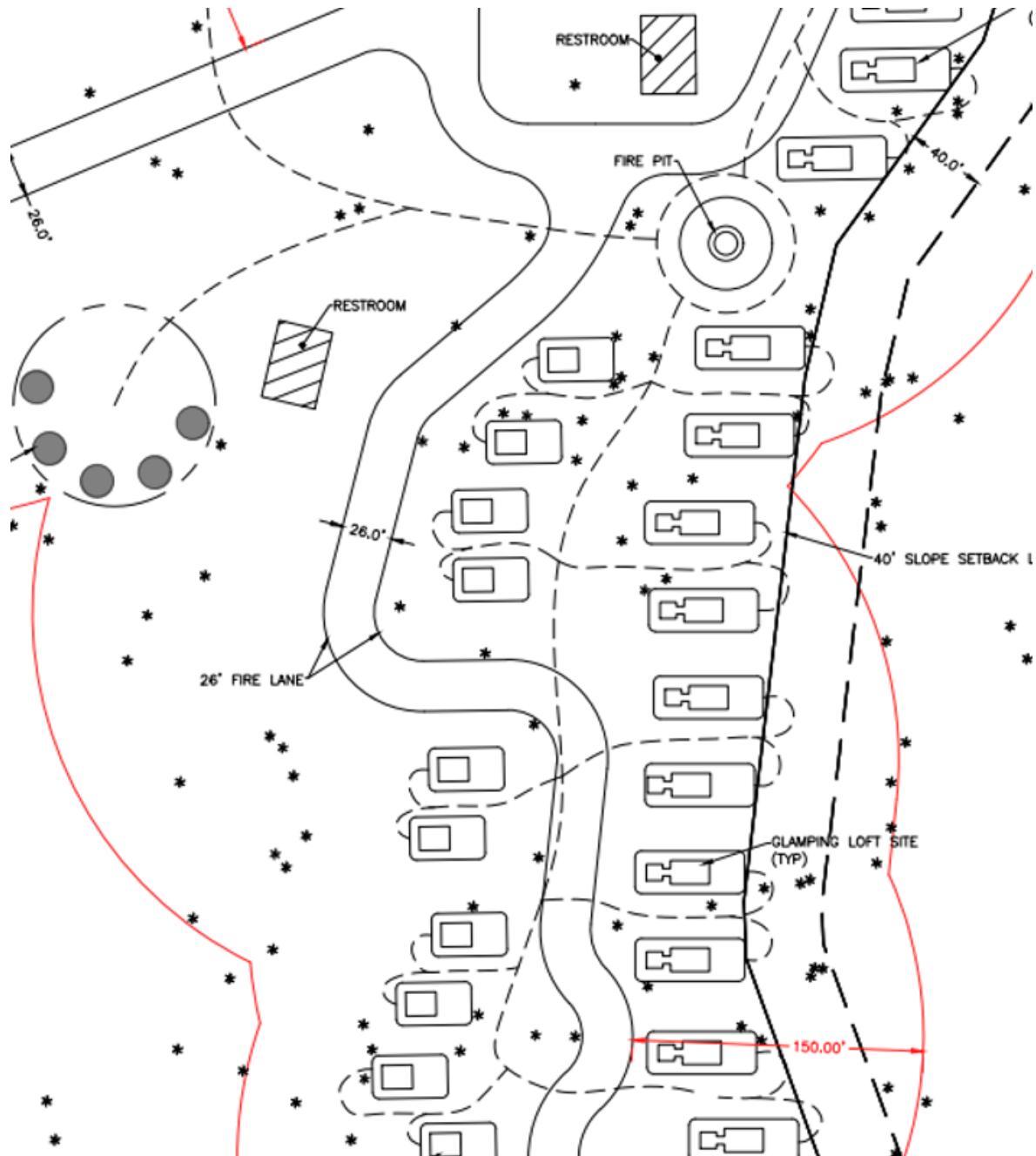
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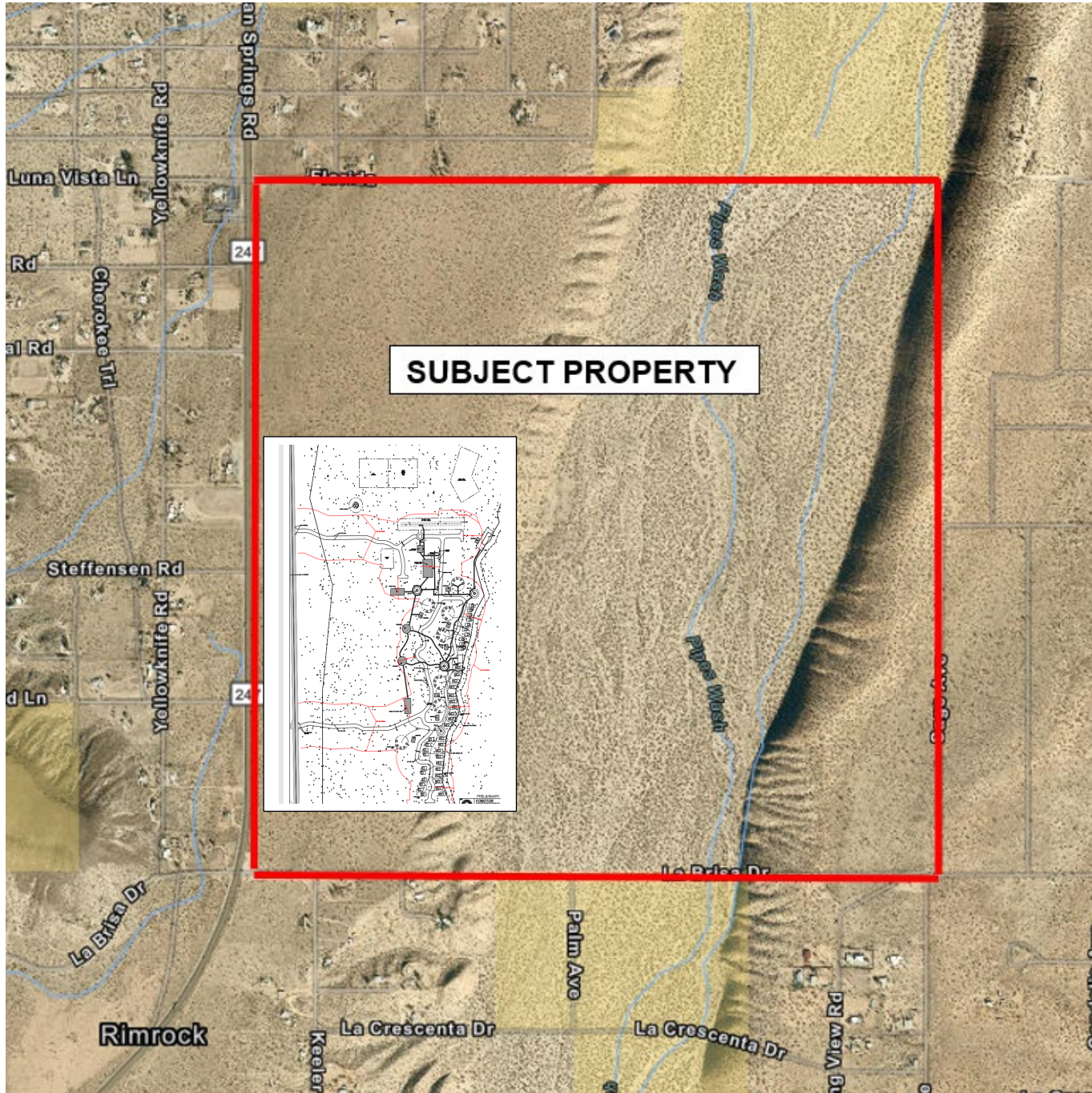
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Property Line Setbacks	<ul style="list-style-type: none"> Front: 25 feet Street Side: 25 feet Interior Side: 15 feet Rear: 15 feet Adjacent to Single Family Zoning: 1.0 ft. per building height (26 feet) 	<ul style="list-style-type: none"> Front: Approximately 760 feet Side (south/north sides): Approximately 600/2,600 feet Rear: 4,000 feet
Building Height	35 feet maximum	<ul style="list-style-type: none"> Highest building (eating area): 33 feet Maximum tent/camp site: 15 feet
Drive Aisles	26'	26' minimum

Project Design Features

Site Plan Modifications/Notable Features

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- Music Festival Area:** An area in the northwest portion of the property, covering an estimated 90 acres, was proposed for periodic music festivals. This feature has been removed and the amount of parking spaces were reduced from 400 to 100.
- Restaurant and Bar Open to the Public:** The original Project intent was to provide a restaurant and bar that was open to the public. This was considered to be a standalone commercial use and would require an amendment to the Policy Plan and a Zone District. As such, these facilities have been restricted for use by site occupants only.
- Camp Site Access:** Due to San Bernardino County Fire Protection District (Fire Department) requirement to provide a Fire Lane within 150 feet of all structures, a portion of the site plan near the area containing the individual camping sites now includes two somewhat parallel fire lanes rather than one.
- Setbacks:** The general location of site improvements has generally remained the same, with the closest building to Old Woman Springs Road setback approximately 760 feet and over 600 feet from the southerly property line. The proposed camp sites will be located an estimated 40 feet from the

end of Pipes Wash. The camp sites will be approximately 4,000 feet and 2,600 feet from the easterly and southerly property lines, respectively.

- Helipad: Placement of the helipad has changed slightly in different site plan variations, with the current location approximately 400 feet east of Old Woman Springs Road. The intent of the pad to be available only for emergency medical situations has remained the same.

HCD Approval

The California Department of Housing and Community Development (HCD) requires the Applicant to submit materials to and receive approval from HCD prior to the issuance of permits. As such, if the Planning Commission approves the Project, the Applicant will submit all required documentation to HCD for their review and acceptance. A condition of approval has been included as part of this Project indicating the Applicant is responsible for submitting material to HCD for their approval. Both HCD and County will collaborate to ensure compliance with adopted Conditions of Approval (Exhibit A).

California Environmental Quality Act Compliance

An Initial Study/Mitigated Negative Declaration (IS/MND) has been completed for the Project in compliance with the California Environmental Quality Act (CEQA) (Exhibit B). The IS/MND was made available for public review from March 22 to April 21, 2022 and concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures. The mitigation measures have been incorporated in the Conditions of Approval and cover the following topics:

- Biological Resources: A number of biological measures are recommended based upon the completion of biological and jurisdictional studies, including the following:
 - ✓ Protect Joshua trees through transplanting and stockpiling, and protective measures recommended in the Protected Plant Preservation Plan.
 - ✓ Prior to undertaking measures in the Protected Plant Preservation Plan, an Individual Take Permit shall be obtained from the California Department of Fish and Wildlife (CDFW) for any activity that results in the removal of a Western Joshua tree (*Yucca brevifolia*), or any parts thereof, or impacts the seedbank surrounding a Western Joshua tree, as deemed applicable by CDFW.
 - ✓ A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that will include information on general and special status species within the Project site.
 - ✓ A nesting bird survey shall be undertaken if construction occurs February 1 through September 15.
 - ✓ Burrowing Owl, Desert Tortoise, and other botanical surveys shall be undertaken prior to construction.
 - ✓ The proposed Project shall be designed to avoid sensitive and/or protected desert plants. If this cannot be avoided, a relocation plan is required to be submitted for approval.
 - ✓ The Applicant shall employ a qualified biologist (desert native plant specialist) to tag those trees that will eventually be approved by CDFW for relocation.
 - ✓ During construction: Trees potentially affected shall be surrounded by construction fencing; the Project biologist shall conduct a worker education class designed to ensure the distance that must be maintained between construction activity and the trees.
 - ✓ A qualified biologist shall be on call for various tasks, including worker education classes, preparation of educational pamphlets, maintenance of berms or fencing, conducting a yearly tree census to assess the health of the trees, development and implementation of a Joshua tree watering plan, development and maintenance of a Joshua tree nursery to replace trees that do not survive transplanting or affected by climate change, provide mitigation monitoring and reporting to CDFW on the health of Joshua trees.

- ✓ The applicant shall contribute to the CDFW Western Joshua Tree Mitigation Fund at such time it is established by CDFW.
- ✓ All protected yuccas to be removed shall be flagged and transplanted prior to construction, in accordance with the requirements of County Ordinances.
- **Cultural and Tribal Resources:** A number of cultural and tribal measures are recommended based upon the completion of historical, archaeological, and paleontological studies, including the following:
 - ✓ Archaeological monitoring shall be required during all earth-moving operations in the elevated portions of the Project site along the Pipes Canyon Wash channel.
 - ✓ If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ.
 - ✓ Cultural training should be incorporated into employee orientations.
 - ✓ Prior to the commencement of any ground disturbing activity at the Project site, the project applicant shall retain a Native American Monitor approved by the tribe that consulted on this project pursuant to Assembly Bill A52 (the “Tribe” or the “Consulting Tribe”).
- **Geological Resources:** A qualified geologist shall inspect any excavations (foundation, utility, etc.) on the Project site during construction for possible indications of faulting and all earthwork and construction shall be in conformance with the recommendations of the Design-phase Geotechnical Investigation date January 11, 2021, for site clearing, grading, foundations, and utility trenching, etc.

Staff received comments from CDFW in a correspondence dated April 18, 2022. Their comments requested changes to some Mitigation Measures listed in the draft Mitigated Negative Declaration, along with the addition of three new mitigation measures focused on Burrowing Owls, Desert Tortoises, and obtaining a Streambed Alteration Agreement.

Changes to mitigation measures:

As a result of CDFW’s comments, the County has made changes to Mitigation Measure BIO-1, BIO-3, BIO-4, BIO-6, BIO-7 and BIO-8 (Exhibit C). A lead agency may change or substitute a mitigation measure without recirculation of a mitigated negative declaration when the agency concludes as a result of the public review process that a proposed mitigation measure is infeasible or otherwise undesirable, and finds that the revised mitigation measure is equivalent or more effective in mitigated environmental impact than the original measure. The proposed changes to the existing measures would provide clarification on various aspects of each measure identified above, including specifying particular survey and mitigation design criteria, habitat replacement criteria, and reporting criteria. A CEQA finding is included with the Project findings and concludes that the changes identified above are equivalent or more effective in mitigating environmental impacts as previously determined in the circulated Mitigated Negative Declaration and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the Project and made part of the Project’s Mitigation Monitoring and Reporting Program. As a result, the changes to the mitigation measures do not require recirculation of the Mitigated Negative Declaration.

Addition of new mitigation measures:

Similarly, as a result of public comment the County has added Mitigation Measure BIO-9, BIO-10 and BIO-11 (Exhibit C). A lead agency may adopt new mitigation measures without triggering recirculation if the mitigation is added in response to comments on environmental impacts already identified in the initial study. Additionally, adding conditions of approval that will not create new significant impacts and that the lead agency concludes are not necessary to mitigate significant impacts will also not trigger recirculation. Mitigation Measures BIO-9 and BIO-10 focuses on environmental impacts already identified in the initial study related to Burrowing Owls and Desert Tortoises. While the Mitigation Measures contained in the circulated document required surveys for both burrowing owls and desert tortoises, these new measures generally enhanced the explanation of these surveys, specified the type of reporting and timing of the

surveys, and identified a replacement ratio for habitat. Since the mitigation relates to previously identified impacts, the addition of BIO-9 and BIO-10 do not trigger recirculation.

Mitigation Measure BIO-11 was also requested to ensure compliance with Streambed Alteration Agreement requirements contained in the Fish and Game Code. BIO-11 would require the Applicant to obtain a correspondence from CDFW on the requirement of a Lake and Streambed Alteration Agreement prior to construction or issuance of any grading permit. The County's Land Development Division had already proposed a condition of approval that is similar to CDFW's request due to the Project's proximity to Pipes Wash. The condition was not listed as a mitigation measure in the initial study since the proposed Project has been designed to avoid the existing drainage course and thus eliminating an impact or the need for such an agreement. However, the initial study also concludes that such an agreement would be needed in the event of any Project-related impacts to the wash. In order to ensure compliance with the Fish and Game Code, BIO-11 is added as a condition of approval. The addition of BIO-11 as a condition of approval will not create new significant impacts and because the Project's findings conclude that the measure is not necessary to mitigate significant impacts, the addition of BIO-10 does not trigger recirculation. The modified measures are listed in Exhibit C and enforceable as part of the Project conditions.

Public Comments:

Public Notices were distributed to surrounding residents on several occasions, as noted below.

- Project Notices. Notices were sent to surrounding property owners within 1,300 feet of the Project site on April 6, 2021, as required by Development Code Section 85.03.080. In response, 308 emails and other correspondence were received. A 120-page petition, unsigned, was also provided.
- Environmental Public Review Notices. Notices were sent to surrounding property owners within 1,300 feet of the Project site on March 22, 2022. In response, 83 emails and other correspondence were received.

All comments have been included as Exhibit D.

The comments are quite extensive and cover a variety of topics, including:

- Project would cause habitat destruction.
- Helipad could be used for tours.
- Fire pits and illegal fires causing wildfires.
- Wastewater would adversely affect groundwater supplies.
- Scarcity of water.
- Additional noise and light.
- Area identified for quiet residential uses not camping.
- Increase traffic resulting in potential accidents and reduces safety.
- Use does not alleviate housing crisis.
- Use does not provide economic benefits for the community.
- Area subject to geologic faulting.

Responses to the comments received on the environmental document were prepared for the Project (Exhibit E). These particular comments and responses focused on the following topics:

- Scenic Resources and Vistas
- Light Pollution
- Air Quality
- Biological and Cultural Resources

- Noise Pollution
- Public Services
- Traffic and Trip Generation
- Wastewater
- Solid Waste
- Wildfire
- Need for an Environmental Impact Report

Applicant's Operational Criteria

At the request of Staff and based upon comments received from the public, the Applicant has supplied overall operational criteria they would apply to the proposed Project. The criteria summarized below is enforceable and have been incorporated into the Conditions of Approval.

General Criteria

1. No off-road vehicle use by guests shall be allowed including but not limited to sports utility vehicles, ATVs, motorcycles/dirt bikes, bicycles and scooters.
2. No accommodations for equestrian activities are proposed nor allowed.
3. No travel trailers, motor homes or campers shall be allowed on-site.
4. No parking of personal vehicles is permitted at individual camp sites. Temporary access for loading/unloading only. All guest vehicles must be moved to the parking lot.
5. No harvesting of native plants is permitted by visitors.

Site Lighting

Site lighting shall be in compliance with San Bernardino County Light Trespass Ordinance located at Chapter 83.07, including those dark sky requirements for desert areas identified in Section 83.07.060.

Noise

1. Noise levels shall be in compliance with San Bernardino County Development Code for maximum sound levels at the property lines. Daytime = 55 dBA, nighttime = 45 dBA.
2. Nighttime outdoor activities such as the use of the fire pits shall cease at 11 pm.
3. No unnecessary mechanically or electronically (e.g. music, refuse collection, exterior maintenance activities) generated noise is permitted between 11 PM and 5 AM, with the exception of an emergency. Incidental noise, such as air conditioning compressors, septic systems, and on-site security is not part of this restriction.

Campfires

Campfires shall only be within the designated fire pits as shown on the Site Plan (Exhibit F). Use of fire pits shall be controlled by a Campsite employee. No individual camp fires shall be allowed.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits B and G);
2. **ADOPT** the recommended Findings for approval of the Project (Exhibit H);
3. **APPROVE** the Conditional Use Permit for a campground that includes a number of facilities, including 75-camp sites, camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways within an approximate 25-acre portion of a 640-acre parcel, subject to the recommended Conditions of Approval (Exhibit A), and;
4. **DIRECT** staff to file the Notice of Determination (Exhibit I).

ATTACHMENTS:

- EXHIBIT A: Conditions of Approval
EXHIBIT B: Initial Study/Mitigated Negative Declaration
www.sbcounty.gov/uploads/LUS/Environmental/Resort_Camping_Proj_2020_00191/Initial%20Study.pdf
EXHIBIT C: Modified Mitigation Measures
EXHIBIT D: Comment Letters/Correspondence
EXHIBIT E: Responses to Comments
EXHIBIT F: Site Plan
EXHIBIT G: Mitigation Monitoring and Reporting Program
EXHIBIT H: Findings
EXHIBIT I: Notice of Determination

EXHIBIT A

Conditions of Approval



Conditions of Approval

Record: PROJ-2020-00191

Description:

Conditional Use Permit to establish a destination resort consisting of tent camping (glamping) with support facilities, including restaurant/bar, reception area/store, trails and paths, recreation buildings, an area for outdoor music festivals, and helipad on approximately 640 acres. The Project site is located at 2107 Old Woman Springs Road, southeast corner of Luna Vista Lane and Old Woman Springs Rd.

Informational

Land Use Services - Building and Safety

1. Organized Camps and Special Occupancy Parks: Organized Camps and Special Occupancy Parks (RV Parks, campgrounds, etc.) are under the jurisdiction of California Housing and Community Development (HCD) [CCHSC 18862.23]. Please contact CA HCD – Riverside District Office at (951)782- 4431 for information.

County Fire - Community Safety

2. Permit Expiration: Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
3. Additional Requirements: In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
4. Access – 150+ feet: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
5. Jurisdiction: The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.
6. Private Road Maintenance: The applicant shall construct and maintain all such roads. In addition, the applicant shall provide to the Fire Department a signed maintenance agreement as detailed in the General Requirement conditions for ongoing road maintenance and snow removal (where applicable). This shall include all primary and secondary access routes that are not otherwise maintained by a public agency.
7. Sprinkler Installation Letter: The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.
8. Access – 30% slope: Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.
9. Fire Control Plan: A Fire Control Plan shall be prepared, if required by the Fire Department, to reduce the potential for fires related to the Project, including the operation of the proposed fire pits.



Conditions of Approval

Land Use Services - Land Development

10. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
11. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
12. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
13. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.

On-going

Land Use Services – Planning

14. Helipad: The proposed helipad is only to be used for emergency medical conditions. No aerial tours or other non-medical operations are to occur from the proposed helipad.
15. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances
16. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
17. Mitigation Measure CR-2: If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified. If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.

18. Mitigation Measure TCR-1: Cultural sensitivity training should be incorporated into employee orientations.
19. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
20. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
21. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
22. Cultural Resources: During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.



Conditions of Approval

23. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
24. Lighting: Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
25. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
26. Occupancy Condition: The applicant shall obtain approval from the California Department of Housing and Community Development once entitlement has been granted by the County of San Bernardino. The County and State shall review and approve applicable requirements for issuance of permits during the development of the Project.
27. Performance Standards: The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
28. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:
29. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
30. Project Account: The Project account number is PROJ-2020-00191 This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$2,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
31. Project Approval Description (CUP/MUP): This Conditional Use Permit is conditionally approved to permit camping (glamping) with support facilities, including restaurant and bar, reception area/store, and art barn, with 75 camp sites in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.



Conditions of Approval

32. **Continuous Maintenance:** The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
33. **Expiration:** This project permit approval shall expire and become void if it is not "exercised" within 36 months of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
34. **Operational Criteria:**
- General*
1. No off road vehicle use by guests shall be allowed including but not limited to sports utility vehicles, ATVs, motorcycles/dirt bikes, bicycles and scooters.
 2. No accommodations for equestrian activities are proposed nor allowed.
 3. No travel trailers, motor homes or campers shall be allowed on -site.
 4. No parking of personal vehicles is permitted at individual camp sites. Temporary access for loading/unloading only. All guest vehicles must be moved to the parking lot.
 5. No harvesting of native plants is permitted by visitors.



Conditions of Approval

Site Lighting

1. Site lighting shall be in compliance with County Development Code Section 83.07.040 Glare and Outdoor Lighting - Mountain and Desert Regions:
 - a. Maximum height. Residential pole lighting shall not exceed 12 feet in height.
 - b. Shielding requirements. New permitted lighting for new construction, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), below, shall be shielded in compliance with the requirements outlined in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), in order to preclude light pollution or light trespass on:
 - (A) Adjacent property;
 - (B) Other property within the line of sight (direct or reflected) of the light source; or
 - (C) Members of the public who may be traveling on adjacent roadways or rights-of-way.
 - c. Private recreational facilities shall not be illuminated between the hours of 11:00 p.m. and sunrise.
 - d. Also refer to the County's recent Dark Sky Ordinance for additional requirements.

Signs

1. Utilize reflective paint on directional signs to reduce the need for illumination.
2. Apply reflective paint on posts/rocks to indicate edge of roadway/drives and parking areas.

Noise

1. Noise levels shall be in compliance with San Bernardino County Development Code for maximum sound levels at the property lines. Daytime = 55 dBA, nighttime = 45 dBA.
2. Nighttime outdoor activities such as the use of the fire pits shall cease at 11 pm.
3. No unnecessary mechanically or electronically (e.g. music, refuse collection, exterior maintenance activities) generated noise is permitted between 11 PM and 5 AM, with the exception of an emergency. Incidental noise, such as air conditioning compressors, septic systems, and on-site security is not part of this restriction.

Campfires

Campfires shall only be within the designated fire pits as shown on the Site Plan. Use of fire pits shall be controlled by a Campsite employee. No individual campfires shall be allowed.

Public Health– Environmental Health Services

35. Refuse Storage and Disposal: All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442- 2283.
36. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.
37. Wastewater Treatment. The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

Public Works – Solid Waste Management

38. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste Industries).
39. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
40. Mandatory Commercial Recycling – Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more are required to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.



Conditions of Approval

41. Mandatory Trash Service – This property falls within a Uniform Handling Service area. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
42. Mandatory Commercial Organics Recycling – As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

Public Works – Traffic Division

43. Traffic Division: Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

Prior to Land Disturbance

Land Use Services - Land Development

44. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
45. FEMA Flood Zone: The project is located within Flood Zone D according to FEMA Panel Number 06071C8105H & 06071C8110H dated 8/28/2008. Flood hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit. However, the site is located within a flood hazard area for the 100-year floodplain shown on the Awareness Maps prepared by the California Department of Water Resources (DWR). Awareness floodplains identify the 100-year flood hazard areas using approximate assessment procedures. These floodplains will be shown simply as flood prone areas without specific depths and other flood hazard data.
46. Drainage Easements: Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
47. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
48. Streambed Alteration Agreement: California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at <https://www.wildlife.ca.gov/Conservation/LSA>.



Conditions of Approval

49. On-site Flows: On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
50. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
51. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov.

Land Use Services – Planning

52. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.
53. Joshua Tree Relocation Plan: The developer shall submit and have approved by the Planning Division a relocation plan for Joshua Trees within the developed site area. The relocation plan shall be accompanied with certification from a certified arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing Joshua Tree removals from the subject property.
54. GHG - Construction Standards: The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
55. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. The Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.



Conditions of Approval

56. Air Quality: Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

Public Health– Environmental Health Services

57. Vector Control Requirement: The project area has a high probability of containing vectors. EHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to EHS/Land Use. For information, contact Vector Control at (800) 442-2283.

Prior to Issuance

County Fire - Community Safety

58. Secondary Access Paved: Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.
59. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
60. Turnaround: Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
61. Two Points of Access: The development shall have a minimum of TWO points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
62. Water System: Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,500 GPM for a TWO hour duration at 20 psi residual operating pressure. Fire Flow is based on a 5,558 sq. ft. structure.



Conditions of Approval

63. Water System Certification: The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
64. Water System Commercial: A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
65. Building Plans: Building plans shall be submitted to the Fire Department for review and approval.
66. Combustible Protection: Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
67. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
68. Fire Flow Test: Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
69. Haz-Mat Approval: The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
70. Primary Access Paved: Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
71. Access: The development shall have a minimum of TWO points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

Land Use Services - Land Development

72. Road Dedication: Road Dedication. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications.
 - Luna Vista Lane (Section Line – 88’):
 - Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
 - Curb Returns. A 35-foot radius return grant of easement is required at the intersection of Luna Vista Lane and Old Woman Springs Road. A 35- foot radius return grant of easement is required at the intersection of Luna Vista and Sage Avenue.
 - Sage Avenue (Section Line - 88’):
 - Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of- way of 44 feet.
 - Curb Returns. A 35-foot radius return grant of easement is required at the intersection of Sage Avenue and La Brisa Drive.
 - La Brisa Drive (Section Line - 88’):
 - Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
 - Old Woman Springs Road – State Highway 247 (Major Highway - 104’):
 - Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
73. Caltrans Review: Obtain comments from Caltrans for access requirements and working within their right-of-way.



Conditions of Approval

Land Use Services – Planning

74. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance.
75. Signs: All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
76. Geologist: A qualified geologist shall inspect any excavations (foundation, utility, etc.) on the Project Site during construction for possible indications of faulting. If unanticipated evidence of faulting is encountered in these excavations, further relocation of the site structures may be necessary to maintain the recommended setback from active faults. Evidence of such action shall be provided to County Planning and evaluated for acceptability.
77. Earthwork: All earthwork and construction shall be in conformance with the recommendations of the Design-phase Geotechnical Investigation dated January 11, 2021, for site clearing, grading, foundations, and utility trenching, etc. With implementation of these Mitigation Measures, the proposed Project would not result in substantial adverse effects due to a rupture of a known earthquake fault.

Public Health– Environmental Health Services

78. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
79. Water Purveyor: Water purveyor shall be Big Horn Desert View WA or EHS approved.
80. Sewer Connection: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions:
 - a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283.
 - b. An Alternative Treatment System, if applicable, shall be required.
81. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either:
 - a. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,
 - b. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.
82. Regional Board Clearance. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to EHS for projects with design flows greater than 10,000 gallons per day.

Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, (760-346-7491).



Conditions of Approval

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83. Swimming Pool Plan Check Required: Plans for swimming pool(s) and associated restroom facilities shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
84. Sewage Disposal: Method of sewage disposal shall be an EHS approved OWTS and conform to the Local Agency Management Program (LAMP).
85. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
86. Food Establishment Plan Check Required: Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
87. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.

Public Works – Traffic Division

88. Traffic Division: The Applicant is required to obtain approvals from Caltrans prior to final conditions from County Traffic.

Public Works – Solid Waste Management Division

89. Construction Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects.



Conditions of Approval

Prior to Final Inspection

County Fire - Community Safety

90. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
91. Fire Alarm - Manual: A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
92. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
93. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
94. Fire Sprinkler-NFPA #13: An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
95. Hood and Duct Suppression: An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufactures ' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
96. Hydrant Marking: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
97. Illuminated Site Diagram: The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.
98. Key Box: An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
99. Material Identification Placards: The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
100. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
101. Combustible Vegetation: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.



Conditions of Approval

102. Material Identification Placards: The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
103. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
104. Combustible Vegetation: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
105. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

Prior to Occupancy

Outstanding County Fire - Community Safety

106. Inspection by the Fire Department: Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Land Development

107. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
108. LDD Requirements: All LDD requirements shall be completed by the applicant prior to occupancy.
109. Caltrans Approval: Obtain approval from Caltrans for access requirements and working within their right-of-way.

Public Health– Environmental Health Services

110. Motel Construction. Prior to occupancy of a newly constructed or remodeled apartment complex, hotel, motel, resort, pursuant to San Bernardino County Code 33.101 et. seq., a Certificate of Use request shall be submitted to EHS. For information, call EHS at: (800) 442-2283.
111. Swimming Pool. A Recreational Health annual permit for public swimming pool, spa or bathing place shall be required. For information, contact EHS at: (800) 442-2283.
112. Food Permit. A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.
113. Pool Water Discharge: If deemed appropriate by the Environmental Health Services Division, pool water can be siphoned into a tanker and hauled to a disposal site. Chlorine, salt, and high-volume daily flow will disrupt the treatment process of a septic system if discharged into it. If discharged through the on-site septic system, the project will need a waiver or individual discharge permit from the Colorado Regional Water Quality Control Board.



Conditions of Approval

Land Use Services – Planning

114. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance.
115. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
116. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
117. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
118. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
119. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ- 2020-00191.
120. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
121. GHG - Installation/Implementation Standards: The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following: a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

Public Works – Solid Waste Management Division

122. Construction Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.



Conditions of Approval

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If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	http://cms.sbcounty.gov/lus/Home.aspx	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcounty.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	http://cms.sbcounty.gov/dpw/Home.aspx	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://wp.sbcounty.gov/dph/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
Special Districts	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
External Agencies (Caltrans, U.S. Army, etc.)	See condition text for contact information...	

EXHIBIT B

Initial Study/Mitigated Negative Declaration

www.sbcounty.gov/uploads/LUS/Environmental/Resort_Camping_Proj_2020_00191/Initial%20Study.pdf

EXHIBIT C

Modified Mitigation Measures

EXHIBIT C

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENTS AND CORRECTIONS TO DRAFT MITIGATION MEASURES

(**Bold** represents additions, ~~strikethrough~~ represents deletions. Measures 9 - 11 are new. All updated and new measures have been included within the Mitigation Monitoring and Reporting Program and are enforceable as part of the Project's conditions of approval.)

MM BIO-1

Joshua trees shall be protected to comply with the County of San Bernardino Development Code Chapter 88.01.050 through transplantation and stockpiling, and implementation of protective measures as recommended in the Protected Plant Preservation Plan prepared in October 2021 for the proposed Project. Additionally, prior to the implementation of the recommended measures outlined in the Protected Plant Preservation Plan, **and prior to "take" of any western Joshua tree (WJT; a Candidate for listing as threatened under the California Endangered Species Act (CESA)) an CESA Incidental Take Permit (ITP) (Individual Take Permit)** shall be obtained from the California Department of Fish and Wildlife (CDFW) ~~for any Joshua Tree on-site to be removed from its current position as deemed applicable by the CDFW. A Habitat Assessment Plan will be prepared at the direction of CDFW. The approved Plan will serve as the Basis of the final Protected Plant Preservation Plan for use by the County.~~ **California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection of WJT through establishment of a conservation easement, development of a long-term management plan, and securing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed or financial security must be provided before starting any Project activities. In order to execute an ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof that the document has been circulated.**

MM BIO-3

All Project activities on-site shall be conducted outside of the nesting bird season to the maximum extent feasible. Bird nesting season generally extends from ~~January~~ **February 1** through September 15 **for raptors** in southern California and ~~specifically, February 1~~ **April 15** through August 31 **September 1** for migratory passerine birds. ~~In general, Projects should be constructed outside of this time to avoid impacts to nesting birds.~~ **If Project activities begin during the non-nesting season (non-nesting season is typically from September 16 through December 31), a pre-construction survey shall be performed by a qualified biologist to verify the absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project area (including access routes) and a 300- foot buffer surrounding the Project area, no more than two hours prior to initiating Project activities.**

If Project **activities** cannot begin ~~constructed~~ outside of **the bird** nesting season, the project site shall be surveyed for nesting birds by a qualified avian biologist within three (3) days prior to initiating ~~the construction~~ **Project activities. Pre-construction nesting bird surveys shall focus**

on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests containing eggs or young are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species-specific and shall be at least 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. ~~If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) will be prepared and implemented. At a minimum, the NBP will include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The NBP will include a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be determined by the biologist, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist has determined the young birds have successfully fledged.~~

MM BIO-4

~~Preconstruction surveys for **Burrowing Owl** BUOW and Desert Tortoise shall be conducted at least 30 days prior to new ground disturbance and documentation indicating such a survey has occurred is to be provided to the County according to MM BIO-9 and MM BIO-10, respectively.~~

MM BIO-6

Prior to Project implementation, and during the appropriate season, the County shall conduct botanical field surveys following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any species-status plants are identified, the proposed Project shall be designed to fully avoid sensitive and/or protected desert plants with an appropriate buffer established by the botanist and marked in the field (i.e., fencing or flagging) as per local regulations. If any special-status species the protected desert plants cannot be avoided, a relocation plan is required for approval by the County

of San Bernardino and the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank, or the acquisition and in perpetuity conservation of land approved by CDFW at a minimum 3:1 (replacement-to-impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a CESA-listed species, the County should apply for a CESA ITP with CDFW.

MM BIO-7

To meet the requirements of the Plant Protection and Management of the County Development Code:

1. The applicant shall employ a qualified biologist (desert native plant specialist) to tag those trees **western Joshua tree (WJT)** that will eventually be approved by CDFW for relocation **be translocated**.

2. Transplantation **shall** will occur **only after a CDFW-executed CESA-ITP is obtained** in late fall or winter when tree metabolism is at its lowest. A watering regimen will be developed and a monitoring program implemented for the transplanted trees. Evidence of such program and on-going maintenance shall be provided to County Planning and evaluated for acceptability.

3. For other Joshua trees present on-site, but not within an area requiring their removal and transplantation, the applicant shall implement a tree protection plan that would include an assessment of the health of the trees, then determine how to protect them. ~~Protection of trees, where needed, may be accomplished by either creating an earthen berm around each tree or group of trees or by surrounding trees with a fenced enclosure.~~ **The tree protection plan** Evidence of such action shall be provided to the County Planning and evaluated for acceptability **and should consider requirements of the CESA ITP.**

During construction activities the following measures shall be employed:

4. All trees that might be indirectly impacted because they are located within the construction zone (adjacent to or near campsites, internal road, or buildings) shall be surrounded by construction fencing (e.g. orange fencing), **if in compliance with the CESA ITP**. Other avoidance measures tailored to the Project Site may be identified ~~during consultation with CDFW via~~ during in the **CESA ITP application process**.

5. The project biologist shall conduct a worker education class designed to ensure that all workers on site understand the natural history of Joshua trees and the distance that must be maintained between a construction activity and a tree. The construction contractor shall be responsible for ensuring that each new construction employee that enters the site completes the worker education class. The construction contractor shall maintain a log for inspection by the project biologist to ensure that all workers are trained. Evidence of such action shall be provided to County Planning and evaluated for acceptability. **The CESA ITP is likely to include requirements for the worker education class.**

6. During long-term operation of the campground, the property owner shall have a qualified biologist on call for the following tasks **and tasks should comply with all measures in the CESA ITP:**

- a. Conduct a worker education class for all new employees.
- b. Provide educational pamphlets to all visitors.
- c. Maintain earthen berms or fences and posted notices, and cleanup (if trash or debris are in the vicinity).
- d. Once each year, conduct a (tree census) to **assess** the health of Joshua trees that have been transplanted and those that are located in proximity to the campground such that they may be indirectly impacted by camping activities.
- e. Develop and implement a watering plan that provides water to trees twice annually, or as necessary to maintain Joshua trees.
- f. Develop and maintain a nursery for Joshua trees to be used to replace trees that do not survive transplanting, or to replace dying trees due to climate change.
- g. Provide mitigation monitoring and reporting to CDFW on the health of the Joshua trees. Frequency of monitoring and reporting shall be established through consultation with CDFG through the ITP application process.
- h. Evidence of such action shall be provided to County Planning and evaluated for acceptability.

~~7. The applicant shall contribute to a CDFW Western Joshua Tree Mitigation Fund at such time as it is established by CDFW. The applicant's contribution is expected to be on a per acre basis and will be determined through the Incidental Take Permit process that will be determined in negotiation with CDFW. The submittal of an ITP application for the proposed Project will be submitted on the assumption that the Western Joshua tree will be listed as a threatened or endangered species by the State of California.~~

MM BIO-8

~~Any construction that r~~**Removal of any western Joshua tree** protected yuccas shall be conducted in accordance with the requirements of **the CESA ITP and** the San Bernardino County ordinance. All **western Joshua tree** protected yuccas to be removed shall be flagged and transplanted to an undisturbed area prior to construction per the requirements of State regulation and County ordinance.

MM BIO-9

Prior to grading or any other ground-disturbing activity, a qualified biologist shall conduct a habitat assessment for burrowing owls to determine if suitable burrowing owl habitat is present in and adjacent to the Project site. Surveys shall be conducted consistent with the procedures outlined in the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife, 2012).

If there is suitable habitat for burrowing owl, then focused breeding season surveys as described in the Staff Report on Burrowing Owl Mitigation shall be conducted by a qualified biologist. If presence of burrowing owl is determined, the applicant shall contact CDFW and conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio.

No less than 14 days prior to ground-disturbing activities, a qualified biologist shall conduct pre-construction surveys. If no burrowing owl(s) are observed on site during the pre-construction clearance survey, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW and the County prior to issuance of any grading permits, and no further action is required. If burrowing owl(s) are observed on site during the pre-construction clearance survey, areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines a reduced buffer would not adversely affect the burrowing owl(s).

If burrowing owls cannot be avoided by the proposed Project, then a qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation to CDFW for review/approval prior to the commencement of Project activities. Burrow exclusion involves the installation of one-way doors in burrow openings during the nonbreeding season to temporarily or permanently exclude burrowing owls and to close burrows after verifying through site monitoring and scoping that the burrows are empty. Existing or artificial burrows situated less than 75 meters from the Project site are the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the CDFW 2012 Staff Report on Burrowing Owl Mitigation. Prior to passive relocation, suitable replacement burrows site(s) shall be provided at a ratio of no less than 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the County. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.

MM BIO-10

During the desert tortoise active season (April to May or September to October) pre-construction surveys for Desert Tortoise shall be conducted no more than 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise pre-construction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist

shall ensure desert tortoise do not enter the Project area. If the survey confirms presence of desert tortoise, the Project proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, CDFW recommends the Project proponent not undertake Project activities and Project activities be postponed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.

MM BIO- 11

Prior to construction and issuance of any grading permit, the Project applicant should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or* the Project applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

EXHIBIT D

Comment Letters/Correspondence

Exhibit D - part 1:

https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20D%20Public%20Comment_1.pdf

Exhibit D - part 2:

https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20D%20Public%20Comment_2.pdf

Exhibit D - part 3:

https://www.sbcounty.gov/uploads/LUS/PC/Exhibit%20D%20Public%20Comment_3.pdf

EXHIBIT E

Responses to Comments

EXHIBIT D

In accordance with Title 14 of the California Code of Regulations (CEQA Guidelines) Section 15070, an Initial Study (IS) was prepared to identify the potential impacts the proposed project may have on the environment, as well as to identify all design features and mitigation measures that will reduce said impacts to less-than-significant levels. The IS concluded that all potentially significant environmental impacts resulting from the construction and operation of the proposed project would be mitigated to a less-than-significant level. The Initial Study was circulated for public review March 22, 2022 through April 21, 2022. Based on the Initial Study findings, the recommendation includes the adoption of a Mitigated Negative Declaration and filing a Notice of Determination.

The County received 81 written public comments from individuals by email and letter opposed to and two in support of the proposed Project. Also included were letters received from the California Department of Fish and Wildlife, Lucerne Valley Economic Development Association, Center for Biological Diversity, Homestead Valley Community Council, National Parks Conservation Association, Mojave Desert Land Trust, Morongo Basin Conservation, and Sierra Club.

The Homestead Valley Community Council submitted a letter dated April 15, 2022. The Council declared its opposition to the proposed Project stating that: The proposed uses are not consistent with the zoning, there would be significant impacts on a scenic corridor, the Project Site is within an area of BLM Area of Critical Environmental Concern, and the site contains critical habitat.

The Tahquitz Group of Sierra Club submitted a letter dated April 17, 2022 expressing their concerns on the project impacts to biological resources and the need for an EIR. These concerns included failure rates of relocated Joshua trees, wildlife avoidance of the Project Site due to proposed activities, the presence/absence of Desert tortoise and Le Conte's thrasher, the incompatibility of uses identified in the Project Description to the rural residential area, the need for Traffic and VMT studies, and the lack of including the helicopter use in the noise study.

The Lucerne Valley Economic Development Association (LVEDA) submitted their comment via email on April 18, 2022. They requested a clarification of the Project Site's zoning and what it entails. LVEDA stated that mitigation measures addressing criteria pollutants have to be detailed and enforced. Other comments pertained to impacts to Joshua trees, the need to involve BLM as the Project Site is a BLM Area of Critical Environmental Concern (ACEC), mitigation for noise generation and noise restrictions, and traffic safety. They requested that an EIR be prepared.

The California Department of Fish and Wildlife (CDFW) submitted a letter dated April 18, 2022. They requested that the County adopt their recommended mitigation measures for mitigating potential impacts to Western Joshua trees (WJT), nesting birds, burrowing owl, special-status species, and Desert Tortoise. Mitigation Measures include conducting a habitat assessment for burrowing owl and pre-construction surveys for Desert tortoise. CDFW estimates the presence of over 200 WJT on the limited 25 acres surveyed of the 640-acre property. CDFW understands that only 25 acres are proposed for development. However, when analyzing impacts to WJT, the entire population on the Project Site should be considered to properly calculate demographics and estimate the quality of WJT habitat on-site. CDFW recommends that a final MND should quantify

WJT presence on the entirety of APN 0629-181-01-0000 through focused surveys and permanent protection of WJT through establishment of a conservation easement, development of a long-term management plan, and securing funding sufficient to implement management plan tasks in perpetuity.

A letter from Mojave Desert Land Trust (MDLT), dated April 20, 2022, expressed their concern about the project's impacts on wildlife connectivity, Desert tortoise, and Joshua tree woodland. In addition, MDLT stated that CDFW has identified the Project Site as a Conceptual Area Conservation Plan approved area. They requested that an EIR be prepared.

A letter from the Morongo Basin Conservation Association, dated April 20, 2022, requested that an EIR be prepared. They highlighted the following points: There would be adverse effects on wildlife and habitat fragmentation, destruction of Joshua tree woodland habitat, destruction of creosote clonal rings, noise impacts, traffic safety, scenic vistas, light pollution, air quality issues, carbon footprint of proposed tents, impacts on water wells, and impacts on affordable housing.

The Center for Biological Diversity (CBD) submitted a letter dated April 21, 2022, requesting that an EIR be prepared for the project, because the project would result in significant impacts to biological resources. Specifically, CBD asserted that there would be more impacts Western Joshua trees and habitat than what was analyzed. CBD stated that the County has not prepared an MMRP and that future determination by CDFW on a "take" permit to satisfy its obligation to mitigate the Project's impacts under CEQA is deferred mitigation. CDB also questioned the absence of Desert tortoise, and stated that there would be impacts to birds and habitat connectivity.

The National Parks Conservation Association (NPCA) submitted a letter dated April 21, 2022. The NPCA requested that an EIR be prepared for the following reasons: Visual resource impacts; biological resource impacts including desert plants, Desert tortoise, LeConte's thrasher; light pollution, the need for a Traffic Impact Study and VMT Assessment; air quality issues posed by the fire pits and use of helipad, and; noise levels after 10 p.m. and from use of the helipad.

Below is a summary by topic of the key issues raised in other letters and emails received which either address no issues that were required to be addressed under CEQA or that are addressed in the MND and technical studies as noted below.

Inadequate and inconsistent Project Description

The Site Plan has undergone several changes since the Technical Studies were prepared, such as removal of the amphitheater and associated parking lot. Since the intensity of the project has been reduced since preparation of the Technical Studies, the analyses completed in these studies are considered conservative as they addressed a larger project. The Project Description for the MND reflects the latest Site Plan. As stated in the MND, 25 acres of the 640-acre property would be developed as campground, which includes:

Accommodations: Up to 75 camp sites of three distinct types:

- Camping Lofts – 1,230 square-feet (SF) each; 20 sites
- Camping Tents – 220 SF each; 35 sites
- Chalet – 850 SF each; 20 sites

Support Buildings/Areas

- Reception /Camp Store – 2,288 SF
- Restrooms – 1,120 SF each; 8 units
- Fire Pits –700 SF each; 4 units
- Pool/Patio – 3,000 SF
- Workshops – 3,600 SF each; 2 units
- Art Barn – 5,500 SF
- Restaurant – 10,108 SF
- Agave Bar – 5,500 SF
- Helipad – 7,854 SF (only used for emergencies)
- Storage Area: 25,275 SF
- Yoga Deck: 2,400 SF
- Retention area: 58,902 SF (subject to change)
- Sewage disposal area (e.g. septic system): 58,902 SF (subject to change)

Trails/Paths/Gardens:

- Gardens – 212,000 SF
- Internal Paths/Walkways between buildings/ site activities

The amenities are available only to campers/guests. 300 campers are anticipated when the site is fully booked. Moreover, the proposed Project would include the following restrictions:

1. No off road vehicle use by guests shall be allowed including but not limited to sports utility vehicles, ATVs, motorcycles/dirt bikes, bicycles and scooters.
2. No accommodations for equestrian activities are proposed nor allowed.
3. No travel trailers, motor homes or campers shall be allowed on -site.
4. No parking of personal vehicles is permitted at individual camp sites. Temporary access for loading/unloading only. All guest vehicles must be moved to the parking lot.
5. No harvesting of native plants is permitted by visitors.

Aesthetics

Scenic Resources and Vistas

Comments include concerns over the degradation of the aesthetic quality of the Project Site as well as interference with view of the wash.

In response, the site is approximately 640 acres of vacant and undeveloped land. Per local and state regulations, Joshua trees will be avoided and/or relocated. The proposed campground development will be low density and designed to avoid most Joshua trees and other protected desert native plants to maintain the scenic resources of the site to the extent feasible. Approximately 25 acres of the 640-acre site would be developed. The wash is not viewable from Old Woman Springs Road. Because the developable area is approximately 800 feet from the nearest neighboring property and the proposed structures would not exceed 35 feet, residents that currently have a view of the wash would not be impacted. In addition, the Project Site is currently subject to illegal dumping. Camp employees would ensure that solid waste is properly disposed of.

Light Pollution

Comments regarded light pollution from fire pits and asked what light restrictions would be imposed after curfew. Many asserted that compliance with County Development code does not mean that new sources of light would be insignificant.

In response, campfires shall only be within the designated four 700-SF fire pits, as shown on the Site Plan. Only 25 acres of the 640-acre property would be developed, leaving 595 acres of undevelopable land that can minimize light trespass on adjacent properties. Old Woman Springs Road is approximately 700 feet from the nearest proposed facilities. As stated in the MND, private recreational facilities shall not be illuminated between the hours of 11:00 p.m. and sunrise. To preserve the dark sky environment, the proposed Project would apply reflective paint on signs to provide direction, and on posts/rocks to indicate the edge of access roads and parking. Within the campground, unobtrusive path and exterior lighting is proposed as needed and in compliance with County Development Code. Recreational facilities shall not be illuminated between the hours of 11:00 p.m. and sunrise. Additionally, the proposed Project shall be subject to all applicable requirements of the Light Trespass Ordinance Section 83.07.060. This includes:

(a) *Shielding Required.* All outdoor light fixtures shall be fully shielded, installed and maintained in such a manner that the shielding does not permit light trespass in excess of amounts set forth in subdivision (f).

(b) *Light Pollution Standards.* Light pollution and trespass shall be minimized through the use of directional lighting, fixture location, height and the use of shielding and/or motion sensors and timers a manner that the light source does not permit light trespass in excess of amounts set forth in subdivision (f).

(c) *Automated Controls.* Automated control systems, such as motion sensors and timers, shall be used to meet curfew requirements set forth in subdivision (d). Photocells or photo controls shall be used to extinguish all outdoor lighting automatically when sufficient daylight is in such available. Automated controls should be fully programmable and supported by battery or similar backup.

(d) *Dark Sky Curfew.* All outdoor lighting shall be extinguished by 11:00 p.m., close of business, or when people are no longer present in exterior areas, whichever is later, except for the following:

(1) Lighting used for entry and exit points of a structure, parking areas, driveways and driveway ingress/egress points; or

(2) Lighting activated by a motion sensor that extinguishes no later than five minutes after activation.

(e) *Lighting Color.* The correlated color temperature of all outdoor lighting shall be 3,000 Kelvin or less except for seasonal lighting.

(f) *Allowable Light Trespass.* Outdoor lighting shall not cause light trespass exceeding one-tenths foot-candles measured with a light meter oriented vertically or horizontally either at the property line of the adjacent property or measured from some other point on the property where light trespass may be reasonably determined to occur due to differences in property or improvement elevations.

(g) *Blinking, Flashing, or High Intensity Lighting.* Permanently installed lighting that blinks, flashes or is of high intensity or brightness that causes a light trespass is prohibited.

The purpose of the Ordinance is to set forth reasonable standards that prohibit light pollution and light trespass. The County has been recently updated to include a Light Trespass section that prohibits light pollution and light trespass, and provides provisions for lighting at recreational facilities. The amendment will “ensure health and safety, ensure compliance with the CALGreen Code [California Green Building Standards Code] and enhance the quality of life by minimizing intrusive light onto adjacent property. The ordinance includes definitions, establishes requirements for the Valley, Mountain and Desert regions of the County, and sets forth enforcement and penalties for violations. The ordinance is exempt from the requirements of the CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be determined with certainty that it will not have a significant effect on the environment.”¹

Air Quality and Greenhouse Gas

There were concerns about the pollution that would be generated by the helicopter, tents, and fire pits. A few commenters indicated that the Air Quality and Greenhouse Gas Impact Study (AQ/GHG Study) underestimated air quality and greenhouse gas emissions because “City Park” was the only land use evaluated.

In response, the AQ/GHG study was updated to reflect emissions from the proposed commercial uses. The updated analysis was based on 39,446 SF of "strip mall land use" to account for the proposed reception/store, restrooms, restaurant, bar, art barn, and two workshops, and is so noted in the Project Characteristics in modeling for the Summer, Winter, and Annual periods. The MND reflects the findings of the most recent study and is, therefore, conservatively representative of the proposed uses. As concluded in the MND and the AQ/GHG study, project emissions would not exceed MDAQMD thresholds. The MDAQMD rules incorporated in the study are requirements. As stated in the MND and AQ/GHG Study, CalEEMod does not have a Campground/Recreational Vehicle Park (ITE 416) land use in its database. Therefore, the next closest land use available in CalEEMod, City Park (ITE 411), was utilized in the modeling. As a result, criteria pollutants and GHG emissions specifically from tents and fire pits cannot be estimated.

Consistency with Air Quality Management Plan

Some comments pointed out that project impacts should not be compared to the impacts of 82 hypothetical single-family residential units, as was done in the MND. Moreover, some have pointed out that a housing development would not be feasible for the Project Site because of the fault hazards and that project impacts should be compared to “no development” as opposed to an 82-unit development.

In response, the Project Site consists of, at most, 290 acres of land that could be developed with another use. If the Project Site were to be developed for residential uses, 230 acres may be designated for such use. The Rural Living zoning district allows for a maximum density of 1 unit per 2.5 acres. Therefore, approximately 82 single-family residences could be built on the Project Site. The MND project emissions were compared to the emissions that would be generated by the Project Site if it were to be developed for single-family residences, because this is the use that was anticipated in the Air Quality Management Plan (AQMP) and Countywide Policy Plan (CWP). Even if in the future, development for single-family residences occurred at a lower density than 82

¹<http://www.sbcounty.gov/uploads/lus/pc/LUS-PC-02-04-2021-Staff%20Report%20-Light%20Trespass%20Ordinance%20FINAL.pdf>

units, the AQMP and CWP took into account the maximum allowed density. As stated in the MND, 82 units would generate 777 trips. This estimation is based on Institute of Transportation Engineers (ITE), Trip Generation Manual, Seventh Edition.

Sensitive Receptors

There were comments conveying the need to conduct a more detailed analysis on criteria pollutant impacts on sensitive receptors.

In response, a Health Risk Assessment (HRA) analyzing construction impacts is not warranted given the relatively limited amount of heavy-duty construction equipment to be used and the estimated construction schedule. Furthermore, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do not exceed any regional thresholds. The proposed campground would be approximately 800 feet from the nearest sensitive receptor, which is the residence immediately south of the property. Given that the proposed Project is not a sensitive receptor, does not generate more than 50,000 vehicles per day, and will not be exposed to roadways carrying 50,000 or more vehicles per day, a project-specific health risk assessment is not required or warranted. Impacts to nearby sensitive receptors are considered to be less than significant.

Other Emissions

Residents are concerned about the odor from the proposed leach pads.

In response, the proposed septic system would be located away from both the campsite and neighboring properties. A properly installed, operated and maintained onsite wastewater treatment systems would be designed to prevent premature failure creating public health nuisances, odors, ground or surface water contamination, or safety hazards.² As stated in the MND, the septic system shall be certified by a qualified professional (P.E., C.E.G., REHS, C-42 contractor) that the system functions properly, meets code, and has the capacity required for the proposed Project. Therefore, the proposed septic system would not result in objectionable odors. Similarly, the proposed fire pits would be located within the developable area within the property and away from neighboring properties. Therefore, odors from fire pits are not expected to be perceived by the nearest off-site sensitive receptors.

Biological Resources

Field Surveys

A few comments received were related to the conditions and effectiveness of the biological field surveys. Specifically, there were concerns over the field surveys being conducted during periods of hibernation for local species.

In response, on March 19, 20 and 26, 2020, Jericho biologist Shay Lawrey conducted a Joshua tree census and focused Desert tortoise, burrowing owl, and Le Conte's thrasher surveys. On April 1, 2020, Jericho botanist C.J. Fotheringham conducted a focused botanical survey of the property. The surveys included the entire 640-acre property and a 200-foot buffer area where accessible and

²<https://wp.sbcounty.gov/wp-content/uploads/sites/7/2017/08/Percolation-PERC-Test-Report-Standards.pdf>

feasible. The surveys were conducted in accordance with protocol established by the CDFW and/or USFWS. The surveyors conducted pedestrian surveys to gain 100 percent visual coverage of the Project Site. A handheld global positioning system (GPS) unit was used to mark Joshua trees, and site photographs were taken during the field survey to catalog representative habitat. The surveyors marked all Joshua trees on the west side of the Project Site where the campground is planned. A Biological Resources Assessment (BRA) was prepared based on researched data and the field surveys.

Creosote Clonal Rings

There were comments related to the need to preserve creosote rings.

In response, the County of San Bernardino's Desert Native Plant Protection Ordinance is outlined in Section 88.01.060. Desert Native Plant Protection. The ordinance identifies the following or any part of the following, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with § 88.01.050 (Tree or Plant Removal Permits): (1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height: (A) *Dalea spinosa* (smoketree). (B) All species of the genus *Prosopis* (mesquites). (2) All species of the family Agavaceae (century plants, nolin, yuccas). (3) Creosote Rings, ten feet or greater in diameter. (4) All Joshua trees. (5) Any part of any of the following species, whether living or dead: (A) *Olneya tesota* (desert ironwood). (B) All species of the genus *Prosopis* (mesquites). (C) All species of the genus *Cercidium* (palos verdes).

As summarized in the MND and BRA, the protected plants on the Project Site subject to this ordinance are the Joshua Trees and other yuccas. There are no Creosote Rings ten feet or greater.

Critical Habitat

A few commenters disagree with the MND's conclusion that the Project Site is not within any USFWS-designated critical habitat.

In response, the MND and BRA concluded that the Project Site is not within any USFWS designated critical habitat. This is consistent with the County's biotic resources overlay.³ For clarification, the County's biotic resources overlay does show that the Project Site is within two County overlays: the San Bernardino County Museum Biological Species Database Reflecting Species Habitat for Burrowing Owl and Other Species and Habitat of Concern: Desert Tortoise – Medium Population. As stated in the MND and BRA, both the burrowing owl and Desert tortoise have a moderate potential to occur on the Project Site.

Avoid Relocation of Joshua Trees

One commenter stated that it is unclear which Joshua trees would be impacted. Some have pointed out that Joshua trees require a buffer (one specified a 93-foot buffer radius based on another Incidental Take Permit that was issued by CDFW), taking into consideration grading impacts. Several commenters argue that relocating Joshua Trees would not be effective because research has shown that relocated Joshua trees have high mortality rates.

³ http://www.sbcounty.gov/Uploads/lus/BioMaps/cnty_all_biotic_resources_map_final.pdf

In response, the MND and Protected Plan Preservation Plant (PPPP) documented that 43 trees will be directly affected by the project. Using CDFW's criteria for evaluating the potential for relocation (between 2 and 12 feet in height, no visible damage, no more than 3 branches, no excessive leaning, no evidence of cloning and no exposed roots), 9 trees were determined to be relocatable. Six of the identified trees supported clones, asexual growth.

The CDFW has reviewed the MND and in their comment letter, they highlighted the conditions of a future ITP. Prior to "take" of any western Joshua tree, an ITP shall be obtained from CDFW. In their letter, CDFW offers new and revised mitigation measures along with comments and recommendations to assist the County in adequately mitigating the Project's potentially significant impacts on western Joshua tree. With incorporation of CDFW-identified mitigation measures, the proposed Project would not have a significant impact on western Joshua trees. However, the need for an ITP is still pending based on a final decision regarding listing of the Joshua tree as an Endangered Species.

Birds

Some commenters questioned the absence of Le Conte's thrasher on the property.

In response, avian species observed or otherwise detected on site during the field surveys included house finch, greater roadrunner, phainopepla, mockingbird, yellow-rumped warbler, verdin, white-crowned sparrow, dark-eyed junco, sage sparrow, ash-throated flycatcher, western kingbird, western bluebird, cactus wren, rock wren, mourning dove, Gambel's quail, common raven, red-tailed hawk, American kestrel, Cooper's hawk, prairie falcon. No active nests were found during survey.

The MND and BRA acknowledged that there is potentially suitable habitat for Burrowing Owl and Le Conte's thrasher. The result of the survey was that no historical or current evidence of Burrowing Owl occupation was found in the survey area. No Burrowing Owl individuals or sign including pellets, feathers or white wash were observed. Therefore, Burrowing Owl was considered absent from the Project Site. Le Conte's thrasher was neither observed nor detected on-site during the avian auditory and visual survey. Therefore, Le Conte's thrasher was considered absent from the Project Site. To avoid potentially significant impacts to nesting birds, Mitigation Measure BIO-3 was included to require that construction occur outside of nesting season, or a preconstruction nesting bird survey shall be conducted.

Presence of Desert Tortoise

Several commenters doubted that Desert tortoise were absent from the Project Site, as was concluded in the MND and BRA. Photographic evidence of Desert tortoise on the property were presented in some of the emails received. In addition, some referenced a previous survey done on the Project Site.

In response, the MND and BRA acknowledged that there is potentially suitable habitat for Desert tortoise. Desert tortoise are documented to occur approximately 2.75 miles northwest of the Project Site. There was no evidence in the data research that desert tortoise have been documented on the Project site or directly adjacent to it.

As stated previously, the Project Site is not within any USFWS-designated Desert tortoise Critical Habitat. Furthermore, the Project Site is not within a BLM designated Desert Wildlife Management Area (USFWS 2011). Therefore, the habitat surrounding the site would be characterized as Category 3 Habitat, per the BLM categorization of Desert tortoise habitat on public lands.

On March 19, 20 and 26, 2020, Jericho biologist Shay Lawrey conducted a focused Desert tortoise survey. Per the USFWS survey protocol, 100 percent visual coverage of the survey area was achieved by walking 10-meter (30-foot) wide belt transects over the entire Project Site wherever there was potentially suitable Desert tortoise habitat present (i.e. creosote bush scrub and/or allscale scrub habitats), to provide sufficient coverage to find signs of desert tortoise use (e.g., scat, burrows, carcasses, courtship rings, drinking depressions, etc. in addition to live tortoises). The surveyors conducted a 100 percent coverage of any potentially suitable habitat within the Project area in accordance with the USFWS 2010 Pre-Project Field Survey Protocol for Potential Desert Tortoise Habitats. The result of the field survey was that no evidence of desert tortoise was found in the survey area. No desert tortoise individuals or sign including burrows, scat, courting rings, carcasses, or drinking depressions were found on site. Desert tortoises are therefore currently absent from the Project Site.

Interference with use of wildlife movement

There were concerns the proposed Project would interfere with wildlife movement and connectivity. Some commenters pointed out that building and human presence on the rim of the wash may very well dissuade wildlife species from migrating through Pipes Canyon if those species are wary of any contact with humans. Comments stated that according to the County Policy Plan Maps, the Project Site is located within a modeled habitat linkage. Furthermore, Pipes Canyon Wash is designated as a wildlife corridor in the Desert Region of the County.

In response, the southwestern portion of the Project Site is proposed for development which is outside the Pipes Canyon Wash and the area represents approximately 4% of the entire 640-acre site. The proposed Project would not disrupt any wildlife corridor within Pipes Canyon Wash with the placement of any permanent structures. Any wildlife movement through the site would not be impeded because the development does not cut-off any north-south connection in the project vicinity.

The Project Site is in area that is relatively undeveloped, but adjacent to sparsely developed areas that may interfere, to some extent, with wildlife movement. Immediate surroundings include unpaved roads to the north, east and south, and a paved highway to the west. Scattered commercial and residential uses also surround the Project Site.

It is important to note that the Project Site is currently subject to human disturbance that already deter wildlife, such as off-road vehicles, illegal dumping, and hikers, especially within Pipes Wash. The proposed Project would restrict such activities within permitted areas of the 640-acre Project Site.

Cultural Resources-Monitoring Enforcement

Commenters have indicated out that the Project Site is located within a BLM Area of Critical Environmental Concern and that the general area has a high cultural sensitivity.

In response, a Historical/Archaeological Resources Survey Report, dated April 9, 2020, was prepared for the proposed Project by CRM TECH. The study was conducted in compliance with CEQA. CRM TECH concluded that the proposed Project would not impact known historical resources. However, there is always a potential for buried archaeological resources and, therefore, Mitigation Measure CR-1 requires archaeological monitoring during all earth-moving operations in the elevated portions of the Project Site along the Pipes Canyon Wash channel, which shall be enforced by the County Planning Division.

Geology/Fault Hazards

There were comments associated with the geological hazards posed by the proposed Project. The primary seismic hazard to the Project Site is rupture along the Johnson Valley Fault, which consists of north-south trending fault located along the western margin of the Project Site.

In response, a Fault Hazards Evaluation, dated September 18, 2008, was prepared for the Project Site by Landmark Consultants, Inc. Additionally, a Design-phase Geotechnical Investigation, dated January 11, 2021, was then prepared by Petra Geosciences, Inc. As concluded in the Fault Hazards Evaluation report, the potential for fault related ground rupture during the lifetime of the planned development is considered high along the mapped trace of the Johnson Valley Fault. Therefore, a fault line setback has been established and incorporated into site design. From a soils engineering and engineering geologic standpoint, the Project Site is considered suitable for development with implementation of recommendations made in the two geological reports.

Hazards and Hazardous Materials

There are concerns over how the chlorinated water from the proposed swimming pool would be drained and how the leach field might infiltrate the adjacent properties' water supplies.

In response, the pool's maintenance would follow a recommended schedule depending upon the type of pool installed. Several types of pool design could occur, including a saline or chlorinated pool. In either case the operator could siphon the pool water into a tanker and haul it to a disposal site, if deemed appropriate by Environmental Health Services Division. Chlorine, salt, and high-volume daily flow will disrupt the treatment process of a septic system if discharged into it. If discharged through the on-site septic system, the project will need a waiver or individual discharge permit from the Colorado Regional Water Quality Control Board. The septic system would be required to operate consistent with the County's environmental health regulations.

The septic system is located away from the campsite and away from neighboring properties. A properly installed, operated and maintained onsite wastewater treatment systems would be designed to prevent premature failure creating public health nuisances, odors, ground or surface water contamination, or safety hazards.⁴ The septic system shall be certified by a qualified

⁴<https://wp.sbcounty.gov/wp-content/uploads/sites/7/2017/08/Percolation-PERC-Test-Report-Standards.pdf>

professional (P.E., C.E.G., REHS, C-42 contractor) that the system functions properly, meets code, and has the capacity required for the proposed Project. The certification would ensure that wastewater is kept and treated on-site, and would not affect the adjacent properties.

Hydrology

Residents are concerned that the proposed Project's water demand would impact the area's future water supplies, emphasizing that it would exacerbate the current drought.

In response, the proposed Project's water demand was compared with the water demand for the Project Site if it were to be developed with single-family residences. As presented in the MND, 82 single-family residences would have an indoor water demand of approximately 14,568 gallons per day (GPD).

The proposed Project is anticipated to have a water demand of 18,150 gallons GPD. The total demand for either land use does not include outdoor landscaping use which would be higher for residential as the campground has no landscaping plan. The indoor water demand for the proposed Project would be an approximate 25% increase over the water demand for the Project Site if it were developed as residential uses. The Applicant has received a Public Water Service Certification, dated August 28, 2020, from the Bighorn-Desert View Water Agency that certifies that financial arrangements have been made to install water mains for each proposed service outlet and any other necessary facilities to ensure that the proposed Project will have adequate source, storage and distribution line capacities to satisfy the domestic water service and fire protection requirements of the proposed Project.

The proposed Project would not be directly pumping groundwater. A distribution water line owned by Bighorn-Desert View Water Agency exists along the right-of-way of Old Woman Springs Road and extends to an existing point of connection for the property at the corner of Luna Vista Road.

Bighorn-Desert View Water Agency is within the service area of the wholesale water agency Mojave Water Agency (MWA). As summarized in the MND, the Urban Water Management Plan for the Mojave Water Agency includes Reliability Projections for Multiple Dry Years through the year 2035 that show supplies meet demands with no deficit or surplus. The UWMP finds that MWA can meet 100 percent of their service area demands through 2035 in single dry years and multiple-dry year periods with consistent local water sources, State Water Project banking, and supply enhancement projects.

Land Use and Planning

There were concerns stated that the proposed Project is not consistent with the Project Site's current zoning and that the MND Project Description incorrectly provides a zoning of Homestead Valley/Rural Living (HV/RL-5). However, the correct zoning is HV-RL, which allows for a maximum density of 1 unit per 2.5 acres.

In response, the proposed Project is a development of a campground and is, therefore, conditionally permitted within the Rural Living (HV/RL) zoning district. A campground is defined as:

(e) **CAMP** or **CAMPGROUND**. A site used or intended for use for temporary occupancy by campers traveling by automobiles or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided. Other types of camping facilities regulated by this Development Code include the following.

(1) **CAMP, ORGANIZED**. A site with program and facilities established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives normally for five days or more during one or more seasons of the year.

(A) These camps are located on a permanent site and have a well-defined program of organized supervised activities in which campers are required to participate. There is present at the camp a qualified program director and a staff adequate to carry out the daily program activities, which are mainly out of doors.

(B) An establishment that rents or leases facilities on an individual family or group basis for the principal purpose of sporting or other unorganized recreational activities are not considered an organized camp.

(2) **CAMP, PUBLIC**. A site used or intended to be used, let or rented for camping purposes by two or more camping parties in trailers, tents or other movable or temporary dwellings.

The proposed Project falls under the definition of camp or campground. The proposed restaurant, bar, and art barn uses would be accessory uses to the campground operation. Therefore, the proposed Project is consistent with the zoning and does not require a GPA/Zone Change.

Noise Pollution

There were many comments received regarding the construction and operational noise impacts to a rural area. Residents are concerned with noise generated from the proposed helipad and what activities are permitted after 10 P.M. There were comments requesting additional noise sensors, specifically one in the wash. One comment noted that the noise analysis must include offsite receptors.

In regards to the Noise Study, a commenter stated: “They did not use enough sensors, and failed to place those they did use in Pipes Canyon Wash (p.54). The comparison model used in the study is a park in Flagstaff Arizona, which is in the middle of a built up area where buildings act as sound mitigators to the rest of the neighborhood .”

In response, noise measurements are taken to determine the existing noise levels. A noise receiver or receptor is any location in the noise analysis in which noise might produce an impact. The following criteria are used to select measurement locations and receptors:

- Locations expected to receive the highest noise impacts, such as the first row of houses
- Locations that are acoustically representative and equivalent of the area of concern
- Human land usage
- Sites clear of major obstruction and contamination

Noise monitoring locations were selected based on the project site’s boundary. One (1) long-term 24-hour noise measurement was conducted at the site (near the access point). A total of five (5) sensitive receptors were modeled to evaluate the proposed Project’s operational impact: Receptor

1 represents a calibration point; receptors 2-3 represent commercial uses, and receptors 4-5 represent the nearest residential receptors. The receptor sites were occupied and high use areas where humans would be sensitive to the noise. The study findings were that noise levels from the proposed Project would be Just Perceptible or Not Perceptible to humans. Noise levels to wildlife such as in the Wash were not determined as there is no industry standard for perceptibility.

The Noise Impact Study modeled the worst-case stationary noise using SoundPLAN acoustical modeling software. Worst-case assumes that a music festival (which is no longer being proposed) is operating between 7AM to 10PM. Project operations are anticipated to occur between 7AM to 10PM and is compared to the County's daytime (7AM to 10PM) commercial and residential stationary noise limit of 55 dBA. The Noise Impact Study analyzed noise impacts to off-site receptors due to stationary sources and noise impacts to on/off-site receptors due to project generated traffic. The noise level increase from stationary sources would be "Not Perceptible" to "Just Perceptible" at the receptors depending on location. Traffic along the subject roadways would need to double in average daily traffic volumes to see a 3 dBA increase in noise level. The Trip Generation and VMT reports were prepared with input from the County's traffic engineer. No TA was required because of the type of use and size of project. Since the project generates a nominal amount of traffic relative to the existing average daily traffic (ADT), the project's traffic noise level increase would be nominal and, therefore, less than significant.

Construction is considered exempt, but a short-term impact and would be considered significant if construction activities are conducted outside the allowable times as described in the County's Development Code Section 83.01.080 (g)(3). Construction is anticipated to occur during the permissible hours according to the County's Development Code. Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the project vicinity. However, to further ensure that construction activities do not disrupt the adjacent land uses, Mitigation Measures identified in the MND shall be implemented to reduce construction noise to the extent feasible.

The proposed Project would generate new sources of noise. However, the project would comply with the County's noise regulations as designed and, therefore, no mitigation measures are required. Nighttime outdoor activities such as the use of the fire pits shall cease at 11 pm. No unnecessary mechanically or electronically (e.g. music, refuse collection, exterior maintenance activities) generated noise is permitted between 11 PM and 5 AM, with the exception of an emergency. Incidental noise, such as air conditioning compressors, septic systems, and on-site security is not part of this restriction.

Public Services

Residents are concerned with the potential increase in traffic accidents, the increased risk of wildfire, and risks posed by the on-site fault affecting emergency response times.

In response, traffic-related concerns are addressed below. The proposed Project shall implement fire control measures (described more in detail below). As stated in the MND, the Project Applicant will be required to pay development impact fees.

Transportation

Commenters doubted that the number of trips is underestimated, pointing out that guests may visit other places during the day. Many have requested that a Traffic Impact Study be prepared.

Trip Generation

In response, a Trip Generation Memorandum (memo), dated August 3, 2020, was prepared for the proposed Project by Integrated Engineering Group (IEG). Project vehicular traffic generation characteristics are estimated based on established rates, contained in the Trip Generation Manual, 10th Edition, published by the Institute of Transportation Engineers (ITE). Although the proposed Project includes commercial uses, these uses are accessory to the campground operation and will only be available to campers. Therefore, trip generation rates for campground/recreational vehicle ground were applied to the proposed Project. The memo indicates that the proposed Project is anticipated to generate 16 AM peak hour trips and 20 PM peak hour trips. No daily trip estimates were provided. However for purposes of conservatively analyzing mobile source emissions, the PM peak hour rate of 20 vehicle trips was utilized to calculate an estimated 200 daily vehicle trips. As stated previously, the Project Applicant is no longer proposing an amphitheater. Therefore, vehicle trips would only come from employees and campers. It is anticipated that guests would not be entering and exiting the site daily as the proposed Project proposes recreational uses on site that would be available to guests. It was determined in the memo that since the Project would generate less than 50 peak hour daily trips, the proposed Project qualifies for an exemption from conducting a Traffic Impact Study based on the traffic assessment and technical information.

VMT

There were comments requesting that a full VMT Assessment should be prepared.

In response, the County Guidelines indicate that projects that generate less than 10 average daily traffic (ADT) should not be required to complete a VMT assessment. As per the Project trip generation information, the project is anticipated to generate 16 trips in the AM peak and 20 trips in the PM peak. No ADT rate is provided by the ITE Trip Generation Manual, since this type of land use accommodates campers and other users on a transient basis. The project would qualify as a small project and would not be required to conduct a full VMT assessment. Therefore, the proposed Project qualifies for an exemption from conducting a complete VMT assessment and is, therefore, presumed to have a less than significant VMT related impact. In a letter dated August 19, 2021, the County Traffic Division recommended approval of the project based on the VMT Assessment Memorandum.

Traffic Safety

Many have pointed out that Old Woman Springs Road is a dangerous road. Some have requested that traffic control design should be incorporated, such as a dedicated right turn lane.

In response, the proposed Project will be subject to review by the California Department of Transportation (Caltrans) to ensure that the project does not substantially increase hazards. The County's involvement in this Project is to ensure that approval from Caltrans has occurred for said improvements before signing off for County permits and occupancy.

Utilities and Service Systems

Wastewater

There were concerns that the proposed Project would generate too much wastewater.

In response, the proposed Project is anticipated to generate 28,320 GPD of wastewater. Each proposed structure would be connected to an on-site septic system and leach field. In 2020, Petra Geosciences, Inc. conducted an infiltration test boring on the portion of the Project Site where the leach field is proposed. The soil had the percolation rate of 310.84 GPD per square-foot and an infiltration rate of 45.53 inches/hour. The septic system is required to be certified by a qualified professional (P.E., C.E.G., REHS, C-42 contractor) to ensure that the system functions properly, meets Code requirements, and has the capacity required for the proposed Project. The system will also require approval by the San Bernardino County Department of Health Services.

Solid Waste

A few commenters believed that the amount of solid waste estimated for the proposed Project was not accurate.

In response, the MND relied on CalRecycle's waste generation rates to estimate the amount of solid waste that would be generated by the proposed Project. Although CalRecycle does not provide estimates for campgrounds, the solid waste generation rate for motels was applied to the proposed Project as the services (hospitality, dining, bar, pool) provided by motels are similar to those provided by the proposed Project. The proposed Project includes 75 campsites/units. According to CalRecycle's estimated solid waste generation rates for motels, the proposed Project would generate approximately 270 pounds of solid waste per day or approximately 0.135 tons per day, based on 3.6 pounds per unit per day.

Wildfire

Many commenters were concerned about the fire risk posed by the fire pits.

As shown in the Countywide Plan Policy Map (HZ-5 Fire Hazard Severity Zones), the entire 640-acre site is not located within a Very High Fire Hazard Severity Zone (VHFHSZ). In addition, the surrounding area is also not within VHFHSZ. Campfires will be limited to the designated fire pits as shown on the Site Plan. Use of the fire pits shall be controlled by a Campsite employee. As stated in the MND, the proposed Project would require a Fire Control Plan as a condition of approval and is subject to review and approval from the San Bernardino County Fire Marshal. During the pre-application review, the County Fire Department issued the following conditions for the project:

1. The project will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
2. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. The Site plan includes these access points.
3. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved

fire sprinkler contractor.

4. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor.
5. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
6. Fire Pits will be used per San Bernardino County Standards.

These conditions, in addition to any other that the County Fire Department may request, would ensure that the fire pits do not exacerbate wildfire risks.

Need for an EIR

County staff is recommending adoption of a Mitigated Negative Declaration based on guidance provided by the CEQA Guidelines, 2022. In accordance with CEQA Section 15081, the EIR process starts with the decision to prepare an EIR. This decision will be made either during preliminary review under Section 15060 or at the conclusion of an Initial Study after applying the standards described in Section 15064.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21100, Public Resources Code; *No Oil, Inc. v. City of Los Angeles*, (1974) 13 Cal. 3d 68; *Friends of B Street v. City of Hayward*, (1980) 106 Cal. App. 3d 988.

Upon the completion of the Initial Study, if concluded that no environmental impacts were found to be potentially significant that could not be mitigated to less than significant levels.

CEQA Section 15064.(f) discusses factors for consideration by a Lead Agency in determining the significance of the project's environmental effects:

- f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.
 - (1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68).
 - (2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

- (3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App. 3d 988).
- (4) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.
- (5) Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

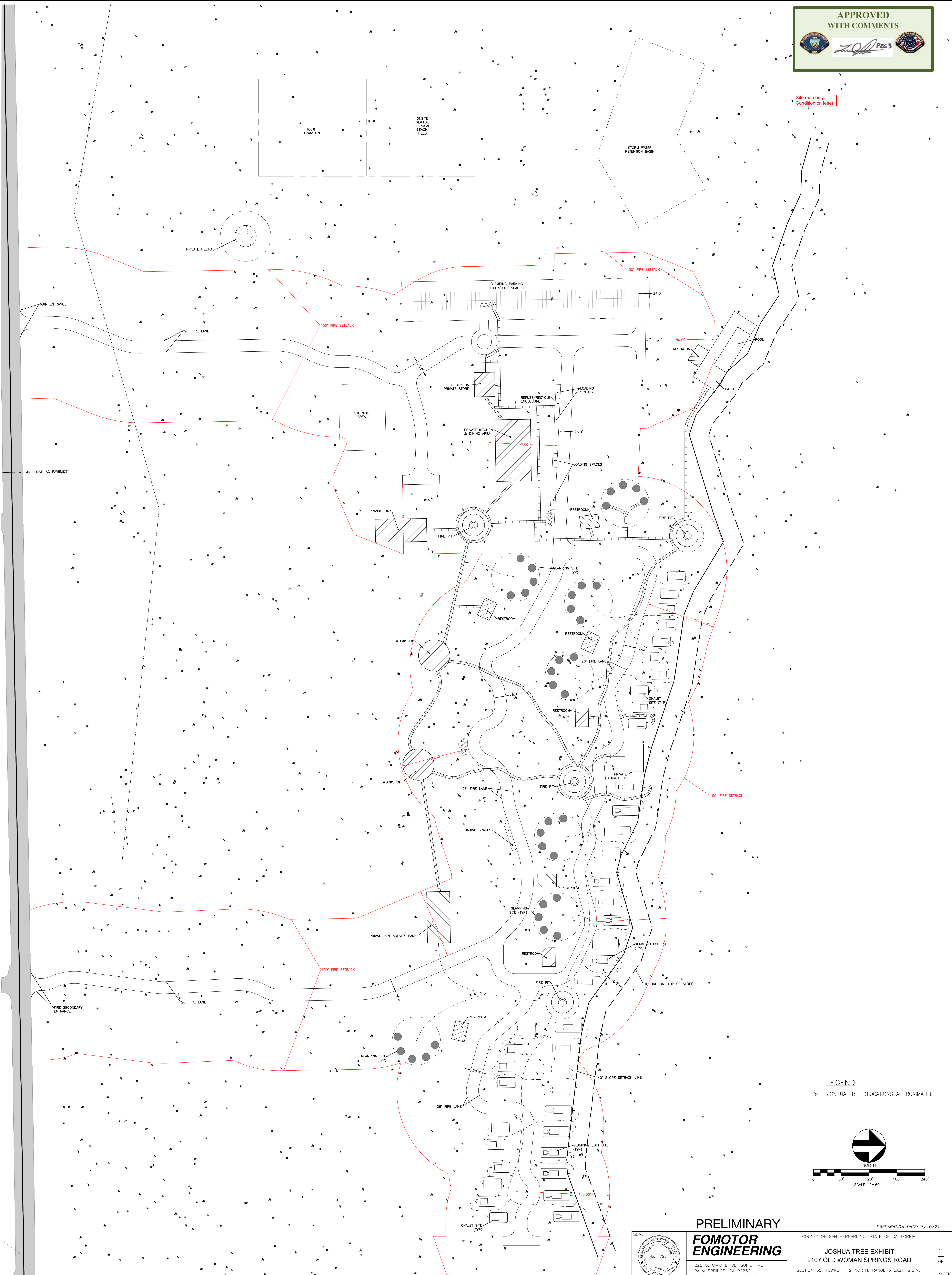
Topics not Addressed by CEQA

- Availability of affordable housing
- Project impacts on Old Woman Springs Road's Level of Service

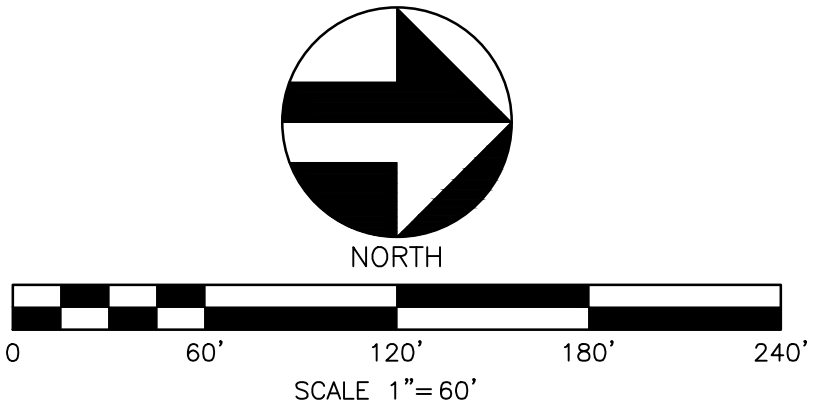
EXHIBIT F

Site Plan

Site map only.
Condition on letter



LEGEND
* JOSHUA TREE (LOCATIONS APPROXIMATE)



PRELIMINARY



FOMOTOR ENGINEERING
225 S. CIVIC DRIVE, SUITE 1-5
PALM SPRINGS, CA 92262
PH:(760)323-1842 FAX:(760)323-1742

PREPARATION DATE: 8/10/21
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
JOSHUA TREE EXHIBIT
2107 OLD WOMAN SPRINGS ROAD
SECTION 35, TOWNSHIP 2 NORTH, RANGE 5 EAST, S.B.M.
APN: 0629-181-01

1
OF
1 SHEETS

EXHIBIT G

Mitigation Monitoring and Reporting Program

**Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
RoBott Land Company – Old Woman Springs Campground**

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182

Contact: Jim Morrissey, Planner

MARCH 2023

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Star Point Properties Sixth Street Warehouse Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Biological Resources</i>				
<p>BIO-1: Joshua trees shall be protected to comply with the County of San Bernardino Development Code Chapter 88.01.050 through transplantation and stockpiling, and implementation of protective measures as recommended in the Protected Plant Preservation Plan prepared in October 2021 for the proposed Project. Additionally, prior to the implementation of the recommended measures outlined in the Protected Plant Preservation Plan, and prior to “take” of any western Joshua tree (WJT; a Candidate for listing as threatened under the California Endangered Species Act (CESA)) an CESA Incidental Take Permit (ITP) shall be obtained from the California Department of Fish and Wildlife (CDFW). California Fish and Game Code section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection of WJT through establishment of a conservation easement, development of a long-term management plan, and securing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed or financial security must be provided before starting any Project activities. In order to execute an ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof that the document has been circulated.</p>	<p>Prior to Land Disturbance or Grading Permit</p> <p>Prior to Issuance of Building Permit</p>	<p>Project applicant and their construction contractor/consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>BIO-2: A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that will include information on general and special status species within the Project Site, identification of these species and their habitats, techniques being implemented during construction to avoid impacts to species, consequences of killing or injuring an individual of a listed species, and reporting procedures when encountering listed or sensitive species. Construction crews, foremen, and other personnel potentially working on site will attend this education program and place their name on a sign-in sheet. This briefing shall include provisions of any requirements required for the project. The Worker Environmental Awareness Program training will be implemented on the first day of work and periodically throughout construction as needed; verification will be as noted in the Mitigation Monitoring and Reporting Program.</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p>BIO-3: All Project activities on-site shall be conducted outside of the nesting bird season to the maximum extent feasible. Bird nesting season generally extends from January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds. If Project activities begin during the non-nesting season (non-nesting season is typically from September 16 through December 31), a pre-construction survey shall be performed by a qualified biologist to verify the absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project area (including access routes) and a 300- foot buffer surrounding the Project area, no more than two hours prior to initiating Project activities.</p> <p>If Project activities cannot begin outside of the bird nesting season, the project site shall be surveyed for nesting birds by a qualified avian biologist within three (3) days prior to initiating Project activities. Pre-construction nesting bird surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests containing eggs or young are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species-specific and shall be at least 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>				
<p>BIO-4: Preconstruction surveys for Burrowing Owl BUOW and Desert Tortoise shall be according to MM BIO-9 and MM BIO-10, respectively.</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and/or their construction contractor</p>	<p>County of San Bernardino</p>	
<p>BIO-5: Pre-construction springtime botanical surveys shall be conducted for the Latimer’s woodland-gilia, San Bernardino milk-vetch, Little San Bernardino Mtns. Linanthus, and Robison’s monardella.</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	
<p>BIO-6: Prior to Project implementation, and during the appropriate season, the County shall conduct botanical field surveys following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If any species-status plants are identified, the proposed Project shall fully avoid sensitive and/or protected desert plants with an appropriate buffer established by the botanist and marked in the field (i.e., fencing or flagging). If any special-status species cannot be avoided, a relocation plan is required for approval by the County of San Bernardino and the County shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank, or the acquisition and in perpetuity conservation of land approved by CDFW at a minimum 3:1 (replacement-to-impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a CESA-listed species, the County should apply for a CESA ITP with CDFW.</p>				
<p>BIO-7: To meet the requirements of the Plant Protection and Management of the County Development Code:</p> <ol style="list-style-type: none"> 1. The applicant shall employ a qualified biologist (desert native plant specialist) to tag those trees western Joshua tree (WJT) that will eventually be approved by CDFW for relocation be translocated. 2. Transplantation shall will occur only after a CDFW-executed CESA-ITP is obtained in late fall or winter when tree metabolism is at its lowest. A watering regimen will be developed and a monitoring program implemented for the transplanted trees. Evidence of such program and on- 	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>going maintenance shall be provided to County Planning and evaluated for acceptability.</p> <p>3. For other Joshua trees present on-site, but not within an area requiring their removal and transplantation, the applicant shall implement a tree protection plan that would include an assessment of the health of the trees, then determine how to protect them. The tree protection plan Evidence of such action shall be provided to the County Planning and evaluated for acceptability and should consider requirements of the CESA ITP.</p> <p>During construction activities the following measures shall be employed:</p> <p>4. All trees that might be indirectly impacted because they are located within the construction zone (adjacent to or near campsites, internal road, or buildings) shall be surrounded by construction fencing (e.g. orange fencing), if in compliance with the CESA ITP. Other avoidance measures tailored to the Project Site may be identified in the CESA ITP.</p> <p>5. The project biologist shall conduct a worker education class designed to ensure that all workers on site understand the natural history of Joshua trees and the distance that must be maintained between a construction activity and a tree. The construction contractor shall be responsible for ensuring that each new construction employee that enters the site completes the worker education class. The construction contractor shall maintain a log for inspection by the project biologist to ensure that all workers are trained. Evidence of such action shall be provided to County Planning and evaluated for acceptability. The CESA ITP is likely to include requirements for the worker education class.</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>6. During long-term operation of the campground, the property owner shall have a qualified biologist on call for the following tasks and tasks should comply with all measures in the CESA ITP:</p> <p>a. Conduct a worker education class for all new employees.</p> <p>b. Provide educational pamphlets to all visitors.</p> <p>c. Maintain earthen berms or fences and posted notices, and cleanup (if trash or debris are in the vicinity).</p> <p>d. Once each year, conduct a (tree census) to assess the health of Joshua trees that have been transplanted and those that are located in proximity to the campground such that they may be indirectly impacted by camping activities.</p> <p>e. Develop and implement a watering plan that provides water to trees twice annually, or as necessary to maintain Joshua trees.</p> <p>f. Develop and maintain a nursery for Joshua trees to be used to replace trees that do not survive transplanting, or to replace dying trees due to climate change.</p> <p>g. Provide mitigation monitoring and reporting to CDFW on the health of the Joshua trees. Frequency of monitoring and reporting shall be established through consultation with CDFG through the ITP application process.</p> <p>h. Evidence of such action shall be provided to County Planning and evaluated for acceptability.</p>				
<p>BIO-8: Removal of any western Joshua tree shall be conducted in accordance with the requirements of the CESA ITP and the San Bernardino County ordinance. All western Joshua tree to be removed shall be flagged and transplanted to an undisturbed area prior to construction per the requirements of State regulation and County ordinance.</p>	<p>Prior to Land Disturbance or Grading Permit</p> <p>Prior to Issuance of Building Permit</p>	<p>Project applicant and their contractor/consultant</p>	<p>County of San Bernardino</p>	
<p>BIO-9: Prior to grading or any other ground-disturbing activity, a qualified biologist shall conduct a habitat assessment for burrowing owls to determine if suitable burrowing owl habitat is present in and adjacent to the</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>Project site. Surveys shall be conducted consistent with the procedures outlined in the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife, 2012).</p> <p>If there is suitable habitat for burrowing owl, then focused breeding season surveys as described in the Staff Report on Burrowing Owl Mitigation shall be conducted by a qualified biologist. If presence of burrowing owl is determined, the applicant shall contact CDFW and conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio.</p> <p>No less than 14 days prior to ground-disturbing activities, a qualified biologist shall conduct pre-construction surveys. If no burrowing owl(s) are observed on site during the pre-construction clearance survey, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW and the County prior to issuance of any grading permits, and no further action is required. If burrowing owl(s) are observed on site during the pre-construction clearance survey, areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines a reduced buffer would not adversely affect the burrowing owl(s).</p> <p>If burrowing owls cannot be avoided by the proposed Project, then a qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on</p>				



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>Burrowing Owl Mitigation to CDFW for review/approval prior to the commencement of Project activities. Burrow exclusion involves the installation of one-way doors in burrow openings during the nonbreeding season to temporarily or permanently exclude burrowing owls and to close burrows after verifying through site monitoring and scoping that the burrows are empty. Existing or artificial burrows situated less than 75 meters from the Project site are the ideal scenario for successful passive relocation. Additional factors for successful passive relocation are included in the CDFW 2012 Staff Report on Burrowing Owl Mitigation. Prior to passive relocation, suitable replacement burrows site(s) shall be provided at a ratio of no less than 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the County. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.</p>				
<p>BIO-10: During the desert tortoise active season (April to May or September to October) pre-construction surveys for Desert Tortoise shall be conducted no more than 48</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant and their consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise pre-construction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the survey confirms presence of desert tortoise, the Project proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, CDFW recommends the Project proponent not undertake Project activities and Project activities be postponed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.</p>				
<p>BIO-11: Prior to construction and issuance of any grading permit, the Project applicant should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, <i>or</i> the Project applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant</p>	<p>County of San Bernardino</p>	
<p><i>Cultural Resources</i></p>				
<p>CR-1: Archaeological monitoring shall be required during all earth-moving operations in the elevated portions of the Project Site along the Pipes Canyon Wash channel. The monitoring program shall be implemented in coordination with Native American tribes with cultural ties to the project vicinity, who may wish to participate. Whenever cultural materials more than 50 years old are discovered, they</p>	<p>Prior to issuance of Land Disturbance or Grading Permit</p>	<p>Project applicant and their construction contractor/consultant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>need to be field-recorded and evaluated. The monitor should be prepared to quickly recover any artifacts as they are unearthed to avoid construction delays. If a substantial cultural deposit is encountered, however, the monitor will have the power to temporarily halt or divert construction activities in that area to allow for controlled removal. If any subsurface cultural deposits are encountered within the Pipes Canyon Wash channel, all work within 50 feet of the discovery should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.</p>				
<p>CR-2: If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.</p> <p>If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.</p> <p>If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.</p> <p>If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.</p>	<p>Prior to Land Disturbance or Grading Permit</p> <p>Prior to Issuance of Building Permit</p>	<p>Project applicant and their construction contractor/consultant</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
Geologic				
GEO-1: A qualified geologist shall inspect any excavations (foundation, utility, etc.) on the Project Site during construction for possible indications of faulting. If unanticipated evidence of faulting is encountered in these excavations, further relocation of the site structures may be necessary to maintain the recommended setback from active faults. Evidence of such action shall be provided to County Planning and evaluated for acceptability.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	
GEO-2: All earthwork and construction shall be in conformance with the recommendations of the Design-phase Geotechnical Investigation date January 11, 2021, for site clearing, grading, foundations, and utility trenching, etc. With implementation of these Mitigation Measures, the proposed Project would not result in substantial adverse effects due to a rupture of a known earthquake fault.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and/or their construction contractor/consultant	County of San Bernardino	
Tribal Resources				
TCR-1: Cultural sensitivity training should be incorporated into employee orientations.	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and/or their construction contractor	County of San Bernardino	
TCR-2: Retain a Native American Monitor/Consultant - Prior to the commencement of any ground disturbing activity at the Project Site, the project applicant shall retain a Native American Monitor approved by the tribe that consulted on this project pursuant to Assembly Bill A52 (the "Tribe" or the "Consulting Tribe"). A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and/or their construction contractor/consultant	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated.</p>				

EXHIBIT H

Findings

FINDINGS: CONDITIONAL USE PERMIT. The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040 and supporting facts for the Project's Conditional Use Permit to construct a campground that includes a number of facilities, including 75-camp sites, camp store, restaurant, bar, restrooms, pool, workshop buildings, helipad, and common area gardens and pathways (Project) within an approximate 25-acre portion of a 640-acre parcel (Project site).

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application,** because the proposed use is located within only the southwest portion of the 640-acre property and setback from Old Woman Springs Road over 700 feet. This portion of the property is generally flat and outside the boundaries of Pipes Wash, which is a major drainage course traversing the property from north to south, primarily within the easterly half of the Project site. The subject property is of adequate size and configuration to accommodate the proposed use and all proposed structures and activity areas meet required setbacks, allow for required maneuvering of automobile and access for emergency vehicles, and provide adequate features consistent with the requirements of the Development Code.
- 2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** Access to the subject property is provided from Old Woman Springs Road, designated a Major Highway, with a planned right of way width of 104 feet and ultimately four travel lanes. The major access point will be located at the approximate middle of the one-square mile site, with the secondary fire access about 1,300 feet to the south. Currently, Old Woman Springs Road consists of a paved two (2) lane roadway that will be required to expand the easterly half-width roadway easement 12 feet to provide a full roadway width of 52 feet, but not an expansion of the existing two-lane roadway improvement section. Internal access drives have been provided to ensure an adequate design exists for fire protection services to be located within 150 feet of all structures.
- 3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The proposed Project improvement area consists of approximately 25 acres within a 640-acre parcel. Within the 25 acres, 75 camp sites are provided, along with various accessory buildings, for the sole use of Project campers. Additional vehicle trips will be generated by the use, due to staffing of the various facilities/activities, such as the bar, restaurant, and arts buildings. However, the number of trips will be limited and vary throughout the day. The proposed use does not exceed threshold levels requiring the preparation of a traffic study. The proposed

use is intended to provide a camping experience with limited noise levels and lighting must be terminated by 11:00 pm. Off-road vehicles, RVs, and travel trailers are not permitted on-site. Parking of vehicles at individual camp sites is prohibited, except for loading or unloading. The conditions of approval will ensure that the Project will conform to performance standards, including those for noise and vibration, to reduce potential impacts to the nearby residences. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County Policy Plan and any applicable community or specific plan, as confirmed below:**

Policy LU-2.4 Land Use Map consistency.

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Policy Implementation: The proposed Project is permitted, subject to a Conditional Use Permit within the RL (Rural Living) Zone. The proposed Project will be required to comply with the development criteria of the RL Zone and other development standards, for parking design, roadway access, building design, and permit review and issuance requirements to ensure compatibility with other surrounding uses.

Policy LU-2.1 Compatibility with Existing Uses

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhood. We also require that new residential development be located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Policy Implementation: The proposed Project is a campground development covering approximately 25 acres on a 640-acre parcel of land. The 75 proposed camp sites and accessory buildings are located on the southwesterly portion of the parcel. The proposed camping operation is setback from perimeter property lines a significant distance minimizing the potential effects of any noise, lighting or other operational characteristics. The proposed helipad is only to be used for emergency medical situations and non-medical use is prohibited.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct appropriate road improvements, both on-site and off-site, provide adequate water services from Bighorn-Desert View Water Agency, install an on-site wastewater disposal facility, and extend adequate utilities to the property, in accordance with the conditions of approval.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare,** because the conditions of approval ensure appropriate site improvements, street design, traffic improvements, and utilities are incorporated into the new development to meet projected needs. The County's Department of Public Works, Traffic Division has reviewed the Project and approved the traffic study which concludes that 20 peak hour trips would occur into and out of the property in the evening and a separate traffic impact study would not be required. Additional street right of way is required for perimeter roadways to the north (Luna Vista Lane) and east (Sage Avenue). Additional traffic enhancements, such as signing and striping, can be requested by the Traffic Division during their evaluation of the improvement plans during the design phase. In addition, the conditions will ensure the Project will meet the adopted County performance standards for noise, lighting, and Project operation.

7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities,** because the proposed Project has a number of buildings and a significant amount of open space that could provide for solar facilities, depending upon its feasibility to incorporate this feature into the Project.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of the required mitigation measures. The review authority finds that the changes to Mitigation Measures BIO-1, BIO-3, BIO-4, BIO-6, BIO-7 and BIO-8, as well as the addition of Mitigation Measures BIO-9, BIO-10 and BIO-11 after the circulation of the Mitigated Negative Declaration (MND) do not trigger recirculation. The review authority concludes that the changes identified above are equivalent or more effective in mitigating environmental impacts as previously determined in the circulated MND and that the proposed changes do not itself cause any potentially significant effect. The modified mitigations measures have been updated and adopted as a condition of approval of the

Project and made part of the Project's Mitigation Monitoring and Reporting Program. Moreover, the review authority concludes that the addition of the measures identified above relate to response to comments on environmental impacts already identified in the MND, and in the case of BIO-11 is added as a condition of approval and is not necessary to mitigate significant impacts. The review authority finds that there is no substantial evidence in the record before it that the Project will have a significant effect on the environment and adopts the MND. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT I

Notice of Determination

Notice of Determination

To:

Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

Clerk of the Board
County of: San Bernardino
Address: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUSD
Address: 385 North Arrowhead Ave, First Floor San Bernardino, CA 92415-0187
Contact: Jim Morrissey
Phone: 909-387-4234

Lead Agency (if different from above): _____
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2022030476

Project Title: Resort Camping – PROJ-2020-00191

Project Applicant: RoBott Land Company

Project Location (include county): East side of Highway 247, south of the extension of Luna Vista Lane.

Project Description:

Conditional Use Permit to establish a campground consisting of various structures and accessory buildings associated with the use of the site, including a restaurant and bar, on a portion of a 640 acre parcel.

This is to advise that the San Bernardino County has approved the above (Lead Agency or Responsible Agency)

described project on March 9, 2023 and has made the following determinations regarding the above (date) described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final and record of project approval are the Mitigated Negative Declaration are available to the General Public at:

385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency): _____ Title: Contract Planner
Jim Morrissey

Date: 3/9/2023 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011