

# KEEP PINON HILLS RURAL!

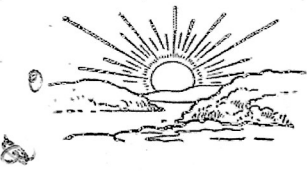


## STOP THE TRUCK STOP PROJECT!

We, the undersigned residents of Pinon Hills and environs, are demanding that the Mavericks project proposed for the corner of Highway 138 and Oasis Road be stopped. We value our quiet, rural surroundings as stated in the Phelan/Pinon Hills Community Action Guide compiled by San Bernardino County. "The community strives to preserve the natural environment and small-town feel, make needed infrastructure improvements, and build upon local decision-making processes." The Mavericks project does not follow these guidelines nor does the County's approval of the project. We are voicing our support of local, community-appropriate businesses that fit our rural surroundings and also our opposition to projects that do not add services or resources that we need.

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→ Signed for neighbor

# **EXHIBIT B**

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**FINDINGS: USE PERMIT**

**Minor Use Permit for the construction and operation of a 5,637 square foot convenience store with 2 canopies and a total of 18 fuel dispensing islands (Project) on approximately 4.88 acres of an 8.78-acre parcel located at the southwest corner of Highway 138 and Oasis Road (Project site), in the community of Pinon Hills in the Phelan-Pinon Hills General Commercial (PH/CG) Zoning District., 1<sup>st</sup> SUPERVISORIAL DISTRICT; APN: 3067-051-29; PROJ-2024-00030.**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the Minor Use Permit:

**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.**

The Project consists of an 8.78-acre site with a new gas station and 5,637 square feet (SF) convenience store with 18 fuel dispenser islands, 10 for passenger vehicles and 8 for commercial vehicles. The Project is designed to meet or exceed all required setbacks and height restrictions. Ingress and egress, circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed Project's property land use and zoning designations.

**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.**

The site design provides both legal and physical access through three driveways: a proposed 50-foot-wide driveway from Oasis Road, a 40-foot-wide driveway and a 50-foot wide driveway from Buckthorne Road. The Project also includes roadway improvements along Oasis Road, extending approximately 60 feet into the Caltrans right-of-way for Highway 138, and will therefore require a Caltrans encroachment permit. Planned improvements include road widening, extension of the sidewalk to the existing curb ramp at the Oasis Road/Highway 138 intersection, installation of dashed and solid striping between north-south lanes, a 10-foot shoulder, a right-turn lane into the Project site, a dedicated turn lane to the adjacent post office, and the addition of a fire hydrant. All driveways will be built to County roadway standards to ensure proper alignment and integration with existing streets, and will be paved per County requirements. Additional improvements—curb, gutter, and sidewalks—will comply with County Code Table 83-11 standards for the desert region. The Project also provides 42 parking spaces, including two ADA-compliant spaces.

**3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION OR OTHER DISTURBANCE.**

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the General Commercial (CG) Zoning District and as such should not have adverse effects on abutting properties. The Project is located within the Commercial land use designation of the community of Phelan, which is anticipated for development.

By establishing a service station at this location, the Project will reduce travel distances for customers and employees in and around Phelan, thereby improving accessibility and supporting local economic activity. Additionally, reducing the need for long-distance travel to similar gas stations potentially lowers overall vehicle emissions and congestion in the region. Security lighting will be installed, and is also designed to be downlit and focused on specific areas of concern

**4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

The proposed Minor Use Permit, together with the provisions for its design and improvement are consistent with the Countywide Policy Plan. The proposed Project as designed specifically implements the following San Bernardino Policy Plan goals and policies:

- **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 neighborhoods.

*Consistency: The Project is appropriate because the use is allowed subject to a land use entitlement of a Minor Use Permit (MUP) and compatible with the size and scale of the surrounding residential/commercial characteristics. The proposed structures, fences and display area are designed to comply with all applicant site development standards including coverage, landscaping, height and setbacks.*

- **Policy LU-2.3 Compatibility with natural environment**

We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

*Consistency: The Project was reviewed by all responsible internal departments including Planning to ensure that design and development is consistent with mandated requirements. The Project proposes and is conditioned to install landscaping to soften the view of the commercial development to residential development to the south.*

- **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 the 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.

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**Consistency:** *The Project is consistent with the Land Use Map and does not propose a change in the Land Use Category. As designed, the proposed use is generally compatible and consistent with surrounding land uses and community's identity.*

**Phelan-Pinon Hills Community Action Guide**

**Community Focus Statement B: Encourage commercial and light industrial used in Phelan Pinon Hills.**

- **Action Statement B.2** – Encourage more retail and service uses within the existing commercial zones by regularly updating the San Bernardino County Economic Development Agency (EDA) on local available sites.

**Consistency:** *The Project is proposing a new commercial use on an existing and available commercially zoned parcel adjacent to Phelan Road. The Project would add to needed commercial/service uses within the Phelan community.*

**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 Phelan/Pinon Hills Community Services District (CSD) will provide water services to the site. The Project will connect to existing water utilities in Oasis Road. Sewer will be provided onsite via a proposed septic system and associated seepage pits located in the southern portion of the Project site. Electricity is provided by Southern California Edison (SCE) and the Project will connect to existing SCE utilities along Oasis Road.

**6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.**

The conditions of approval include measures that require the applicant/developer to comply with the performance measures outlined in the County Development Code. Therefore, the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

**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.**

The proposed Project will need to comply with Title 24 and other state mandated building/construction requirements for efficiency, including lighting, solar, and heating/cooling systems.

**8. There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts.**

Pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Planning Division conducted an environmental evaluation in connection with the proposed Minor Use Permit for a convenience store and gas station. The Project is determined to have a less than less than significant impact with mitigation incorporated.

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**9. The project is planned for immediate development and does not include a phased development.**

The Project is not planned for a phased development.

**10. The project is not likely to result in controversy.**

The Minor Use Permit was approved by the Zoning Administrator and has been appealed to the Planning Commission. As a result of the appeal, the application is being considered similar to a Conditional Use Permit.

**FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**11. THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT, SUBJECT TO IMPLEMENTATION OF THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES.**

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

Pursuant to the requirements of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, an Initial Study/Mitigated Negative Declaration (MND) was prepared for the Project. The County finds that there is no substantial evidence in light of the whole record that the Project may have a significant effect on the environment with implementation of feasible mitigation measures identified in the MND. The MND represents the independent judgment and analysis of the County acting as the lead agency for the Project.

# **EXHIBIT C**



## Conditions of Approval

<b>Record:</b>	PROJ-2024-00030	<b>System Date:</b>	02/06/2026
<b>Record Type:</b>	Project Application	<b>Primary APN:</b>	3067051290000
<b>Record Status:</b>	Decision Pending	<b>Application Name:</b>	MINOR USE PERMIT - MAVERIK CONVENIENCE STORE
<b>Effective Date:</b>		<b>Expiration Date:</b>	
<b>Description:</b>	MAVERIK CONVENIENCE STORE - MINOR USE PERMIT (COMMERCIAL):		

MINOR USE PERMIT TO CONSTRUCT MAVERIK PROPOSES TO DEVELOP A 5,637 SQUARE FOOT CONVENIENCE STORE WITH FUEL DISPENSERS ON APPROXIMATELY. 4.88 ACRES OF THE 8.78-ACRE PARCEL, WITH TEN (10) FUEL DISPENSERS AND CANOPY IN FRONT OF THE STORE AND EIGHT (8) ADDITIONAL DISPENSERS AND CANOPY FOR COMMERCIAL FUELING TO THE SIDE OF THE STORE, FOR A TOTAL OF EIGHTEEN (18) FUEL DISPENSERS ON SITE. THE DEVELOPMENT WILL PROVIDE FUELING, PACKAGED BEER AND WINE SALES, AS WELL AS FRESH FOOD ITEMS. RESTROOM FACILITIES WILL BE OPEN TO THE PUBLIC. THE STORE WILL OPERATE 24 HOURS A DAY, 7 DAYS A WEEK. LOCATED AT THE SOUTHWET CORNER OF HWY 138 AND OASIS ROAD, ON 8.78 ACRES, IN THE GENERAL COMMERCIAL (CG) LAND USE CATEGORY, AND GENERAL COMMERCIAL (PH/CG) ZONING DISTRICT; 1ST SUPERVISORIAL DISTRICT; APN: 3067-051-29

### **This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## ON-GOING

### Land Use Services - Planning

1 **Project Approval Description (CUP/MUP)** - Status: Outstanding

This Minor Use Permit is conditionally approved for the construction of a new gas station and 5,637-square-foot convenience store with 18 fuel dispenser islands on an 8.78-acre parcel, 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.

2 **Project Location** - Status: Outstanding

The Project site is located at the southwest corner of Oasis Road and Highway 138 in the unincorporated community of Phelan/Pinion Hills.

3 **Revisions** - Status: Outstanding

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.

4 **Indemnification** - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status: Outstanding

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:

**6 Expiration** - Status: Outstanding

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.

**7 Continuous Effect/Revocation** - Status: Outstanding

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.

**8 Extension of Time** - Status: Outstanding

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)

**9 Project Account** - Status: Outstanding

The Project account number is PROJ-2024-00030. 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 \$1,000.00 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.

**10 Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

11 **Continuous Maintenance** - Status: Outstanding

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.

12 **Lighting** - Status: Outstanding

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.

13 **Construction Hours** - Status: Outstanding

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.

14 **Construction Noise** - Status: Outstanding

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.

15 **Cultural Resources** - Status: Outstanding

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.

## Public Health– Environmental Health Services

16 **OWTS Maintenance** - Status: Outstanding

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.

17 **Refuse Storage and Disposal** - Status: Outstanding

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.

## Public Works - Traffic

18 **Back Out Into Public Roadways** - Status: Outstanding

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

19 **Directional Sign Maintenance** - Status: Outstanding

All required directional signage for traffic entering and exiting the site shall be installed and continuously maintained outside the Public road right-of-way in good condition for both day and night time visibility.

## INFORMATIONAL

### County Fire - Community Safety

20 **F01 Jurisdiction** - Status: Outstanding

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 statutes, codes, ordinances, and standards of the Fire Department.

21 **F03 Fire Condition Letter Expiration** - Status: Outstanding

Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.

22 **F08 Fire Safety Overlay** - Status: Outstanding

The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

23 **F17 Access Road Grade** - Status: Outstanding

Fire access roadways shall not exceed a maximum of twelve (12%) percent grade at any point. Fire access roadways or driveways may be increased to fourteen (14%) percent grade for a distance not to exceed five hundred (500) feet. Fire access roadways providing access to no more than two (2) one or two-family dwellings may be increased to a maximum of sixteen (16%) percent grade not to exceed five hundred (500) feet. Grades across the width of a fire access roadways shall not exceed five (5%) percent. In order to accommodate proper angles of approach and departure, gradient shall not exceed five (5%) percent change along any ten (10) foot section.

24 **F36 Sprinkler Installation Letter** - Status: Outstanding

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.

25 **F60 Solar Plans** - Status: Outstanding

Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

26 **F66 Compressed Gasses/Beverage Dispensing** - Status: Outstanding

A submittal of compressed gasses in storage or use including asphyxiant, irritant, and radioactive gasses complying with the California Fire Code, California Mechanical Code, and NFPA is required. The applicant shall hire a licensed contractor to submit plans for review and approval by the fire department. The required fees shall be paid at the time of plan submittal.

27 **F71 Proposal Changes** - Status: Outstanding

Any changes to this proposal shall require new Fire Department condition letter.

## Land Use Services - Land Development

28 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

## Public Works - Solid Waste Management

29 **Community Service District Hauler Service Area** - Status: Outstanding

This project falls within the Phelan Pinon Hills Community Service District. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors should comply with the Solid Waste collection requirements prescribed through the Phelan Pinon Hills Community Service District. Additionally, all owners/occupants of a dwelling or a commercial or industrial unit within the area shall, upon notice thereof, be required to accept the solid waste handling and collection requirements set forth by the Community Service District

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

30 **Air Quality** - Status: Outstanding

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 Basin 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.

31 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

### Land Use Services - Building and Safety

32 **Geotechnical Report** - Status: Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

33 **Wall Plans** - Status: Outstanding

Submit plans and obtain separate building permits for any required retaining walls.

### Land Use Services - Land Development

34 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that 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.

35 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final 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.

36 **On-site Flows** - Status: Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

37 **Project Specific Conditions** - Status: Outstanding

Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel.

<http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>

38 **Project Specific Conditions** - Status: Outstanding

FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C6425H dated 08/28/2008 Flood hazards are undetermined in this area, but they are still 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.

39 **Project Specific Conditions** - Status: Outstanding

State Construction Stormwater General Permit: Notice of Intent (NOI) and WDID # are required on all land disturbance of one (1) acre or more prior to issuance of a grading/construction permit. For questions regarding the State Construction Stormwater General Permit, please contact:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

## Public Health– Environmental Health Services

40 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

## PRIOR TO BUILDING PERMIT ISSUANCE

### Land Use Services - Planning

41 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

42 **Signs** - Status: Outstanding

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.

## County Fire - Community Safety

43 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

44 **F09 Building Plans** - Status: Outstanding

Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

45 **F10 Combustible Protection** - Status: Outstanding

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.

46 **F19 Surface** - Status: Outstanding

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.

47 **F22 Primary Access Paved** - Status: Outstanding

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.

48 **F26 Fire Flow Test** - Status: Outstanding

Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

49 **F27 Water System** - Status: Outstanding

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 5,637 sq.ft. structure.

50 **F28 Water System Commercial** - Status: Outstanding

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.

**51 F69 Haz-Mat Approval** - Status: Outstanding

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.

**County Fire - Hazardous Materials****52 Underground Storage Tank Approval** - Status: Outstanding

Prior to issuance of building permits, Underground Storage Tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Section prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Plans for underground storage tank systems shall be reviewed and approved by the Office of the Fire Marshal, Hazardous Materials Section. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or [ustplanchek@sbcfire.org](mailto:ustplanchek@sbcfire.org), or visit <https://sbcfire.org/ust/>, for more information.

**Land Use Services - Building and Safety****53 Construction Plans** - Status: Outstanding

Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

**54 Temporary Use Permit** - Status: Outstanding

A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

**Land Use Services - Land Development****55 Caltrans Review** - Status: Outstanding

Obtain comments, approval, and any necessary permits from Caltrans for access requirements and working within their right-of-way. The Caltrans Local Development Review (LDR) Branch can be reached at [LDR-D8@dot.ca.gov](mailto:LDR-D8@dot.ca.gov)

**56 Construction Permits** - Status: Outstanding

Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

**57 Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Oasis Road (Major Highway – 104 feet): •Road Dedication. An 8-foot grant of easement is required to provide a half-width right-of-way of 52 feet. •Street Improvements. Design curb and gutter with match up paving 40 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C". •Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way. •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130. Buckthorne Road (Non-Classified Local Street – 60 feet): •Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet and 35-foot radius return grant of easement at the intersection of Buckthorne Road and Oasis Road. •Street Improvements. Design curb and gutter with match up paving 18 feet from centerline with a minimum 26-foot paved section. •Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within public right-of-way. •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130. Smoke Tree Road (Section Line – 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

**58 Road Standards and Design** - Status: Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

**59 Slope Tests** - Status: Outstanding

Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

**60 Soils Testing** - Status: Outstanding

Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

**61 Street Gradients** - Status: Outstanding

Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

**62 Street Type Entrance** - Status: Outstanding

Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

**63 Transitional Improvements** - Status: Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

**64 Utilities.** - Status: Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

## Public Health– Environmental Health Services

### 65 **Existing Wells** - Status: Outstanding

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, such as a well certification, shall be submitted to EHS for approval.

### 66 **Food Establishment Plan Check Required** - Status: Outstanding

Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

### 67 **New OWTS** - Status: Outstanding

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.

### 68 **Water Purveyor** - Status: Outstanding

Water purveyor shall be \_\_\_\_\_ or EHS approved.

## Public Works - Solid Waste Management

### 69 **Construction Waste Management Plan (CWMP) Part 1** - Status: Outstanding

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. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. 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

## Public Works - Traffic

### 70 **Street Improvements** - Status: Outstanding

The applicant shall design their street improvement plans to include the following: The driveway on Oasis Road shall be right in and right out only with a "R3-2" sign. The sign shall be placed within the property line at the driveway and the owner is responsible for maintaining the sign.

### 71 **Total Fair Share** - Status: Outstanding

The total fair share contribution for this project is required based on the traffic report dated 10/14/2025 from TJW Engineering. The fair share breakdown for these improvements is shown below. INTERSECTION: Mountain Road at Route 138 ESTIMATED COST: \$600,000 to \$800,000 FAIR SHARE PERCENTAGE: 7.62% ESTIMATED CONTRIBUTION: \$45,720 to \$60,960 The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works - Traffic Division. At the present time, the estimated cost is \$45,720 to \$60,960 pending final estimated construction cost approval from Caltrans. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

72 **Fees Paid** - Status: Outstanding

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-2024-00030.

73 **Installation of Improvements** - Status: Outstanding

All required on-site improvements shall be installed per approved plans.

74 **Landscaping/Irrigation** - Status: Outstanding

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.

75 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

### County Fire - Community Safety

76 **F06 Inspection by Fire Department** - Status: Outstanding

Permission to occupy or use the building (Certification 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".

### County Fire - Hazardous Materials

77 **Permit Required** - Status: Outstanding

Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> or apply for exemption from permitting requirements. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit <https://sbcfire.org/hazmatcupa/> for more information.

### Land Use Services - Building and Safety

78 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

### Land Use Services - Land Development

79 **Drainage Improvements** - Status: Outstanding

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. Certification letter shall be submitted to Land Development.

- 80 **Caltrans Approval** - Status: Outstanding  
Obtain comments, approval, and any necessary permits from Caltrans for access requirements and working within their right-of-way. The Caltrans Local Development Review (LDR) Branch can be reached at LDR-D8@dot.ca.gov
- 81 **LDD Requirements** - Status: Outstanding  
All LDD requirements shall be completed by the applicant prior to occupancy.
- 82 **Road Improvements** - Status: Outstanding  
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.
- 83 **Structural Section Testing** - Status: Outstanding  
A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

### Public Health– Environmental Health Services

- 84 **New Retail Food Facility Permit** - Status: Outstanding  
A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.

### Public Works - Solid Waste Management

- 85 **Construction Waste Management Plan (CDWMP) Part 2** - Status: Outstanding  
The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. 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. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

### Public Works - Traffic

- 86 **Local Area Transportation Fee Plan Area** - Status: Outstanding  
This project falls within the High Desert Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. These fees are subject to change. Based on the ITE Trip Generation Manual (11th Edition) and a 5,637 sq. ft. convenience store with 28 fueling positions as shown on the site plan, this project generates approximately 2,569 vehicle trips on a weekday. This fee is \$193.55 per trip multiplied by the number of vehicle trips (2,569) and multiplied by an induced trip adjustment factor of 20% as shown in the fee plan. Therefore, the total estimated Local Transportation Fees for this project is \$99,445.99. The current High Desert Local Area Transportation Facilities plan can be found at the following website: <https://dpw.sbcounty.gov/transportation/transportation-planning/>

## PRIOR TO RECORDATION

### County Fire - Community Safety

87 **F16 Access** - Status: Outstanding

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. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.



### Land Use Services - Planning

88 **On-going Condition** - Status: Outstanding

No additional truck parking is permitted on site, ZA condition.

## PRIOR TO FINAL INSPECTION

### County Fire - Community Safety

89 **F11 Combustible Vegetation** - Status: Outstanding

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. County Ordinance #3586

90 **F24 Fire Lanes** - Status: Outstanding

The applicant shall submit a fire lane plan with the building construction plans to the Fire Department for review and approval. Fire lane curbs shall be painted red. "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.

91 **F25 Street Sign** - Status: Outstanding

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.

92 **F35 Hydrant Marking** - Status: Outstanding

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.

93 **F37 Fire Sprinkler-NFPA #13** - Status: Outstanding

An automatic fire sprinkler system complying with NFPA Pamphlet #13 and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor. The fire sprinkler contractor shall submit plans with hydraulic calculations, manufacturers specification sheets and a letter from a licensed structural (or truss) engineer with a stamp verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design to the Fire Department for 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.

94 **F40 Roof Certification** - Status: Outstanding

A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.

95 **F41 Fire Alarm** - Status: Outstanding

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 licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

96 **F45 Fire Extinguishers** - Status: Outstanding

Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

97 **F46 Hood and Duct Suppression** - Status: Outstanding

An automatic hood and duct fire extinguishing system is required. The applicant shall hire a licensed fire protection contractor to 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.

98 **F47 Above Ground Storage Tank** - Status: Outstanding

Above Ground Storage Tank plans shall be submitted to the San Bernardino County Fire Department for review and approval prior to any installation on-site. The required Fees shall be paid at time of plan submittal.

99 **F48 Material Identification Placards** - Status: Outstanding

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.

10 **F51 Commercial Addressing** - Status: Outstanding

- 0 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 eight (8) inches in height and with a one (1) 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 address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter ( $\frac{3}{4}$ ) inch stroke.

10 **F55 Key Box** - Status: Outstanding

- 1 An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Lock (Knox ®).

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.

<b>Department/Agency</b>	<b>Office/Division</b>	<b>Phone Number</b>
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	<a href="https://lus.sbcounty.gov/">https://lus.sbcounty.gov/</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbcounty.gov/">https://www.sbcounty.gov/</a>	
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	<a href="https://dpw.sbcounty.gov/">https://dpw.sbcounty.gov/</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://ehs.sbcounty.gov">https://ehs.sbcounty.gov</a>	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbclafco.org/">http://www.sbclafco.org/</a>	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

# **EXHIBIT D**

**Mitigation Monitoring and Reporting Program**  
**Initial Study/Mitigated Negative Declaration**  
Maverik Gas Station & Convenience Store

*Prepared by:*



**San Bernardino County, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182

*Contact: Delanie Garlick*

September 2025

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**SECTION**

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2.0 Mitigation Monitoring and Reporting Program Table ..... 6

**TABLES**

Table 1: Mitigation Monitoring and Reporting Program ..... 6

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## **1.0 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 San Bernardino County (County) to ensure compliance with adopted mitigated measures identified in the MND for the proposed Maverik Gas Station & Convenience Store 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 biological resources, cultural resources, geology and soils 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, the 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:

San Bernardino County  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415

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## 2.0 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
<b>Biological Resources</b>				
<p><b>MM BIO-1: Incidental Take Permit for Western Joshua tree (CDFW)</b></p> <p>The Applicant shall submit to the California Department of Fish and Wildlife (CDFW) an Incidental Take Permit (ITP) application and supporting documentation for the removal of Western Joshua trees on the Project site, pursuant to the Western Joshua Tree Conservation Act. The Applicant will be required to consult with CDFW to determine the measures required to offset the removal of WJT such as the purchase of credits from an approved conservation or mitigation bank, land acquisition, or entry into a conservation easement.</p>	<p>Prior to ground disturbance and construction activities</p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	
<p><b>MM BIO-2: California Desert Native Plants Act Protection and Relocation Plan</b></p> <p>If mitigation measures of the ITP (BIO-1) include preservation in place through avoidance or relocation, then a Desert Native Plant Protection and Relocation Plan (Plan) for those trees proposed for relocation or preservation shall be composed which will provide detailed specifications for the proposed treatment, avoidance, or relocation of all Western Joshua trees and those desert species included under the CDNPA. Other</p>	<p>Prior to ground disturbance and construction activities</p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>native desert species included for protection under CDNPA include smoke trees (<i>Cotinus</i> sp.), species in the Agavacea family, mesquite (<i>Prosopis</i> sp.), and large creosote bushes (<i>Larrea</i> sp.).</p>				
<p><b>MM BIO-3: Nesting Bird Preconstruction Surveys</b></p> <p>If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre- construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or directly adjacent to the Project Site. If active nests are located, the extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than 3 days prior to the commencement of construction. In the event active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).</p>	<p>No earlier than 3 days prior to the start of construction during nesting bird season (Jan–Jul for raptors; Feb–Aug for other birds)</p>	<p>Project Applicant; Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<b><i>Cultural Resources &amp; Tribal Cultural Resources</i></b>				
<p><b>MM CUL-1: Inadvertent Finds</b></p> <p>In the event that human remains are found, the archaeologist shall notify the San Bernardino County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, and § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project. The designated MLD will have 48 hours from the time access is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate. If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed. This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located. Work may not resume within the no-work radius until the Lead Agency determines that the treatment measures have been completed to its satisfaction.</p>	<p>During all ground-disturbing activities</p>	<p>Project Applicant, Construction Contractor</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<b>Geology and Soils</b>				
<p><b>MM GEO-1: Paleontological Monitoring</b></p> <p>A paleontological monitor shall be present at the kickoff meeting to provide a summary of the paleontological sensitivity of the Project area at depths greater than five (5) feet below the surface. The monitor shall work under the direct supervision of a qualified paleontologist (minimum of a B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated experience and competence in paleontological research, fieldwork, reporting, and curation). The monitor shall be a trained paleontological monitor with experience and knowledge of sediments, geologic formations, the identification and treatment of fossil resources.</p> <ol style="list-style-type: none"> <li>1. The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.</li> <li>2. Paleontological monitoring shall be present full-time during excavations in excess of five (5) feet below the surface. If no paleontological resources are discovered after half of the ground disturbance has occurred, monitoring can be reduced to part-time or spot-checking.</li> <li>3. The monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered.</li> <li>4. In the event of a paleontological discovery the monitor</li> </ol>	<p>Prior to and during ground disturbance activities, prior to the issuance of any building permit</p>	<p>Project Applicant, Construction Contractor, Qualified Paleontologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.</p> <p>5. In consultation with the qualified paleontologist the monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed, and the area cleared.</p> <p>6. If the discovery is significant the qualified paleontologist shall notify the developer and County of San Bernardino immediately. DUKE Cultural Resources Management.</p> <p>7. In consultation with the applicant and the County, the qualified paleontologist shall develop a plan of mitigation which will likely include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.</p>				

# **EXHIBIT E**



# LAND USE SERVICES DEPARTMENT ZONING ADMINISTRATOR STAFF REPORT

**HEARING DATE: DECEMBER 11, 2025**

**AGENDA ITEM # 8**

<p><u>Project Description</u></p> <p>APN: 3067-051-29</p> <p>Applicant: Maverik, Inc.</p> <p>Community: Phelan/Pinon Hills / 1<sup>st</sup> District</p> <p>Location: Southwest corner of Oasis Road and CA-138</p> <p>Project No: PROJ-2024-00030</p> <p>Staff: Delanie Garlick, Contract Planner</p> <p>Rep: Kennan Young, Core States</p> <p>Proposal: A Minor Use Permit (MUP) to establish a new convenience store with 5,637 square feet of retail space and 18 fuel dispensing islands on 8.78 acres.</p>	<p style="text-align: center;"><u>Vicinity Map</u></p>
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21 Hearing Notices Sent On: December 11, 2025

Report Prepared By: Delanie Garlick

**SITE INFORMATION**

Parcel Size: 8.78 acres  
 Terrain: Moderately sloped  
 Vegetation: A moderate growth of native plants, trees, and shrubs. The site is dominated by Western Joshua Trees.

<b>TABLE 1 – SITE AND SURROUNDING LAND USE DESCRIPTION</b>			
AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
North	Commercial (Retail Store)/ Highway 138	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
South	Single Family Residential/Post Office	Very Low Residential (VLDR) / Commercial (C)	Phelan-Pinon Hills/Single Residential- 1-acre minimum lot size (PH/RS-1) / Phelan-Pinon Hills/General Commercial (PH/CG)
East	Undeveloped and Vacant	Commercial (C)	Phelan-Pinon Hills/General Commercial (PH/CG)
West	Undeveloped and Vacant; Single Family Residential; Public Facilities (Fire Station and Park)	Commercial (C)	Phelan-Pinon Hills/Neighborhood Commercial (PH/CN)

**AGENCY**

**COMMENT**

City Sphere of Influence:	N/A	N/A
Water Service:	Phelan/Pinon Hills CSD	Adequate Service Certification Provided
Sewer Service:	Septic	EHS Conditions of Approval Provided

**STAFF RECOMMENDATION:** That the Zoning Administrator **ADOPT** the Findings for approval of the Minor Use Permit; **APPROVE** the Minor Use Permit subject to the attached Conditions of Approval; and **DIRECT** Land Use Services Department staff to file a Notice of Determination.

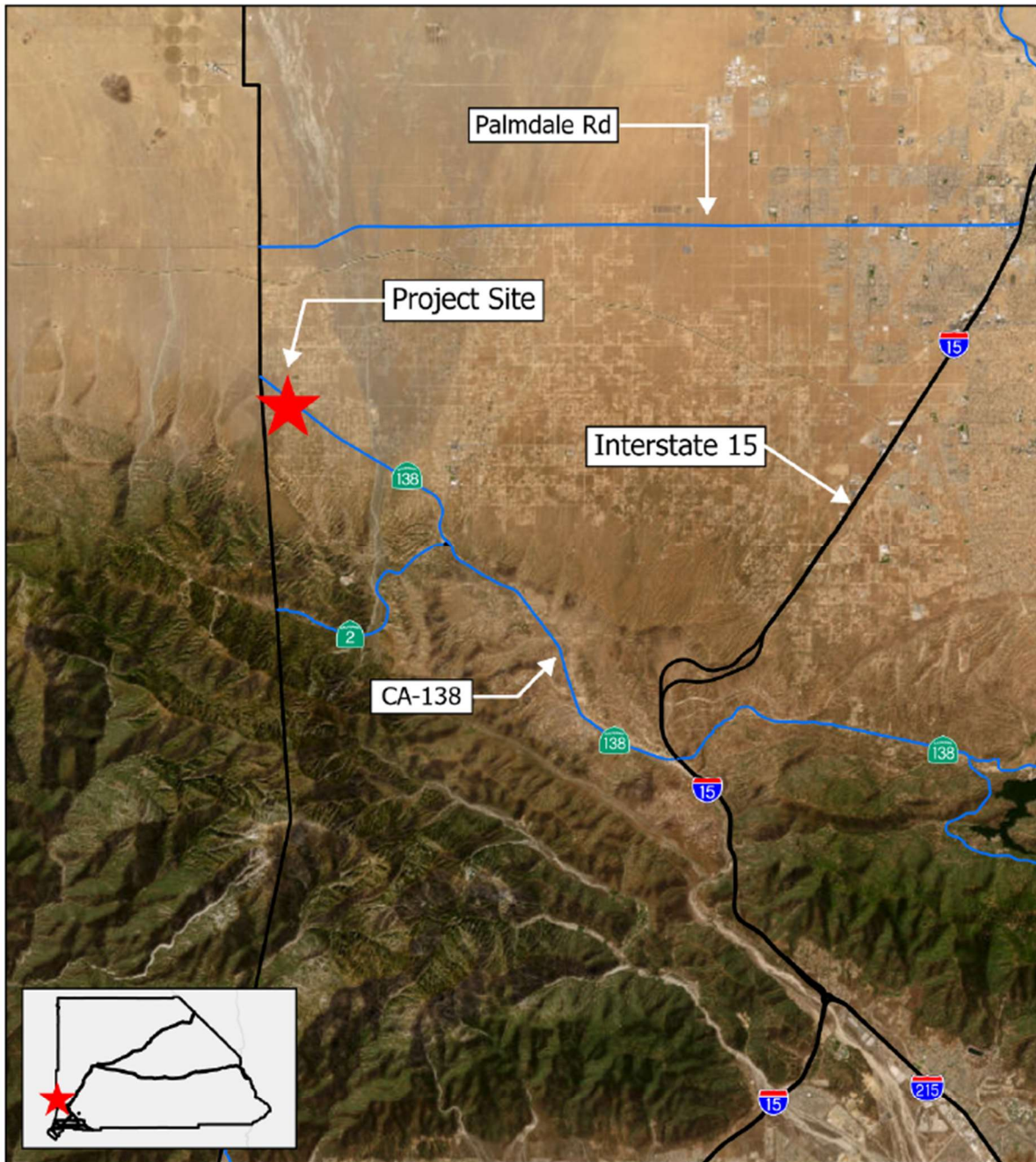
Appeal: In accordance with Section 86.08.010 of the Development Code, the action taken by the Zoning Administrator may be appealed to the Planning Commission before its effective date.

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### REGIONAL LOCATION MAP

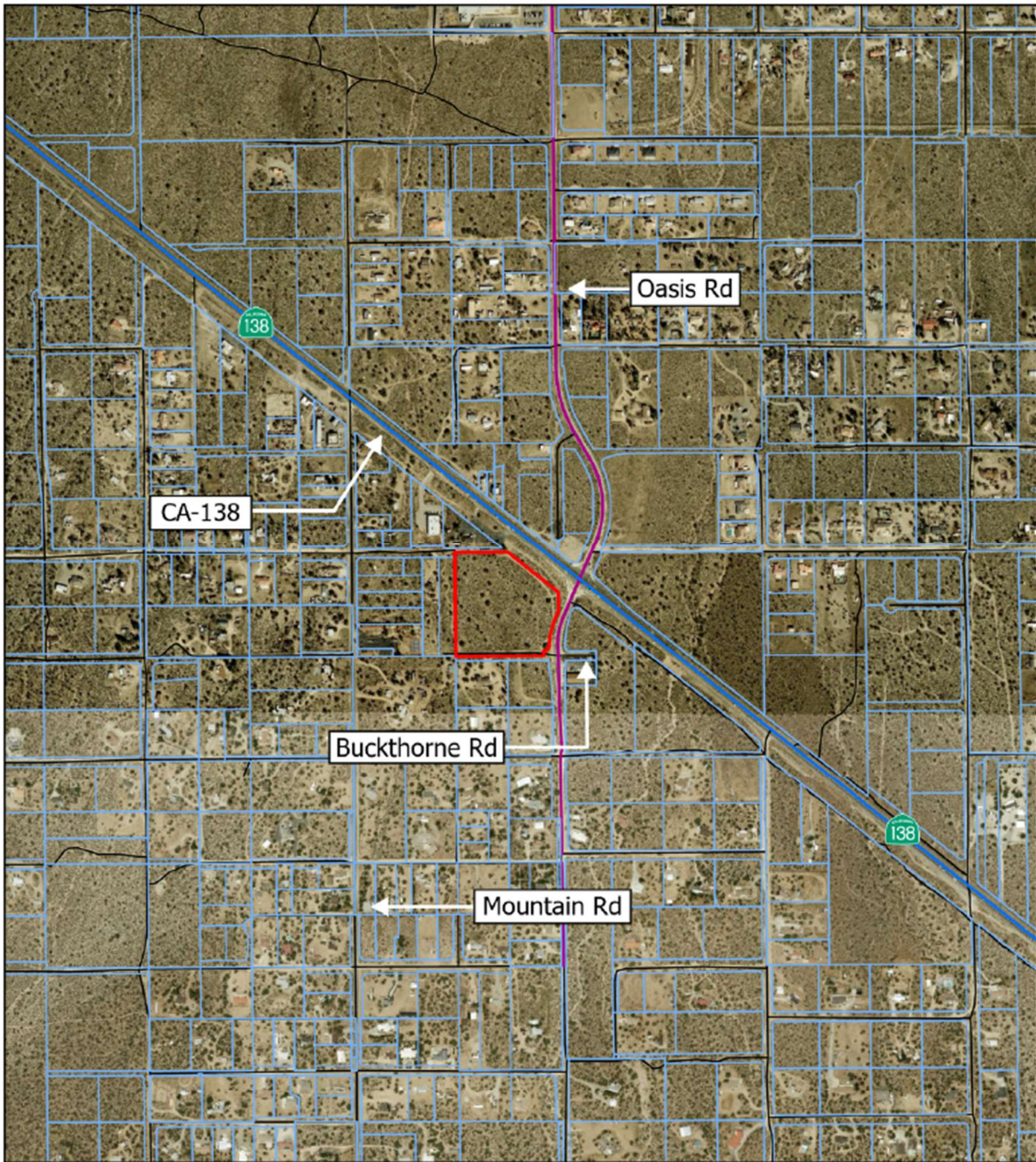


Scale: 1:250,000

N

- PROJ-2024-00030
- Freeway
- Highway
- San Bernardino County Boundary

### VICINITY MAP

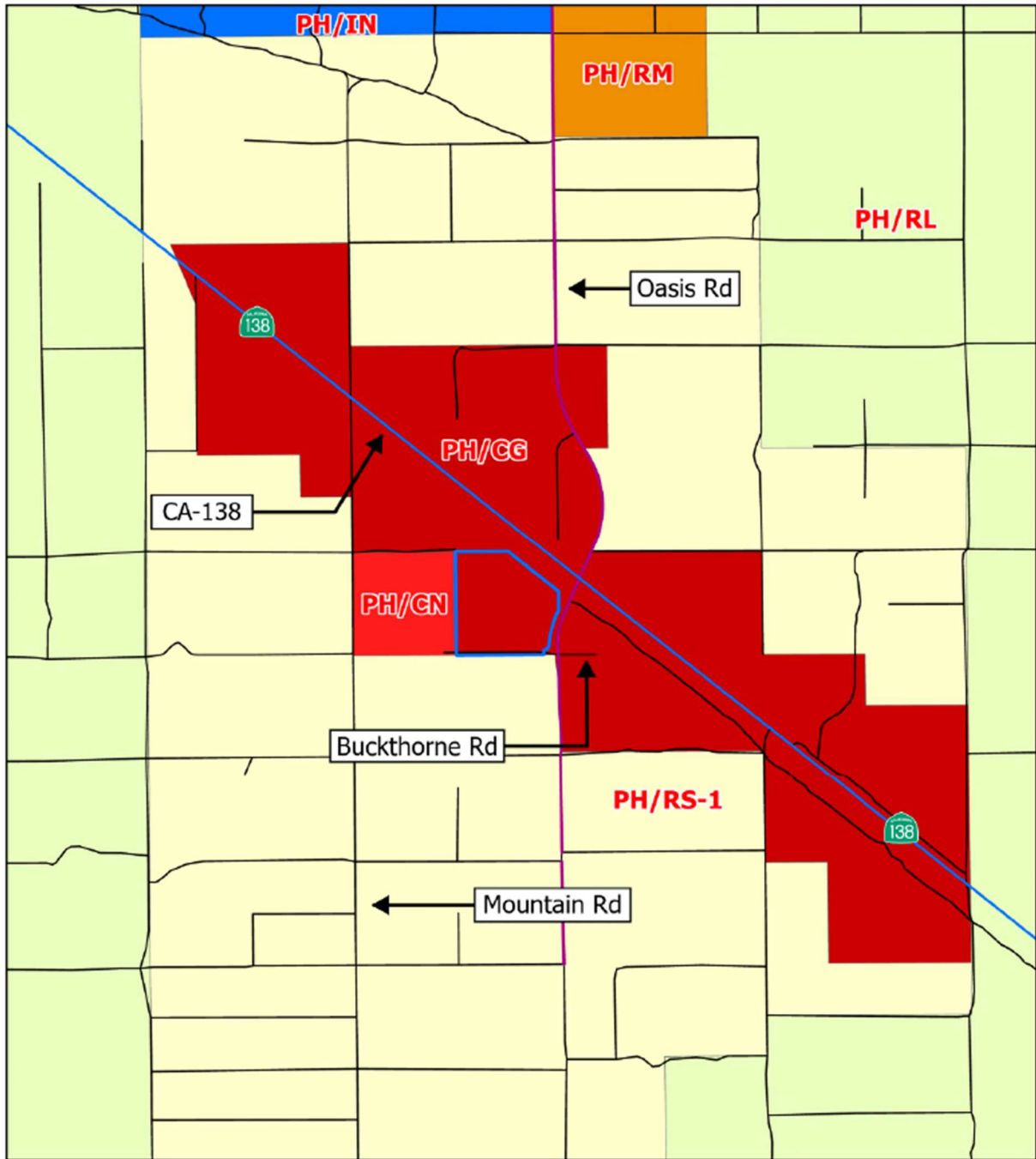


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- PROJ-2024-00030
- Parcels
- Highway
- Major Arterial
- Local

## ZONING MAP

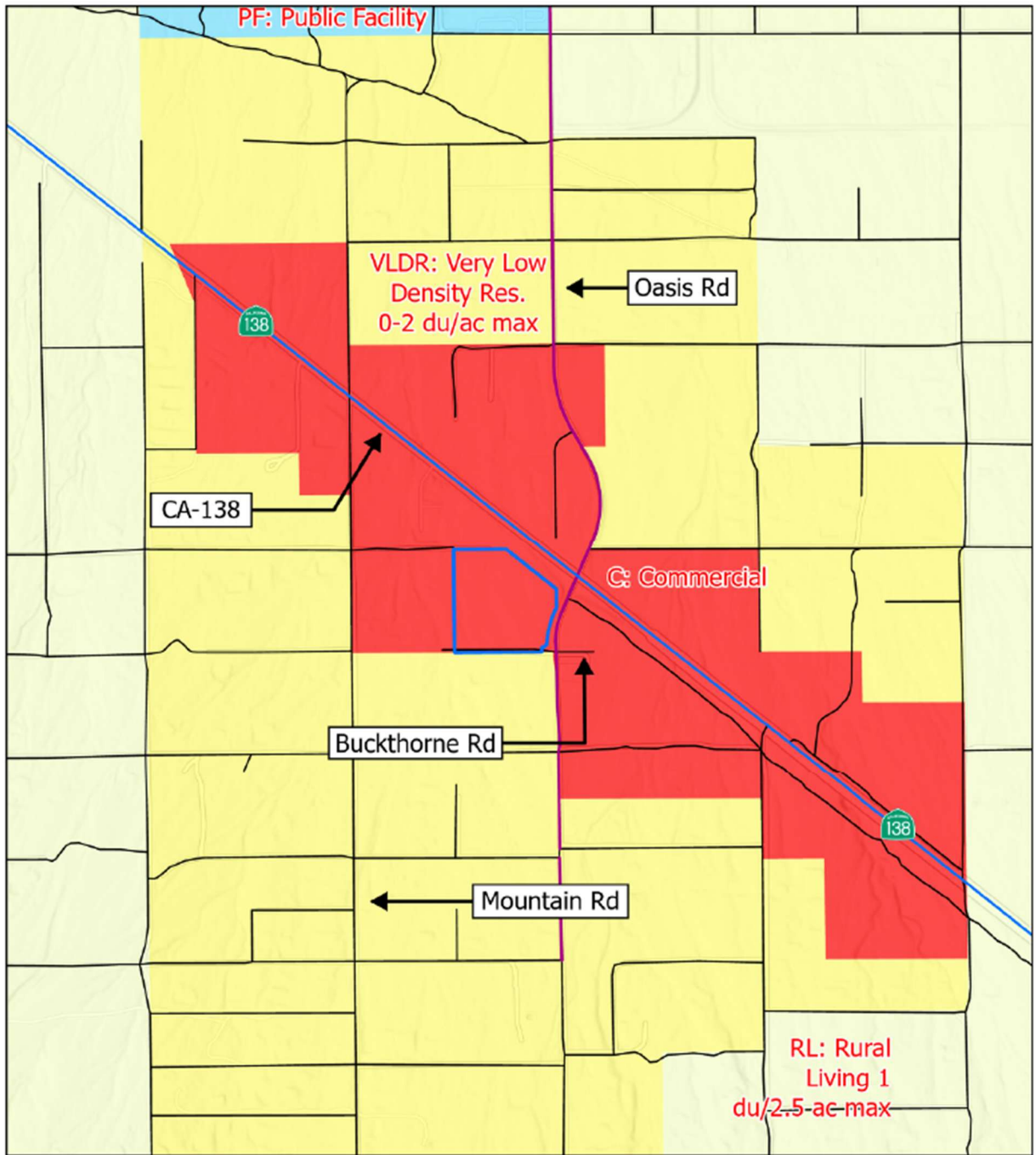


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|--|--|---|
| <ul style="list-style-type: none"> <li><span style="color: blue;">▬</span> PROJ-2024-00030</li> <li><span style="color: blue;">▬</span> Highway</li> <li><span style="color: purple;">▬</span> Major Arterial</li> <li><span style="color: black;">▬</span> Local</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: red;">■</span> PH/CG: Phelan/Pinon Hills/General Commercial</li> <li><span style="color: red;">■</span> PH/CN: Phelan/Pinon Hills/Neighborhood Commercial</li> <li><span style="color: blue;">■</span> PH/IN: Phelan/Pinon Hills/Institutional</li> <li><span style="color: lightgreen;">■</span> PH/RL: Phelan/Pinon Hills/Rural Living</li> </ul> | <ul style="list-style-type: none"> <li><span style="color: orange;">■</span> PH/RM: Phelan/Pinon Hills/Multiple Residential</li> <li><span style="color: yellow;">■</span> PH/RS-1: Phelan/Pinon Hills/Single Residential-1 ac min</li> </ul> |
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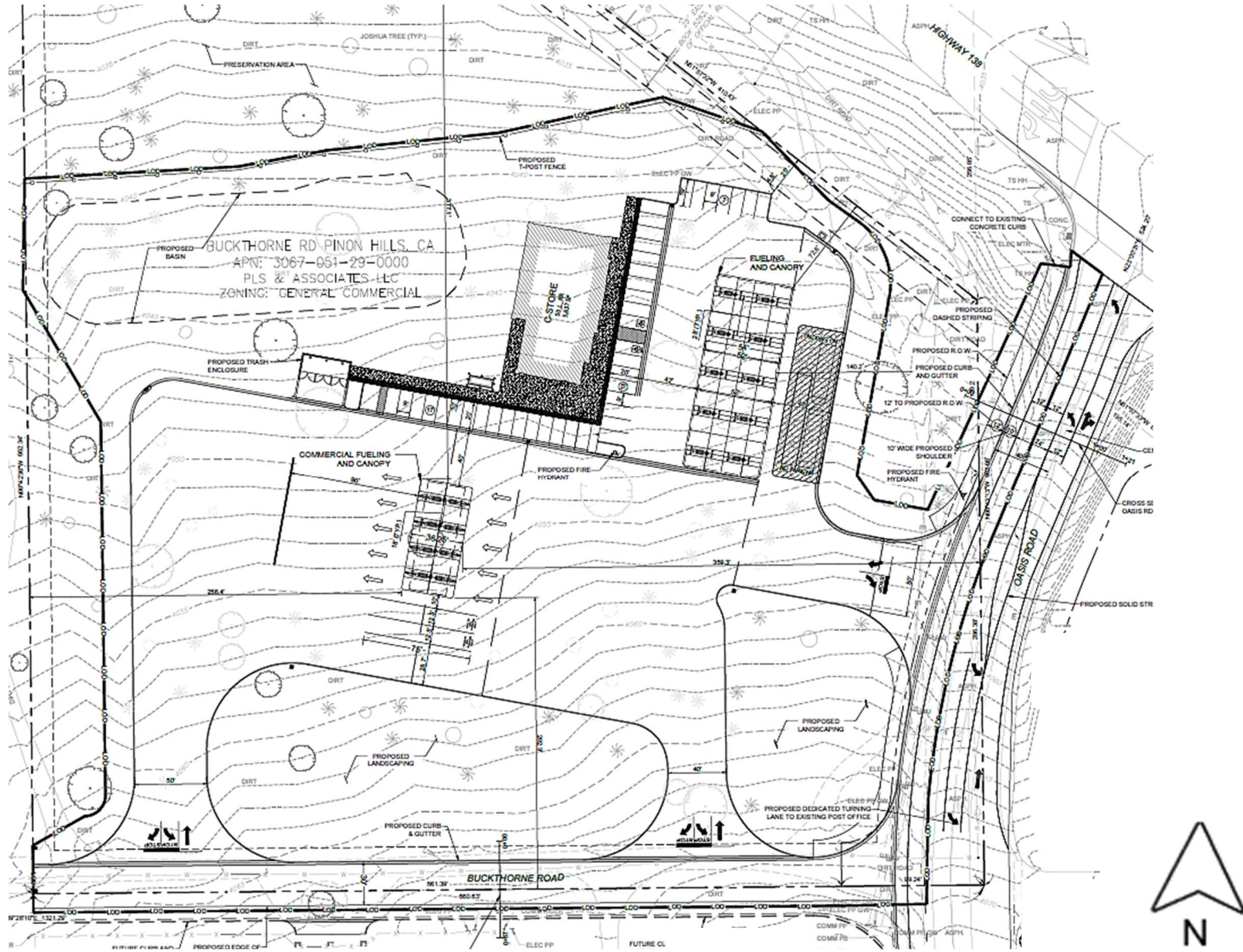
### LAND USE CATEGORIES MAP



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### SITE PLAN







### LANDSCAPING PLAN

#### PLANTING LEGEND

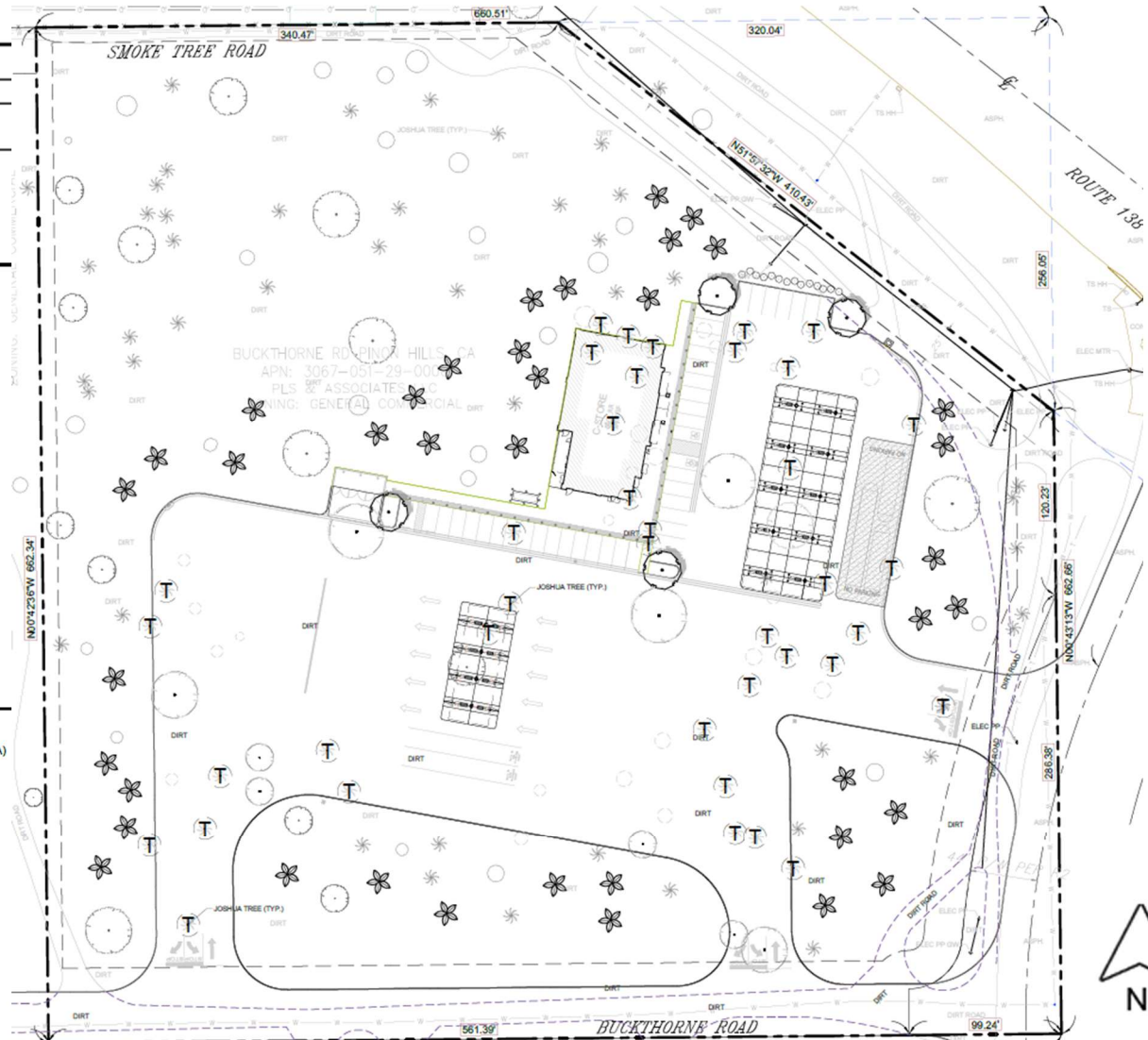
SYMBOL	BOTANIC NAME / COMMON NAME
<b>TREES</b>	
	Prosopis hybrid / Thornless Chilean Mesquite
	Yucca brevifolia / Joshua Tree

#### EXISTING TREE LEGEND

-  EXISTING YUCCA BREVIFOLIA / JOSHUA TREE TO BE TRANSPLANTED (SEE PLANTING PLAN FOR PROPOSED LOCATIONS)
-  EXISTING TREES & SHRUBS TO BE REMOVED
-  EXISTING TREES & SHRUBS TO REMAIN
-  EXISTING YUCCA BREVIFOLIA / JOSHUA TREE TO REMAIN

#### LANDSCAPE CALCULATIONS

TOTAL SITE AREA:	382,573 SF (8.78 AC)
LANDSCAPE AREA REQUIRED:	76,515 SF (20% OF SITE AREA)
LANDSCAPE AREA PROVIDED:	220,919 SF (57.7% OF SITE AREA)
<b>PARKING AREAS</b>	
TREES REQUIRED (1/10 PARKS):	4 TREES (42 / 10 = 4.2)
TREES PROVIDED:	4 TREES



EAST BUILDING ELEVATION



2 BUILDING PERSPECTIVE - FRONT RIGHT  
SCALE:



1 BUILDING PERSPECTIVE - FRONT LEFT  
SCALE:

**Southern Building Elevation**



**Northern Building Elevation**



## **PROJECT DESCRIPTION AND BACKGROUND:**

The proposed project is a Minor Use Permit (MUP) for the construction of a new gas station and 5,637-square-foot convenience store with 18 fuel dispenser islands on an 8.78-acre parcel located at the southwest corner of Oasis Road and Highway 138 in the unincorporated community of Phelan/Pinion Hills. The proposed facility will be staffed by 13-25 employees and will be operational 24 hours a day, seven days a week.

The project site is designated as Commercial land use and zoned General Commercial (CG). The proposed use is consistent with the CG zoning designation which allows for service stations and convenience stores with an MUP. The project will include:

- Approximately 220,919 square feet of drought-tolerant landscaping.
- New lighting, signage, and fencing in compliance with County requirements.
- New driveways and improvements to Oasis Road.
- 42 parking spaces, including 2 ADA compliant spaces.
- 3 underground storage tanks for gasoline and diesel.

## **PUBLIC COMMENTS AND NOTICES**

In accordance with Section 84.27.070 of the County Development Code, Project Notices were sent to all property owners within three hundred feet of the external boundaries of the Project boundary. A total of twenty-one (21) project notices were sent to surrounding property owners and interested agencies / associations on March 4, 2025. To date, no comments in favor or opposition have been received. The Planning Division sent out hearing notices on September 12, 2025, advertising the Zoning Administrator Hearing to be held on September 25, 2025.

## **PROJECT ANALYSIS:**

### Site Planning:

The proposed Project would be constructed on a parcel zoned General Commercial (CG), with frontage along CA-138. Primary access is provided from Oasis Road, which connects directly to CA-138, while two additional access points are proposed along the southern parcel boundary on Buckthorne Road, also connecting to Oasis Road. These access points are designed to improve circulation and facilitate safe ingress and egress throughout the site. The parcel is organized into two distinct areas—a commercial fueling area and an automobile service area—to separate pedestrian and truck traffic and enhance overall site safety.

Landscaping: Commercial uses require a minimum 20% landscaping. The total landscaping provided is 57.7%, exceeding the required minimum. The proposed landscaping for the project is approximately 220,919 square feet of drought-tolerant landscaping. Additionally, the project includes a 2.08-acre preservation area on the northern portion of the site to conserve existing vegetation.

Code Compliance Summary: The proposed gas station and convenience store satisfies all applicable standards of the County Development Code for development within the General Commercial (CG) zoning district, as summarized below in Table 2.

**TABLE 2: Code Compliance Summary**

Project Component	San Bernardino County Development Code		Project Plans	
Gas Station and Convenience Store	Minor Use Permit		Minor Use Permit	
Parking	25 spaces		44 spaces	
Minimum Landscaping	20 percent		57.7 percent	
Building Setbacks	Front	25 feet	Front	120 feet
	Street Side	25 feet	Street Side	25 feet
	Side	10 feet	Side	377 feet
	Rear	10 feet	Rear	256 feet
Maximum Building Height	35 feet		Fueling Canopies	20 feet
			Convenience Store	11 feet

Consistency with Countywide Plan: The Project is consistent with the Countywide Plan Policy LU-2.4 Land Use Map consistency in that no proposed change in land use category or zoning district is required and the Project is therefore generally compatible and consistent with surrounding land uses and the community's identity. The proposed project is consistent with the San Bernardino Countywide Plan. The project's location is designated as Commercial (C) land use, and the project is zoned as General Commercial (CG). The proposed use of a gas station and convenience store is a permissible use within the General Commercial zoning district with a Minor Use Permit.

The Project is also consistent with the Phelan-Piñon Hills Community Action Guide (CAG) Community Focus Statement B: Encourage commercial and light industrial uses in Phelan Piñon Hills. The project is consistent with this statement. The CAG encourages more retail, and service uses within the existing commercial zones. The project, a new gas station and convenience store, is a commercial use located in a General Commercial (CG) zone, which is a permissible use with a Minor Use Permit. This directly aligns with the community's goal of encouraging such uses. The project includes a 2.08-acre preservation area on the northern portion of the site to conserve existing vegetation, which directly supports the CAG's aspirational statement to have the natural environment preserved for future generations. Overall, while the project introduces a new commercial use, the environmental mitigation efforts demonstrate a consideration for the community's desire to preserve its natural character. The project is generally in line with the CAG's goals of encouraging commercial and service uses and improving traffic, while attempting to mitigate its environmental impacts.

**ENVIRONMENTAL REVIEW:**

California Environmental Quality Act (CEQA): Based on the Initial Study / Mitigated Negative Declaration, the project is determined to have a **less than significant impact with mitigation incorporated**. Implementation of mitigation measures would reduce impacts to below a level of significance for biological resources, cultural resources, geology and soils and tribal cultural resources. A Mitigation Monitoring and Reporting Program has been incorporated into the project and is included as Exhibit C.

**RECOMMENDATION:** That the Zoning Administrator:

- 1) **ADOPT** the Findings for approval of the Minor Use Permit;
- 2) **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting

Program;

- 3) **APPROVE** the Minor Use Permit and Conditions of Approval to establish a new convenience store with 5,637 square feet of retail space and 18 fuel dispensing islands; and
- 4) **DIRECT** Land Use Services staff to file a Notice of Determination in compliance with the California Environmental Quality Act.

**ATTACHMENTS:**

- EXHIBIT A:** Findings
- EXHIBIT B:** Conditions of Approval
- EXHIBIT C:** Mitigation Monitoring and Reporting Plan (MMRP)
- EXHIBIT D:** Site Plan, Elevations, Floor Plan
- EXHIBIT E:** Initial Study / Mitigated Negative Declaration

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**EXHIBIT A**

**FINDINGS**

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**FINDINGS: USE PERMIT**

**Minor Use Permit for the construction and operation of a 5,637 square foot convenience store with 2 canopies and 18 fuel dispensers on approximately 4.88 acres of an 8.78-acre parcel located at the southwest corner of Highway 138 and Oasis Road, in the community of Pinon Hills in the Phelan-Pinon Hills General Commercial (PH/CG) Zoning District., 1<sup>st</sup> SUPERVISORIAL DISTRICT; APN: 3067-051-29; PROJ-2024-00030.**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the Minor Use Permit:

**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.**

The Project consists of an 8.78-acre site with a new gas station and 5,637 square feet (SF) convenience store with 14 fuel dispenser islands, 10 for passenger vehicles and 4 for commercial vehicles. The Project is designed to meet or exceed all required setbacks and height restrictions. Ingress and egress, circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed Project's property land use and zoning designations.

**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.**

The site design provides both legal and physical access through three driveways: a proposed 50-foot-wide driveway from Oasis Road, a 40-foot-wide driveway and a 50-foot wide driveway from Buckthorne Road. The Project also includes roadway improvements along Oasis Road, extending approximately 60 feet into the Caltrans right-of-way for Highway 138, and will therefore require a Caltrans encroachment permit. Planned improvements include road widening, extension of the sidewalk to the existing curb ramp at the Oasis Road/Highway 138 intersection, installation of dashed and solid striping between north-south lanes, a 10-foot shoulder, a right-turn lane into the Project site, a dedicated turn lane to the adjacent post office, and the addition of a fire hydrant. All driveways will be built to County roadway standards to ensure proper alignment and integration with existing streets, and will be paved per County requirements. Additional improvements—curb, gutter, and sidewalks—will comply with County Code Table 83-11 standards for the desert region. The Project also provides 42 parking spaces, including two ADA-compliant spaces.

**3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.**

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the General Commercial (CG) Zoning District and as such should