

PROJECT DESCRIPTION. For the proposed Kramer Junction Travel Stop, the Applicant is requesting approval of a Policy Plan Amendment from Rural Living to Commercial and Zoning Amendment from the Rural Living, 5-Acre Minimum, to Rural Commercial on four future parcels totaling 4.69 acres of a 35.97 acre property, Tentative Parcel Map to subdivide the 35.97-acre parcel into four parcels totaling approximately 4.69 net acres (Parcel 1: 1.9 acres; Parcel 2: 0.64 acres; Parcel 3: 0.65 acres; and Parcel 4: 1.5 acres) and a remainder parcel totaling approximately 18.53 net acres, Conditional Use Permit to construct and operate a travel stop in two phases comprised of a convenience store with quick serve restaurant and trucker lounge and auto fueling on Parcel 1, Dairy Queen restaurant with drive-thru on Parcel 2, Starbucks coffee shop with drive-thru on Parcel 3 and truck fueling and truck parking on Parcel 4 as shown on the approved site plan, and Major Variance to increase the maximum height from 25 feet to 100 feet and maximum sign area from 100 square feet to 900 square feet of a freestanding pylon sign.

FINDINGS: POLICY PLAN AND ZONING AMENDMENT. The applicant requests a Policy Plan Amendment from the Rural Living (RL) to Commercial (C) and a Zoning Amendment from the Rural Living, 5-Acre Minimum, (RL-5) to Rural Commercial (CR) for approximately 4.69 acres of the 35.97-acre parcel for the Kramer Junction Travel Stop (Project). The Policy Plan Amendment and Zoning Amendment are collectively referred to herein as the proposed amendment. The following are the required findings per Development Code Section 86.12.060 and supporting facts for approval of the Policy Plan and Zoning Amendment:

1. The proposed amendment is internally consistent with all other provisions of the respective plan, the Policy Plan or an applicable specific plan.

Based on the evidence contained in the Project's supporting documents, the proposed amendment is internally consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan) as further described below.

Goal LU-6: Amendments to the Policy Plan. Growth and development in the unincorporated county in a manner that requires few and infrequent amendments to the Policy Plan.

Policy LU-6.3: Commercial Amendments. We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially designated land in the area.

The intent of Policy LU-6.3 is to limit the expansion of commercially designated properties until a thorough analysis of the area has been completed addressing the commercial land use needs for the area as part of any amendment, or until such time as at least 85% of the available land in the vicinity has been developed, subject to the Board of Supervisors' consideration.

The proposed amended area adjoins an existing and designated area within the Commercial (C) Land Use Category. The existing Commercial area contains approximately 120 acres. After excluding the Caltrans right-of-way for U.S. 395 and Highway 58, the total existing commercially designated land area is approximately 85.21 acres. Of this 85.21 acres, a total of 9.14 acres are currently vacant and developable, which translates into approximately 10.7% within the existing commercial area. This is below the 15% threshold as required by Policy LU-6.3. As a result, based on meeting the 15% threshold and the Project site's adjacency to existing CR-designated property, the Board may consider the proposed Policy Plan Amendment is consistent with the Countywide Policy Plan without undertaking a comprehensive Land Use amendment.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

The proposed amendment was analyzed through the preparation of an Initial Study/Mitigated Negative Declaration and found not to have a significant impact on the environment with the implementation of recommended mitigation measures. The Project will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements within the vicinity. The environmental analysis also found the Project would not jeopardize or constitute a hazard to people, property or improvements within the vicinity, given that future development will utilize and improve upon existing roadways and services offered to the surrounding area. Therefore, the Project would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

3. The proposed amendment is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.

The Countywide Policy Plan currently designates the Kramer Junction interchange of U.S. 395 and Highway 58 corridor as a Commercial (C) land use category and Rural Commercial (CR) zoning district. The proposed amendment will expand the commercial development opportunities within the Kramer Junction interchange area benefiting the community in a manner that is consistent with the Policy Plan. Therefore, the Project has been determined to be in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.

4. The proposed amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

The recent adoption of the Policy Plan established a land use pattern for the Kramer Junction interchange area. The proposed amendment will be consistent with the pattern established by the Policy Plan and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.

5. The proposed amendment does not conflict with provisions of this Development Code.

The Project will not conflict with provisions of the Development Code. The Project was reviewed and determined to be compliant with the proposed Rural Commercial (CR) zoning district, and Conditions of Approval are included to safeguard continued compliance.

6. The proposed amendment will not have a substantial adverse effect on surrounding property.

An Initial Study/Mitigated Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act for the Project and was found to impose no substantial impact on the implementation of recommended mitigation measures which are included as Conditions of Approval for the project. Therefore, appropriate mitigation measures and Conditions of Approval will ensure countywide performance standards are met and that the Project will not have an adverse effect on the surrounding property.

7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

The Project will not jeopardize or constitute a hazard to property or improvements in the vicinity, given that future development will improve upon the existing roadway system and existing public services. The Project will not have a substantial adverse effect on surrounding property, based upon completion of an Initial Study/Mitigated Negative Declaration and will be compatible with the existing and planned land use character of the Kramer Junction interchange area through compliance with Development Code requirements. The application of existing Development Code

requirements to the Project development will ensure it will not have a significant impact on public and emergency vehicle access, public services, or utilities or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the area.

FINDINGS: TENTATIVE PARCEL MAP. For the proposed Kramer Junction Travel Stop, the Applicant is requesting the approval of Tentative Parcel Map No. 35944 to subdivide the 35.97-acre site into four parcels with a remainder (Project). The following are the required findings per Development Code Section 87.02.060 and supporting facts for approval of Tentative Parcel Map No. 35944:

8. The proposed map, subdivision design and improvements are consistent with the Policy Plan, any applicable community plan, and any applicable specific plan.

The Project includes an amendment that would designate four newly created parcels totaling 4.69 net acres from Rural Living (RL) to Commercial (C) and Rural Living, 5-Acre Minimum, (RL-5) to Rural Commercial (CR) on the Policy Plan Land Use and Zoning Map, respectfully, with a remainder parcel totaling 18.53 acres under existing land use and zoning designation. Based on the evidence contained in the Project's supporting documents, the Tentative Parcel Map is consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan) as further described below.

Goal LU-6: Amendments to the Policy Plan Growth and development in the unincorporated county in a manner that requires few and infrequent amendments to the Policy Plan.

Policy LU-6.3: Commercial Amendments. We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially designated land in the area.

The intent of Policy LU-6.3 is to limit the expansion of commercially designated properties until a thorough analysis of the area has been completed addressing the commercial land use needs for the area as part of any amendment, or until such time as at least 85% of the available land in the vicinity has been developed, subject to the Board of Supervisors' consideration.

The proposed amended area adjoins an existing and designated area within the Commercial (C) Land Use Category. The existing Commercial area contains approximately 120 acres. After excluding the Caltrans right-of-way for U.S. 395 and Highway 58, the total existing commercially designated land area is approximately 85.21 acres. Of this 85.21 acres, a total of 9.14 acres are currently vacant and developable, which translates into approximately 10.7% within the existing commercial area. This is below the 15% threshold as required by Policy LU-6.3. As a result, based on meeting the 15% threshold and the Project site's adjacency to existing CR-designated property, the Board may consider the proposed Policy Plan Amendment is consistent with the Countywide Policy Plan without undertaking a comprehensive Land Use amendment.

9. The site is physically suitable for the type and proposed density of development.

The proposed Tentative Parcel Map is adequately sized for the proposed subdivision for the development of the Kramer Junction Travel Stop Project. The project site is consistent with the density requirements of the proposed Commercial (C) land use category and Rural Commercial (CR) zoning district. The proposed Project also complies with the requirements and standards of the Development Code as summarized in the Project Staff Report and Initial Study/Mitigated Negative Declaration, which are incorporated herein by reference. The minimum lot area for parcels in the CR land use zone is required to be 2.5 acres; however, when filed concurrently with a land use application, a Conditional Use permit in this case, the minimum lot area may be less than specified by the Development Code. Therefore, the Project site is suitable for the proposed Project.

10. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in compliance with the California Environmental Quality Act (CEQA). The IS/MND concludes that the Project will not have a significant effect on the environment with implementation of the recommended mitigation measures. The Project has also been conditioned to comply with all applicable countywide development standards. Therefore, with the implementation of the mitigation measures and conditions of approval the subdivision and the proposed improvements for the Project are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

11. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.

In addition to the implementation of the CEQA mandated mitigation measures, compliance with the conditions of approval will ensure the prevention of serious public health or safety problems.

12. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The proposed Tentative Parcel Map has been designed with the required dedications pursuant to the Development Code, as well as the Subdivision Map Act, and has been reviewed and accepted by the County's Land Use Services and Public Works Departments. The Project's access has also been reviewed and accepted by the California Department of Transportation. Therefore, no improvements are required that would conflict with any easements of record.

13. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

The Project includes a septic system for the disposal of wastewater. The septic system would be located on the eastern portion of the Project site, between the access road and development boundary. The Project site is considered suitable for infiltration. Septic waste would be disposed of at facilities within the Barstow Landfill pursuant to the requirements of San Bernardino County Department of Public Health - Environmental Health Services. Therefore, the Project will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

14. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.

The design of the subdivision allows for future development to be designed in any alignment to take advantage of passive or natural heating and cooling opportunities that exist on the project site.

15. The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.

The Project's Tentative Parcel Map has been designed in compliance with Development Code with regard to site design, access/circulation, landscaping, and parking, and the Subdivision Map Act. The Tentative Parcel Map has also been reviewed and accepted by the County's Land Use Services and Public Works Departments, as well as the San Bernardino County Fire Protection District. Therefore, the Project conforms to the regulations of the Development Code and the Subdivision Map Act.

FINDINGS: CONDITIONAL USE PERMIT. Conditional Use Permit to construct and operate the Kramer Junction Travel Stop in two phases comprised of a convenience store with quick serve restaurant and trucker lounge and auto fueling on Parcel 1 (1.9 acres), Dairy Queen restaurant with drive-thru on Parcel 2 (0.64 acres), Starbucks coffee shop with drive-thru on Parcel 3 (0.65 acres) and truck fueling and truck parking on Parcel 4 (1.5 acres) (Project). The following are the required findings per Development Code Section 85.06.040 and supporting facts for approval of the Conditional Use Permits:

16. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.

The Project site is adequate in terms of shape and size to accommodate the required landscape standards, structure setbacks, and necessary on-site and off-site improvements. The Project site size is also able to accommodate adequate on-site circulation. The submitted Project plans show adequate design, parking, landscaping, circulation, access, and setbacks as shown in Table 2 of the Staff Report pursuant to the requirement of the Development Code.

17. 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.

A new primary entrance (commercial driveway) from U.S. 395 for the proposed Project will be construct near the northwestern corner of newly created Parcel 1. This entrance will have two (2) ingress lanes and two (2) egress lanes from and onto U.S 395, along with the appropriate directional signage and landscaped median. This entrance will serve the three (3) commercial developments, and provide separate access specifically intended for the truck fueling stations and truck parking spaces. Additionally, one (1) standard "ingress" only commercial driveway on U.S. 395 will be constructed

approximately 200 feet north of the southwest corner of the Project site. The proposed driveways and locations have been reviewed and approved by the Department of Public Works and the California Department of Transportation. These improvements along with the on-site circulation drive aisles meet the Development Code and County's Land Use Services and Public Works Department's standards, as well as the San Bernardino County Fire Protection District (Fire District) standards.

- 18. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The Project has been designed to comply with all applicable requirements of the Development Code. The Conditions of Approval for the Project will ensure that the use will not become a nuisance or have a substantial adverse effect on abutting properties.

- 19. 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 Project includes the construction and operation of the Kramer Junction travel Stop on 4.69 acres. Based on the evidence contained in the Project's supporting documents, the Conditional Use Permit is internally consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan), subject to the approval of the Policy Plan and Zoning Amendment from the Rural Living to Commercial land use category and a Zoning Amendment from the Rural Living, 5-Acre Minimum, (RL-5) to Rural Commercial (CR) zoning district on for approximately 4.69 acres, as further described below:

Goal LU-6: Amendments to the Policy Plan Growth and development in the unincorporated county in a manner that requires few and infrequent amendments to the Policy Plan.

Policy LU-6.3: Commercial Amendments. We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially designated land in the area.

The intent of Policy LU-6.3 is to limit the expansion of commercially designated properties until a thorough analysis of the area has been completed addressing the commercial land use needs for the area as part of any amendment, or until such time as at least 85% of the available land in the vicinity has been developed, subject to the Board of Supervisors' consideration.

The proposed amended area adjoins an existing and designated area within the Commercial (C) Land Use Category. The existing Commercial area contains approximately 120 acres. After excluding the Caltrans right-of-way for U.S. 395 and Highway 58, the total existing commercially designated land area is approximately 85.21 acres. Of this 85.21 acres, a total of 9.14 acres are currently vacant and developable, which translates into approximately 10.7% within the existing commercial area. This is below the 15% threshold as required by Policy LU-6.3. As a result, based on meeting the 15% threshold and the Project site's adjacency to existing CR-designated property, the Board may consider the proposed Policy Plan Amendment is consistent with the Countywide Policy Plan without undertaking a comprehensive Land Use amendment..

20. 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 applicant will be required to construct appropriate road improvements, both on-site and off-site, continue to provide adequate water and sewer services, and provide adequate utilities to the properties in accordance with the Conditions of Approval.

21. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.

The Conditions of Approval ensure the appropriate intended use of the Project, and will ensure that the overall public health, safety, and general welfare are not impacted by the Project.

22. The design of the Project site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

The orientation and design of the Project includes adequate building setbacks and the future ability to construct rooftop solar facilities.

FINDINGS: MAJOR VARIANCE. Major Variance to increase the maximum height from 25 feet to 100 feet and maximum sign area from 100 square feet to 900 square feet of a freestanding pylon sign for the Kramer Junction Travel Stop (Project). The following are the required findings per Development Code Section 85.17.060 and supporting facts for approval of the Major Variance:

23. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.

The proposed increase in height and area of the proposed freestanding pylon sign will not cause unusually long or prohibitive shadows. Based on the results of the Sign Survey prepared by Sunset Signs, the location/placement of the proposed freestanding pylon sign and signage will not cast a shadow beyond the property boundaries. Therefore, the proposed Project will not deprive the neighborhood properties from the use of solar energy nor will the proposed increases significantly impact the surrounding properties in the area or conflict with future development in a detrimental manner.

24. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district.

The subject property is located on the east side of U.S. 395, approximately one-quarter (0.25) mile north of Highway 58. According to the Sign Survey prepared by Sunset Signs:

- The proposed freestanding pylon sign has very few obstructions when traveling west bound on Highway 58.
- West bound traffic will have a full read on the freestanding pylon sign from approximately one-quarter (0.25) mile from the exit onto U.S. 395 towards the subject property.
- The proposed freestanding pylon sign has several obstructions due to existing utility towers when traveling east bound on Highway 58.
- East bound traffic will have a full read on the freestanding pylon sign from one-quarter (0.25) mile from the exit onto U.S. 395 towards the subject property.
- The proposed freestanding pylon sign has no obstructions when traveling south bound on U.S. 395.
- South bound traffic will have a full read on the freestanding pylon sign from approximately one-quarter (0.25) mile from the subject property on U.S. 395.

- The proposed freestanding pylon sign has several obstructions when traveling north bound on U.S. 395 from the south side of Highway 58 due to other existing commercial development, as well as the over-crossing of Highway 58.
- North bound traffic will have a full read on the freestanding pylon sign from one-quarter (0.25) mile from the subject property on U.S. 395.

In reviewing the unusual conditions and circumstances associated with the Project site, the following have been identified:

- The subject freestanding pylon sign is located approximately one-quarter mile from Highway 58, and is obstructed by the existing power towers and power lines along the north side of Highway 58 which affects the visibility of the subject freestanding pylon sign.
- The proposed Project as a travel stop is intended for motorists that may not be familiar with the surrounding area or available businesses along Highway 58, thus preventing motorists from identifying the Project site.

Therefore, the proposed 100-foot height and 900 square footage will provide better visibility for motorists on U.S. 395 and Highway 58, thus allowing safer exiting from the freeways and towards the Project site..

25. The strict application of the land use district standards deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.

As summarized in the Sign Survey prepared by Sunset Signs, the subject property is located on the east side of U.S. 395, approximately one-quarter (0.25) mile north of Highway 58. The proposed freestanding pylon sign is obstructed by the existing power towers and power lines along the north side of Highway 58 which affects the visibility of the subject freestanding pylon sign and the proposed travel stop is intended for motorists that may not be familiar with the surrounding area or available businesses along Highway 58, thus preventing motorists from identifying the Project site. The approval of the proposed 100-foot height and 900 square footage will provide better visibility for motorists on U.S. 395 and Highway 58, thus allowing safer exiting from the freeways and towards the Project site. Therefore, this variance is necessary to ensure vehicular safety for motorists along U.S. 395 and Highway 58.

26. The granting of the variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the Policy Plan.

The variance allows reasonable use of a commercial lots for commercial purposes. Additionally, it does not preclude the continued safe use or enjoyment of other

properties that adjoin or are in close proximity to the site. The project specifically implements the following San Bernardino County Policy Plan Goals and Policies:

Policy LU-4.10 Entry Monumentation, Signage, and Public Art

We encourage the installation of durable signage, entry monumentation, and/or works of public art in commercial areas of unincorporated Community Planning Areas as a means of reinforcing a community's character, culture, heritage, or other unique features.

Consistency: The proposed Kramer Junction Travel Stop is located in close proximity to the U.S. 395 and Highway 58 interchange. Based on the Sign Survey prepared by Sunset Signs:

- West bound traffic on Highway 58 will have a full read on the freestanding pylon sign from approximately one-quarter (0.25) mile from the exit onto U.S. 395 towards the subject property.
- The proposed freestanding pylon sign has several obstructions due to existing utility towers when traveling east bound on Highway 58.
- East bound traffic on Highway 58 will have a full read on the freestanding pylon sign from one-quarter (0.25) mile from the exit onto U.S. 395 towards the subject property.
- South bound traffic will have a full read on the freestanding pylon sign from approximately one-quarter (0.25) mile from the subject property on U.S. 395.
- The proposed freestanding pylon sign has several obstructions when traveling north bound on U.S. 395 from the south side of Highway 58 due to other existing commercial development, as well as the over-crossing of Highway 58.
- North bound traffic will have a full read on the freestanding pylon sign from one-quarter (0.25) mile from the subject property on U.S. 395.

Considering features of the design, height, square footage and location, the proposed freestanding pylon sign provides identification of the Kramer Junction Travel Stop for U.S. 395 and Highway 58 motorists.

ENVIRONMENTAL FINDINGS:

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

Pursuant to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines and the San Bernardino County Environmental Review Guidelines, the above-referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

END OF FINDINGS