LAND USE SERVICES DEPARTMENT
ZONING ADMINISTRATOR STAFF REPORT

HEARING DATE: November 12, 2026 **AGENDA ITEM #2**

Project Description

APN: 3097-591-01

Applicant/Rep: Jaime Tsai Wen

Community/District: Phelan/Supervisorial District 1

Location: 8930 Duncan Road, Phelan, CA

Project No: Duncan Road Subdivision/PROJ-2024-0001

Staff: Aldo Perez, Contract Planner I

Vicinity Map



Proposal:

Tentative Parcel Map (TPM 20821) to subdivide an approximately 10-gross-acre parcel into four (4) parcels and a remainder parcel for future lot sales. The project site is located at 8930 Duncan Road in the community of Phelan and is designated Very Low Density Residential (VLDR; 0–2 dwelling units per acre maximum) under the Countywide Plan and zoned Single Residential, one-acre minimum lot size (RS-1).

24 Hearing Notices Sent On: October 27, 2026 Report Prepared By: Aldo Perez, Contract Planner

SITE INFORMATION

Parcel Size: 10 gross-acres
Terrain: Relatively Flat – Vacant
Region: Desert
Vegetation: Disturbed desert scrub comprised of native and non-native grasses; two western Joshua trees

TABLE 1 – SITE AND SURROUNDING LAND USE DESCRIPTION

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant land	Very Low Density Res. 0-2 du/ac max (VLDR)	Single Residential 1 ac min (RS-1)
North	Vacant land	Very Low Density Res. 0-2 du/ac max (VLDR)	Single Residential 1 ac min (RS-1)
South	Vacant land	Rural Living 1 du/2.5 ac max (RL)	Rural Living (RL)
East	Vacant land and Single family homes	Very Low Density Res. 0-2 du/ac max (VLDR)	Single Residential 1 ac min (RS-1)
West	Vacant land and Single family homes	Very Low Density Res. 0-2 du/ac max (VLDR)	Single Residential 1 ac min (RS-1)

	AGENCY	COMMENT
City Sphere of Influence:	Victorville	Confirmed Project's consistency with minimum lot size requirements.
Water Service:	On-site Well	EHS Conditions of Approval Provided
Sewer Service:	Septic	EHS Conditions of Approval Provided

STAFF RECOMMENDATION: FIND that the project is exempt from the California Environmental Quality Act pursuant to Section 15183 of the California Environmental Quality Act Guidelines and adopt the findings regarding feasible mitigation measures undertaken for the project; **ADOPT** the Mitigation Monitoring and Reporting Program; **ADOPT** the Findings for approval of Tentative Parcel Map No. 20821; **APPROVE** Tentative Parcel Map No. 20821 to subdivide a 10-gross-acre lot into four new lots and a remainder, subject to the attached Conditions of Approval; and **DIRECT** Land Use Services Department Planning staff to file a Notice of Exemption. **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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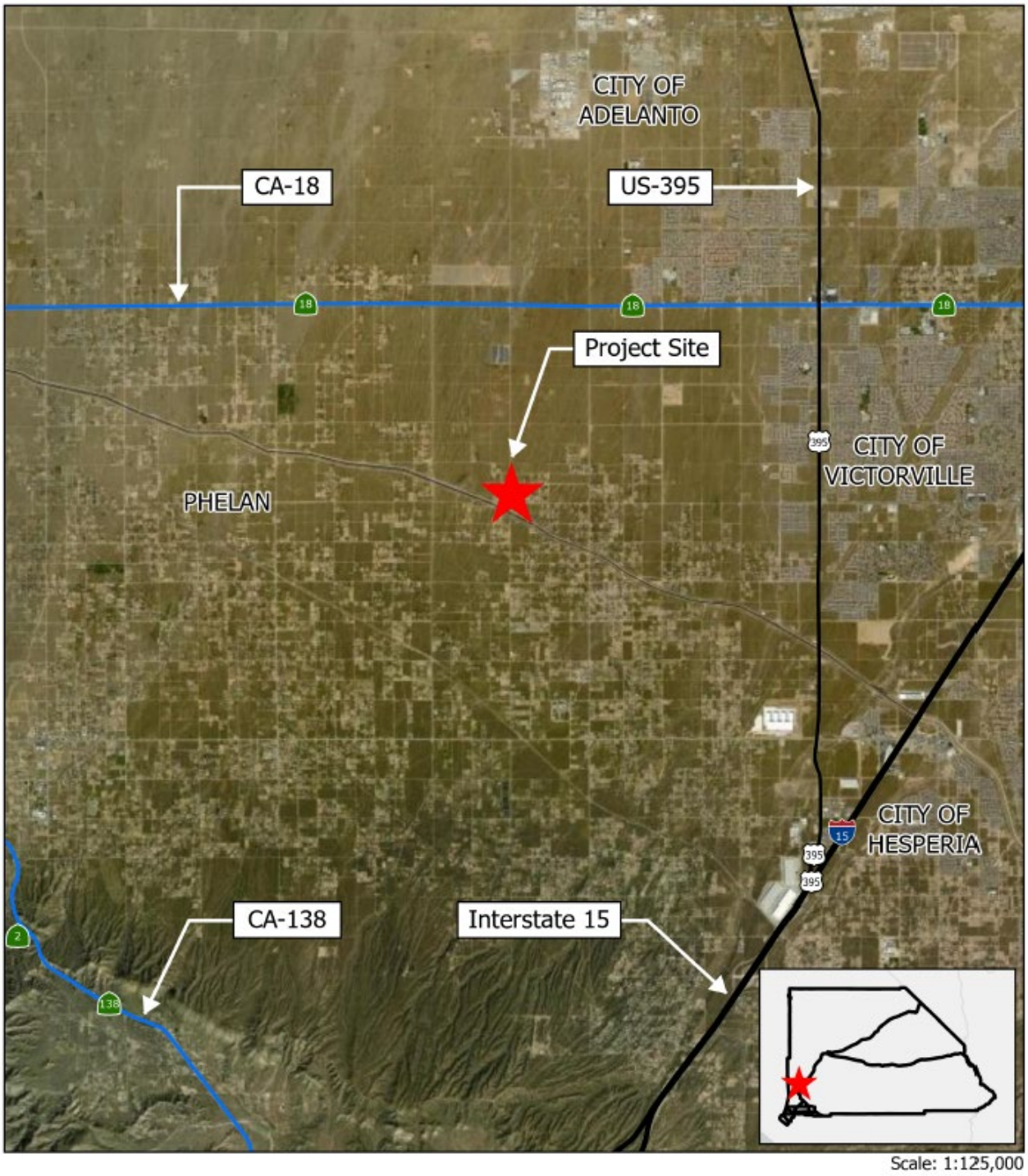
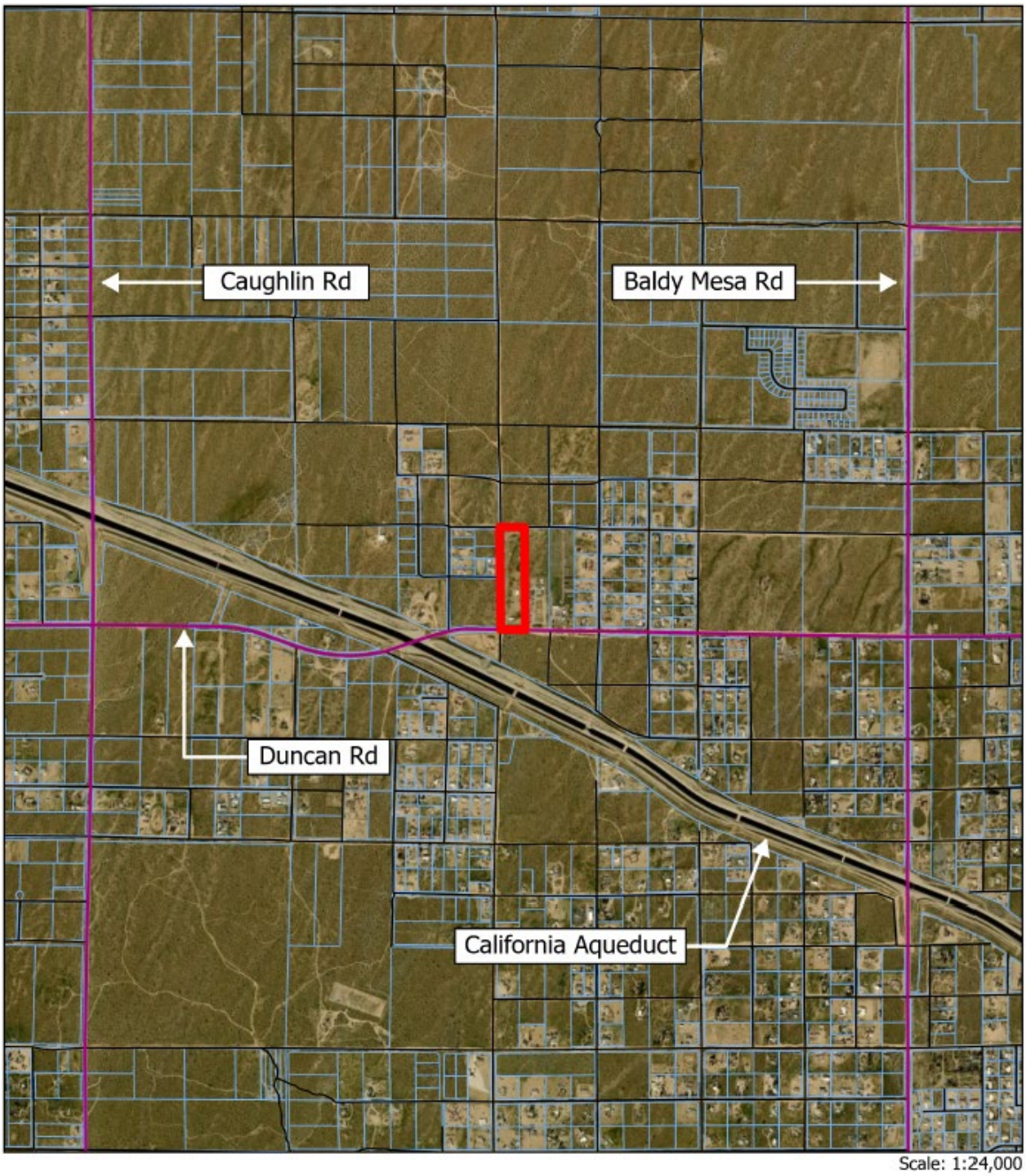
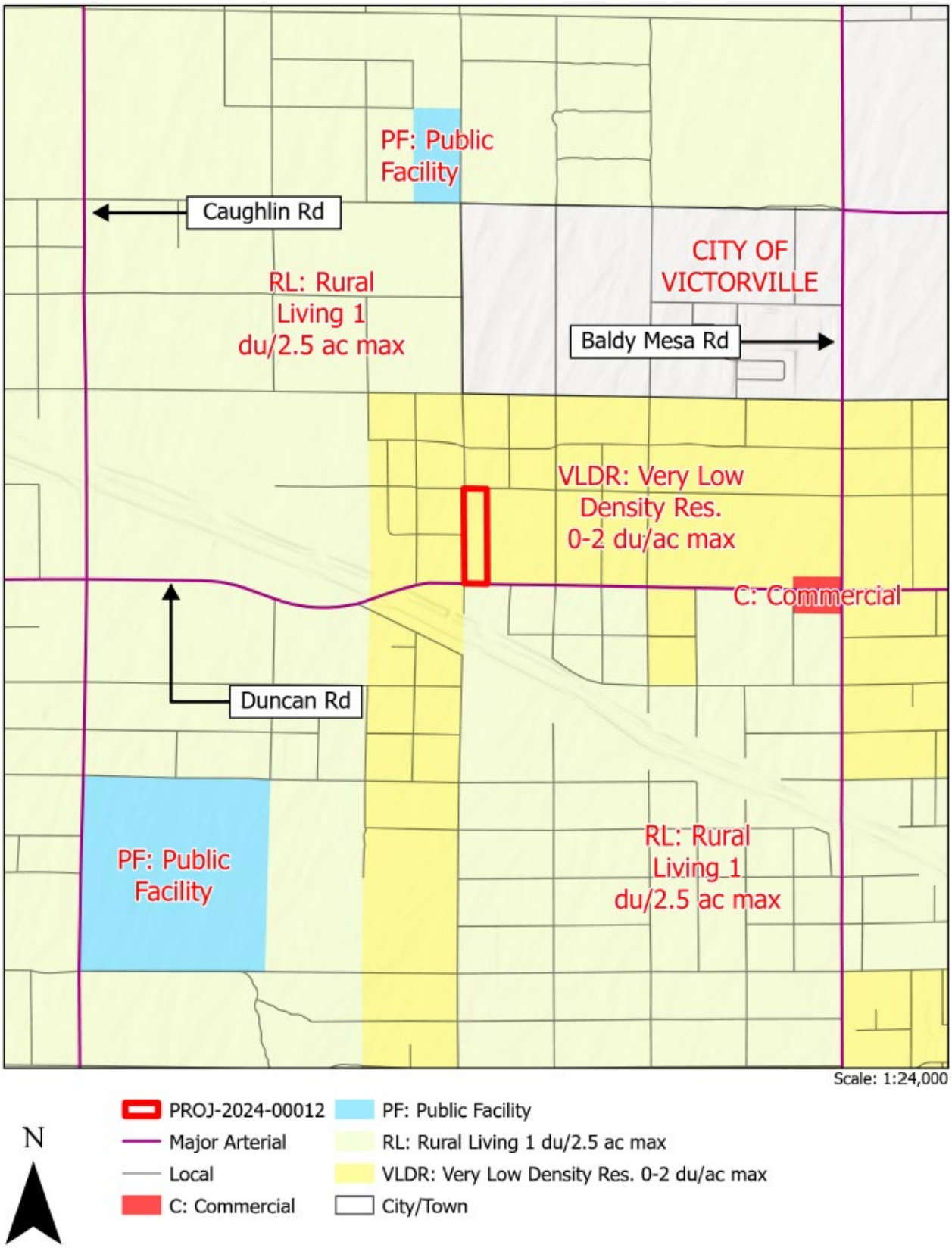
REGIONAL LOCATION MAP



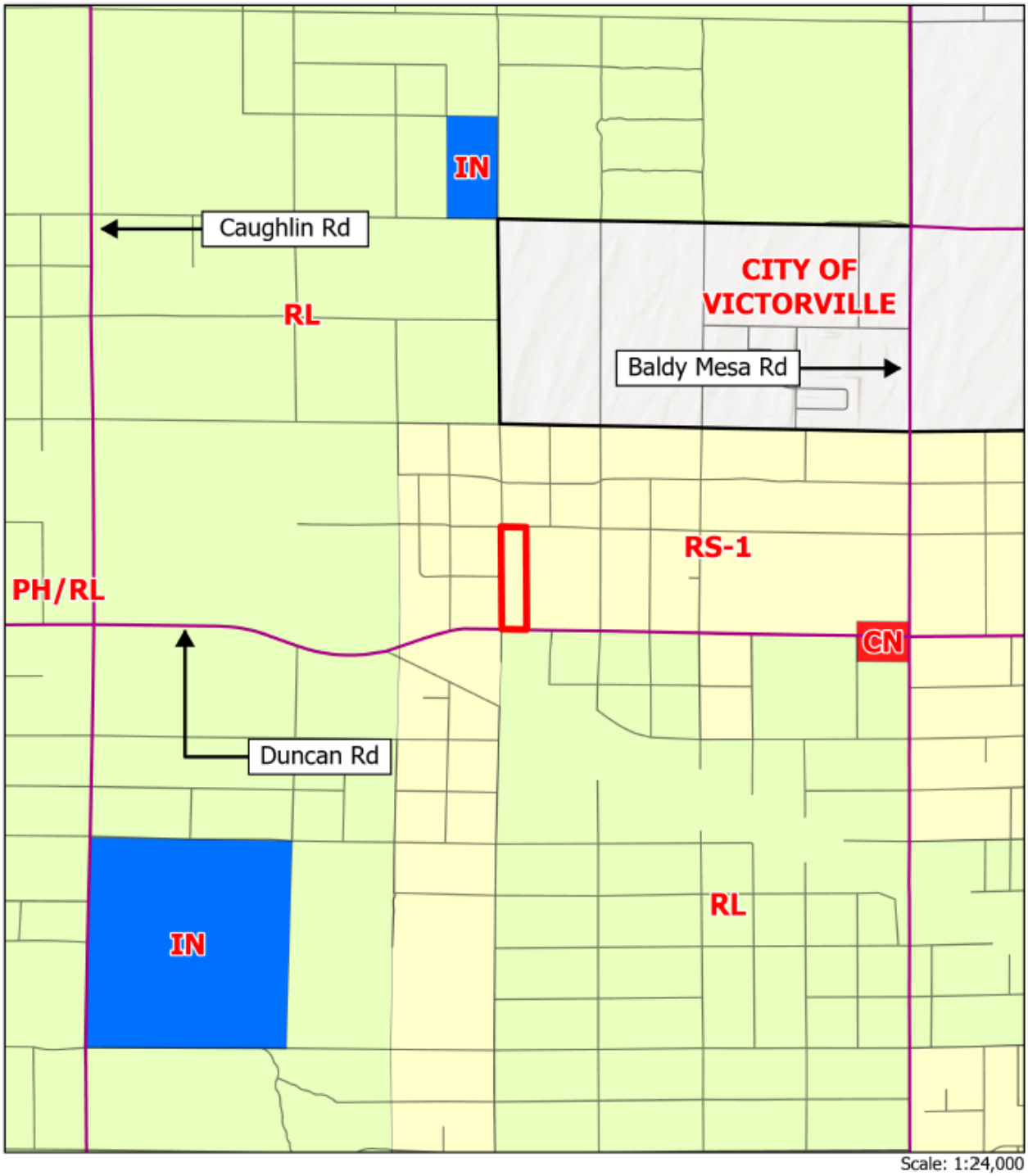
VICINITY MAP



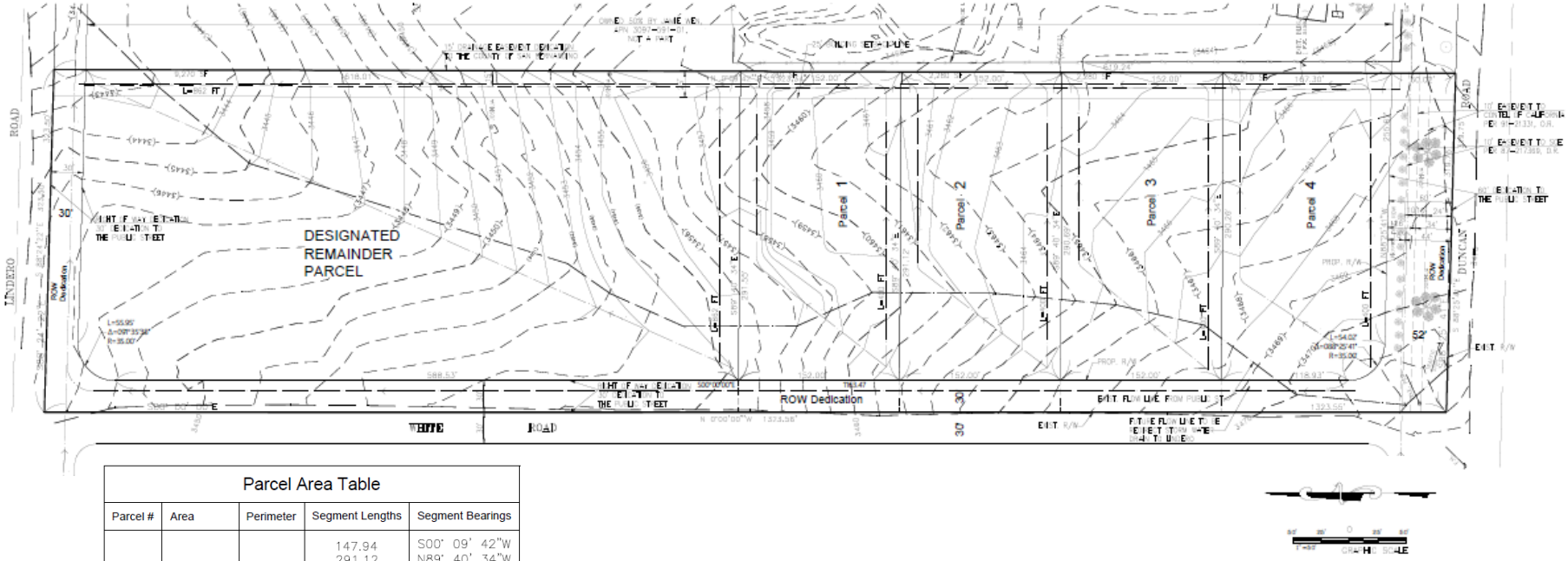
LAND USE CATEGORY MAP



ZONING DISTRICT MAP



TENTATIVE PARCEL MAP



Parcel Area Table				
Parcel #	Area	Perimeter	Segment Lengths	Segment Bearings
1	44283.13 48,842 SF (GROSS)	886.68	147.94 291.12 152.00 291.55 4.06	S00° 09' 42"W N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E S00° 09' 42"W
2	44217.93 48,777 SF (GROSS)	885.82	290.69 152.00 291.12 152.00	N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E S00° 09' 42"W
3	44152.74 48,699 SF (GROSS)	884.96	152.00 290.26 152.00 290.69	S00° 09' 42"W N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E
4	45040.47 69,072 SF (GROSS)	878.38	159.30 255.87 54.02 118.93 290.26	S00° 09' 42"W N88° 25' 41"W N44° 12' 51"W N00° 00' 00"E S89° 40' 34"E
Remainder	181391.31 210,113 SF (GROSS)	1811.45	55.95 257.42 166.07 152.00 152.00 147.94 291.55 588.53	N45° 47' 49"E S88° 24' 22"E S00° 09' 42"W S00° 09' 42"W S00° 09' 42"W S00° 09' 42"W N89° 40' 34"W N00° 00' 00"E

PROJECT DESCRIPTION

The Proposed Project consists of a Tentative Parcel Map (TPM) to subdivide an approximately 10-gross-acre property into four parcels and one remainder parcel for future lot sales. The property is located at 8930 Duncan Road in the Community of Phelan and is designated Very Low Density Residential (VLDR) 0–2 dwelling units per acre (DU/AC) Max Land Use Category and Single Residential, 1-acre minimum (RS-1) Zoning District. The new lots would range in size from 1.12 acres to 1.59 acres.

The Project site is bounded by Lindero Road to the north, Duncan Road to the south, and White Road to the west, with primary access provided by Duncan Road and White Road. The subdivision includes a 30-foot-wide right-of-way dedication along White Road and Lindero Road, a right-of-way dedication of up to 60 feet along Duncan Road, a 15-foot-wide drainage easement dedication to the County of San Bernardino along the eastern property boundary and 10-foot-wide Southern California Edison easement at Duncan Road.

The subdivision is intended to facilitate the sale of individual parcels for future single-family residential development. No residential construction is proposed as part of the current Project. Future property owners may develop their respective parcels with single-family residences, subject to applicable County development standards, permitting requirements, and other regulatory approvals.

PROJECT ANALYSIS

Environmental Review: The Proposed Project qualifies for an exemption from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183, as it is consistent with the Countywide Plan and applicable zoning regulations, and no significant project-specific impacts beyond those analyzed in the Countywide Plan Program Environmental Impact Report (EIR) have been identified (see Exhibit E). Applicable biological mitigation measures have been incorporated into the Project's Mitigation Monitoring and Reporting Program (MMRP), including preconstruction surveys for desert tortoise, burrowing owl, and nesting birds. Separately, Condition of Approval No. 17 requires that, if applicable, a Western Joshua Tree Incidental Take Permit (ITP) be obtained from the California Department of Fish and Wildlife (CDFW) prior to the removal or relocation of any Western Joshua Tree by a future homebuilder (see Exhibits C and D).

Countywide Plan Consistency: The Proposed Project is consistent with Countywide Plan Policy LU-2.4, *Land Use Map Consistency*, as it does not require any amendments to the existing land use category or zoning designation and is compatible with surrounding land uses and the established character of the community. The Proposed Project is also consistent with Policy LU-2.1, *Compatibility with Existing Uses*; Policy LU-2.3, *Compatibility with Natural Environment*; Policy 2.4, *Land Use Map Consistency,* Policy LU-2.6, *Coordination with Adjacent Entities*, and Policy LU-4.5, *Community Identity*. Consistency with these policies is further supported through the review and conditioning of the Proposed Project by applicable County departments and agencies, as well as coordination with the City of Victorville.

Phelan/Pinon Hills Community Action Guide Consistency: The Proposed Project is consistent with the Phelan/Pinon Hills Community Action Guides values and aspirations as the Project would preserve the natural environment, would not conflict with the community safety actions, set easements and dedications for infrastructure improvements, and would not conflict with the community's small-town rural community feel.

Title 8 – Development Code Consistency: The proposed project is consistent with the County's Development Code and all applicable development standards of the Single Residential – 1-acre minimum (RS-1) zone. **Table 2** demonstrates the project's compliance with the applicable RS-1 development standards.

TABLE 2 – SINGLE RESIDENTIAL – 1 ACRE MINIMUM (RS-1) DEVELOPMENT STANDARDS

Development Standard	Requirement	Project Compliance
Minimum Lot Area	1 acre	**Yes.** Project complies because all proposed lots would be more than 1 acre.
Minimum Lot Width	140 feet	**Yes**. Project complies because all proposed lots exceed a lot width greater than 150 feet.
Minimum Lot Depth	150 feet	**Yes**. Project complies because all proposed lots exceed lot depth greater than 150 feet.
Max Lot Width to Depth Ratio	1:3	**Yes**. Project complies as all new lots would have no more than a lot width-depth ratio of 1.2.

PUBLIC COMMENTS AND NOTICES

On January 9, 2025, 18 Project Notices were sent to surrounding property owners within 300 feet of the project site. No comments were received.

On October 27, 2026, 24 Hearing Notices were sent to surrounding property owners within 300 feet of the project site and interested parties. Additionally, on October 30 the Hearing Notice was published in the County Legal Reporter and San Bernardino Sun newspapers advertising the Zoning Administrator Hearing. The Hearing Notice was also published in the Daily Press Newspaper on November 1, 2026. No comments were received.

RECOMMENDATION

It is recommended that the Zoning Administrator take the following actions:

1. **FIND** that the project is exempt from the California Environmental Quality Act pursuant to Section 15183 of the California Environmental Quality Act Guidelines and adopt the findings regarding feasible mitigation measures undertaken for the project;
2. **ADOPT** the Mitigation Monitoring and Reporting Program;
3. **ADOPT** the Findings for approval of Tentative Parcel Map No. 20821;
4. **APPROVE** Tentative Parcel Map No. 20821 to subdivide a 10-gross-acre lot into four new lots and a remainder, subject to the attached Conditions of Approval; and
5. **DIRECT** Land Use Services Department Planning staff to file a Notice of Exemption.

ATTACHMENTS

EXHIBIT A: Tentative Parcel Map
EXHIBIT B: Findings
EXHIBIT C: Conditions of Approval
EXHIBIT D: Mitigation Monitoring and Reporting Plan (MMRP)
EXHIBIT E: California Environmental Quality Act (CEQA) Guidelines Section 15183 Exemption Analysis Document

EXHIBIT A: Tentative Parcel Map

Parcel Area Table

Parcel #	Area	Perimeter	Segment Lengths	Segment Bearings
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TOTAL: 8.24 AC/359,095.6 SF, NET AREAS;

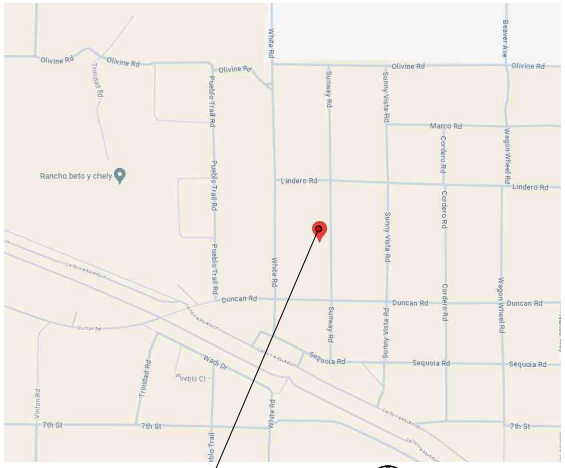
9.77 AC/425,503.0 SF (GROSS AREAS, INCLUDING STREET DEDICATIONS)

TENTATIVE PARCEL MAP 20821

BEING A SUBDIVISION OF A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA,

APPLE ENGINEERING GROUP

NOVEMBER 09, 2023



VICINITY MAP
N.T.S.

PROJECT DESCRIPTION

1. PROJECT: 4 PLUS 1 LOTS SUBDIVISION AT:
   8930 DUNCAN RD.
   PHELAN, CA 92237
2. LOT SIZE: 435,600 SQ FT/ 10 AC;
   THE PROPOSED PROJECT INCLUDES LOT SALES ONLY.
3. EXISTING ZONING: RS-1, SINGLE RESIDENTIAL;
   PROPOSED ZONING: RS-1, SINGLE RESIDENTIAL;

PER CITY ZONING MAP FH05 A BALDY MESA.

LEGAL DESCRIPTION:

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 36, TOWNSHIP 5 NORTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO. STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY.

OWNER/DEVELOPER:

CHIH-HUEI PAI AND JAMIE WEN
2317 W 235TH PL,
TORRANE, CA 90501
PHONE: (213) 268-8995

CIVIL ENGINEER/SURVEYOR:

MIKE MIAO / BOYD SCHNEIDERWENT
APPLE ENGINEERING GROUP
9080 TELSTAR AVE, SUITE 309
EL MONTE, CA 91731
Tel. (626) 552-9818
EMAIL: MIKE@APPLEENGINEERING.NET

UTILITY PURVEYORS INFORMATION:

CATEGORY	COMPANY	PHONE
ELECTRICITY	SOUTHERN CALIFORNIA EDISON	(800) 655-4555
GAS	SOUTHERN CALIFORNIA GAS	(800) 427-2200
WATER	VICTORVILLE WATER DISTRICT	(760) 955-5000
CABLE TV	DIREC TV	(888) 892-2253
	FRONTIER COMMUNICATIONS	(855) 325-6243
TRASH	CITY OF VICTORVILLE	(760) 955-5001

GRAPHIC SCALE

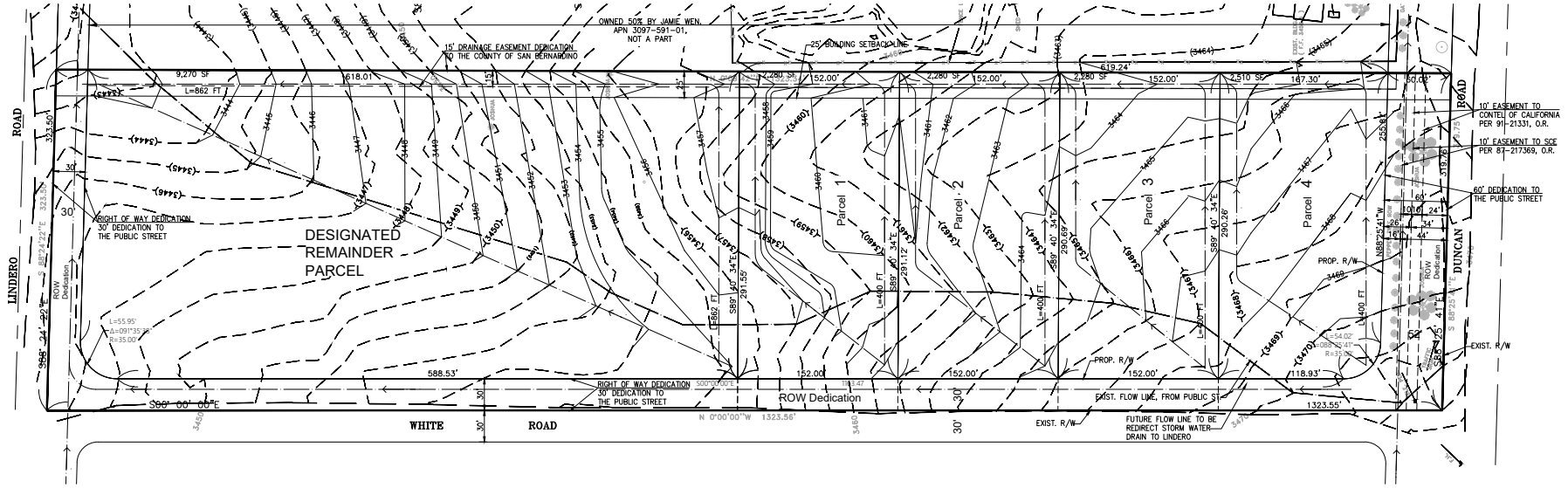


EXHIBIT B

FINDINGS FOR APPROVAL OF TENTATIVE PARCEL MAP

1. **The proposed map, subdivision design and improvements are consistent with the Countywide Plan, any applicable community plan, and any applicable specific plan.**

   The proposed map, subdivision design and improvements are consistent with the Countywide Plan and the Phelan Action Guide. The proposed parcel map does not propose a change in land use designation or zoning, nor does it introduce or significantly expand residential uses not already planned with the Countywide Plan and the Phelan Communities Action Guide.

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

   The site is physically suitable for the type and density of residential development. No development, physical improvements, or changes in land use are proposed. Any future development or change in land use would be subject to separate review by the County, including any required land use entitlements, environmental review including mitigation measure, and compliance with all applicable development standards, conditions of approval, and other County requirements in effect at the time of application.

3. **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.**

   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. 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 Tentative Parcel Map (PROJ-2024-00012) with the preparation of an exemption checklist and concluded that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15183. The Lead Agency finds that the Project would not result in: 1) a peculiar impact that was not identified as a significant impact under the Countywide Plan Program Environmental Report (PEIR); 2) a significant impact that was not analyzed as significant in the prior PEIR; 3) a potentially significant off-site impact or cumulative impact not discussed in the prior PEIR; or 4) a more severe impact due to substantial new information that was not known at the time the prior PEIR. Further, the Lead Agency finds that the Project is required to comply with applicable uniformly applied development policies or standards and mitigation measures specified in the checklist. Feasible mitigation measures that were identified in the PEIR and are applicable to the Project will be undertaken. Additionally, MM BIO-1, pursuant to Countywide Plan PEIR MM BIO-1 will be implemented, that will require preconstruction surveys to special status species. The exemption for the Project reflects the Lead Agency’s independent judgment in making this determination.

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

   The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems. No development, physical improvements, or changes in land use are proposed. Any future development or change in land use would be subject to separate review by the County, including any required land use entitlements, environmental review, and compliance with all applicable development standards, conditions of approval, and other County requirements in effect at the time of application.

5. **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 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 approval of the Tentative Parcel Map will require any existing easements to remain in place unobstructed. No improvements are proposed that would conflict with any easements of record. The Project also includes a dedicated 15-foot drainage easement dedication to the County of San Bernardino, located along the eastern property boundary.

6. **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 discharge of sewage from the proposed subdivision would not occur until future residential uses are development. It is anticipated that future residential uses would utilize private septic systems and therefore not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board**.** Any future development or improvements will require an approved septic system with the San Bernardino County Department of Public Health.

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

   The design of the subdivision provides, to the extent, feasible, passive, or natural heating and cooling opportunities. All the parcels are greater than an acre and will provide flexibility for future building placement and orientation without eliminating the site's natural features that would take advantage of the heating and cooling opportunities.

EXHIBIT B

8. **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 proposed subdivision's 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. No exemptions are required.

EXHIBIT B

ENVIRONMENTAL FINDINGS

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 CEQA Guidelines, the Planning Division conducted an environmental evaluation in connection with the proposed Tentative Parcel Map (PROJ-2024-00012) with the preparation of an exemption checklist and concluded that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15183. The Lead Agency finds that the Project would not result in: 1) a peculiar impact to the project or the parcel on which the project would be located; 2) a significant impact that was not analyzed as significant in the prior Countywide Plan PEIR; 3) a potentially significant off-site impact or cumulative impact not discussed in the prior PEIR; or 4) a more severe impact due to substantial new information that was not known at the time the prior PEIR. Further, the Lead Agency finds that the Project is required to comply with applicable uniformly applied development policies or standards and mitigation measures specified in the checklist.

END OF FINDINGS

Conditions of Approval

Record:	PROJ-2024-00012	**System Date:**	10/20/2026
Record Type:	Project Application	**Primary APN:**	3097591010000
Record Status:	Decision Pending	**Application Name:**	TENTATIVE PARCEL MAP - Phelan
Effective Date:		**Expiration Date:**	
Description:	TENTATIVE PARCEL MAP (TPM) 20821 TO SUBDIVIDE 10 GROSS ACRES INTO FOUR (4) PARCELS AND A REMAINDER, 8930 DUNCAN ROAD IN PHELAN, IN THE VICTORVILLE SPHERE OF INFLUENCE, IN THE SINGLE RESIDENTIAL (RS) ZONING DISTRICT AND THE VERY LOW DENSITY RESIDENTIAL (VLDR) 0-2 DU/AC MAX LAND USE CATEGORY; 1st SUPERVISORIAL DISTRICT; APN: 3097-591-01; PROJECT NO.: PROJ-2024-00012		

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 **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

2 **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.

3 **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.

INFORMATIONAL

Land Use Services - Planning

4 **Subdivisions - Additional Permits** - Status: Outstanding
The property owner, developer and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site.

5 **Subdivisions - 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.

6 **Subdivisions - Expiration/TPM** - Status: Outstanding
This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation within 36 months following the effective approval date, unless an extension of time is granted. PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible for initiation of any extension request.

7 **Subdivisions - Extension of Time/TPM** - Status: Outstanding
Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Land Use Services may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.

8 **Subdivisions - 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.

9 **Subdivisions - Project Account (TT/TPM)** - Status: Outstanding
The Project account number is PROJ2400012. 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 expenses 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 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation.

10 **Subdivisions - Revisions/TPM** - Status: Outstanding
Any proposed change to the approved Tentative Parcel Map and/or the 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.

11 **Subdivisions - State and Federal Endangered Species Act** - Status: Outstanding
This approval does not relieve the property owner or project proponent of responsibility to comply with State and Federal Endangered Species Acts. If any sensitive species are identified during grading, building or land disturbing activity, all on-site activities must cease, the California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) (as applicable) must be contacted to discuss specific mitigation measures and to obtain the necessary incidental take permits. Proof of an incidental take permit from the appropriate agency, or letter stating a permit is not required, must be furnished to the Planning Division. All mitigation measures must be agreed upon and implemented prior to construction activity resuming.

12 **Subdivisions- Condition Compliance** - Status: Outstanding
Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.

County Fire - Community Safety

13 **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.

14 **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.

Land Use Services - Land Development

15 **Natural Drainage** - Status: Outstanding
The natural drainage courses traversing the site shall not be occupied or obstructed.

16 **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.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

17 **On-going Condition** - Status: Outstanding
If required, a Western Joshua Incidental Take Permit (ITP) shall be obtained from the California Department of Fish and Wildlife for the removal and/or relocation of a Joshua Tree. The ITP must be be submitted for Planning staff's review and approval prior to issuance of any grading permit or ground disturbance activities.

18 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

Public Health– Environmental Health Services

19 **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.

Public Works - Surveyor

20 **Corner Records Required Before Grading** - Status: Outstanding
Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

21 **Monument Disturbed by Grading** - Status: Outstanding
If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

22 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

County Fire - Community Safety

23 **F02 Fire Fee** - Status: Outstanding
The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

Public Health– Environmental Health Services

24 **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.

25 **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.

26 **Sewage Disposal** - Status: Outstanding
Method of sewage disposal shall be sewer service provided by an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

27 **Water Purveyor** - Status: Outstanding
Water purveyor shall be Victorville WD or EHS approved.

Public Works - Surveyor

28 **Corner Records Required Before Building** - Status: Outstanding
Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

29 **Monument Disturbed by Building** - Status: Outstanding
If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

PRIOR TO OCCUPANCY

Land Use Services - Planning

30 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

PRIOR TO RECORDATION

Land Use Services - Planning

31 **Recordation Condition** - Status: Outstanding
Western Joshua Tree Protection - Status: Outstanding The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map: "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 effect the tree. A Western Joshua Tree Take Permit shall be obtained from the California Department of Fish and Wildlife for the removal and/or relocation of a Joshua 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

32 **Recordation Condition** - Status: Outstanding
Cultural Resources - Status: Outstanding The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map: "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."

33 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to recordation.

County Fire - Community Safety

34 **F59 CDP** - Status: Outstanding
"CDP. The project applicant shall submit for review and approval a "Composite Development Plan" (CDP). The following statements shall be placed verbatim on the CDP. a) Fire Jurisdiction. This project is protected by the San Bernardino County Fire Department. Prior to building permits being issued on any parcel, the applicant shall comply with the adopted California Fire Code requirements and all other applicable codes, ordinances, and standards of San Bernardino County and local Fire Department standards. b) Fire Requirements. Individual lot owners shall be required to provide their own fire protection measures as determined and approved by the Fire Department prior to any building permit issuance. Fire protection measures may include Fire Department approval of Individual fire protection water systems (e.g. fire flow) for each lot, Automatic fire sprinklers for all structures, Surfacing of access roads and driveways.

Land Use Services - Building and Safety

35 **Composite Development Plan (CDP) Note Requirements** - Status: Outstanding
The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services - Land Development

36 **CDP-Drainage Easement** - Status: Outstanding
A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim): “Land Use Services Department – Land Development Division – Drainage Section (909) 387-8311” “Drainage Easement. Natural drainage course(s) contained within the drainage easement(s) and delineated on the parcel map shall be kept free and clear of all buildings and obstructions. Any fencing shall be of a "rail" type. Chain-link fencing shall not be allowed.”

37 **Drainage Easements** - Status: Outstanding
Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities, and/or concentration of runoff from the site. The hydrologic/hydraulic calculations supporting the size of the easement(s) shall be submitted for review/approval by the Land Development Division prior to recording the easement. Proof of recordation shall be provided to the Land Development Division.

38 **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. An $810 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.

39 **Erosion Control Installation.** - Status: Outstanding
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

40 **FEMA Flood Zone.** - Status: Outstanding
The project is located within Flood Zone D according to FEMA Panel Number 06071C6475H 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

41 **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.

42 **Joshua Trees.** - Status: Outstanding
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.

43 **On-site Drainage Easement** - Status: Outstanding
On-site flows shall be directed within a drainage easement.

44 **State Construction Stormwater General Permit:** - Status: Outstanding
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

45 **Legal Access** - Status: Outstanding
Proof of legal access to the nearest maintained public road is required for all applications. As proof of legal access, the "developer" shall submit one of the following: (a) existing dedication; (b) copy of the court decree establishing prescriptive rights that is acceptable to the Land Development Division; (c) dedications/easements by separate instrument from all property owners intervening between the proposed land division and a Publicly Maintained Road System.

46 **Road Dedication** - Status: Outstanding
The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications: Duncan Road/Southerly Property Line (Major Arterial Per Master Plan Variation – 120 feet): •Road Dedication. A 60-foot grant of easement is required to provide a half-width right-of-way of 60 feet, and a 35-foot radius return grant of easement is required at the intersection of Duncan Road and White Road. White Road/Westerly Property Line (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, and a 35-foot radius return grant of easement is required at the intersection of White Road and Lindero Road. Lindero Road/Northerly Property Line (Sixteenth Section Line – 60 feet): •Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet.

47 **Streetlights.** - Status: Outstanding
This project lies within the streetlight district boundary of County Service Area 70, Zone SL-1. Due to the projected use of the property, streetlighting may be required. If this project requires streetlights as conditioned by San Bernardino County Department of Public Works Special Districts Streetlighting Section, streetlight plans will be submitted directly to Special Districts, but all streetlights must be show on the street improvement plans submitted to Land Development. Please contact (909) 386-8821 for requirements or for additional information.

48 **Utilities.** - Status: Outstanding
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any such utility shall be relocated as necessary without cost to the County.

Public Works - Surveyor

49 **Easements** - Status: Outstanding
Easements within the reminder portion of the map are to be dedicated by separate document.

50 **Easements of Record** - Status: Outstanding
Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

51 **Final Map Review** - Status: Outstanding
Review of the Parcel Map by our office is based on actual cost, and requires an initial $3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

52 **Final Map Signatures** - Status: Outstanding
Final Parcel map notarized signatures by the Owner (and Beneficiaries if applicable), County Auditor, Land Surveyor or Engineer of Record.

53 **Non-Interference Letter** - Status: Outstanding
Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

54 **Parcel Map Required** - Status: Outstanding
A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

55 **Title Report** - Status: Outstanding
A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

Public Works - Traffic

56 **Street Name Review** - Status: Outstanding
Prior to recordation of the subdivision map, all street names shall be reviewed and approved by the Department of Public Works, Traffic Division pursuant to 87.06.050(j) of the Development Code.

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

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

EXHIBIT D: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Action Required/ Monitoring Method	Monitoring Reporting Action Schedule	Monitoring Responsibility	Monitoring Compliance Complete (Name/Date)
Biological				
BIO-1: Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted by a Qualified Biologist prior to the commencement of Project-related ground disturbance. a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.	Qualified Biologist to conduct pre-construction surveys for the burrowing owl, desert tortoise, and nesting birds If special-status species is present, buffer area of identified habitat, avoidance measures and/or relocation in accordance with CDFW and USFWS regulatory guidelines. Project proponent to obtain all necessary authorizations and/or permits, if required.	Prior to grading or any ground disturbing activities	County of San Bernardino Land Use Services Planning Department/ Qualified Biologist	

8930 Duncan Road TPM CEQA Guidelines Section 15183 (PROJ-2024-00012)

Countywide Plan Streamlining Checklist

November 2026

Prepared for:

San Bernardino County
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Acronyms and Abbreviations

AB	Assembly Bill
AQMD	Air Quality Management District
BLMS	Bureau of Land Management - Sensitive Species
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CO	Carbon monoxide
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CWP	Countywide Plan
FHSZ	Fire Hazard Severity Zone
GHG	greenhouse gas
CALGreen	California Green Building Standards
HCP	habitat conservation plans
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MMRP	Mitigation Monitoring and Reporting Program
MS4	municipal separate storm sewer system
NCCP	natural community conservation plans
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
PEIR	Program Environmental Impact Report
PRC	Public Resources Code
RL	Rural Living
RR	Regulatory Requirement
RS	Single Residential
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCH	State Clearinghouse
SO2	sulfur dioxide
SRA	State Responsibility Area
SSC	Species of Special Concern
VMT	vehicle miles traveled
VOC	volatile organic compounds

Section 1 Introduction

This document is a California Environmental Quality Act (CEQA) Guidelines Section 15183 Checklist to the Program Environmental Impact Report (PEIR) (State Clearinghouse [SCH] No. 2017101033) for the San Bernardino Countywide Plan (CWP or Countywide Plan), which was certified on November 2, 2020. The CWP was approved at the same public hearing. The certified CWP PEIR analyzed the potential environmental impacts of the proposed land use designations and policies that would accommodate a projected growth of 15,355 residential units and 49,680 people between 2016 and 2040 in the unincorporated areas of the County of San Bernardino.

A project is consistent with the CWP if the development density does not exceed what was contemplated and analyzed for the involved parcel in the CWP for which the CWP PEIR prepared and complies with the associated standards applicable to that development density (CEQA Guidelines Section 15183(i)(2)). Development density standards can include the number of dwelling units per acre, the number of people in a given area, floor area ratio, and other measures of building intensity, building height, size limitations, and use restrictions.

This checklist provides an analysis of potential environmental impacts resulting from the approval of the 8930 Duncan Road Tentative Parcel Map (TMP) (project). Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the project would result in an increase or new potentially significant impact (i.e., impact peculiar to the project or project site) not identified in the CWP PEIR that could trigger additional review under Guidelines Section 15183 (Streamline Checklist).

1.1 Overview of CEQA Guidelines Section 15183

As set forth in California Public Resources Code (PRC) Section 21083.3 and State CEQA Guidelines Section 15183, projects that are "consistent with the development density established by the existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site" (CEQA Guidelines Section 15183(a) and PRC Section 21083.3(b)). The CEQA Guidelines further state that "[i]f an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards […] then an additional EIR need not be prepared for the project solely on the basis of that impact" (CEQA Guidelines Section 15183(c)).”

1.2 Countywide Plan

The County of San Bernardino (County) CWP was adopted, and the CWP PEIR was certified by the County in 2020. The CWP serves as the County's business plan and includes a long-term vision and principle-based Policy Plan that function as the County's General Plan.

The CWP PEIR evaluated the potential environmental effects from implementation of the CWP, and development pursuant to the CWP is subject to mitigation measures identified in the CWP PEIR and the requirements of the County's Code of Ordinances and the Development Code. A project is consistent with the CWP if the development density does not exceed what was contemplated and analyzed for the parcel(s) in the CWP PEIR and complies with the associated standards applicable to that development density (State CEQA Guidelines Section 15183(i)(2)). Development density standards can include the number of dwelling units per acre, the number of people in a given area, floor area ratio (FAR), and other measures of building intensity, building height, size limitations, and use restrictions.

The project site is in the North Desert Region and designated Very Low Density Residential 0-2 dwelling unit/ac max (VDLR) by the CWP and zoned Single Residential Minimum 1 Acre (RS-1).

1.3 Project Overview

The project would subdivide a 10-acre parcel (Assessor's Parcel Number [APN] 3097-591-01) at 8930 Duncan Road in the unincorporated community of Phelan into four parcels and a remainder parcel.

1.4 Applicability of State Guidelines Section 15183

As set forth in State CEQA Guidelines Section 15183(d), additional environmental review is not required for projects which meet the following conditions:

1. The project is consistent with:

    a. A community plan adopted as part of a general plan,

    b. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or

    c. A general plan of a local agency, and

2. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Additionally, the CEQA Guidelines Section 15183(e) limits the analysis of only those significant environmental effects for which:

1. Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and

2. The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

The CEQA Guidelines Section 15183 applies for the project because the following findings can be made:

1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

   The project site involves approval of a Tentative Parcel Map that would create four lots each with minimum 1 acre (1.12 acres, 1.12 acres, 1.12 acres, and 1.59 acres) and a 4.82-acre remainder parcel. This project is consistent with the current CWP Very Low Density Residential 0-2 dwelling unit/ac max (VDLR) land use category and in the Single Residential Minimum 1 Acre (RS-1) zoning district analyzed in the CWP EIR for the project site.

2. There are no project-specific effects which are peculiar to the project or its site, and which the CWP PEIR failed to analyze as significant effects.

   As explained in this Checklist, project impacts were adequately analyzed by the CWP PEIR. The CWP PEIR identified that the CWP would have significant and unavoidable environmental effects related to air quality, biological resources, greenhouse gas emissions, hazards and hazardous materials (wildfire), mineral resources, noise, and transportation and traffic. The CWP PEIR also identified four environmental impact areas for which mitigation measures were required to reduce potential environmental impacts to a less than significant level: (1) air quality; (2) biological resources; (3) cultural resources; and (4) noise. The project implementation would not result in more severe impacts which are peculiar to the project or its sites, and which the CWP PEIR failed to analyze as significant effects.

3. There are no potentially significant off-site and/or cumulative impacts which the CWP PEIR failed to evaluate.

   The project is consistent with the density and use characteristics of the development considered by the CWP PEIR and would represent a small part of the growth that was forecast for build-out of the Countywide Policy Plan. The CWP PEIR considered the incremental impacts of the

project, and as explained further in the Exemption Checklist below, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

4. There is no substantial new information which results in more severe impacts than anticipated by the CWP PEIR.

   As explained in this Checklist, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the CWP PEIR.

5. The project will undertake feasible mitigation measures specified in the CWP PEIR.

   As explained in this Checklist, the project will undertake feasible mitigation measures specified in the CWP PEIR, as applicable. These CWP PEIR measures will be undertaken through project design, compliance with regulations and ordinances, the project's conditions of approval, and County permit processing.

1.5 Content and Organization of This Streamlining Checklist

This Checklist relies on the CEQA Guidelines Appendix G and the CWP PEIR, which addresses environmental issues section by section. The completed checklist is included in Section 5.0, Environmental Analysis. Each environmental topic has the following subheadings:

- Summary of Impacts Identified in the CWP PEIR
- Impacts Associated with the project (including environmental checklist)
- Conclusion
- Uniformly Applied Development Policies or Standards
- CWP Goals and Policies
- Adopted CWP PEIR Mitigation Measures Applicable to the Project

1.6 CWP PEIR

This Checklist incorporates the CWP PEIR (and its constituent parts) by reference. All documents incorporated by reference are available for review at:

- San Bernardino County Govt. Center - Land Use Services Department: 385 N. Arrowhead Ave., 1st floor, San Bernardino, CA 92415

- https://countywideplan.com/resources/document-download/

The CWP PEIR evaluated 18 environmental topics and substantiated the following findings:

Less Than Significant Impacts Without Mitigation

- Aesthetics
- Agriculture and Forestry Resources

- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing
- Public Services
- Recreation
- Tribal Cultural Resources
- Utilities and Service Systems

Impacts Mitigated to Less Than Significant with Mitigation Measures

- Cultural Resources

Significant and Unavoidable Impacts

- Air Quality
- Biological Resources
- Greenhous Gas Emissions
- Hazards and Hazardous Materials (wildfire)
- Mineral Resources
- Noise
- Transportation/Traffic

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Section 2 Environmental Setting

The CWP PEIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by buildout of the CWP, within the Policy Plan, and impacts from the resultant population and employment growth in the unincorporated areas of the county. The CWP PEIR evaluated a buildout of 150,964 dwelling units, 357,378 people, and 65,483 jobs. Growth associated with the CWP is not linked to a timeline. However, buildout of the CWP was forecast for the year 2040. For the residential sector, the CWP PEIR evaluated environmental impacts associated with an increase of 15,355 housing units and 49,680 people.

2.1 Project Location

The project site is approximately 10 acres of predominately undeveloped land located northeast of Duncan Road and White Road (Assessor's Parcel Number 3097-591-01) in Phelan, California. The street address for the project site is 8930 Duncan Street. The project site is within the North Desert Region of the CWP and within the City of Victorville's sphere of influence. The site is within Baldly Mesa quadrangle of the United States Geological Survey's 7.5-minute map series Section 36 of Township 5 North, Range 6 West. See Figure 1 Regional Location, Figure 2 Project Site.

2.2 Existing Land Use

The project site is undeveloped and contains both native and non-native vegetation including but not limited to, two Western Joshua Trees.

2.3 Existing Countywide Plan and Zoning Designation

The project site is within the Countywide Plan Very Low Density Residential 0-2 dwelling unit/ac max (VDLR) land use category and in the Single Residential Minimum 1 Acre (RS-1) zoning district.

2.4 Surrounding Land Uses, General Plan, and Zoning Designations

The project site is located in a rural area of San Bernardino County that has single family homes sparsely distributed in the surrounding areas. Parcels abutting the project site to the east, west, and north are within the VDLR land use category and RS-1 zoning district. The parcel adjacently south of the project site is within the Rural Living 1 dwelling unit/2.5-acre max (RL) land use category and Rural Living 1 dwelling unit/2.5 acre max (RL) zoning district.

2.5 Geographical Planning Regions

The project site is in the North Desert Region of the County. The North Desert region is located in the northern portion of San Bernardino County. It includes large swaths of federally administered lands, including the Mojave National Preserve, the southern end of Death Valley National Park, portions of the Mojave Desert, and several military installations. Approximately 2 percent of the region is developed.

2.6 Countywide Plan

The CWP (2020) updated the County Policy Plan (herein referred to as the "General Plan") and has received periodical updates with the most recent update occurring in December 2025. It reflects the County's efforts since 2010 when the County Board of Supervisors set out to establish a vision for the future of the county as a whole and adopted a Countywide Vision in 2011 after two years of input from the community and the county's 24 cities and towns.

The Countywide Plan has four major components:

- A County Policy Plan, an update and expansion of the County's General Plan, including a new approach to county planning that includes social services, healthcare services, public safety, and other regional County services provided in both incorporated and unincorporated areas.
- A Community Planning Continuum to replace existing Community Plans with a greater focus on community self-reliance, grass-roots action, and implementation. Goals, policies, land use, and infrastructure decisions for the Community Plan areas will be addressed in the County Policy Plan while a set of new action-oriented Community Action Guides will offer a set of potential tools and action plans framed in a set of community-driven values and aspirations.
- A County Business Plan, with governance policies, operational metrics, and implementation strategies that outline the County's approach to providing municipal services in the unincorporated areas and regional services for both incorporated and unincorporated areas.
- A Regional Issues Forum, an online resource for sharing information and resources related to issues confronting the County as a whole, including the work of the Countywide Vision element groups.

The CWP PEIR examined the potential environmental impacts of the CWP and various actions by the County and others to adopt and implement the CWP, including, but not limited to adoption of any ordinance, guidelines, programs, actions, or other mechanisms that implement the CWP.

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Figure 1 Regional Location

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Figure 2 Project Site

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Section 3 Project Description

3.1 Project Description

The project applicant is seeking approval of Tentative Parcel Map (TPM) No. 20821 to subdivide the 10-acre project site into four parcels (1.12 acres, 1.12 acres, 1.12 acres, and 1.59 acres) and a remainder parcel (4.82 acres). TPM No. 20821 is included in Appendix A. The project is a land use action and would not result in any development. Future owners of the individual parcels would be responsible for obtaining necessary permits and approvals to construct single-family residences and related improvements consistent within accordance with applicable San Bernardino County standards.

3.2 Discretionary Approvals

In accordance with State CEQA Guidelines Sections 15050 and 15367, the County is the designated Lead Agency for the project and has principal authority and jurisdiction for CEQA actions and project approval. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project and/or mitigation. Trustee Agencies are state agencies that have jurisdiction by law over natural resources affected by a proposed project. There are no Responsible Agencies or Trustee Agencies, or any other public agencies, whose approval is required for approving this project.

The following discretionary action is anticipated to be necessary for implementation of the project:

- Approval of the Tentative Parcel Map No. 20821 by the County of San Bernardino

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Section 4 Environmental Checklist

4.1 Background

1. Project title:	Tentative Parcel Map 20821
2. Lead agency name and address:	San Bernardino County Land Use Services Department 385 N. Arrowhead Avenue, 1st Floor San Bernardino, California 92415
3. Contact person name and phone number:	Aldo Perez, Contract Planner Land Use Services Department (909) 387-4431 Mark.Wardlaw@lus.sbcounty.gov
4. Project location:	San Bernardino County
5 Project Applicant's name and address:	Chih-Huei Pai 1261 Colton Street Los Angeles, CA 90026
6. Land Use Category:	Very Low Density Res. 0-2 du/ac max (VLDR)
7. Zoning District:	Single Residential Minimum 1 acre (RS-1)
8. Description of project:	Approval of Tentative Parcel Map to subdivide 10 acres into four parcels and one remainder parcel.
9. Surrounding land uses and setting:	The property is surrounded by scattered single family residential.
10. Other public agencies whose approval is required:	Not applicable.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California tribes as part of the CEQA process and equates significant impacts on "tribal cultural resources" with significant environmental impacts (PRC Section 21084.2). AB 52 requires that lead agencies undertaking CEQA review evaluate, just as they do for other historical and archeological resources, a project's potential impact to a tribal cultural resource. In addition, AB 52 requires that lead agencies, upon request of a California Native American tribe, begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. AB 52 does not apply to this Countywide Plan CEQA Guidelines Section 15183 Streamlining Checklist (State CEQA Guidelines Section15183). As such, AB 52 consultation is not required for this project.

4.2 Environmental Factors Potentially Affected

The subject areas checked below were determined to be a peculiar impact that was not identified as a significant impact under the prior EIR, a significant impact that was not analyzed as significant in the prior EIR, a potentially significant offsite impact or cumulative impact not discussed in the prior EIR, or a more severe impact due to substantial new information that was not known at the time the prior EIR, as indicated by the checklist and discussion on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology and Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology and Water Quality	☐ Land Use and Planning	☐ Mineral Resources
☐ Noise	☐ Population and Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

4.3 Determination (to Be Completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the project WOULD NOT result in: 1) a peculiar impact that was not identified as a significant impact under the prior EIR; 2) a significant impact that was not analyzed as significant in the prior EIR; 3) a potentially significant offsite impact or cumulative impact not discussed in the prior EIR; or 4) a more severe impact due to substantial new information that was not known at the time the prior EIR. NO FURTHER ACTION is required and a Notice of Determination (Section 15094) will be filed indicating that the project IS ELIGIBLE for a STREAMLINED REVIEW under State CEQA Guidelines Section 15183.

☐ I find that the project would result in: 1) a peculiar impact that was not identified as a significant impact under the prior EIR; 2) a significant impact that was not analyzed as significant in the prior EIR; 3) a potentially significant offsite impact or cumulative impact not discussed in the prior EIR; or 4) a more severe impact due to substantial new information that was not known at the time the prior EIR. I find that FURTHER ENVIRONMENTAL REVIEW is necessary to analyze those effects that are subject to CEQA, and therefore, this project is NOT ELIGIBLE for a STREAMLINED REVIEW under State CEQA Guidelines Section 15183.

Signature Date

4.4 Evaluation of Environmental Impacts

This CEQA Guidelines Section 15183 Countywide Plan Streamlining Checklist provides an analysis of potential environmental impacts resulting from the project. Following the format of CEQA Guidelines Appendix G Checklist, environmental effects are evaluated to determine if the Project would result in a peculiar impact triggering additional review under State CEQA Guidelines Section 15183.

- Items checked "Peculiar Impact that is not Substantially Mitigated" indicates that the Project could result in a peculiar impact, including a physical change that belongs exclusively or especially to the Project or that is a distinctive characteristic of the Project or the Project site and that peculiar impact is not substantially mitigated by the imposition of uniformly applied development policies or standards. (State CEQA Guidelines Section 15183(b)(1)(f))
- Items checked "Impact not Analyzed as Significant Effect in CWP PEIR" indicates that the Project could result in a significant effect that was not analyzed as significant in the CWP PEIR. Such a Project impact is not significant if it can be substantially mitigated by the imposition of uniformly applied development policies or standards. (State CEQA Guidelines Section 15183(b)(2),(c),(f))
- Items checked "Potentially Significant Offsite or Cumulative Impact Not Discussed in CWP PEIR" indicates the Project could result in a significant offsite or cumulative impact that was not discussed in the CWP PEIR. Such an offsite or cumulative Project impact is not significant if it can be substantially mitigated by the imposition of uniformly applied development policies or standards. (State CEQA Guidelines Section 15183(b)(3),(c),(f))
- Items checked "Adverse Impact More Severe Based on Substantial New Information" indicates that there is new information that leads to a determination that the Project impact is more severe than discussed in the CWP PEIR. Such an impact is not more severe if it can be substantially mitigated by the imposition of uniformly applied development policies or standards. (State CEQA Guidelines Section 15183(b)(4)(c)(f)).
- Items checked "No New Impact" indicates that potential impacts from the Project have been adequately analyzed in the CWP PEIR.

A project does not qualify for a CEQA Guidelines Section 15183 Countywide Plan streamlined review if it is determined that it would result in one or more of the following: 1) a peculiar impact that was not identified as a significant impact under the CWP PEIR, 2) a significant impact was not analyzed as significant in the CWP PEIR, 3) a potentially significant offsite impact or cumulative impact not discussed in the CWP PEIR, or 4) a more severe impact due to substantial new information that was not known at the time the CWP PEIR was certified. However, if a project

having any of the foregoing impacts can be substantially mitigated through the imposition of uniformly applied development policies or standards. Uniformly applied development policies or standards that are applicable to the project are included within this analysis.

A summary of the County's analysis of each potential environmental effect related to the project is provided in the checklist below for each subject area.

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Section 5 Environmental Analysis

5.1 Aesthetics

5.1.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that adoption of the CWP would not result in significant aesthetic impacts. Visual disturbances caused by the CWP would include impacts from development built pursuant to the CWP that could obstruct or partially obstruct scenic vistas, alter scenic resources within a scenic highway, or alter the visual appearance and character of some communities in the County. Although this growth would result in adverse impacts, potential impacts would be minimized by a number of factors. These factors include:

- The Countywide Plan's concentration of future growth within existing urban areas. Growth in most unincorporated areas of the region would consist of infill development that would generally reflect surrounding land uses.
- The fact that much of the unincorporated county is owned and/or managed by federal or state agencies (e.g., U.S. Forest Service, Federal Bureau of Land Management, National Park Service, and U.S. Department of Defense) and therefore, in most cases, accommodates little (if any) new development.
- Implementation of proposed goals and policies, which prioritize conservation of existing natural landscapes.
- The programmatic nature of the Countywide Plan, including the requirements that subsequent, individual projects are subject to environmental review under CEQA.
- Continued implementation of the San Bernardino County Development Code.

These factors would minimize impacts on scenic vistas and the appearance and character of local communities to less than significant.

Buildout pursuant to the CWP could also create new sources of shade and shadow, light, and glare, but none of these would adversely affect day or nighttime views in the area. The CWP would introduce development in most regions that is relatively minimal due to the low density and low-rise nature of development and would not introduce skyscrapers, assemblages of tall buildings, freeway flyovers, or large hillside developments.

5.1.2 Impacts Associated with the Project

Except as provided in Public Resources Code Section 21099, would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☒

a. Would the project have a substantial adverse effect on a scenic vista?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.1-1) and was determined to have a less than significant impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. The CWP PEIR indicated views across desert landscapes, toward mountains and ridgelines, and toward rock formations and outcroppings as scenic and stated that development in accordance with previously allowed development patterns, level of urbanization, or the types of development are not expected to result in significant adverse impacts on scenic views. The project would not increase the density or intensity of the site and would be consistent with existing Countywide land use and zoning designations analyzed under the CWP PEIR, therefore, would not result in more severe impacts than already addressed by the CWP PEIR. No new impact would occur.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.1-2) and was determined to have a less than significant impact. The project would not damage any scenic resources or historic buildings within a state scenic highway. There are no designated state scenic highways in the vicinity of the project site. According to the California Department of Transportation (Caltrans)' State Scenic Highway Map Viewer, the closest officially designated scenic highway is Route 2, within Los Angeles County, which is approximately 11.9 miles to the west (Caltrans 2025). Route 2 in San Bernadino County connects to Route 138 and both of those highway segments are eligible Scenic Highways (Caltrans 2025). They are approximately 8.3 miles southwest of the project site. The project site would not be recognizable from these scenic resources. The project would not change the existing land use analyzed under the CWP PEIR for the project site. Therefore, the project would not result in more severe impacts than already addressed by the CWP PEIR, and there is no project-specific significant effect which are peculiar to the project or its site No new impact would occur.

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.1-3) and was determined to have a less than significant impact. The project site is in non-urbanized area of the North Desert Region, and the project site is designated Very Low Density Residential 0-2 du/ac max (VLDR)by the Countywide Plan and zoned Single Residential Minimum 1 Acre (RS-1). No changes to the project analyzed under the CWP PEIR are proposed. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.1-4) and was determined to have a less than significant impact. The project site is in non-urbanized area of the North Desert Region, and the project site is designated Very Low Density Residential 0-2 du/ac max (VLDR)by the Countywide Plan and zoned Single Residential Minimum 1 Acre (RS-1). As indicated in the CWP PEIR (page. 5.1-24), individual development projects could increase nighttime illumination or glare on a localized level, but the minimal amount growth anticipated in the region would have a negligible impact on the region's overall light environment (County of San Bernardino 2020). The project would not increase the density or intensity of the site as analyzed under the CWP PEIR. No new impact would occur.

Conclusion

With regards to the issue area of Aesthetics, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific-impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

The project is required to comply with the San Bernardino County Development Code. The following Development Codes pertaining to aesthetic and light and glare impacts are applicable to the project.

- Chapter 83.02 (General Development and Use Standards).
- Chapter 83.06 (Fences, Hedges, and Walls)
- Chapter 83.07 (Glare and Outdoor Lighting)

CWP PEIR Mitigation Measures

The CWP PEIR did not identify any mitigation measures related to aesthetics.

5.2 Agriculture and Forest Resources

5.2.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would not result in significant impacts to agricultural and forestry resources. Buildout of the CWP would convert some mapped important farmland in the Valley and North Desert regions to nonagricultural uses. However, the CWP PEIR found that with the implementation of the CWP policy (i.e., Policy NR-7.2), impacts on mapped important farmland would be less than significant.

There are no Williamson Act lands in the Valley region where most development under the CWP would occur. There are no Williamson Act lands in the part of the North Desert region where most growth would occur. Williamson Act lands are in the Hesperia SOI, Apple Valley Sphere of Influence, Lucerne Valley Community Plan Area, and east and west of Barstow. Much of the Williamson Act lands are in the Rural Living (RL) land use category, and the remainder are in the Resource/Land Management category. Impacts to Williamson Act lands were found to be less than significant with implementation of CWP policies and regulatory requirements. Furthermore, the CWP EIR determined that the CWP would not convert substantial areas of forest land to non-forest areas. No mitigation measures related to agricultural or forest resources were required.

5.2.2 Impacts Associated with the Project

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☐	☒

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.2-1) and was determined to have a less than significant impact. The CWP PEIR indicated that most of the important farmland in the North Desert Region is in the Mojave River Valley near Barstow, Daggett, and Newberry Springs (page 5.2-5). The project site is in the North Desert Region and Figure 5.2.2 of the CWP

shows no Farmland Mapping and Monitoring Program significant farmlands on the project site (County of San Bernardino 2020). The project site is in non-urbanized area of the North Desert Region, and the project site is designated Very Low Density Residential 0-2 du/ac max (VLDR)by the CWP and zoned Single Residential Minimum 1 Acre (RS-1). No changes to the land uses analyzed under the CWP PEIR pertaining to farmland is proposed. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No New Impact. The CWP PEIR stated that there were 4,993 acres of Williamson Act lands in San Bernardino County in 2016 and approximately 70 percent of the total, or 3,516 acres, were in the North Desert Region located in the City of Hesperia SOI, City of Apple Valley SOI, Lucerne Valley CPA, and east and west of Barstow. The project site is designated Very Low Density Residential 0-2 du/ac max (VLDR) by the CWP and zoned Single Residential Minimum 1 Acre (RS-1). The project site is not subject to a Williamson Act contract. In addition, there are no lands surrounding the project that are subject to a Williamson Act Contract. No changes to the land uses analyzed in the CWP PEIR related to farmland are proposed. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impacts would occur.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No New Impact. This topic was addressed in the CWP PEIR (Impact 5.2-3) and was determined to have a less than significant impact. Countywide, 37,473 acres of forest and woodland vegetation are under County jurisdiction. Of the total, 23 percent is located in the Desert Regions. None are located in the Phelan area or on the project site. The project site is designated Very Low Density Residential 0-2 du/ac max (VLDR) by the CWP and zoned Single Residential Minimum 1 Acre (RS-1). Therefore, no conflict with the existing zoning or cause rezoning of forest land would occur. No changes to the land uses analyzed in the CWP PEIR related to forest land are proposed. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impacts would occur.

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No New Impact. Refer response to above Section 5.2.2(c).

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No New Impact. The project site is designated Very Low Density Residential 0-2 du/ac max (VLDR)by the CWP and zoned Single Residential Minimum 1 Acre (RS-1). The project would not convert any farmland or forest land. No changes to the land uses analyzed in the CWP PEIR related to farmland or forest land are proposed. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impacts would occur.

Conclusion

With regards to the issue area of Agricultural/Forestry Resources, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project-specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

There are no uniformly applied development polices or standards that are applicable to the project related to agricultural and forestry resources.

CWP PEIR Mitigation Measures

The CWP PEIR did not identify any mitigation measures related to agriculture and forestry resources.

5.3 Air Quality

5.3.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that, even after the implementation of mitigation measures, the CWP would result in significant air quality impacts. Criteria air pollutant impacts were compared to the South Coast Air Quality Management District's (South Coast AQMD) and Mojave Desert Air Quality Management District (MDAQMD) significance thresholds. Construction activities related to buildout of the CWP would result in air pollutant levels that exceed South Coast AQMD and MDAQMD significance thresholds. In addition, development allowed under the CWP would exceed the South Coast AQMD's and MDAQMD's regional operational significance thresholds and would have the potential to affect the emissions forecasts in the South Coast AQMD and MDAQMD. The CWP would cumulatively contribute to the nonattainment designations of the South Coast Air Basin (SCAB) and the Mojave Desert Air Basin (MDAB). The CWP would also generate toxic air contaminants (TAC) that would contribute to elevated levels in the air basins and expose sensitive receptors to substantial pollutant concentrations. Odor impacts were identified as less than significant. Carbon monoxide (CO) hotspots were found to be less than significant. Although mitigation measures in the CWP PEIR would reduce air quality impacts of the CWP to the extent feasible, air quality impacts were identified as a significant and unavoidable impact of the CWP.

5.3.2 Impacts Associated with the Project

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☐	☒

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.3-1). The CWP PEIR identified inconsistency with South Coast AQMD and MDAQMD AQMPs as a significant unavoidable impact of the CWP. The construction and operation of development pursuant to the CWP was also found to cumulatively contribute to the nonattainment designations of the SCAB and MDAB. Regional growth projections are used by South Coast AQMD and MDAQMD to forecast future emission levels in the SCAB and MDAB. For southern California, these regional growth projections are provided by SCAG and are partially based on land-use designations in city and county general plans.

The assessment of CWP impacts relative to criteria air pollutants is based on totals for development within the respective air basins—the SCAB and MDAB. With the exception of sulfur dioxide, the CWP PEIR concluded the implementation of the CWP would result in exceeding the thresholds for criteria air pollutants for both the SCAB and the MDAB.

MDAQMD requires a consistency evaluation with adopted federal and state AQMPs. If a project is deemed consistent with the existing land use plan, it is considered consistent with the AQMPs. The project site is located in the North Desert Region and is designated Very Low Density Residential 0-2 du/ac max (VLDR)by the CWP and zoned Single Residential Minimum 1 Acre (RS-1). The project would not increase the intensity or density of the existing land use analyzed under the CWP PEIR. As such, the project would not conflict or obstruct implementation of the 2022 AQMP. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard)?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.3-2 and 5.3-3) and was determined to have a significant and unavoidable impact. Development allowed under the Countywide Plan would contribute to the nonattainment designations of the SCAB and MDAB through direct and indirect emissions of criteria air pollutants from land uses in the unincorporated county. Construction activities could temporarily increase PM_{10}, $PM_{2.5}$, and VOC, NO_X, SO_X, and CO regional emissions within the SCAB and MDAB. The primary source of NOx, CO, and SOx emissions is the operation of construction equipment. The primary sources of particulate matter (PM_{10} and $PM_{2.5}$) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary source of VOC emissions is the off-gas emissions associated with grading and asphalt paving. Portions of the MDAB are designated nonattainment for O_3, particulate matter (PM_{10} and $PM_{2.5}$), and hydrogen sulfide. No construction permits are required. Therefore, Mitigation Measure AQ-2 that requires an air quality technical assessment prior to issuance of any construction permits for development project would not be applicable. The project would not change the land uses analyzed under the CWP PEIR and would not create new impact or increase impacts.

The CWP PEIR indicated that the buildout of the Countywide Plan in the East Desert and North Desert would result in exceedance of MDAQMD thresholds for VOC, NOx, CO, PM_{10}, and $PM_{2.5}$, assuming an increase of 22,432 population and 803 jobs. The project would not increase the intensity or density of the site's land use that was analyzed in the CWP PEIR, therefore, operation of the project is not anticipated to exceed the MDAQMD criteria air pollutant daily thresholds. The project would not change the land uses analyzed under the CWP PEIR and there is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.3-4) and was determined to have a significant and unavoidable impact. The CWP PEIR indicated that areas of vehicle congestion have the potential to create pockets of CO called hotspots, exposing sensitive receptors to substantial pollutant concentrations . However, the project site is in a rural area without areas of vehicle congestion and does propose uses that would directly contribute to the pollutant concentration of the area. In addition, the CWP PEIR indicated that health risk impacts from nonpermitted sources associated with development of industrial and commercial land uses are conservatively considered significant. The project would not include industrial and commercial processes that would be expected to release toxic air contaminants. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.3-5) and was determined to have a less than significant impact. Industrial land uses, including indoor agricultural uses, are the primary type of land uses that have the potential to generate objectionable odors. Future development allowed in the RS-1 zoning district would not create uses with the potential for objectionable odors. Also, MDAQMD Rule 402 requires abatement of any nuisance generating an odor complaint. Although this Project would not result in the generation of odors due to emission, future development construction activities could temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent in nature. Therefore, the project would not result in more severe impacts than already addressed by the CWP PEIR, and there is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Air Quality, the following findings can be made:

5. No peculiar impacts to the project or its site have been identified.
6. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
7. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
8. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirements (RRs) related to air quality from the CWP EIR are applicable to future development on the Project site.

RR AIR-4 Construction activities within the Mojave Desert Air Basin (MDAB) will be conducted in compliance with any applicable Mojave Desert Air Quality Management District (MDAQMD) rules and regulations, including but not limited to.

- Rules 201, 203, and 219, which regulate permits for installation and use of equipment that may generate air contaminants.
- Rule 402, Nuisance, which states that a project shall not "discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose,

health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Additionally Rule 472, Reduction of Animal, requires that gases or vapors are minimized from animal rendering; and Rule 223, Emissions Reductions Permits for Large Confined Animal Facilities, requires odors from large animal facilities be controlled.

- Rule 403.1, Fugitive Dust for the Searles Valley Planning Area, and Rule 403.2, Fugitive Dust for the Mojave Desert Planning Area, for controlling fugitive dust and avoiding nuisance.
- Regulation IX, Standards of Performance for New Stationary Sources (NSPS), and XXIII, New Source Review.
- Regulation XIV, Emissions Reductions Credit Banking.
- Regulations XI, Source Specific Standards; Regulation, X, Emissions Standards for Additional Specific Air Contaminants; and XV, Emissions Standards for Specific Toxic Air Contaminants.
- Regulation XVII, Indirect Sources and Transportation Control.

Mitigation Measures Identified in the PEIR and Applicable to the Project

There are no mitigation measures that are applicable to the project.

5.4 Biological Resources

5.4.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would result in potentially significant biological impacts because substantial areas of special-status species habitat and special-status vegetation communities are within proposed development areas. The total area of habitat that would be impacted and whether impacts on a project-level could be mitigated to below a level of significance could not be determined; therefore, after implementation of mitigation measures the potential remained for unavoidable impacts to special-status species and special-status vegetation communities. With implementation of CWP policies and mitigation measure BIO-1, impacts to wildlife corridors, habitat conservation plans (HCP), and natural community conservation plans (NCCP) were found to be less than significant. Impacts to jurisdictional waters were found to be less than significant with no mitigation measures required.

5.4.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.4-1 and 5.4-2) and determined to be significant and unavoidable with implementation of existing regulatory requirements and mitigation measures. The CWP PEIR indicated that buildout of the Countywide Plan may result in actions that could adversely affect special-status species directly and indirectly. Direct impacts to special-status vegetation communities could result from the conversion of habitat either temporarily, as a result of grading, excavation, and construction activities, or permanently from the ongoing operation and/or maintenance of a project or plan. Indirect impacts could result from generation of fugitive dust, increased sediment loads in runoff from construction activities or the adverse effect of invasive plant species.

A Biological Resources Assessment for the project was prepared and is included in Appendix B to this Checklist (RCA Associates 2025). Preparation of this report fulfills Mitigation Measure BIO-1 of the CWP PEIR. The Biological Resources Assessment characterized the natural habitat on site, documented whether sensitive plant and animal species were present. In addition, focused protocol surveys for burrowing owl and desert tortoise were conducted. The Biological Resources Assessment also included an assessment of suitable habitat for burrowing owl (*Athene cunicularia*), desert tortoise (*Gopherus agassizii*), and Mohave ground squirrel (*Xeropermophilus blainvillii*) and a general inventory of all plants and vertebrates observed on the properties.

According to the report, Western Joshua Trees were observed on site. The Western Joshua Tree Conservation Act protects the western Joshua tree by prohibiting its take, trade, or possession, and establishing a conservation plan and funding for habitat protection. The County Code Chapter 88.01, Plant Protection and Management protects desert native plants, including Joshua trees. Although the Project would not directly impact any existing on-site Joshua Trees, future development must adhere to the 40 – 50 foot buffer distance from any existing Joshua Tree. If any take or relocation of Joshua Tree is required by future development, the project-specific applicant must obtain a California Endangered Species Act Incidental Take Permit, or a Western Joshua Tree Conservation Act Take Permit from California Department of Fish and Wildlife prior to issuance of any permit or ground disturbance activity. Compliance with the existing regulatory requirements would reduce potential impacts to Joshua trees to a less than significant level.

No federal or state listed species were observed on the project site. The site is located within documented burrowing owl habitat according to California Natural Diversity Database (Appendix B). There is limited habitat for the species on site due to being void of suitable burrows. No burrowing owls or their signs (pellets, whitewash, feathers, or tracks) were observed in the project area during the focused surveys. There is a possibility of owls moving onto this site, however it is unlikely based on the results of the field investigations and absence of multiple suitable burrows for utilization. A pre-construction survey may be necessary 14 days prior to the start of any ground disturbance activities.

In addition, the site is located within the documented desert tortoise habitat according to California Natural Diversity Database (Appendix B). The property supports minimally suitable habitat for desert tortoises. However, no live tortoises or signs (burrows, scat, tracks, or carcasses) were observed anywhere on the project site. Based on survey results and the low population levels of the species in the region, tortoises are not expected to move onto the site in the near future.

Approval of the TPM is a land use action and would not cause any impacts to plant or animal species. However future development of the site would be required to implement the following mitigation measures to reduce potential impacts to sensitive plant and animal species to less than significant.

MM BIO-1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted by a Qualified Biologist prior to the commencement of Project-related ground disturbance.

a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.

b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

With implementation of **MM BIO-1** pursuant to CWP MM BIO-1, no impact peculiar to the project would occur. No new impacts not disclosed in the CWP PEIR would occur.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.4-2) and determined to be significant and unavoidable with implementation of existing regulatory requirements and mitigation measures. The CWP PEIR indicated that buildout of the CWP may result in actions that could adversely affect riparian habitats and other sensitive special-status vegetation communities directly and indirectly. However, implementation of the CWP policies as well as compliance with regulatory requirements would avoid, minimize, and/or mitigate impacts to special-status species by requiring the protection and preservation of such resources. Impacts to special status species habitat and special status vegetation communities were analyzed in the CWP PEIR and impacts were determined to be significant and unavoidable even with mitigation.

A Biological Resources Assessment for the project was prepared and is included in Appendix B to this Checklist (RCA Associates 2024). Preparation of this report fulfills Mitigation Measure BIO-1 of the CWP PEIR. No riparian habitat or other sensitive natural communities were identified with the project site. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.4-3) and determined to be less than significant with implementation of existing regulatory requirements and mitigation measures. The CWP PEIR indicated that development resulting from buildout of the Countywide Plan may result in both direct and indirect significant adverse impacts to jurisdictional wetlands or waters. The CWP PEIR also states that the analysis contained in the CWP PEIR does not satisfy the need for project-level CEQA analysis for individual projects. Whether or not individual projects would result in impacts to jurisdictional waters would depend on resources present at the time such projects are pursued and would be analyzed on a project specific level as identified in CWP policy NR-5.7 Development Review, Entitlement, and Mitigation. There are no aquatic resources located within the project site. Therefore, the project is not anticipated to have a substantial adverse effect on aquatic resources. The project-specific impacts would be less than significant and would not result in peculiar impacts that were not previously addressed in the CWP PEIR. No new impact would occur.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.4-4) and determined to be less than significant with implementation of existing regulatory requirements and mitigation measure. The project site does not contain established native resident or migratory wildlife corridors and is not used as a native wildlife nursery site. The Biological Resources Assessment (RCA Associates 2024) identified the occurrence of birds including the common raven (*Corvus corax*), house finch (*Carpodacus mexicanus*), phainopepla (*Phainopepla nitens*), European starling (*Sturnus vulgaris*), and rock pigeon (Columba *livia*) (refer to Appendix B). Additionally, consistent with the findings of the CWP PEIR, with the project is subject to the Migratory Bird Treaty Act that prohibits "take" of any migratory bird or any part, nest, or eggs of any such bird. California Fish and Game Code sections 3503, 3503.5, and 3513 prohibit the take and possession of bird eggs and nest. Therefore, project-specific impacts would be less than significant and would not result in peculiar impacts that were not previously addressed in the CWP EIR. No new impact would occur.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.4-5) and determined to be less than significant with implementation of existing regulatory requirements and mitigation measures. A Biological Resources Assessment for the project was prepared and is included in Appendix B to this Checklist (RCA Associates 2024). Preparation of this report fulfills Mitigation Measure BIO-1 of the CWP PEIR. The project site contains two Western Joshua trees. Western Joshua trees are protected by the Western Joshua Tree Conservation Act and the County

Development Code Section 88.01. Future development must adhere to the 40 – 50 foot buffer distance from any existing Joshua Tree. If Western Joshua Tree removal or relocation is required, future project-specific proponents must obtain a take permit from California Department of Fish and Wildlife prior to issuance of any permit that warrants ground disturbing activities. No new impact would occur. Therefore, project-specific impacts would be less than significant and would not result in peculiar impacts that were not previously addressed in the CWP EIR. No new impact would occur. No new impact would occur.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.4-5) and determined to be less than significant with implementation of existing regulatory requirements and mitigation measure. There are no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans that apply to the project site. No new impact would occur.

Conclusion

With regards to the issue area of Biological Resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. Feasible mitigation measures contained within the CWP PEIR (Mitigation Measure BIO-1) will be applied to the project.

Applicable Uniformly Applied Development Policies or Standards

The project is required to comply with the San Bernardino County Development Code. The following Development Codes pertaining to biological resources impacts are applicable to the project.

Chapter 88.01 (Plant Protection and Management). This chapter provides regulatory and management guidance for plant resources in unincorporated areas as well as mixed public and private lands. It primarily addresses tree and vegetation removal in public land and private land in unincorporated areas.

Section 88.01.060, Desert Native Plant Protection, conserves specified desert plant species.

Section 88.01.070, Tree Removal Permits: If the County determines that any onsite trees meet the criteria set forth in Section 88.01.070, a tree removal permit shall be required. (Not applicable to Joshua Trees)

The following regulatory requirement (RR) related to biological resources from the CWP EIR is applicable to the project.

RR BIO-3 Nesting Birds: The Migratory Bird Treaty Act prohibits "take" of any migratory bird or any part, nest, or eggs of any such bird. California Fish and Game Code sections 3503, 3503.5, and 3513 prohibit the take and possession of bird eggs and nest.

RR BIO-5 Special-Status Species: The FESA, administered by the USFWS, prohibits unlawful "take" of any listed species (16 U.S.C. 1531–1544). The CESA, administered by CDFW, prohibits "take" of any listed species (California Fish and Game Code, Section 86). The Lacey Act (16 U.S.C. 3371-3378) prohibits illegal take, possession, transport, or sale of protected species. Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code prohibits take or possession of fully protected species of mammals, birds, reptiles, amphibians, and fish.

RR BIO-7 Desert Native Plant Protection: The California Desert Native Plants Act prohibits unlawful harvesting of species of the Agavaceae (century plants, nolinas, and yuccas); all species of the family Cactaceae; all species of the family Fouquieriaceae (ocotillo, candlewood); all species of the genus Prosopis (mesquites); all species of the genus Parkinsonia (paloverdes); catclaw acacia (Acacia greggii); desert holly (Atriplex hymenelytra); smoke tree (Psorothamnus spinosus); and desert ironwood (Olneya tesota), both dead and alive. Permanent impacts to these species would require a permit and fee, not be less than $1 per plant, except for Joshua trees (Yucca brevifolia), which will not be less than $2 per plant.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR mitigation measure that is applicable to the project include the following:

BIO-1 For each development project that would disturb special status vegetation on vacant land, or that might impact a wildlife movement corridor or jurisdictional waters pursuant to the Countywide Plan and subject to CEQA, a qualified biologist shall determine the potential for a significant biological resource impact and determine whether a field survey of the project site is warranted. If warranted, a qualified biologist shall prepare a

biological resources technical report meeting current requirements of CEQA, and addressing applicable County goals and policies, applicable Habitat Conservation Plans and Natural Community Conservation Plans, and applicable federal, state, and local regulatory requirements. The report shall include documentation of biological resources present or potentially present (including special-status species, special-status vegetation communities, jurisdictional waters, and wildlife movement corridors), an impacts analysis, avoidance measures, and mitigation measures to reduce significant impacts to less than significant if applicable and feasible.

[*Implementation of this measure has been met through preparation of Appendix B. Based on information in Appendix B, a project-specific mitigation measure was developed and provided herein, to reduce impacts to sensitive plant and wildlife species to less than significant.*]

5.5 Cultural Resources

5.5.1 Summary of Impacts Identified in the CWP PEIR

Historic Resources

The CWP PEIR indicated that the Cultural Resources Element of the CWP was designed to address potential impacts to historical resources. Specifically, Policies CR-2.1 through 2.5 call for preservation of resources significant at the national, state, and local levels; avoidance and mitigation of impacts; the building of partnerships; and the promotion of public awareness and education. These policies will guide the County's overall approach to historical resources as it implements the CWP. Nevertheless, it is possible that future development or improvements related to changes in land use could potentially affect historic buildings and structures and cause significant adverse impacts to historical resources. Mitigation measures in the CWP PEIR were found to reduce these impacts to less than significant.

Archeological Resources

The area under County jurisdiction contains archaeological resources, and coordination with tribal organizations indicated that the area under County jurisdiction is culturally sensitive. Future development or improvements related to changes in land use were found to potentially affect surface-level and subsurface archaeological resources through ground-disturbing construction activities. Archaeological resources are present in all geographic regions in the county. The Valley region was found to have fewer archaeological resources than surrounding regions due to disturbance and development.

The Cultural Resources Element of the CWP addresses potential impacts to archaeological resources. Specifically, Policies CR-2.1 through 2.5 call for preservation of resources significant at the national, state, and local levels; avoidance and mitigation of impacts; the building of partnerships; and the promotion of public awareness and education. These policies would guide the County's overall approach to archaeological resources as the County implements the Countywide Plan. However, additional mitigation measures were needed to render potential impacts to archaeological resources from future projects less than significant.

5.5.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☐	☒

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.5-1) and was determined to have a less than significant impact after implementation of mitigation. According to the listing included in the CWP PEIR, the project site is not identified as a historical resource in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or the California Historical Landmark. A CHRIS Record Search was conducted for the project which partially satisfies MM-CUL-2 and is included as Appendix C to this Checklist. In addition, a review was conducted of the NRHP, the CRHR, and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and Inventory of Historic Structures. The records search indicated that no known built environment cultural resources are located on the project site so CWP PEIR Mitigation Measure CUL-1 is not applicable. The project site is undeveloped and does not propose any development. Therefore, no impact peculiar to the project would occur, as the project would not cause a substantial adverse change in the significance of a built environment historical resource pursuant to CEQA Guidelines Section 15064.5.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.5-2) and was determined to be less than significant with mitigation. Archaeological resources can be found on the surface or

below ground. Therefore, CWP PEIR required that development as assumed in the CWP PEIR would implement Mitigation Measure CUL-2 through CUL-4 to reduce potential impacts to archaeological resources to a less than significant level. A CHRIS Record Search was conducted for the project and is included as Appendix C to this Checklist. The record search indicated that no known archaeological resources are located on the project site and that no previous archaeological studies have been conducted. The project is a land use action only and does not include development or construction. If and when development occurs, the applicant will be required to fully comply with Mitigation Measure CUL-2 of the CWP PEIR, which requires an archaeological assessment be conducted, as well as Mitigation Measures CUL-3 and CUL-4 which address treatment of archaeological resources and archaeologically sensitive areas. No new impact would occur.

c. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.5-4) and was determined to be less than significant. The project site is not a cemetery, and no known formal cemeteries are located within the immediate vicinity of the project site. However, human remains could be buried outside of formal cemeteries, including the project site. The CWP PEIR indicated that ground disturbances by projects developed under the Countywide Plan could damage human remains. However, California Health and Safety Code Section 7050.5 and RR CUL-5 requires that if human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. There is no project-specific significant effect which are peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of cultural resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.

4. Feasible mitigation measures contained within the CWP PEIR (Mitigation Measures CUL-2 through CUL-4) will be applied to the Project. These mitigation measures, detailed below, provide protection for archaeological resources and reduce potential impacts to a less than significant level.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirements (RRs) related to cultural resources from the CWP EIR are applicable to the project.

RR CUL-1 Cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

RR CUL-2 Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.

RR CUL-5 If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5)

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR mitigation measures that are applicable to the project include the following:

CUL-2 In areas of documented or inferred archaeological resource presence, archaeological resource assessments shall be required prior to ground disturbance related to a development project. To determine the archaeological sensitivity of a proposed project area, the County may rely on an expert opinion from the County Museum staff, or on the results of a CHRIS records search at the SCCIC [South Central Coastal Information Center] or the Sacred Lands File maintained by the NAHC. Archaeological resources assessments shall be performed under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. The archaeological resources assessment shall include a Phase I pedestrian survey, undertaken to locate any surface cultural materials that may be present.

CUL-3 If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an archaeologist who meets the PQS prior to any construction-related ground-disturbing activities to determine significance. If resources determined significant or unique through Phase II testing, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program implemented by a qualified archaeologist and performed in accordance with the OHP's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (OHP 1990) and Guidelines for Archaeological Research Designs (OHP 1991).

CUL-4 If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources, a qualified archaeologist shall prepare a monitoring plan for all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil. The archaeologist shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery.

The training shall be held in conjunction with the project's initial on-site safety meeting, and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities in the immediate vicinity of the discovery shall be halted while the resources are evaluated for significance by an archaeologist who meets the PQS. If the discovery proves to be significant, it shall be curated with a recognized scientific or educational repository.

5.6 Energy

5.6.1 Summary of Impacts Identified in the CWP PEIR

Section 5.18, Utilities and Service Systems, of the CWP PEIR, concluded that implementation of the Countywide Plan would not result in wasteful, inefficient, or unnecessary consumption of energy, and would be consistent with the Desert Renewable Energy Conservation Plan. Environmental impacts related to energy were determined to be less than significant.

5.6.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Result potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☐	☒

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.18-8) and was determined to be less than significant. Construction activities would primarily consume nonrenewable energy resources such as oil, diesel, and gasoline through operation of construction equipment, material deliveries, and debris hauling. However, construction-related energy consumption would be temporary, and no permanent new source of energy demand would result from construction activities. The project is a land use action only and no development or construction is proposed. Future development, be required to follow typical construction practices and would be subject to existing regulatory requirements related to energy, and is not anticipated to result in any unusual activities that would result in wasteful, inefficient, or unnecessary consumption of energy resources. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No New Impact. This topic was evaluated in the CWP PEIR and was determined to be less than significant. The project is a land use action only and does not include development or construction. Future development is not anticipated to result in wasteful, inefficient, or unnecessary consumption of energy resource during construction and no changes to its current operation would occur. Future development would be required to adhere to relevant state and local regulations including California Code of Regulations, Title 24, the Desert Renewable Energy Conservation Plan, and CWP RR USS-15, RR USS-16, and RR USS-17. There is no project-specific significant effect which are peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Energy, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because Project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirements (RRs) related to energy from the CWP EIR is applicable to the project.

RR USS-15 Projects will abide by Title 24 Chapter 6 of the California Code of Regulations with respect to energy efficiency standards.

RR USS-16 Both federally and nonfederally regulated appliances shall abide by the efficiency standards of Title 20, Section 1601 et seq. of the California Code of Regulations.

RR USS-17 New development shall abide by the requirements of CalGreen Building Code.

CWP Goals and Policies

The following policies from the CWP EIR are applicable to the project to reduce energy impacts.

- **Policy RE-1.9 Building design and upgrades.** We use the CALGreen Code to meet energy efficiency standards for new buildings and encourage the upgrading of existing buildings

to incorporate design elements, building materials, and fixtures that improve environmental sustainability and reduce emissions.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify significant energy impacts or mitigation measures.

5.7 Geology and Soils

5.7.1 Summary of Impacts Identified in the CWP PEIR

Seismic Hazards

The CWP PEIR concluded that the CWP could subject residents, workers, and visitors in the county to seismic hazards such as surface rupture of a fault, ground shaking, and liquefaction. Furthermore, people in the county could be subject to hazards arising from landslides, ground subsidence, compressible soils, expansive soils, and erosion. Development pursuant to the CWP could involve the use of septic tanks.

The CWP PEIR concluded that all hazards due to geology and soils would be less than significant with the implementation of the San Bernardino County Building Code, the California Health and Safety Code, County requirements for the installation of septic tanks, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, and CWP policies from the Hazards Element and the Natural Resources Element

Paleontological Resources

San Bernardino County contains paleontological resources. The younger alluvium across the valley floor is too young to preserve fossil resources in the upper layers, but the deeper layers and underlying sediments have high paleontological sensitivity. Valley growth areas lie in areas of low to high sensitivity. The broad alluvial plains between the mountains in the North Desert region generally have low to high sensitivity where younger alluvium is mapped at the surface and likely overlies older, high-sensitivity sediments. These older, high-sensitivity sediments are often exposed along the margins of alluvial plains as they approach the intervening mountain ranges.

Policy CR 2.3 of the Countywide Plan protects paleontological and archaeological resources from loss or destruction and requires that new development include appropriate mitigation to preserve the quality and integrity of these resources, avoid them when possible, and salvage and preserve them if avoidance is not possible. However, future development or improvements related to changes in land use were found to have potential to cause significant adverse impacts to paleontological resources, and additional mitigation measures were incorporated to reduce impacts to less than significant.

5.7.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2013), creating direct or indirect substantial risks to life or property?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒☐

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-1) and was determined to have a less than significant impact after compliance with the Alquist-Priolo Earthquake Fault Zoning Act and compliance with the County Development Code. The project site is not located within an earthquake fault zone mapped by the Countywide Policy Map, HZ-1 Earthquake Fault Zones (County of San Bernardino 2020). Therefore, the project would result in no new impacts related to rupture of a known fault.

ii. Strong seismic ground shaking?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-1) and was determined to have a less than significant impact. The project site is located in a seismically active region, as is all of southern California. The project site could be subject to seismically related strong ground shaking. However, pursuant to the existing regulatory requirements, any future development on the project site would be required to adhere to RR GEO-1 of the CWP PEIR and would be designed and constructed in accordance with the San Bernardino County Code. RR GEO-1 requires geotechnical investigation that must evaluate soil classification, site geology, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, and expansiveness, as necessary, determined by

the County Building Official. Compliance with the requirements of the CBC and the County Code would reduce hazards from strong seismic ground shaking to a less than significant level. Therefore, the project would result in no new impacts on people or structures due to strong seismic ground shaking. No new impact would occur.

iii. Seismic-related ground failure, including liquefaction?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-1) and was determined to have a less than significant impact. The project site is located within the County's North Desert Region, and this area is not identified as having a high liquefaction potential in the CWP PEIR. Additionally, as discussed in Section 5.7.2(a)(ii), pursuant to RR GEO-1, any future development on the project site would be required to comply with the CBC and the County Code to reduce hazards from liquefaction, if appropriate, to a less than significant level. Therefore, the project would result in no new impacts on people or structures due to liquefaction. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

iv. Landslides?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-1) and was determined to have a less than significant impact. The project site is located within the County's North Desert Region, and this area is not identified as having a high landslide potential in the CWP PEIR. There are no steep slopes on or near the project site that would result in potential landslide impacts. Therefore, there is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project result in substantial soil erosion or the loss of topsoil?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-1) and was determined to have a less than significant impact. As stated, the project is a land use action. If future development were to occur, minimal grading would be required to create the pads and driveways. The total ground disturbance could exceed one acre; thus, the individual projects would be subject to the most current Statewide Construction General Permit or associated local National Pollutant Discharge Elimination System regulations. Compliance with the grading permit requirements addressing would ensure that impacts from soil erosion or the loss of topsoil from future development are reduced to less-than-significant. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-4) and was determined to have a less than significant impact. The project site is not mapped as having a geologic unit or

soils that is unstable or that would become unstable as a result of development, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse in the CWP PEIR (County of San Bernardino 2020). Therefore, the future development of the project site would result in no new impacts on people or structures due to unstable geologic units. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-5) and was determined to have a less than significant impact. The CWP PEIR indicated that much of the Desert Regions has low to moderately expansive soils, but certain areas with alluvial and wind-deposited soils, and soils with salts, have high potential for collapsible soils. Pursuant to the existing regulatory requirements, any future development on the project site would be required to adhere to RR GEO-1 of the CWP PEIR and would be designed and constructed in accordance with the San Bernardino County Code. RR GEO-1 requires geotechnical investigation of the site that would assess the suitability of site soils for supporting the proposed structures, and such assessments would address expansion potential and collapsibility; and would provide any needed recommendations to minimize hazards arising from expansive and/or collapsible soils, including removal of soils unsuitable for supporting proposed structures and placement of engineered fill soils. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.6-6) and was determined to have a less than significant impact. Future development on the subdivided parcels could involve the construction of septic tanks. As discussed in the CWP PEIR, the County Code Section 33.0894 requires soil percolation tests before the construction of septic tanks, and Section 33.0895 requires that such tests be conducted by a registered or certified professional. Therefore, the project would not result in a more severe impact than analyzed in the CWP PEIR. No new impact would occur.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.5-3) and was determined to have a less than significant impact with implementation of mitigation. There are no known unique geological features within the project area. The project site is within an area identified as having low-to-high paleontological sensitivity per Figure 5.5-2 – Mountain Region and Appendix F3, of the CWP PEIR (County of San Bernardino 2020). As discussed in the CWP EIR, the upper layers

in this area have low sensitivity but underlying layers have high sensitivity. The project is a land use action only and no development or construction is proposed. In the case of future development, CUL-5 would be required. if excavation would be deep enough to potentially affect paleontological resources. Therefore, the project may directly or indirectly destroy a unique paleontological resource or site. Implementation of Mitigation Measures CUL-5 and CUL-6 from the CWP PEIR would reduce this impact to less than significant. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Geology and Soils, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

CWP Goals and Policies

The following policies from the CWP EIR are applicable to the project to reduce geology and soil related impacts.

- **Policy HZ-1.1** New subdivisions in environmental hazard areas. We require all lots and parcels created through new subdivisions to have sufficient buildable area outside of the following environmental hazard areas:
    - Flood: 100-year flood zone, dam/basin inundation area
    - Geologic: Alquist Priolo Earthquake Fault Zone; County-identified fault zone; rockfall/debris-flow hazard area, existing and County-identified landslide area
- **Policy HZ-1.2** New development in environmental hazard areas. We require all new development to be located outside of the environmental hazard areas listed below. For any lot or parcel that does not have sufficient buildable area outside of such hazard areas, we

require adequate mitigation, including designs that allow occupants to shelter in place and to have sufficient time to evacuate during times of extreme weather and natural disasters.

  - Flood: 100-year flood zone, dam/basin inundation area
  - Geologic: Alquist Priolo Earthquake Fault Zone; County-identified fault zone; rockfall/debris-flow hazard area, medium or high liquefaction area (low to high and localized), existing and County-identified landslide area, moderate to high landslide susceptibility area,
  - Fire: high or very high fire hazard severity zone

- **Policy HZ-1.5** Existing properties in environmental hazard areas. We encourage owners of existing properties in hazard areas to add design features that allow occupants to shelter in place and to have sufficient time to evacuate during times of extreme weather and natural disasters.
- **Policy HZ-1.6** Critical and essential facility location. We require new critical and essential facilities to be located outside of hazard areas, whenever feasible.
- **Policy HZ-1.7** Underground utilities. We require that underground utilities be designed to withstand seismic forces, accommodate ground settlement, and hardened to fire risk.
- **Policy HZ-1.8** Wind erosion hazards. We require new development in medium-high or high wind erosion hazard areas to minimize the effects of wind-blown soil through building and site design features such as fencing, surface treatment or pavement, attenuation or wind barriers, architectural features, building materials, and drought resistant landscaping.
- **Policy HZ-1.9** Hazard areas maintained as open space. We minimize risk associated with flood, geologic, and fire hazard zones or areas by encouraging such areas to be preserved and maintained as open space.
- **Policy HZ-1.10** Energy independence. We encourage new residential development to include rooftop solar energy systems and battery storage systems that can provide backup electrical service during temporary power outages.
- **Policy NR-2.5** Stormwater discharge. We ensure compliance with the County's Municipal Stormwater NPDES (National Pollutant Discharge Elimination System) Permit by requiring new development and significant redevelopment to protect the quality of water and drainage systems through site design, source controls, stormwater treatment, runoff reduction measures, best management practices, low impact development strategies, and

technological advances. For existing development, we monitor businesses and coordinate with municipalities.

- **Policy NR-7.1** Protection of agricultural land. We protect economically viable and productive agricultural lands from the adverse effects of urban encroachment, particularly increased erosion and sedimentation, trespass, and non-agricultural land development.

Mitigation Measures Identified in the PEIR and Applicable to the Project

CUL-5 In areas of documented or inferred paleontological resource presence, development projects proposed on previously undisturbed soils shall require consultation with a qualified paleontologist meeting the standards of SVP (2010). The initial consultation may be provided by a qualified paleontologist on staff at the County Museum. The qualified paleontologist will determine the degree of paleontological resource sensitivity, as outlined below, and will recommend a project-specific paleontological resources monitoring and mitigation plan (PRMMP). This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP should usually meet the standards of the SVP (2010), unless the project is on BLM land or subject to federal jurisdiction, in which case the BLM standards (2009) should be used. The following provisions would be typical for units mapped with the different levels of paleontological sensitivity:

- High (SVP)/Class 4–5 (BLM)—All projects involving ground disturbances in previously undisturbed areas sediments mapped as having high paleontological sensitivity will be monitored by a qualified paleontological monitor (BLM, 2009; SVP, 2010) on a full-time basis under the supervision of the Qualified Paleontologist. Undisturbed sediments may be present at the surface, or present in the subsurface, beneath earlier developments. This monitoring will include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined to be significant, professionally and efficiently recover the fossil specimens and collect associated data. Paleontological monitors will use field data forms to record pertinent location and geologic data, will measure stratigraphic sections (if applicable), and collect appropriate sediment samples from any fossil localities.

- Low to High (SVP)/Class 2 to Class 4–5 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped with low-to-high paleontological sensitivity will only require monitoring if construction activity will exceed the depth of the low sensitivity surficial sediments. The underlying sediments may have high paleontological sensitivity, and therefore work in those units might require paleontological monitoring, as designated by the Qualified Paleontologist in the PRMMP. When determining the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, the Qualified Paleontologist should take into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available.

- Low (SVP)/Class 2–3 (BLM)—All projects involving ground disturbance in previously undisturbed areas mapped as having low paleontological sensitivity should incorporate worker training to make construction workers aware that while paleontological sensitivity is low, fossils might still be encountered. The Qualified Paleontologist should oversee this training as well as remain on-call in the event fossils are found. Paleontological monitoring is usually not required for sediments with low (Low / Class 2-–3) paleontological sensitivity.

- None (SVP)/Class 1 (BLM)—Projects determined by the Qualified Paleontologist to involve ground-disturbing activities in areas mapped as having no paleontological sensitivity (i.e., plutonic igneous or high-grade metamorphic rocks) will not require further paleontological mitigation measures.

CUL-6 In the event of any fossil discovery, regardless of depth or geologic formation, construction work will halt within a 50-ft. radius of the find until its significance can be determined by a Qualified Paleontologist. Significant fossils will be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the SVP (2010) and BLM (2009). A repository will be identified and a curatorial arrangement will be signed prior to collection of the fossils. Although the San Bernardino County Museum is specified as the repository for fossils found in the county in the current General Plan (San Bernardino County, 2007), the museum may not always be available as a repository. Therefore, any accredited institution may serve as a repository.

5.8 Greenhouse Gas Emissions

5.8.1 Summary of Impacts Identified in the CWP PEIR

Although the CWP would not result in a substantial magnitude of greenhouse gas (GHG) emissions, the County would not achieve the state's GHG emissions efficiency target for year 2040 or 2050 without implementation of additional local GHG reduction measures. Implementation of the CWP policies and actions of the CWP, combined with mitigation measures identified in the CWP PEIR, were found to reduce GHG emissions to the extent feasible. Adherence to the County's GHG Reduction Plan would also reduce GHG emissions in the unincorporated communities to meet the year 2020 reduction target. However, additional federal, state, and local measures would be necessary to reduce GHG emissions to meet the long-term GHG efficiency goals identified in the 2017 Scoping Plan, and impacts were found to be significant and unavoidable. The CWP was found not to conflict with the California Air Resources Board (CARB) scoping plan or Southern California Association of Governments' (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

5.8.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☐	☒

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.7-1) and was determined to have a significant and unavoidable impact. The CWP PEIR indicated that development allowed under the Countywide Plan would contribute to global climate change through direct and indirect emissions of GHGs from land uses within the unincorporated County. Although the County would

experience a reduction in GHG emissions from existing conditions despite the anticipated population and employment growth, because the County would not achieve the state's GHG emissions efficiency target for year 2040 or 2050 without implementing additional local GHG reduction measures, and also without additional federal and state reductions, the overall GHG impact was conservatively considered to be significant. No changes to the land uses analyzed in the CWP PEIR are proposed under the project, and no new unanticipated GHG emissions would result from project implementation.

Mitigation measures identified in the CWP PEIR are for the County government, and not for individual projects. The project would not result in a change in intensity or density of the existing land use as analyzed in the CWP EIR. Future development on the Project site would be accessed, as applicable, on a project-specific level to ensure compliance with the San Bernardino County GHG Reduction Plan Update's reduction measures and/or screening tables. Therefore, future development would not generate GHG emissions, either directly or indirectly, that exceeds the impact analyzed in the CWP PEIR. No new impact would occur.

b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.7-2) and was determined to have a less than significant impact. The CWP PEIR indicated that the applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and SCAG's RTP/SCS. The project does not include any components that would change the Countywide Plan's consistency with the Scoping Plan goals because it includes the same land use types in the same location as adopted Countywide Plan land use plan. The future development on the project site would be required to comply with the applicable Building and Energy Efficiency Standards.. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Greenhouse Gas Emissions, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.

4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirements (RRs) related to GHG emissions from the CWP EIR are applicable to the project.

RR GHG-1 New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2016 Building Energy Efficiency Standards and CALGreen are effective starting on January 1, 2017 while the 2019 standards are effective starting January 1, 2020. The Building Energy Efficiency Standards and CALGreen are updated tri-annually, and may ultimately require zero net energy (ZNE) construction.

RR GHG-2 Construction activities are required to adhere to Title 13 California Code of Regulations (CCR) Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.

RR GHG-3 New development in the unincorporated County of San Bernardino is required to comply with the San Bernardino County GHG Reduction Plan. The 2011 GHG Reduction Plan also directs the County to implement GHG reduction measures to align the County with the GHG reduction goals of AB 32.

RR GHG-4 The County of San Bernardino requires land uses in the unincorporated area to adhere to the state's Model Water Efficient Landscape Ordinance.

RR GHG -5 The County of San Bernardino adheres to the requirements of AB 341, AB 1826, and SB 1383. The County of San Bernardino Solid Waste Management Division manages landfill capacity and implements programs to divert waste from landfills, which includes recycling and organics/food waste collection. AB 341 requires business that generate 4 cubic yards of waste or more per week (including multifamily with five or more units) to arrange for recycling services. AB 1826 requires business to recycle their organic waste depending on how much waste they generate per week and also requires the County to implement an organic waste recycling program for business (including multifamily of five or more uses). SB 1383 requires that operates of landfills achieve reductions in short-lived climate pollutants and establishes a target to achieve a 50 percent reduction in statewide disposal of organic waste from 2014 levels by 2020 and 75 percent reduction from 2014 levels by 2025. AB 1383 also establishes an additional target that not less than

20 percent of currently disposed edible food is recovered for human consumption by 2025.

Mitigation Measures Identified in the PEIR and Applicable to the Project

No mitigation measures identified in the CWP PEIR are applicable to the Project.

5.9 Hazards and Hazardous Materials

5.9.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that impacts arising from hazardous materials and hazardous material releases are site specific. Implementation of regulatory requirements and standard conditions of approval would ensure that impacts would be less than significant.

The CWP PEIR concluded that buildout could involve development of some projects within airport safety zones; however, projects proposed within such zones would be required to comply with land use regulations for the respective zones set forth by the affected agencies. Implementation of regulatory requirements and standard conditions of approval would ensure that impacts would be less than significant.

The CWP PEIR concluded that the CWP would not result in potentially significant impacts related to emergency plan hazards.

The CWP PEIR found that unincorporated growth per the CWP would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Measures to confine or avoid fires would be implemented for all future development, and adherence to existing regulations and review of building plans by the San Bernardino County Fire Department would reduce risks from fires in the county.

5.9.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☐	☒

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-1) and was determined to have a less than significant impact with implementation of existing regulatory requirements. The project involves a subdivision for four parcels and is a land use action only. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. Furthermore, should future development occur, the types of hazardous materials used during construction of a residential unit

are typically not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by state and federal laws that the project is required to strictly adhere to. Therefore, the project would not create any new significant hazard related to the transport, use, or disposal of hazardous materials. Regulatory requirements (RR HAZ-1 through RR HAZ-6) identified in the CWP PEIR would not be necessary. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-1) and was determined to have a less than significant impact with implementation of existing regulatory requirements. The project involves a subdivision for four rural living parcels and is a land use action only. No changes to the land uses analyzed in the CWP PEIR are proposed under the project, and the parcel is undeveloped, so future development would not require any demolition of structures. Therefore, regulatory requirements (RR HAZ-1 through RR HAZ-6) identified in the CWP PEIR would not be necessary. The project would not create any new significant hazard to the public or the environment. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-1) and was determined to have a less than significant impact with implementation of existing regulatory requirements. There is no existing or proposed school within one-quarter mile of the project site. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-2) and was determined to have a less than significant impact with implementation of existing state and federal regulations. The project site is not included on a list of hazardous materials sites compiled as part of the CWP PEIR. A review of the EnviroStor and GeoTracker databases does not include the project site as a hazardous material site (DTSC 2026, SWRCB 2026). There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-3) and was determined to have a less than significant impact. The Southern California Logistics Airport is the closest airport to the project site, located approximately 9.1 miles to the northeast. The project site is not within an airport land use plan or within two miles of a public or public-use airport. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-4) and was determined to have a less than significant impact. The closest evacuation routes from the project site is US Route 395 approximately 3.9 miles to the east. The project would not impair or physically interfere with any roadways for an adopted emergency response plan or emergency evacuation plan. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-5) and was determined to have a less than significant impact with implementation of regulatory requirements. The project site is located within the State Responsibility Area (SRA) and is mapped as a moderate fire hazard severity zone (FHSZ) by the California Department of Forestry and Fire Protection (CALFire 2025). The project is required to comply with the existing regulatory requirements as outlined in the CWP PEIR, RR HAZ-8 through RR HAZ-10, which requires all projects in fire hazard severity zones to be designed, built, and operated in accordance with state regulations specifying building materials and structural designs for structures in such zones. As further discussed in Section 5.20, Wildfire, The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. No new impact would occur.

Conclusion

With regards to the issue area of Hazards and Hazardous Materials, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.

2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.

3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.

4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify any mitigation measures related to hazards and hazardous materials.

5.10 Hydrology and Water Quality

5.10.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that development pursuant to the CWP would comply with the requirements of the regulated municipal separate storm sewer system (MS4) NPDES permits, the general Construction Permit, the San Bernardino County Development Code, and the requirements of the San Bernardino County Hydrology Manual and would therefore not increase surface water flows into drainage systems within the watershed and would not provide substantial additional sources of polluted runoff. The CWP encompasses areas within the jurisdiction of the Santa Ana Regional Water Quality Control Board (RWQCB), Lahontan RWQCB, and Colorado River Basin RWQCB. The Santa Ana RWQCB issued a MS4 Permit for the part of the Santa Ana Basin. Projects in the Lahontan RWQCB region creating and/or replacing 2,500 square feet or more of impervious surfaces are subject to the Statewide Small MS4 Permit. The County is a permittee on the Statewide Small MS4 Permit, Order No. 2013-0001-DWQ. There are no regulated municipal separate storm sewer systems in the unincorporated County areas in the Colorado River Basin RWQCB. Development within this area is not subject to any MS4 permits but do need to meet the requirements of the Industrial General Permit and the Construction General Permit.

The CWP PEIR was also found to increase the amount of impervious surfaces in the county, but with the implementation of CWP policies from the Infrastructure and Utilities Element, this increase was found not to deplete groundwater or hinder groundwater recharge.

Portions of the county are in the 100-year flood hazard zone and dam inundation zones. Projects in 100-year flood hazard zones would be subject to Floodplain Development Standards Review under the County Code of Ordinances Chapter 85.07. Projects would also be subject to applicable CWP policies from the Hazards Element.

There is no tsunami hazard because the county boundary is about 22 miles inland from the Pacific Ocean. No areas that were planned for development pursuant to the CWP were found to be at risk of flooding from seiches. Altogether, impacts were identified as less than significant in the CWP PEIR.

5.10.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion or siltation on- or off-site; (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows?	☐	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☐	☒

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.9-1) and determined to have a less than significant impact. The project site is located within the Southern Mojave-Salton Sea Watershed, under the jurisdiction of the Colorado River Basin RWQCB. There are no regulated municipal separate storm sewer systems in the unincorporated County areas in the Colorado River Basin RWQCB. Development within this area is not subject to any MS4 permits. No changes to the land uses analyzed in the CWP EIR are proposed under the project. This impact was already analyzed in the CWP PEIR. Approval of the TPM is a land use action; however, future development could result in impervious surfaces including but not limited to rooftops and other paved surfaces. Additionally, future development projects would be required to comply with the County's grading program, as applicable. Therefore, the project would not result in substantially greater surface or groundwater quality impacts. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.9-2) and was determined to have a less than significant impact. The project would result in approval of a land use action; and thus, have no direct impact on groundwater. Potable water could be provided by the Phelan Pinon Hills Water Company. The project is consistent with the RS-1 zoning designation; thus, water demand water would not exceed projections nor decrease groundwater supplies to the extent that sustainable groundwater management would be impeded. Therefore, it would not substantially decrease groundwater supplies or interfere significantly with groundwater recharge. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.9-1) and determined to have a less than significant impact. Approval of the TPM would have no effect on erosion. Ground disturbing activities associated with future development would be required to comply with the County's grading program, as applicable. Therefore, it would not substantially increase the rate or volume of surface runoff in a manner that would cause on- or off-site flooding. There is no project-specific significant effect which is peculiar to the project or its site. No new impacts would occur.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.9-1) and was determined to have a less than significant impact. Approval of the TPM would have no effect on surface runoff. If new residences were constructed, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impact would occur.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No New Impact. Refer to Section 5.10.2(c)(i).

iv. Impede or redirect flood flows?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.9-3) and was determined to have a less than significant impact with implementation of existing regulatory requirements. The Federal Emergency Management Agency Flood Insurance Rate Map identifies the project site as within Zone D (06071C6450H) (August 8, 2008) and mapped as Flood Zone X, or outside of a flood zone. Therefore, the project would not result in flooding impacts and would not impede or redirect flood flows. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.9-5) and was determined to have a less than significant impact with implementation of existing regulatory requirements. The project site is approximately 100 miles inland from the Pacific Ocean. No tsunami impact is anticipated. There are no large water bodies in the vicinity of the project site; therefore, no seiche

impact is anticipated. As discussed in Section 5.10.2(c)(iv), the project site is within the Zone D of the Federal Emergency Management Agency Flood Insurance Rate Map. The project would not result in flooding impacts and would not result in peculiar impacts that were not previously analyzed in the CWP PEIR. No new impact would occur.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.9-2) and was determined to have a less than significant impact. The project would result in approval of a land use action and therefore, would not directly conflict or obstruct the implementation of the Mojave River Management Plan. No new impact would occur. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Hydrology and Water Quality, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify any mitigation measures related to hydrology and water quality impacts.

5.11 Land Use and Planning

5.11.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that implementation of the CWP would not conflict with existing land use plans, policies, or regulations of agencies with jurisdiction over unincorporated lands. Implementation of regulatory requirements and standard conditions of approval ensured that no significant impacts would occur. The Land Use Element of the proposed San Bernardino CWP includes policies intended to minimize risks to people and the environment from land use and planning impacts.

5.11.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Physically divide an established community?	☐	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒

a. Would the project physically divide an established community?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.10-1) and determined to have a less than significant impact. The project site is in the North Desert Region, and the project site is designated Very Low Density Residential 0-2 dwelling unit/ac max (VDLR) by the Countywide Plan and zoned Single Residential Minimum 1 Acre (RS-1). The project site is surrounded by vacant land and rural residential development. The project is a land use action only and would not result in development or construction that would result in the division of an established community. Future development in this rural area would not physically divide an established community. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.10-2) and determined to have a less than significant impact. The project does not propose to change its Countywide Plan designation or zoning district. The project would be consistent with the Single Residential Minimum 1 Acre (RS-1)zoning designation. The project does not involve conflict with any other land use related policy, as detailed throughout this exemption checklist, and impacts related to conflict with a policy adopted for the purpose of avoiding or mitigating an environmental effect would not occur. There is no project-specific significant effect which is peculiar to the project or its site. The project would not result in a new impact.

Conclusion

With regards to the issue area of Land Use and Planning, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify mitigation measures related to land use and planning.

5.12 Mineral Resources

5.12.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that buildout of the CWP in areas of the county mapped within MRZ-2 and MRZ-3 would result in the loss of available known mineral resources valuable to the region. Therefore, impacts were determined to be significant and unavoidable even with incorporation of mitigation measures.

5.12.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.11-1) and determined to have significant and unavoidable impact where development occurs within the MRZ-2 and 3 area designations. The project site is in the North Desert Region of the CWP. According to CWP PEIR Figure 5.11-1, Mineral Resource Zones 2 & 3 in the Southwest Quadrant of County the project site is not within the MRZ-2 and 3 area designations (County of San Bernardino 2020). The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. There is no project-specific significant effects which is peculiar to the project or its site. No new impact would occur.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.11-1) and determined to have significant and unavoidable impact where development occurs within the MRZ-2 and 3 area designations. According to CWP PEIR Figure 5.11-1, the project site is not within the MRZ-2 and 3 area designations and does not include a locally-important mineral resource recovery site on the CWP (County of San Bernardino, 2020). There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impacts would occur.

Conclusion

With regards to the issue area of Mineral Resources, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

No mitigation measures identified in the CWP PEIR are applicable to the project.

5.13 Noise

5.13.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR identified significant and unavoidable noise impacts associated with construction activities, traffic noise, and groundborne vibration. Implementation of policies and mitigation measures would reduce noise-related impacts to the extent feasible, but impacts would still be significant and unavoidable. Noise impacts related to airports and airstrips were found to be less than significant.

5.13.2 Impacts Associated with the Project

Would the project result in:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☒
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

No New Impact. This topic was evaluated in the CWP PEIR (Impacts 5.12-1 and 5.12-2) and was determined to have a significant and unavoidable impact.

Construction Noise. The County of San Bernardino Noise Ordinance is codified in Section 83.01.080 of the San Bernardino County Code of Ordinances. Section 83.010.080 (g)(3) exempts construction noise between the hours of 7:00 am and 7:00 pm Monday through Saturday. Thus, construction activities occurring within this time-period are exempt from regulation. Residences are located on properties immediately east and west of the project site. The residence located east of the project site, is approximately 140 feet from the project parcel and the residence located west of the project site is approximately 120 feet from the project parcel.

Construction associated with future development may utilize, dozers, tractors, loaders, trucks and a variety of other types of equipment as individual phases of the construction process progress. Noise levels associated with the equipment commonly used will range from 80 to 85 dBA at 50 feet from the source.

A doubling of sound energy yields an increase of three decibels, so multiple pieces of equipment operating together may cause relatively small but noticeable increases in noise levels above that associated with one piece of equipment. Not all equipment is used at the same time and equipment is typically used intermittently rather than continuously over the course of a workday.

Assuming use of an excavator, maximum noise levels would be 85 dBA at 50 feet. This would attenuate to 77.4 dBA at 120 feet and 76.1 dBA at 140 feet. Provided construction occurs between the hours of 7:00 am and 7:00 pm Monday through Saturday, it would be exempt from regulation.

Operational activities are currently unknown and future development projects, if applicable, would be required to assess permanent increases of noise levels to the nearby sensitive receptors. No changes to the land uses analyzed in the CWP PEIR are proposed. The project would not result in peculiar impacts that were not previously analyzed in the CWP PEIR. No new impact would occur.

b. Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.12-3) and was determined to have a less than significant impact with implementation of mitigation.

Construction and Operational Vibration

The project is a land use action approval only. Should future development occur, construction activity on the project site would be temporary and any vibration would not persist for long periods. Assuming vibration levels would be similar to those associated with a large bulldozer, typical groundborne vibration levels would be 91 VdB at 25 feet, 85 VdB at 50 feet, and 79 Vdb at 100 feet, based on the Federal Transit Administration's (FTA's) Transit Noise and Vibration Impact Assessment (September 2018). As referenced, the residence located east of the project site, is approximately 140 feet from the project parcel and the residence located west of the project site is

approximately 120 feet from the project parcel. Based on the reference information presented above, vibration levels would attenuate to between 70.6 and 76.6 VdB at 120 feet. As discussed, 94 VdB is the threshold where minor damage can occur in non-engineered timber and masonry buildings. Vibration levels are projected to be under this threshold; thus, structural damage is not expected to occur as a result of construction activities associated with the project. There are no activities occurring in the project area or that would be allowed that generate perceptible groundborne vibration. Therefore, the project would not alter the existing land use condition analyzed in the CWP PEIR, and there is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in exposure of people residing or working in the project area to excessive noise levels?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.12-4) and was determined to have a less than significant impact. The project is not located within an airport land use plan or within two miles of an airport. The Southern California Logistics Airport is the closest airport to the project site, located approximately 9.1 miles to the northeast. Therefore, the project would not result in airport related noise impacts to people residing or working within the project site. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Noise, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirement (RR) related to noise from the CWP EIR is applicable to the project.

RR-NOI-2 San Bernardino County Development Code, Construction Noise Sources. Section 83.01.080 establishes standards concerning acceptable noise levels for both noise-sensitive land uses and noise-generating land uses. It prohibits construction activities between 7:00 PM and 7:00 AM on weekdays, or at any time on Sunday or a federal holiday.

RR-NOI-3 San Bernardino County Development Code, Stationary Noise Sources. Section 83.01.080 establishes standards for stationary noise sources in Table 83-2.

RR-NOI-4 San Bernardino County Development Code Mobile Noise Sources. Section 83.01.080 establishes standards for mobile noise sources in Table 83-3 including:

- Limiting construction to the daytime hours between 7 AM to 7 PM on Monday through Friday and 9 AM to 6PM on Saturday. Construction is prohibited on Sundays.

RR-NOI-5 San Bernardino County Development Code Vibration. Section 83.01.090 prohibits vibration that can be felt without the aid of instruments or produces a particle velocity greater than or equal to two-tenths inch per second peak particle velocity (i.e., 0.20 in/sec PPV) at or beyond the lot line of the source. Exceptions are made for temporary construction, maintenance, repair, or demolition activities between 7:00 AM and 7:00 PM, except Sundays and federal holidays; and motor vehicles not under control of the industrial or commercial use.

Mitigation Measures Identified in the PEIR and Applicable to the Project

No mitigation measures identified in the CWP PEIR are applicable to the project.

5.14 Population and Housing

5.14.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would directly result in population growth in the project area within the range projected by SCAG. Buildout of the CWP would not displace people or housing and would not necessitate the construction of replacement housing. Furthermore, implementation of the Countywide Plan would result in a jobs-housing balance of 1.1 countywide in 2040, in line with SCAG's projection of 1.1 when considering housing units and 1.2 when considering households. Therefore, implementation of the Countywide Plan would not contribute to a significant cumulative population and housing impact.

5.14.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒

a. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.13-1) and was determined to have a less than significant impact. The project is consistent with the Countywide Plan land use and zoning designations for the site, which are used by both local and regional agencies to determine anticipated growth. Approval of the TPM would not direct induce new residents in the area. However, future development of the site could result in four new single-family residences. This would be consistent with the Single Residential Minimum 1 Acre (RS-1) zoning designation.

Therefore, new development at the proposed density is planned by the Countywide Plan, and the project would not induce substantial unplanned population growth in the surrounding area. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.13-2) and was determined to have a less than significant impact. The project site is vacant; thus, no housing would be displaced. The project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Population and Housing, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the EIR and Applicable to the Project

The CWP PEIR did not identify any mitigation measures related to population and housing impacts.

5.15 Public Services

5.15.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would cause fire protection, police, and library services to expand due to buildout. However, impacts were found to be less than significant upon implementation of the regulatory requirements and CWP policies, and standard conditions of approval.

The CWP PEIR concluded that the CWP would generate new students in the county and result in the need for new and/or expanded school facilities, the construction of which could result in environmental impacts. However, the required compliance with the Senate Bill 50 (SB 50) would reduce impacts to a less than significant level.

5.15.2 Impacts Associated with the Project

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Fire protection?	☐	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☐	☒
e) Libraries or local daycare facilities?	☐	☐	☐	☐	☒

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.14-1) and was determined to have a less than significant impact. The San Bernardino County Fire Protection District serves the unincorporated County area, which includes the project site. The services provided include fire prevention and suppression, emergency medical services, technical rescue, and hazardous materials response. Buildout of the Countywide Plan is projected to add about 21,073 residents, 6,281 housing units, and 725 jobs to the North Desert Region. About 77 percent of that population growth would be in the Town of Apple Valley SOI. The Apple Valley Fire Protection District (AVFPD) serves the Town of Apple Valley and unincorporated areas south of the Town of Apple Valley. Growth in these portions of the region would increase demands for fire protection and emergency medical services. The closest fire station to the project site is Station 10, which is located at 1625 Beekley Road in Phelan, 7.6 miles west of the project site. The project is consistent with the Countywide Plan and zoning designation for the project site, therefore, the need for additional fire service facilities is not anticipated. The project would be required to adhere to the California Fire Code. No new impacts related to fire protection services would occur.

Police protection?

No new Impact. This topic was evaluated in the CWP PEIR (Impact 5.14-2) and was determined to have a less than significant impact. Approximately 77 percent of the projected population growth, or 16,280 residents, in the North Desert Region due to Countywide Plan buildout would be in the Town of Apple Valley SOI. Such growth would generate increased demands for police protection. The County Sheriff's Department serves the Town of Apple Valley and its SOI. The San Bernardino County Sheriff's Department provides law enforcement services in the project vicinity from the Victor Valley Station at 11613 Bartlett Avenue in Adelanto approximately 8 miles northeast of the site. If new residences were constructed, existing police facilities are anticipated to serve this growth. The project is consistent with the Countywide Plan and zoning designation for the project site, therefore, the need for additional police service facilities is not anticipated. No new impacts related to police protection services would occur.

Schools?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.14-3) and was determined to have a less than significant impact. Approval of the project would be a land use action. However, as stated, up to four new residences could be constructed. Under state law, development projects are required to pay established Senate Bill 50 school impact fees at the time of building permit issuance. The funding program pursuant to SB 50 has been found by the legislature to constitute "full and complete mitigation of the impacts of any legislative or adjudicative act…on the provision of adequate school facilities" (Government Code Section 65995[h]). The fees authorized for collection under SB 50 are conclusively deemed full and adequate mitigation of impacts on

school district facilities. The project would be required to pay the school impact fees levied by the Snowline Joint Unified School District to mitigate impacts to schools. Therefore, no new impact related to schools would occur.

Parks?

Impact. Impacts related to parks were evaluated in the CWP PEIR as part of Impacts 5.15-1 and 5.15-2 in Section 5.15, Recreation and were determined to have a less than significant impact. The CWP PEIR indicated that growth in the North Desert Region is anticipated to occur incrementally over 20 years and is not considered to substantially increase the use of existing park and recreation facilities. The project is consistent with the Countywide Plan land use designation and no changes in land use assumptions used in the CWP PEIR are proposed, therefore, approval of the TPM and potential development of four new residences would not generate additional need for new or expanded parks. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impact would occur.

Other public facilities?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.14-4), which specified other public facilities, such as library facilities and was determined to have a less than significant impact. The CWP PEIR stated that with new tax revenues from future development and various funding sources consisting of property taxes, state assistance, and revenue from fines, fees, and other miscellaneous revenue, the potential library facilities impacts would be less than significant. The project is consistent with the Countywide Plan land use designation. Therefore, no new impact would occur. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impact would occur.

Conclusion

With regards to the issue area of Public Services, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

RR FP-1 Fire Code: The California Fire Code (CFC; California Code of Regulations, Title 24, Part 9) contains fire safety–related building standards that are referenced in other parts of Title 24 of the California Code of Regulations. Compliance with the fire code ensures that new and remodeled structures are designed to minimize fire risks related to human safety (including that of emergency responders), loss of property, and other impacts to the environment.

California Senate Bill 50: School Facilities Bond Act of 1998

CWP Goals and Policies

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify significant public services impacts or mitigation measures.

5.16 Recreation

5.16.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would generate additional residents, which would increase the use of existing park and recreational facilities. Project implementation would result in environmental impacts from the provision of new and/or expanded recreational facilities. Upon implementation of regulatory requirements and compliance with CWP policies and programs, impacts of the CWP would be less than significant.

5.16.2 Impacts Associated with the Project

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	☒

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.15-1) and was determined to have a less than significant impact. The CWP PEIR indicated that growth demand for recreational facilities are generated by the populations within proximity to these facilities. Most population growth due to Countywide Plan buildout would be in two areas: the Bloomington CPA in the Valley Region and future master planned communities in the Town of Apple Valley SOI in the Desert Region. Growth in the North Desert Region is anticipated to occur incrementally over 20 years and is not anticipated to increase the use of existing park and recreation facilities in a

manner that would cause or accelerate substantial physical deterioration. The project would not generate demand for recreational facilities and would be consistent with the Countywide Plan land use designation. Therefore, no new impact would occur. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.15-2) and was determined to have a less than significant impact. The project does not include recreational facilities nor would it increase demand for these facilities or require the construction or expansion of recreational facilities beyond what was anticipated in the CWP. The CWP PEIR indicated that existing federal and state, and local regulations would mitigate potential adverse impacts to the environment that may result from the expansion of parks, recreational facilities, and trails pursuant to build out of the CWP. The project is consistent with the CWP land use designation. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Recreation, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify significant recreation impacts or mitigation measures.

5.17 Transportation

5.17.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR approached setting vehicle miles traveled (VMT) thresholds by first evaluating the appropriateness of recommended Office of Planning and Research (OPR) thresholds. OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA concludes that achieving 15 percent lower per capita (for residential uses) and per employee (for office uses) VMT than existing development "is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals." The County determined that OPR's recommended 15 percent VMT reduction threshold would not be feasible throughout most of the unincorporated county. Therefore, the CWP PEIR was based on county-specific significance thresholds. A residential VMT/person above 19.7 would be considered significant, and an employment VMT above 23.1 would be considered significant. The CWP PEIR concluded that VMT averages would exceed both these targets under the CWP buildout and remain a significant and unavoidable impact with mitigation and implementation of CWP policies. The CWP was not found to conflict with any program, plan, ordinance, or policy addressing the circulation system, and impacts due to geometric design features or incompatible uses were found to be less than significant. Impacts on emergency access were also found to be less than significant.

5.17.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
d) Result in inadequate emergency access?	☐	☐	☐	☐	☒

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.16-1) and was determined to be less than significant. The project site is served by Duncan Road, White Road, and Lindero Road. There are no proximal transit access or bicycle/pedestrian facilities in the vicinity of the project site. No change to the land uses analyzed under the CWP PEIR pertaining to transportation facilities is proposed. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.16-3) and was determined to be significant and unavoidable. According to the County's Transportation Impact Study Guidelines (2019), projects that generate less than 110 daily vehicle trips are generally considered to have a less than significant VMT impact and are screened from further VMT analysis. Projects generating less than 110 daily vehicle trips generally correspond to 11 single-family housing units. With approval of the TPM, up to four single family residences could be constructed. This would be less than the 11 single-family housing threshold referenced herein. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and no new impact would occur.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.16-4) and was determined to have a less than significant impact. With approval of the TPM, access to the four parcels would be from White Road. The project does not propose any development that would result in any sharp curves or dangerous intersections or incompatible uses. No change to the land uses analyzed under the CWP PEIR is proposed. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

d. Would the project result in inadequate emergency access?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.16-4) and was determined to have a less than significant impact. As stated, access to the four parcels would be from White Road. The project would not adversely affect evacuation routes. There is no project-specific significant effect which is peculiar to the project or its site. No new impact related to emergency access would occur.

Conclusion

With regards to the issue area of Transportation and Traffic, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

No mitigation measures identified in the CWP PEIR are applicable to the project.

5.18 Tribal Cultural Resources

5.18.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that with implementation of regulatory requirements and CWP policies impacts on tribal cultural resources would be less than significant. The Cultural Resources Element of the Countywide Plan was designed to address potential impacts to tribal cultural resources. Specifically, Policies CR-1.1 through 1.4 call for notification, planning, avoidance, or mitigation and monitoring. In the course of implementing the Countywide Plan and these specific policies, and in complying with requirements of Assembly Bill (AB) 52, the County will identify and address any impacts of specific projects to tribal cultural resources.

5.18.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision?	☐	☐	☐	☐	☒

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.17-1) and was determined to be less than significant with mitigation. As discussed in Section 5.5.2(a), there are no known cultural resources eligible for the listing in the state or local register of historic resources. The project is a land use action only and does not include development or construction. If and when development occurs, the applicant will be required to comply with RR TRC-2, and RR CUL-5, as well as general plan policies CR-1.1 through 1.4 which require notification, planning, avoidance, or mitigation and monitoring. The project would not result in new impacts to historical resources as defined in Public Resources Code section 5020.1(k). There is no project-specific significant effect which are peculiar to the project or its site. No new impact would occur.

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.17-1) and was determined to be less than significant with implementation of existing regulatory requirements. AB 52 establishes a formal consultation process for California tribes as part of the CEQA process and equates significant impacts on "tribal cultural resources" with significant environmental impacts (PRC Section 21084.2). PRC Section 21080.3.1 stipulates that consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Because this document is not a negative declaration, mitigated negative declaration, or environmental impact report, the project is not subject to AB 52 requirements.

Public Resources Code Section 5024.1(c) provides the National Register of Historic Places criteria for determining a resource to be listed as a historical resource in the California Register. As discussed in Section 5.5.2(a), the project site is not identified as a historical resource and does not contain any significant historical resources pursuant to criteria set forth in Public Resources Code Section 5024.1(c). As discussed in section 5.5.2(b), there are no previously documented historical or archaeological resources. The project site does not involve demolition of any structures that are at least 45 years of age. The project would approve a TPM which is a land use action. Any future development would occur per separate building permit approvals. The project is subject to the existing regulatory requirements under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for

treatment and disposition of human remains and associated grave goods. CWP Cultural Resources Element policies CR-1.3 and CR-1.4 also include provisions for protecting tribal cultural resources. As discussed in Section 5.5.2(b), the project is required to implement CUL-4 when disturbing previously undisturbed soil to reduce impacts related to subsurface archaeological resources. The project would not result in peculiar impacts that were not previously analyzed in the CWP PEIR. No new impact would occur.

Conclusion

With regards to the issue area of Tribal Cultural Resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.

2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.

3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.

4. Feasible mitigation measures contained within the CWP PEIR (CUL-2 through CUL-4) will be applied to the project. The mitigation measures and the existing regulatory requirements provide protection for tribal cultural resources and reduce potential impacts to a less than significant level.

Applicable Uniformly Applied Development Policies or Standards

The following regulatory requirements (RRs) related to tribal cultural resources from the CWP EIR are applicable to the project.

RR TCR-2 Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.

RR CUL-5 If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5).

CWP Goals and Policies

The following policies from the CWP are applicable to the project.

- Goal CR-1 Tribal Cultural Resources. Tribal cultural resources that are preserved and celebrated out of respect for Native American beliefs and traditions.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify significant tribal cultural resources impacts or mitigation measures.

5.19 Utilities and Service Systems

5.19.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that the CWP would require the construction of new or expanded wastewater facilities to serve the growth associated with Countywide Plan. The buildout would have the potential to have impacts. Projects developed in the county are required to comply with the existing wastewater treatment regulations. With implementation of regulatory requirements and Countywide Plan policies, impacts of the Countywide Plan related to wastewater collection and treatment would be less than significant. The CWP buildout would be adequately served by existing and proposed water supply and delivery systems, and stormwater flow would be adequately served by existing and proposed drainage systems. The CWP EIR determined that the development pursuant to the CWP would not exceed the capacity of the existing storm drain system. Additionally, existing and/or proposed facilities could accommodate project-generated solid waste and comply with related solid waste regulations, and the existing and/or proposed facilities would be able to accommodate project- generated utility demands. Overall, impacts related to utilities and service systems were determined to be less than significant with implementation of existing regulations.

5.19.2 Impacts Associated with the Project

Would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☐	☒
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No New Impact.

Water

The topic of water was evaluated in the CWP PEIR (Impact 5.18-5) and was determined to be less than significant with implementation of existing regulatory requirements. The CWP PEIR anticipated a net increase in water demand by Countywide Plan buildout. Approval of the TPM would have no impact on water as no development is proposed. However, future development could require potable water service. It is presumed the Phelan Pinon Hills Community Services District would provide this service and project-specific applicants would be required to obtain a water will serve letter to ensure that water service is available. Future development of the site is anticipated to be consistent with the RS-1 zoning designation; thus, water demand has been addressed in the CWP PEIR. No impact peculiar to the project would occur that was not previously addressed in the CWP PEIR. No new impact would occur.

Wastewater Treatment

The topic of wastewater treatment was evaluated in the CWP PEIR (Impact 5.18-3) and was determined to be less than significant. Approval of the TPM would have no direct impact on wastewater treatment services as no development is proposed. However, future development on the project site could require wastewater disposal. All wastewater would be disposed of using septic systems. As stated in the CWP PEIR, a soil percolation test would be required before construction of each septic tank (County Code Section 33.0894). Impacts would be less than significant after performance of percolation tests, adherence to the recommendations of the professionals conducting the tests, and the approval of the Land Use Services Department where required. With implementation of RR-GEO-2, future construction would not result in a more severe impact than analyzed in the CWP PEIR. No impact peculiar to the project would occur that was not previously addressed in the CWP PEIR. No new impacts would occur.

Stormwater Drainage

This topic was evaluated in the CWP PEIR (Impacts 5.9-1) and determined to have a less than significant impact. The Project does not propose any development that would result in an increase of stormwater drainage flows. See Section 5.10.2 (a).

Electric Power

The project site is within the service boundaries of Southern California Edison for electric power service. The project would not change any land use assumptions analyzed in the CWP PEIR. Future development would access if new service connections for electricity would be required. impact peculiar to the project would occur that was not previously addressed in the CWP PEIR. No new impacts would occur.

Natural Gas

The project site is within the service boundaries of Southern California Gas for natural gas service. The project would not change any land use assumptions analyzed in the CWP PEIR. If new residences are developed, new service connections for natural gas would be required. However, this is not expected to result in significant environmental effects. No impact peculiar to the project would occur that was not previously addressed in the CWP PEIR.

Telecommunications

The project may require the use of a telecommunication connection; however, no new facilities anticipated to cause significant environmental impacts beyond those assumed for the land uses analyzed in the CWP PEIR would be required. No impact peculiar to the project would occur that was not previously addressed in the CWP PEIR. No new impacts would occur.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.18-4) and was determined to be less than significant. The project site is in the Phelan community in the North Desert Region. The CWP PEIR indicated that the CWP buildout would involve slight growth and the net increase in water demands, but the growth would be dispersed among many purveyors' service areas and impacts to each purveyor's water supplies would be minor with compliance with the existing regulatory requirements. As stated in the previous impact, Phelan Pinon Hills Community Services District would provide this service and project-specific applicants could be required to obtain a water will serve letter to ensure that water service is available. No changes to the land uses analyzed in the CWP PEIR are proposed under the project and therefore it is anticipated that future development consistent with the RS-1 would be adequately serviced with water. No impact peculiar to the project would occur that was not previously addressed in the CWP PEIR. No new impact would occur.

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.18-1) and was determined to be less than significant. The project site is in the community of Phelan in the North Desert Region. As stated, it is presumed wastewater would be treated using septic systems constructed for each parcel if development is proposed. The project would not result in inadequate wastewater treatment capacity. There is no project-specific significant effect which are peculiar to the project or its site. No new impact would occur.

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.18-7) and was determined to be less than significant. As stated, the project is approval of a TPM and no changes to the land uses analyzed in the CWP PEIR are proposed under the project. The project is not anticipated to generate unusual amount of solid waste in excess of amount analyzed in the CWP PEIR. Solid waste would be generated during construction activities and operation associated with future development. Project specific applicants would receive solid waste services from the Phelan Pinon Hills Community Services District. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.18-7) and was determined to be less than significant. The project would comply with AB 939, AB 341, and AB 1826 by adhering to the County's solid waste policies. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Utilities and Service Systems, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

RR USS-12 The County and cities within the County shall abide by AB 939 and AB 341 and divert 75 percent of their waste from landfills by the year 2020. The County shall show 15 years disposal capacity for all jurisdictions within the county or show a plan to transform or divert its waste.

RR USS-13 Projects will be constructed in accordance with the California Green Building Standards Code, which requires a minimum of 50 percent of the "non-hazardous construction and demolition debris" (by weight or volume) to be recycled or reused.

RR USS-14 Projects will store and collect recyclable materials in compliance with AB 341. Green waste will be handled in accordance with AB 1826.

Mitigation Measures Identified in the PEIR and Applicable to the Project

The CWP PEIR did not identify significant utilities and service system impacts or mitigation measures.

5.20 Wildfire

5.20.1 Summary of Impacts Identified in the CWP PEIR

The CWP PEIR concluded that unincorporated growth may require the installation or maintenance of associated infrastructure but that fire risks associated with this infrastructure would not result in impacts to the environment. Impacts to emergency and evacuation plans were also found to be less than significant. However, the CWP PEIR identified that due to slope, prevailing winds, and other factors, unincorporated growth in or near state responsibility areas or lands classified as very high fire hazard severity zones could expose occupants to or exacerbate risks from pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire. Additionally, unincorporated growth was found to expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of post-fire slope instability. These impacts were found to be significant and unavoidable.

5.20.2 Impacts Associated with the Project

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☐	☒

Environmental Issues	Project Peculiar Impact that is not Substantially Mitigated by Uniformly Applied Policies	Significant Impact not Analyzed as Significant in the Prior EIR	Potentially Significant Offsite or Cumulative Impact not Discussed in the prior EIR	Adverse Impact More Severe based on Substantial New Information	No New Impact
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☐	☒

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-4) and was determined to have a less than significant impact. Figure 5.8-5, Fire Severity Zones and Potential Growth Areas in the North Desert Region, of the CWP PEIR identifies the project site as Moderate Fire Hazard Safet Zone (FHSZ). The project site is located within the SRA and is mapped in a high FHSZ by the California Department of Forestry and Fire Protection (CALFire 2025). The roadway that fronts the project site does not serve as an emergency evacuation route. No changes to the land uses analyzed in the CWP PEIR are proposed under the project, and the project would not substantially impair and adopted an emergency response plan or emergency evacuation plan. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-6) and was determined to have a significant impact. As stated, the project is located in a SRA and within an area with moderate wildfire potential. If new residences are constructed, implementation of the project would be required to adhere to the California Fire Code, as adopted by the San Bernardino County Fire Department, and would be reviewed by the County's Building and Safety Division during the permitting process when the development occur to ensure that the project plans meet the fire protection requirements. Therefore, the project would not exacerbate wildfire risks compared to the existing conditions analyzed in the CWP PEIR. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-7) and was determined to have a less than significant impact. The project site is in the SRA's moderate FHSZ. No changes to the land uses analyzed in the CWP PEIR are proposed under the project. Future development would be required to be reviewed for potential installation and maintenance of associated infrastructure. There is no project-specific significant effect which is peculiar to the project or its site. Therefore, no new impact would occur.

d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No New Impact. This topic was evaluated in the CWP PEIR (Impact 5.8-8) and was determined to have a less than significant impact. If new residences are developed, grading would be conducted in compliance with the County's grading and erosion control guidance. Therefore, the project would result in no new impacts related to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. There is no project-specific significant effect which is peculiar to the project or its site. No new impact would occur.

Conclusion

With regards to the issue area of Wildfire, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified. 2
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the CWP PEIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the CWP PEIR.
4. No mitigation measures contained within the CWP PEIR would be required because project specific impacts would be less than significant.

Applicable Uniformly Applied Development Policies or Standards

None.

Mitigation Measures Identified in the PEIR and Applicable to the Project

No mitigation measures identified in the CWP PEIR are applicable to the project.

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Section 6 References

CalFire (California Department of Forestry and Fire Protection). 2025. Fire Hazard Severity Zones in State Responsibility Area.

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FEMA (Federal Emergency Management Agency). 2008. Effective August 28, 2008. FEMA Flood Map Service Center. https://msc.fema.gov/portal/home

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Appendix A. Proposed Site Plan

TENTATIVE PARCEL MAP 20821

BEING A SUBDIVISION OF A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA,

APPLE ENGINEERING GROUP

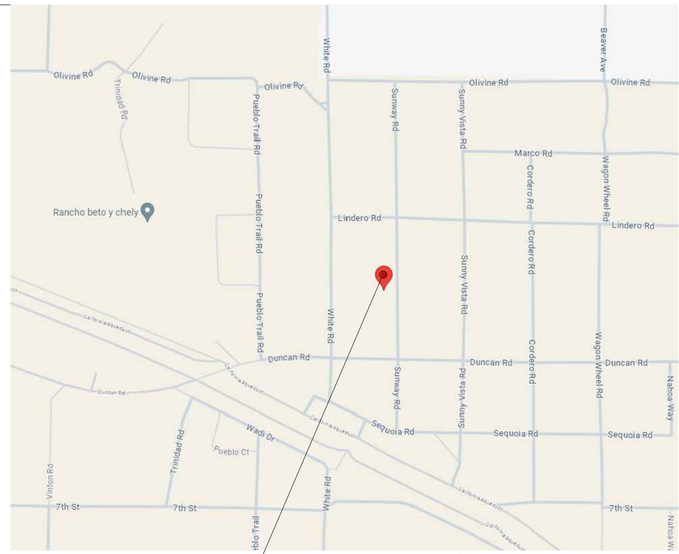
NOVEMBER 09, 2023

Parcel Area Table

Parcel #	Area	Perimeter	Segment Lengths	Segment Bearings
1	44283.13 48,842 SF (GROSS)	886.68	147.94 291.12 152.00 291.55 4.06	S00° 09' 42"W N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E S00° 09' 42"W
2	44217.93 48,777 SF (GROSS)	885.82	290.69 152.00 291.12 152.00	N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E S00° 09' 42"W
3	44152.74 48,699 SF (GROSS)	884.96	152.00 290.26 152.00 290.69	S00° 09' 42"W N89° 40' 34"W N00° 00' 00"E S89° 40' 34"E
4	45040.47 69,072 SF (GROSS)	878.38	159.30 255.87 54.02 118.93 290.26	S00° 09' 42"W N88° 25' 41"W N44° 12' 51"W N00° 00' 00"E S89° 40' 34"E
Remainder	181391.31 210,113 SF (GROSS)	1811.45	55.95 257.42 166.07 152.00 152.00 147.94 291.55 588.53	N45° 47' 49"E S88° 24' 22"E S00° 09' 42"W S00° 09' 42"W S00° 09' 42"W S00° 09' 42"W S89° 40' 34"W N00° 00' 00"E

TOTAL: 8.24 AC/359,095.6 SF, NET AREAS;

9.77 AC/425,503.0 SF (GROSS AREAS, INCLUDING STREET DEDICATIONS)



PROJECT SITE
8988 DUNCAN RD.

VICINITY MAP
N.T.S.

OFFICIAL USE ONLY

PROJECT DESCRIPTION

1. PROJECT: 4 PLUS 1 LOTS SUBDIVISION AT:
   8930 DUNCAN RD.
   PHELAN, CA 92237
2. LOT SIZE: 435,600 SQ FT/ 10 AC;
   THE PROPOSED PROJECT INCLUDES LOT SALES ONLY.
3. EXISTING ZONING: RS-1, SINGLE RESIDENTIAL;
   PROPOSED ZONING: RS-1, SINGLE RESIDENTIAL;

PER CITY ZONING MAP FH05 A BALDY MESA.

LEGAL DESCRIPTION:

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 36, TOWNSHIP 5 NORTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO. STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY.

OWNER/DEVELOPER:

CHIH-HUEI PAI AND JAMIE WEN
2317 W 235TH PL,
TORRANE, CA 90501
PHONE: (213) 268-8995

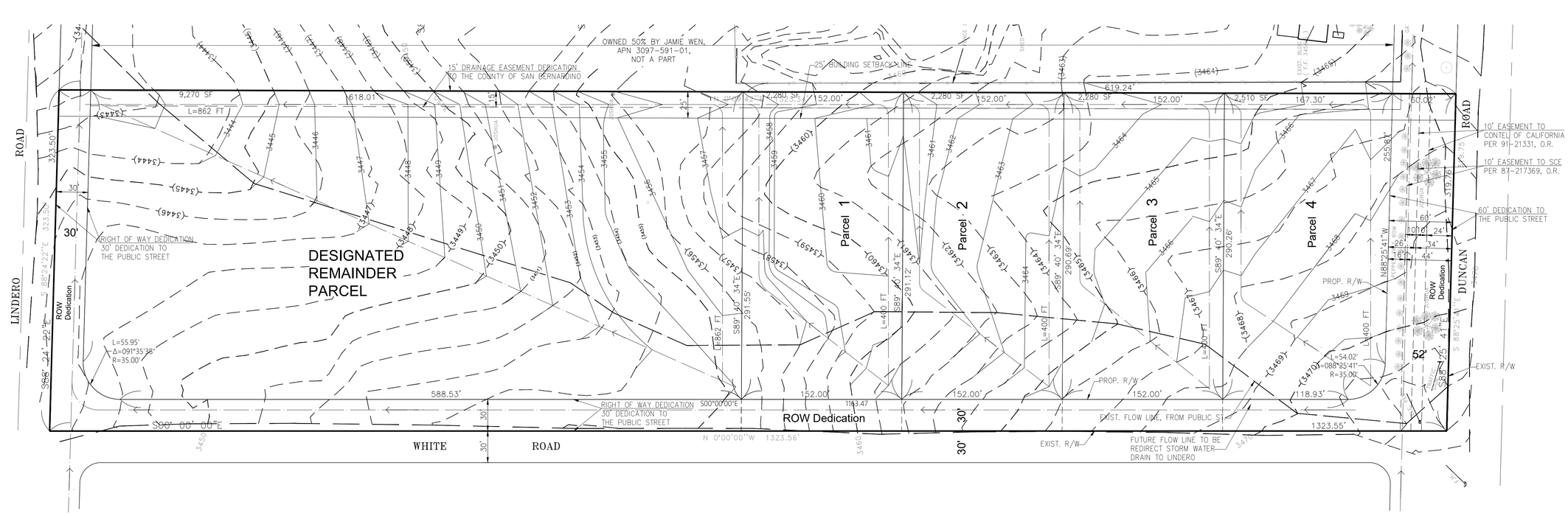
CIVIL ENGINEER/SURVEYOR:

MIKE MIAO / BOYD SCHNEIDERWENT
APPLE ENGINEERING GROUP
9080 TELSTAR AVE. SUITE 309
EL MONTE, CA 91731
Tel. (626) 552-9818
EMAIL: MIKE@APPLEENGINEERING.NET

UTILITY PURVEYORS INFORMATION:

CATEGORY	COMPANY	PHONE
ELECTRICITY	SOUTHERN CALIFORNIA EDISON	(800) 655-4555
GAS	SOUTHERN CALIFORNIA GAS	(800) 427-2200
WATER	VICTORVILLE WATER DISTRICT	(760) 955-5000
CABLE TV	DIREC TV	(888) 892-2253
	FRONTIER COMMUNICATIONS	(855) 325-6243
TRASH	CITY OF VICTORVILLE	(760) 955-5001

50' 25' 0 25' 50'
1"=50'
GRAPHIC SCALE



Plan Prepared By:

apple engineering group

Guoxin Miao — 10/29/2026 Date

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REGISTERED PROFESSIONAL ENGINEER — GUOXIN MIAO — No. C73059 — Exp. 12/31/26 — CIVIL — STATE OF CALIFORNIA

TENTATIVE PARCEL MAP 20821

SCALE:	APN: 3097-591-01-0000	DRAWN BY:	MM
DATE: 10/29/2026		REVISED:	MM

SHEET 1 OF 1

JOB NO. P23182

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Appendix B. Biological Resource Survey Report

GENERAL BIOLOGICAL RESOURCES ASSESSMENT

SAN BERNARDINO COUNTY, CALIFORNIA
(APN:3097-591-01)

Prepared for:

Bruce Wen

Prepared by:

RCA Associates, Inc.
15555 Main Street, #D4-235
Hesperia, California 92345
(760) 596-0017

Principal Investigators:
Ryan D. Hunter, Principal Environmental Scientist, Wildlife Biologist
Brian S. Bunyi, Environmental Scientist, Wildlife Biologist

Project: #2024-52 BA

May 21, 2024

TITLE PAGE

Date Report Written: **May 21, 2024**

Date Field Work Completed: **May 7, 2024**

Report Title: **General Biological Resources Assessment**

Prepared For: **Bruce Wen**

Assessor's Parcel Number: **3097-591-01**

Principal Investigators:

Ryan D. Hunter:
Principal Environmental Scientist & Wildlife Biologist
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Appendix B – County of San Bernardino Municipal Code: Chapter 88.01.060

1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a 10-acre parcel (Approximate), located northeast of Duncan Road and White Road in San Bernardino County, California (APN:3097-591-01) (Figures 1 and 2). The property site is located in Section 36, Township 5 North, Range 6 West (USGS Baldy Mesa, CA 7.5-minute quadrangle) (Figures 1 and 2).

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on May 7, 2024, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Habitat assessments were also conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2024). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is approximately 10-acres and is located northeast of Duncan Road and White Road in San Bernardino County, California (APN: 3097-591-01) (Figures 1 and 2). The property site is located in Section 36, Township 5 North, Range 6 West (USGS Baldy Mesa, CA 7.5-minute quadrangle). The property is located in an area of San Bernardino County that has single family homes sparsely distributed in the surrounding areas.

The relatively flat site is approximately 987 meters above sea level. The vegetation community present on site supports a disturbed desert scrub habitat encompassing mainly native plants and some non-native grasses and the site has been previously grubbed and cleared. The site is dominated by common fiddleneck (*Amsinckia intermedia*), rubber rabbitbrush (*Ericameria nauseosa*), california buckwheat (*Eriogonum fasciculatum*), western Joshua tree (*Yucca brevifolia*), Nevada jointfir (*Ephedra nevadensis*) and baker's goldfields (*Amsinckia intermedia*). Section 5.0 provides a more detailed discussion of the various plant species observed during the surveys.

The site supports a variety of wildlife, with many of them being birds. No mammals were observed on site during the May 2024 field investigation, however the California ground squirrel (*Otospermophilus beecheyi*) and desert cottontail (*Sylvilagus audubonii*) are quite common in the area. Black-tailed jackrabbit (*Lepus californicus*) was not observed but may be present due to their abundance in the area. Other mammals that are expected to occur include the antelope ground squirrel (*Ammospermophilus leucurus*) and coyote (*Canis latrans*).

Birds observed included common ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), phainopepla (*Phainopepla nitens*), European starling (*Sturnus vulgaris*) and rock pigeon (*Columba livia*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

Only a single reptile, western fence lizard (*S. occidentalis*), was observed during the field investigations on May 7, 2024. Some reptiles that may occur on site are the coast horned lizard (*Phrynosoma coronatum*) and common side-blotched lizard (*Uta stansburiana*) which are both common in the area. Table 2 provides a compendium of wildlife species.

In addition, no sensitive habitats (e.g., sensitive species, critical habitats, etc.) have been documented in the immediate area according to the CNDDB (2024) and none were observed during the field investigations.

3.0 METHODOLOGIES

General biological surveys were conducted on May 7, 2024, during which biologists from RCA Associates, Inc. initially walked meandering transects throughout the property. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980). Following completion of the initial reconnaissance survey, habitat assessments were conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Weather conditions consisted of wind speeds of 0 to 5 mph, temperatures in the low to mid 50's (°F) (AM), and 0% cloud cover. The applicable methodologies are summarized below.

General Plant and Animal Surveys: Meandering transects were walked on the site and in surrounding areas (i.e., the zone of influence) where accessible at a pace that allowed for careful documentation of the plant and animal species present on the site. All plants observed were identified in the field or sampled and brought back for further identification. Wildlife was identified through visual observations and/or by vocalizations. Habitat assessments were conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Tables 1 and 2 (Appendix A) provide a comprehensive compendium of the various plant and animal species observed during the field investigations.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDB) search was performed. Based on this review, it was determined that eight special status species have been documented within the Baldy Mesa quadrangle of the property, six wildlife species and two plant species. The following tables provide data on each special status species which has been documented in the area.

Table 4-1: Federal and State Listed Species and State Species of Special Concern.
E = Endangered; T = Threatened; SSC = Species of special concern; CNPS = California Native Plant Society; CNDDB = California Natural Diversity Data Base

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ ABSENCE ON PROPERTY
PLANTS			
Within Baldy Mesa Quadrangle			
Short-joint beavertail (Opuntia basilaris var. brachyclada)	Federal: None State: None CNPS: 1B.2	Chaparral, Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland.	The site does not support suitable habitat for the species. None were observed during the field investigations.
Sagebrush loeflingia (*Loeflingia squarrosa var. artemisiarum*)	Federal: None State: None CNPS: 2B.2	Great Basin scrub, Sonoran Desert scrub, desert dunes.	The site does not support suitable habitat for the species. None were observed during the field investigations.

Notes:

Status abbreviations:

CNPS List 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
CNPS List 1B: Plants rare, threatened, or endangered in California and elsewhere
CNPS List 2A: Plants presumed extirpated in California, but more common somewhere else
CNPS List 2B: Plants rare, threatened, or endangered in California, but more common somewhere else
CNPS List 3: Plants about which more information is needed - a review list
CNPS List 4: Plants of limited distribution - a watch list

.1 Seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat)
.2 Moderately threatened in California (20-80% occurrences threatened/ moderate degree and immediacy of threat)
.3 No very threatened in California (<20% of occurrences threatened/ low degree and immediacy of threat or no current threats known)

Table 4-2: Special status wildlife and insects documented in the region (Source: CNDDB, 2024) or likely to occur in the region.

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ABSENCE ON PROPERTY
ANIMAL			
Within Baldy Mesa Quadrangle			
Desert tortoise (*Gopherus agassizii)*	Federal: Threatened State: Threatened	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat.	The site does not support suitable habitat for the species. None were observed during the field investigations.
Yellow warbler (*Setophaga petechia*)	Federal: None State: None CDFW: SSC	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada.	The site does not support suitable habitat for the species. None were observed during the field investigations.
Burrowing owl (*Athene cunicularia*)	Federal: None State: None CDFW: SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	The site does not support suitable habitat for the species. None were observed during the field investigations. No Potential burrows or sign were observed.
Coast horned lizard (*Phrynosoma blainvillii*)	Federal: None State: None CDFW: SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes.	The site does not support suitable habitat for the species. None were observed during the field investigations.
Mohave ground squirrel (*Xerospermophilus mohavensis*)	Federal: None State: Threatened	Open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert.	The site does not support suitable habitat for the species. None were observed during the field investigations.
Loggerhead shrike (*Lanius ludovicianus*)	Federal: None State: None CDFW: SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes.	The site does not support suitable habitat for the species. None were observed during the field investigations.

5.0 RESULTS

5.1 General Biological Resources

The site supports a disturbed desert scrub plant community that is dominated by native vegetation and non-native grasses. Species present include common fiddleneck (*Amsinckia intermedia*), rubber rabbitbrush (*Ericameria nauseosa*), california buckwheat (*Eriogonum fasciculatum*), western Joshua tree (*Yucca brevifolia*), Nevada jointfir (*Ephedra nevadensis*) and baker's goldfields (*Amsinckia intermedia*). Table 1 provides a compendium of all plants occurring on the site and/or in the immediate surrounding area.

Birds observed included common ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), phainopepla (*Phainopepla nitens*), European starling (*Sturnus vulgaris*) and rock pigeon (*Columba livia*). No mammals were observed on site during the May 2024 field survey. Other mammals such as the California ground squirrel (*Otospermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*) and black-tailed jackrabbit (*Lepus californicus*) are common in the area and are expected to occur on site. Only a single reptile was observed on site, western fence lizard (*S. occidentalis*) but some that are common in the region include the common side-blotched lizard (*Uta stansburiana*) and coast horned (*Phrynosoma coronatum*). Tables 1 and 2 (Appendix A) provide a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

5.2 Federal and State Listed Species

The following are the listed and special status species that have the ability to occur on the project site or which are present. However, it is not a comprehensive list of all the special status species which have been documented in the immediate region (CNDDB, 2024).

Desert Tortoise: The site is located within the documented tortoise habitat according to CNDDB with the nearest documented sighting about 5.75-miles east of the property (CNDDB, 2024). The property supports minimal suitable habitat for the desert tortoise; however, no tortoises or tortoise sign (burrows, scats, etc.) were observed anywhere within the property boundaries or in the zone of influence during the May 7, 2024, surveys. Based on the results of the survey and the low population levels of the species in the region, tortoises are not expected to move onto the site in the near future.

Mohave Ground Squirrel: The site does occur within the known distribution of the Mohave Ground Squirrels, and the nearest documented observation is about 5.8-miles to the northeast of the property. However, there are no recent observations of Mohave ground squirrels within the area, and it is the opinion of RCA Associates, Inc. that Mohave ground squirrels are unlikely to occur on the site based on the following criteria.

1. Relatively small size (10-acres).
2. No recent documented observations in the immediate area.

5.3 Species of Special Concern

The following is a list of special status wildlife species which have been documented in the region; however, only a few of these species could potentially occur on the site. Several of the species are not expected to occur on the property due to absence of suitable habitat but are included for clarity.

Burrowing Owl: The site is located within documented burrowing owl habitat according to CNDDB with the nearest documented sighting less than 5-miles east of the property (CNDDB, 2024). Limited habitat for the species is located on site due to it being void of suitable burrows. No owls or owl sign (whitewash, etc.) were seen on the property during the focused owl survey. There is a possibility of owls moving onto this site however it is unlikely based on the results of the field investigations and absence of suitable burrows for utilization. A pre-construction survey will need to be performed no less than 14 days prior to the start of any ground disturbance activities.

Short Joint Beavertail Cactus: Beavertail cactus are readily identifiable and if present on the site, would have been observed during the extensive field investigations conducted throughout the

site and its surrounding areas. Short-joint beavertail has been observed in the region (Occurrence #20, Baldy Mesa, California Quad, CNDDB 2024), with the most recent documented sighting (1989) in the region approximately 4 miles to the southwest (CNDDB, 2024). The species is not expected to occur on the site in the near future.

Sagebrush Loeflingia: This plant species typically occurs in sagebrush habitats, chaparral and grassland areas and is unlikely to occur on the site given the absence of suitable habitat. The nearest observation is about 7 miles northeast of the site and was recorded in 2005 (Baldy Mesa, California Quad, CNDDB 2024).

Coast horned lizard: Coast horned lizard have been documented in the region (Occurrence # 224, Baldy Mesa, California Quad, CNDDB 2024). The use of the site by coast horned lizards may be very infrequent given the low population levels in the region as well as the lack of any recent sightings in the immediate region according to the CNDDB (2024).

Loggerhead Shrike: Shrikes have been documented in the surrounding region (CNDDB, 2024). Shrikes could potentially occur on the site; although, the use of the site by the species may be very infrequent given the low population levels in the region as well as the lack of any recent sightings and site disturbance according to the CNDDB (2024).

5.4 Jurisdictional Waters and Riparian Habitat

The following sources were reviewed to determine the potential presence or absence of jurisdictional streams/drainages, wetlands, and their location within the watersheds associated with the Project site, and other features that might contribute to federal or state jurisdictional authority located within watersheds associated with the Project site:

- National Wetlands Inventory (NWI) maps (USFWS 2018b). The NWI database indicates potential wetland areas based on changes in vegetation patterns as observed from satellite imagery. This database is used as a preliminary indicator of wetland habitats because the satellite data are not precise;
- USGS National Hydrography Dataset (NHD) provides the locations of "blue-line" streams as mapped on 7.5-Minute Topographic Map coverage;

- Aerial Imagery (Google Earth) (Google 2024);
- USGS 7.5-Minute Topographic Maps; and
- Natural Resources Conservation Service (NRCS) Soil Survey.

Assessments of potential jurisdictional areas within the Project site were conducted by RCA Associates, Inc. biologists Ryan D. Hunter and Brian S. Bunyi on May 7, 2024, to determine the current site conditions. All areas with potential depressions or drainages were evaluated to determine if they may be considered jurisdictional waters, including jurisdictional wetlands. The site does not contain any potential channel.

It is the opinion of RCA Associates, Inc. that a comprehensive jurisdictional delineation will not be necessary in the future.

5.5 Protected Plants

As of July 10, 2023, California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect listing the western Joshua tree (*Yucca brevifolia*) as an endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with mitigation and/or removal of western Joshua trees. Joshua Trees were observed on the May 2024 field investigation. Therefore, any attempt to remove a Joshua tree from its current position will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP).

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will have minimal impact on the general biological resources present on site, because a large portion of the vegetation has already been cleared and the remaining plants will most likely be removed during future construction activities. The site is expected to support various wildlife species which will be impacted by development activities. Those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of about 10-acres of a relatively disturbed desert scrub habitat is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding area. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the Mohave ground squirrel and desert tortoise. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of habitat, suitable burrows, or signs. Western Joshua trees were observed on site, please refer to section 5.5 for details.

A pre-construction burrowing owl survey may be required by CDFW to determine if any owls have moved on to the site since May 7, 2024, surveys. As stated in CDFW's *Staff Report on Burrowing Owl Mitigation*, the most effective method of completing a pre-construction survey (take avoidance survey) should be performed no less than 14 days of ground disturbance, followed by a final pre-construction survey within 24 hours of breaking ground.

7.0 CONCLUSIONS AND CONSIDERATIONS

Future development activities include development of the property within the approximate 10-acre parcel; however, cumulative impacts to the general biological resources (plants and animals) on site are expected to be negligible. This assumption is based on the suitable habitat located in the surrounding areas of the region. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status animal species. The Western Joshua tree was observed during the May 2024 field investigation and will require an ITP to be removed to displaced. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any potential or active burrows. Some mitigation measures that may be considered are:

1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.
    a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.
    b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, presents the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by Ryan D. Hunter and Brian S. Bunyi. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: 5/21/2024 Signed: Ryan D. Hunter
Brian S. Bunyi

Field Work Performed By: Ryan D. Hunter
Principal Environmental Scientist/Biologist

Field Work Performed By: Brian S. Bunyi
Environmental Scientist/Wildlife Biologist

Appendix A

Tables and Figures

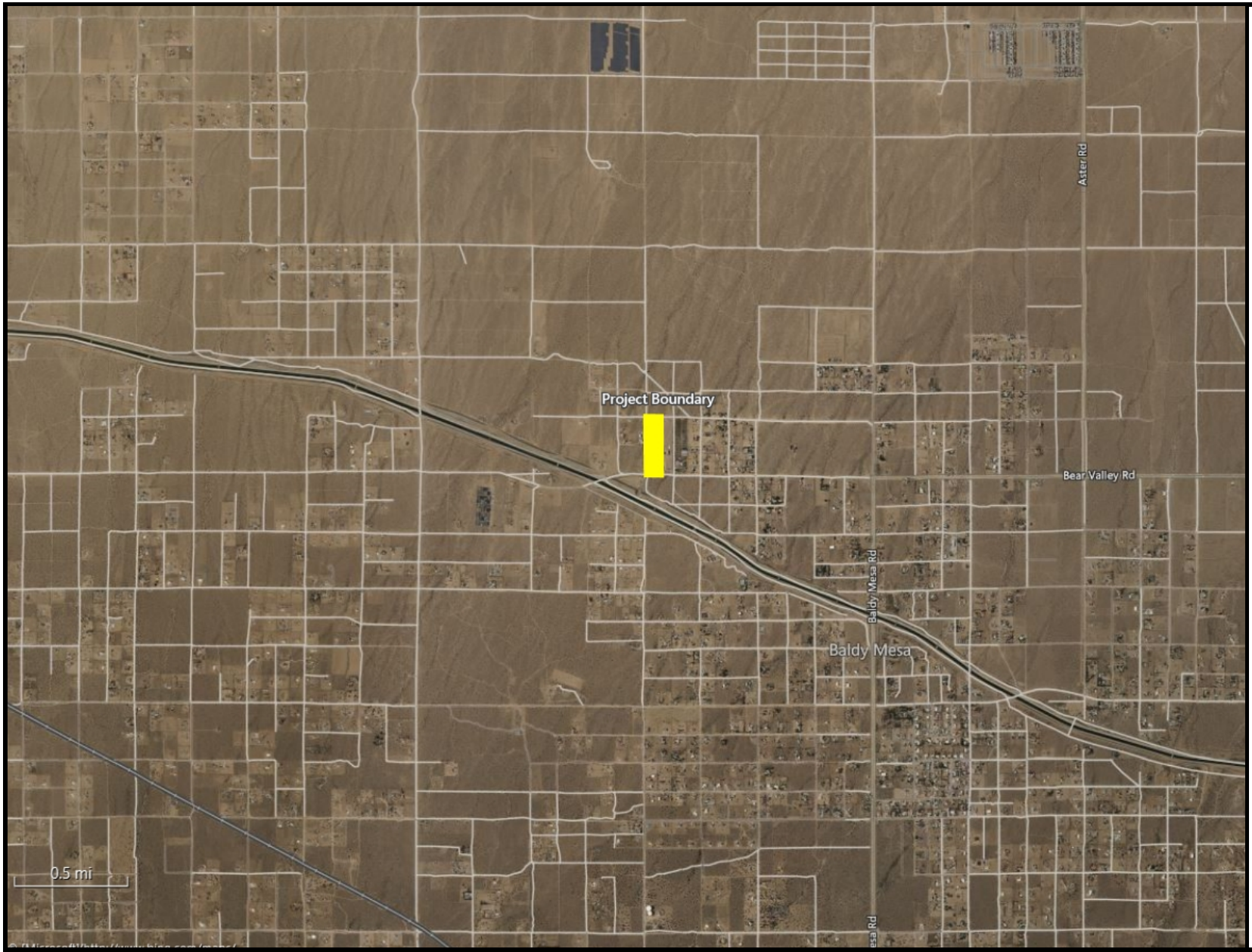

Figure 1: Regional Exhibit

Produced By: RCA Associates Inc.

NE of the Intersection of Duncan Rd. and White Rd. in San Bernardino County, CA.

Source:	Uinta Software
Acreage:	10-Acres (Approximately)
Project #:	2024-52

RCA ASSOCIATES, INC EST. 1990



Legend

Project Boundary

Figure 2: Vicinity Exhibit	**NE of the Intersection of Duncan Rd. and White Rd. in San Bernardino County, CA.**
Produced By: RCA Associates Inc.	Source: Uinta Software Acreage: 10-Acres (Approximately) Project #: 2024-52

RCA ASSOCIATES, INC EST. 1990

CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST



FIGURE 3: PHOTOGRAPHS OF SITE

CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST



FIGURE 3, cont: PHOTOGRAPHS OF SITE

Table 1 - Plants observed on the site and known to occur in the immediate surrounding area.

Common Name	Scientific Name	Location
Creosote bush	*Larrea tridentata*	On Site
Asian mustard	*Brassica tournefortii*	“
Western Joshua tree	*Yucca brevifolia*	“
Fiddleneck	*Amsinckia intermedia*	“
California croton	*Croton californicus*	“
Rubber rabbitbrush	*Ericameria nauseosa*	“
Baker’s goldfields	*Lasthenia californica*	“
Desert wooly star	*Eriastrum eremicum*	“
Rattlesnake weed	*Euphorbia albomarginata*	“
Desert wishbone	*Mirabilis laevis*	“
California buckwheat	Eriogonum fasciculatum	“
Nevada jointfir	*Ephedra nevadensis*	“
White bursage	*Ambrosia Dumosa*	“
Red brome	*Bromus rubens*	“
Cheatgrass	*Bromus tectorum*	“
Common stork’s bill	*Erodium cicutarium*	“
Kelch grass	*Schismus barbatus*	“
Tumbleweed	*Kali tragus var. tragus*	“

Note: The above list is not intended to be a comprehensive list of every plant which may occur on the site or in the zone of influence.

Table 2 - Wildlife observed on the site during the field investigations.

Common Name	Scientific Name	Location
Common raven	*Corvus corax*	On-site and in the surrounding area.
House finch	*Carpodacus mexicanus*	“
Rock pigeon	*Columba livia*	“
White crowned sparrow	*Zonotrichia leucophrys*	“
Mockingbird	*Mimus polyglottos*	“
European starling	*Sturnus vulgaris*	“
Barn Swallow	*Hirundo rustica*	“
Anna’s hummingbird	*Calypte anna*	“
Phainopepla	*Phainopepla nitens*	“
Mourning dove	*Zenaida macroura*	“
Western fence lizard	*Sceloporus occidentalis*	“

Note: The above Table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resources, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines "take" as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Federal regulation 50CFR17.3 defines the term "harass" as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines "harm" as an act that either kills or injures a listed species. By definition, "harm" includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is "incidental to, and not the purpose of, the carrying out of another wise lawful activity." Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA, or result in the destruction or adverse modification of its habitat. Federal agencies are also required

to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other "take" that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFW has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Wildlife Code. Section 2080 prohibits the take of a species listed by CDFW as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFW and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFW coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into "Waters of the United States" under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as "areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP's) are general permits issued to cover particular fill activities. All NWP's have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction stormwater management plan to ensure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Central Valley Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Wildlife Code, Sections 1600-1616

Under the California Fish and Wildlife Code, Sections 1600-1616 CDFW regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFW and enter into a streambed alteration agreement with them.

Section 1602 of the California Fish and Wildlife Code requires a state or local government agency, public utility, or private entity to notify CDFW before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFW issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Wildlife Code, Section 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term "take" is defined as "to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires." Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or

divide the physical arrangement of an established community as significant impacts under CEQA. This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term "sensitive natural community" includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinas, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site.

APPENDIX B

County of San Bernardino
Municipal Code: Chapter 18.01.060

CHAPTER 88.01 PLANT PROTECTION AND MANAGEMENT

Sections:

88.01.010 Purpose
88.01.020 Applicability
88.01.030 Exempt Activities
88.01.040 General Permit Application and Review Requirements
88.01.050 Native Tree or Plant Removal Permits
88.01.060 Desert Native Plant Protection
88.01.070 Mountain Forest and Valley Tree Conservation
88.01.080 Riparian Plant Conservation
88.01.090 Tree Protection from Insects and Disease

88.01.010 Purpose

This Chapter provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership. The intent is to:

(a) Promote and sustain the health, vigor and productivity of plant life and aesthetic values within the County through appropriate management techniques.

(b) Conserve the native plant life heritage for the benefit of all, including future generations.

(c) Protect native trees and plants from indiscriminate removal and to regulate removal activity.

(d) Provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources.

(e) Protect and maintain water productivity and quality in local watersheds.

(f) Preserve habitats for rare, endangered, or threatened plants and to protect animals with limited or specialized habitats.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.020 Applicability

The provisions in this Chapter apply to the removal or relocation of regulated trees or plants and to any encroachment (for example, grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified. Nothing in this Chapter shall relieve nor be interpreted to exempt a development from complying with applicable State or Federal laws and regulations.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.030 Exempt Activities

The provisions in this Chapter, except those of Section 88.01.090 (Tree Protection From Insects and Disease), shall not apply to the removal of regulated trees or plants that may occur in the following situations. Removal actions shall not authorize the removal of perch trees within an identified American Bald Eagle habitat.

(a) Timber operations. Removal as part of a timber operation conducted in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).

(b) Government owned lands. Removal from lands owned by the United States, State of California, or local governmental entity, excluding Special Districts (i.e., Special Districts shall be subject to the provisions of this Division.).

(c) Public utilities. Removal by a public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised cable TV, where to establish or maintain safe operation of facilities under their jurisdiction, trees are pruned, topped, or braced.

(d) State agencies. Removal by, or under the authority of, the State of California:

(1) Department of Forestry and Fire Protection.

(2) Forest Improvement Program.

(3) Agricultural Conservation Program.

(e) Government laws. Removal required by other codes, ordinances, or laws of the County, State, or United States.

(f) Emergency. Removal of native trees and plants that are an immediate threat to the public health, safety, or welfare and that require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.

(g) Forest stocking control program. Removal as part of a stocking control program prepared by a California Registered Professional Forester.

(h) Fire hazard reduction program. Removal as part of a fire hazard reduction program approved by the Fire Chief.

(i) Bona fide agricultural activity. Removal as part of a bona fide agricultural activity, as determined by the Director, which is one of the following:

(1) Conducted under a land conservation contract.

(2) An existing agricultural activity, including expansions of the activity onto undisturbed contiguous land.

(3) A proposed bona fide agricultural activity (i.e., an agricultural activity that is served by a water distribution system adequate for the proper operation of the activity).

(A) The Director shall be given 30 days' written notice of the removal describing the:

(I) Location of the land.

(II) Nature of the proposed activity.

(III) Proposed sources of water for the activity.

(B) The Director shall notify the landowner in writing before the elapse of the 30-day period if, in the opinion of the Director, the activity is not a bona fide agricultural activity, or else the activity shall be deemed bona fide.

(j) Parcel less than 20,000 square feet developed with primary structure. Removal on parcels that have a net area of 20,000 square feet or less and that are developed with a primary structure, other than a sign structure.

(k) Located within 20 feet of permitted structure. Removal from a parcel of a regulated native plant or tree that is within 20 feet of a structure that was constructed or set down on the parcel under a County development permit.

(l) Private fuel wood. Removal of two or fewer regulated native trees in the Mountain Region or Valley Region per year per acre for private fuel wood purposes. The year shall be measured as the last 12 consecutive months.

(m) Oak woodlands. The following projects shall be exempt from the conditions for mitigating the conversion of oak woodlands required in Subsection 88.01.050(e) (Native Tree or Plant Removal Permits Conditions of approval), below, in compliance with Public Resources Code 21083.4:

(1) Projects undertaken in compliance with a Natural Community Conservation Plan or subarea plan within a Natural Community Conservation Plan, as approved in compliance with Fish and Game Code Section 2800 *et seq.*, that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this Chapter.

(2) Affordable housing projects for lower income households, as defined in Health and Safety Code Section 50079.5, that are located within a city's sphere of influence.

(3) Projects on agricultural land within an Agricultural Land Use Zoning District that includes land used to produce or process plant and animal products for commercial purposes.

(4) Projects undertaken in compliance with a State agency's regulatory program certified in compliance with Public Resources Code Section 21080.5.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.040 Regulated Trees and Plants and General Permit

(a) Regulated trees and plants. A regulated tree or plant shall be any of the those trees or plants identified in:

(1) Section 88.01.060(c) (Regulated desert native plants);

(2) Section 88.01.070(b) (Regulated trees); or

(3) Section 88.01.080(b) (Regulated riparian plants).

(b) Permit for removal required. A Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Requirements) shall be required for the removal of regulated tress and plants.

(c) Conditions of approval. The permits required by this Chapter may be subject to conditions imposed by the applicable review authority as identified in Subsection 88.01.050(e) (Tree or Plant Removal Permits - Condition of approval).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.050 Tree or Plant Removal Permits

(a) When Tree or Plant Removal Permit required. A Tree or Plant Removal Permit shall be required for the removal of a regulated tree or plant as identified in this Chapter.

(1) Removals in conjunction with land use application or development permit Director approval. The Director may approve the removal of regulated trees or plants when requested in conjunction with a land use application, a Building Permit, and all other development permits (e.g., Grading Permits, Mobile Home Setdown Permits, etc.). An approved land use application and/or development permit shall be considered to include a Tree or Plant Removal Permit, if the land use application or development permit specifically reviews and approves the removals. The review of a land use application or development permit shall consider and require compliance with this Chapter.

(2) Removals not in conjunction with land use application or development permit Director approval. The Director may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants requested not in conjunction with a land use application or development permit.

(3) Removals to mitigate fire hazards Fire Chief approval. The Fire Chief may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants when requested for the purposes of mitigating fire hazards and independent of a land use application or development permit.

(b) Expert certification. The applicable review authority may require certification from an appropriate arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and in compliance with this Chapter. The certification shall include the information in compliance with Department procedures.

(c) Preconstruction inspections. A preconstruction inspection before approval of development permits shall be required in areas with regulated trees or plants to determine the presence of regulated trees and plants. The preconstruction inspection may be combined with any other required inspection.

(d) Duration of Tree or Plant Removal Permits.

(1) Removals in conjunction with land use application or development permit. The duration of a Tree or Plant Removal Permit, when issued in conjunction with a land use application and/or a development permit, shall have the same duration of the associated application or permit, unless otherwise specified.

(2) Removals not in conjunction with land use application or development permit. The applicable review authority shall specify the expiration date for all other Tree or Plant Removal Permits.

(e) Conditions of approval. A Tree or Plant Removal Permit may be subject to the following conditions imposed by the applicable review authority:

(1) Types of conditions. The conditions may specify criteria, methods, and persons authorized to conduct the proposed activities in addition to the requirements in this Chapter.

(2) Transplanting or stockpiling. Where indicated in this Chapter, regulated trees and plants may be required to be transplanted and/or stockpiled for future transplanting.

(3) Performance bonds. The review authority may require the posting and maintenance of a monetary security deposit where necessary to ensure the completion of the required mitigation measures in compliance with Section 86.06.050 (Performance Guarantees).

(4) Conversion of oak woodlands. If a project will result in a conversion of oak woodlands that will have a significant effect on the environment and is not exempt under Subsection 88.01.030(m) (Exempt Activities Oak woodlands), one or more of the conditions in this Subsection may be imposed in compliance with Public Resources Code Section 21083.4. For the purposes of this Subsection, "oak" shall mean a native tree species that is in the genus *Quercus,* which is not designated as Group A or Group B commercial species under regulations adopted by the State Board of Forestry and Fire Protection in compliance with Public Resources Code Section 4526, and which is five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. The applicable review authority may require certification from a Tree Expert that the proposed mitigation measures are appropriate, supportive of a healthy oak woodland environment, and in compliance with this Subsection. The certification shall include the information in compliance with Department procedures. The conditions that may be imposed include one or more of the following:

(A) Preservation. Preserve existing oak woodlands by recording conservation easements in favor of the County or an approved organization or agency.

(B) Replacement or restoration. Replace or restore former oak woodlands. The review authority may require the planting and maintenance of replacement trees, including replacing dead or diseased trees. The replacement ratio and tree sizes shall be based on the recommendation of an

Oak Reforestation Plan prepared by a registered professional forester. The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted.

(C) In-lieu mitigation fee. Contribute in-lieu mitigation fee to the Oak Woodlands Conservation Fund, established under Fish and Game Code Section 1363 for the purpose of purchasing oak woodlands conservation easements. A project applicant who contributes funds in compliance with this Subsection shall not receive or use a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The in-lieu fee for replacement trees shall be calculated based upon their equivalent value as established by the International Society of Arboriculture's (ISA) current edition of *Guide to Establishing Values for Trees and Shrubs*, etc.)

(D) Other mitigation measures. Perform other mitigation measures as may be required by the review authority (e.g., inch-for-inch off-site replacement planting; transfer of development rights, enrollment of project with offset provider for carbon credits in greenhouse gas emission registry, carbon reduction, and carbon trading system; etc.).

(f) Findings for Tree or Plant Removal Permits. The applicable review authority may authorize the removal of a regulated tree or plant only if the following findings are made:

(1) **Findings for removals in the Valley Region, Mountain Region, and Desert Region**. The removal of the regulated tree or plant is justified for <u>one</u> of the following reasons:

(A) The location of the regulated tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area, or other approved improvement or ground disturbing activity and there is no other alternative feasible location for the improvement.

(B) The location of the regulated tree or plant and/or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property and there is no other alternative feasible location for the improvement.

(C) The location of the regulated tree or plant is hazardous to pedestrian or vehicular travel or safety.

(D) The regulated tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks,

curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures, or municipal improvements.

(E) The condition or location of the regulated tree or plant is adjacent to and in such close proximity to an existing or proposed structure that the regulated tree or plant has or will sustain significant damage.

(2) **Additional findings for removals in the Mountain Region**. In the Mountain Region only, the applicable review authority shall also make all of the following findings:

(A) Where improvements are proposed, the design of the improvements ensures that at least the following minimum percentage of the subject parcel will be maintained or established in a natural undeveloped vegetated or revegetated condition sufficient to ensure vegetative coverage for a forest environment, as determined by the applicable Review Authority.

(I) Twenty percent of commercial, industrial, and administrative/ professional uses.

(II) Thirty-five percent of multi-family residential uses.

(B) At least one half of natural areas for all uses, except single family residential uses, will be located in the front setback area or located so that significant portions are visible from the public right-of-way on which the improvements are to be located.

(C) A perch tree within a federally identified American Bald Eagle habitat will not be removed unless an adequate substitution is provided.

(D) A Registered Professional Forester has certified in writing that the condition or location of a regulated tree is contributing to overstocked tree stand conditions and that its removal will improve the overall health, safety, and vigor of the stand of trees containing the subject tree.

(3) In the Desert Region only, the applicable Review Authority shall also make the following findings:

(A) Joshua trees that are proposed to be removed will be transplanted or stockpiled for future transplanting wherever possible.

(B) In the instance of stockpiling, the permittee has complied with Department policy to ensure that Joshua trees are transplanted appropriately. Transplanting shall comply with the provisions of the Desert Native Plants

Act (Food and Agricultural Code Section 80001 et seq.), as required by Subsection 88.01.060(d) (Compliance with Desert Native Plants Act).

(C) No other reasonable alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting one or more of the following criteria:

(I) A circumference measurement equal to or greater than 50 inches measured at 4.5 feet above natural grade level.

(II) Total tree height of 15 feet or greater.

(III) Trees possessing a bark-like trunk.

(IV) A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.

(g) Plot plan requirements. Before the issuance of a Tree or Plant Removal Permit, a plot plan shall be approved by the applicable Review Authority for each site indicating exactly which trees or plants are authorized to be removed. The required information shall be added to any other required plot plan.

(h) Construction standards. During construction and before final inspection under a development permit, the following construction standards shall apply, unless otherwise approved in writing by an arborist, registered professional forester, or a Desert Native Plant Expert:

(1) Enclosures. The trunks of regulated trees and regulated plants shall not be enclosed within rooflines or decking.

(2) Attachments. Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrase any live regulated tree or plant.

(3) Grade alterations. No grade alterations shall bury any portion of a regulated tree or plant or significantly undercut the root system within the dripline.

(i) Enforcement.

(1) Other applicable Code provisions. The provisions of Chapter 86.09 (Enforcement) shall apply to this Chapter.

(2) Enforcement authorities. The authorities responsible for the enforcement of the provisions of this Chapter shall be the same as the review authorities responsible for permit approvals asspecified in this Section. In addition, the provisions of

this Chapter may be enforced by the California Department of Forestry, where applicable.

(3) Extension of time. If property is subject to snow, flooding, or other conditions that render compliance with the provisions of this Chapter within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.

(4) Powers of enforcement officers.

(A) A peace officer or any authorized enforcement officer may in the enforcement of this Section:

(I) Make arrests without warrant for a violation of this Chapter that the officer may witness.

(II) Confiscate regulated native trees or plants, or parts of them, that are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter.

(B) In addition, a designated enforcement officer shall be authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within or entering the State, which is suspected of containing or having present regulated plants in violation of this Chapter in order to examine permits and wood receipts and observe tags and seals and to otherwise enforce the provisions of this Chapter.

(5) When enforcement officer vested with power of peace officer. When power or authority is given by this Chapter to a person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. A person in whom the enforcement of a provision of this Chapter is vested shall have the power of a peace officer as to that enforcement, which shall include State or Federal agencies with which cooperative agreements have been made by the County to enforce the provisions of this Chapter.

(6) Written permission of landowner required for removal. No person shall remove or damage all or part of any regulated tree or plant on the property of another person without first obtaining notarized written permission from the landowner and required permits, wood receipts, or tags and seals. In addition, it shall be unlawful for a person to falsify a document offered as evidence of permission to enter upon the property of another to harvest all or parts of a regulated tree or plant, whether alive or dead.

(7) Permit available for display and inspection. No person, except as provided in this Chapter, shall harvest, offer for sale, destroy, dig up or mutilate, or have in his or her possession a regulated plant or tree, or the living or dead parts of them, unless the plant or tree was harvested under a valid permit and, where applicable, a valid wood receipt on his or her person. A person shall exhibit the permit, wood receipt, tags and/or seals upon request for inspection by an authorized County enforcement officer or any peace officer. No wood receipt or tag and seal shall be valid unless it is issued with a valid permit and the permit bears the wood receipt number or tag number on its face. Required tags and seals shall be attached securely to a regulated desert native plant.

(8) Land Disturbance. No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal of any regulated native trees or plants. Said approval may be in the form of a development permit or a Tree or Plant Removal Permit issued by the appropriate authority.

(j) Penalties. Penalties shall be those specified in Chapter 86.09 (Enforcement) and shall include the following and any other penalties specified by individual Sections of this Chapter.

(1) Fine for illegal removal.

(A) In addition to other penalties and fees imposed by this Development Code or other law, a person, firm, or corporation convicted of a violation of the provisions of this Chapter shall be guilty of a misdemeanor upon conviction.

(B) When one or more plants or trees are removed in violation of the provisions of this Chapter, the removal of each separate plant or tree shall be a new and separate offense.

(C) The penalty for the offense shall be a fine of not less than $500 nor more than $1,000, or six months in jail, or both.

(D) Payment of a penalty shall not relieve a person, firm, or corporation from the responsibility of correcting the condition resulting from the violation.

(2) Replacement program for illegal removal.

(A) In addition to other penalties imposed by this Development Code or other law, a person, firm, or corporation convicted of violating the provisions of this Chapter regarding improper removal of regulated native trees or plants shall be required to retain, as appropriate, a Tree Expert or Desert Native Plant Expert to develop and implement a replacement program.

(B) The expert shall determine the appropriate number, size, species, location, and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.

(C) If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g., public parks) may be substituted at the direction of the court.

(D) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of a replacement program and failed within two years.

(3) Revocation of permits.

(A) Upon conviction of a violation of this Chapter, all Tree or Plant Removal Permits issued to the convicted person, firm, or corporation shall be revoked.

(B) No new or additional Tree or Plant Removal Permits shall be issued to the permittee for a period of one year from the date of conviction.

(C) Additionally, in the Desert Region the permittee shall be required to surrender unused wood receipts or tags and seals to the Director.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

88.01.060 Desert Native Plant Protection

This Section provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act.

(a) Definitions. Terms and phrases used within this Section shall be defined in Division 10 (Definitions) and/or defined by the California Food and Agricultural Code. The California Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this Development Code.

(b) Applicability. The provisions of this Section shall apply to desert native plants specified in Subsection (c) (Regulated desert native plants) that are growing on any of the following lands, unless exempt in compliance with Section 88.01.030 (Exempt Activities):

(1) Privately owned or publicly owned land in the Desert Region.

(2) Privately owned or publicly owned land in any parts of the Mountain Region in which desert native plants naturally grow in a transitional habitat.

(c) Regulated desert native plants. The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permitin compliance with Section 88.01.050 (Tree or Plant Removal Permits). In all cases the botanical names shall govern the interpretation of this Section.

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) *Dalea spinosa* (smoketree).

(B) All species of the genus *Prosopis* (mesquites).

(2) All species of the family *Agavaceae* (century plants, nolinas, yuccas).

(3) Creosote Rings, 10 feet or greater in diameter.

(4) All Joshua trees.

(5) Any part of any of the following species, whether living or dead:

(A) *Olneya tesota* (desert ironwood).

(B) All species of the genus *Prosopis* (mesquites).

(C) All species of the genus *Cercidium* (palos verdes).

(d) Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.070 Mountain Forest and Valley Tree Conservation

This Section provides regulations to promote conservation and wise use of forest resources in the Mountain Region and native tree resources in the Valley Region. The provisions are intended to augment and coordinate with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.) and the efforts of the State Department of Forestry and Fire Protection to implement and enforce the Act.

(a) Applicability.

(1) Private harvesting. The provisions of this Section apply to the private harvesting of all trees growing on private land and on public land in the unincorporated Mountain Region and Valley Region.

(2) Commercial harvesting. The commercial harvesting of trees shall be prohibited, except as allowed by and authorized by the State Department of Forestry and Fire Protection in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).

(b) Regulated trees. The following trees shall only be removed with an approved Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Permits):

(1) Native trees. A living, native tree with a six inch or greater stem diameter or 19 inches in circumference measured 4.5 feet above natural grade level.

(2) Palm trees. Three or more palm trees in linear plantings, which are 50 feet or greater in length within established windrows or parkway plantings, shall be considered to be heritage trees and shall be subject to the provisions of this Chapter regarding native trees.

(c) Tree protection from insects and disease. For regulations on the treatment and disposition of felled trees, see Section 88.01.090 (Tree Protection from Insects and Disease).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.080 Riparian Plant Conservation

This Section provides regulations to promote healthy and abundant riparian habitats that protect watersheds; control transmission and storage of natural water supplies; provide unique wildlife habitats for rare, endangered and threatened plants and animals; provide attractive environments; control natural soil erosion and sedimentation to protect stream banks subject to erosion and undercutting; and provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Section are intended to augment and coordinate with the responsibilities of the California Department of Fish and Game.

(a) Applicability.

(1) Applicable areas. The provisions of this Section shall apply to all riparian areas located on private land in all zones within the unincorporated areas of the County and to riparian areas on public land owned by the County, unless exempt as specified by Section 88.01.030 (Exempt Activities) and by Subsection (2) (Exemptions), below.

(2) Exemptions. The provisions of this Section shall not apply to:

(A) Emergency Flood Control District operations or water conservation measures established and authorized by an appropriate independent Special District.

(B) An area that has an existing man-made impervious structure, which is greater than 120 square feet in roof area, between the area proposed to be disturbed by a development permit and the bank of a subject stream, as measured in a straight line perpendicular to the centerline of the stream.

(b) Regulated riparian plants.

(1) Vegetation described. The removal of vegetation within 200 feet of the bank of a stream, or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall require approval of a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits)shall be subject to environmental review.

(2) Streams. For the purposes of this Section, streams include those shown on United States Geological Survey Quadrangle topographic maps as perennial or intermittent, blue or brown lines (solid or dashed), and river wash areas.

(c) Preconstruction inspections. Preconstruction inspections shall include the verification of the presence of riparian vegetation.

(d) Conditions of approval. Conditions of approval for removal of riparian vegetation may be imposed in addition to, and in combination with, any condition imposed in compliance with Section 88.01.050 (Tree or Plant Removal Permits).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.090 Tree Protection from Insects and Disease

This Section provides regulations for the treatment and disposition of felled trees in the Mountain Region to protect against damaging insects (e.g. bark beetles) and diseases. The intent is to mitigate the serious danger posed to forests from coniferous trees that are cut in land clearing operations and are then allowed to remain exposed and untreated against noxious insects, which then multiply in the felled trees to later attack and damage healthy coniferous trees.

(a) Applicability. The provisions in this Section apply to coniferous trees located on land in the Mountain Region. Every person, firm, or corporation, whether as principal, agent, or employee, that has control of, right of entry on, or access to land in the Mountain Region shall comply with this Section.

(b) Treatment of felled trees. Except as otherwise provided by this Section, felled coniferous trees, portions of trees, and stumps shall be treated in compliance with at least one, or a combination, of the following methods and the method in Subsection (c) (Stump treatment), below, within 15 days after a coniferous tree has been cut.

(1) Remove to a solid waste disposal site specifically designated by the County for this type of use.

(2) Burn sufficiently to consume the bark, when allowed by the Fire Department and the Air Pollution Control District.

(3) Lop and scatter material less than four inches in diameter so that it is piled no higher than 24 inches above the ground, when allowed by the Fire Department.

(4) Remove the bark

(5) Chip or grind.

(6) Split and scatter with bark toward the sun for a minimum of 45 consecutive days or until final inspection is completed, whichever is less.

(7) Stack in the sun and cover with six mil clear plastic, which has a continuous seal from the outside and for at least 180 days.

(8) Spray with a commercial insecticide, as approved by the Agricultural Commissioner for these insects and purposes.

(9) Treat under any other method approved by the enforcement officer in writing.

(c) Stump treatment. Fresh cut stumps of live coniferous trees shall be protected from infection by Annosus Root Rot *(Fomes annosus)* with borax powder (granular tech, 10 mole) as soon as possible after felling, covering the entire newly exposed cut and/or broken surface completely with a thin uniform layer of white borax within two hours.

(d) Inspections. In the case of construction activity, the Building Official shall not approve development permit inspections until felled coniferous trees, portions of trees, and stumps are treated in compliance with this Section.

(e) Certificate of compliance. Where trees have been treated by an approved method and the evidence of treatment is not readily observable to the inspector on the construction site, the Building Official shall require a permittee to obtain a certificate that the treatment has been completed in an acceptable manner. The certificate may be from one of the following authorities:

(1) Fire Chief.

(2) Agricultural Commissioner.

(3) Appropriately certified Pest Control Adviser as defined in Food and Agriculture Code Section 11401 et seq.

(4) Qualified Applicator as defined in Food and Agriculture Code Section 11401 et seq.

(f) Extension of time of enforcement. If compliance with Subsection (b) (Treatment of felled trees) and Subsection (c) (Stump treatment) within the specified time periods is impractical because of inaccessibility to the cut timber due to snow or flooding, an enforcement officer may extend the period of time for compliance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

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Appendix C. CHRIS Records Search Results

South Central Coastal Information Center
California State University, Fullerton
Department of Anthropology MH-426
800 North State College Boulevard
Fullerton, CA 92834-6846
657.278.5395
California Historical Resources Information System
Los Angeles, Orange, Ventura and San Bernardino Counties
sccic@fullerton.edu

12/16/2024 SCCIC File #: 26360.12593

Maryn Wells
County of San Bernardino
Land Use Services Department
385 N. Arrowhead Ave.
San Bernardino, CA 92415

Re: Record Search Results for PROJ-2024-00012

The South Central Coastal Information Center received your records search request for the project area referenced above, located on the Baldy Mesa, CA USGS 7.5' quadrangle(s). The following summary reflects the results of the records search for the project area and a 1-mile radius. The search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (SPHI), the California Historical Landmarks (SHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Built Environment Resources Directory (BERD) listings were reviewed for the above referenced project site and a ¼-mile radius. Due to the sensitive nature of cultural resources, archaeological site locations are not released.

RECORDS SEARCH RESULTS SUMMARY

Archaeological Resources* (*see Recommendations section)	Within project area: 0 Within ½-mile radius: 13
Built-Environment Resources	Within project area: 0 Within ½-mile radius: 0
Reports and Studies	Within project area: 2 Within ½-mile radius: 12
OHP Built Environment Resources Directory (BERD) 2022	Within project area: 0 Within ¼-mile radius: 0
California Points of Historical Interest (SPHI) 2022	Within project area: 0 Within ¼-mile radius: 0
California Historical Landmarks (SHL) 2022	Within project area: 0 Within ¼-mile radius: 0
California Register of Historical Resources (CAL REG) 2022	Within project area: 0 Within ¼-mile radius: 0
National Register of Historic Places (NRHP) 2022	Within project area: 0 Within ¼-mile radius: 0

Archaeological Determinations of Eligibility (ADOE): 2022	Within project area: 0 Within ½-mile radius: 3

HISTORIC MAP REVIEW - Hesperia, CA (1902, 1942) 15' USGS historic maps indicate that in 1902 there was no visible development within the project area. There was one road within the project search radius. In 1942, there was still no visible development within the project area. There were a few additional roads and two buildings within the project search radius.

RECOMMENDATIONS

**When we report that no archaeological resources are recorded in your project area or within a specified radius around the project area; that does not necessarily mean that nothing is there. It may simply mean that the area has not been studied and/or that no information regarding the archaeological sensitivity of the property has been filed at this office. The reported records search result does not preclude the possibility that surface or buried artifacts might be found during a survey of the property or ground-disturbing activities.*

The archaeological sensitivity of the project location is unknown because there are no previous archaeological studies for the subject property. While there are currently no recorded archaeological sites within the project area, resources could potentially be unearthed during project activities. Therefore, customary caution and a halt-work condition should be in place for all ground-disturbing activities. If any evidence of cultural resources is discovered, all work within the vicinity of the find should stop until a qualified archaeological consultant can assess the find and make recommendations. Moving or extraction of potential cultural resources should not be attempted by anyone other than a qualified cultural resources consultant. It is also recommended that the Native American Heritage Commission be consulted to identify if any additional traditional cultural properties or other sacred sites are known to be in the area. The NAHC may also refer you to local tribes with particular knowledge of potential sensitivity. The NAHC and local tribes may offer additional recommendations to what is provided here and may request an archaeological monitor. Finally, if any built-environment resources on the property are 45 years or older, a qualified architectural historian should be retained to study the property and make recommendations regarding those structures.

For your convenience, you may find a professional consultant**at www.chrisinfo.org. Any resulting reports by the qualified consultant should be submitted to the South Central Coastal Information Center as soon as possible.

**The SCCIC does not endorse any particular consultant and makes no claims about the qualifications of any person listed. Each consultant on this list self-reports that they meet current professional standards.

If you have any questions regarding the results presented herein, please contact the office at 657.278.5395 Monday through Thursday 9:00 am to 3:30 pm. Should you require any additional information for the above referenced project, reference the SCCIC number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System,

Isabela Kott
Assistant Coordinator/GIS Program Specialist

Enclosures:

(X) Invoice #26360.12593

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

South Central Coastal Information Center
California State University, Fullerton - Department of Anthropology MH-426
800 North State College Boulevard
Fullerton, CA 92834-6846
(657) 278-5395 / FAX (657) 278-5542
sccic@fullerton.edu
California Historical Resources Information System
Serving Los Angeles, Orange, San Bernardino and Ventura Counties

Request for Non-Confidential Summary Records Search – One Mile Radius

Date: August 20, 2024

Project Request – Please Check (for clarification of request please refer to MOU information at end of form)

Standard Review - $150.00 per hour ☒

Rush Review - $225.00 per hour ☐

Contact Information

Lead Agency (Name & billing address): County of San Bernardino, Land Use Services Department, 385 N. Arrowhead Ave., San Bernardino, CA 92415.

Case Planner: Maryn Wells Phone No.: 909-387-4738

Email address to send results and invoice: Maryn.Wells@lus.sbcounty.gov

Project Reference

Permit/Project #: PROJ-2024-00012

Project Information

Type of Proposed Project: The proposed project is Tentative Parcel Map 20821 for a 4-parcel subdivision, with a Right-of-Way dedication and remainder lot, on approximately 10 gross acres.

Project Location

Note: Please provide a map of the project location with the project area's boundaries clearly outlined on the map. We prefer a 7.5' USGS Topographic Quadrangle or Thomas Bros. map page, or a Google map or some current street map that provides enough detail so that the location of the property is obvious to anyone trying to locate it. Engineering maps, survey maps, and APN maps typically do not provide enough detail, but may be included in addition to the requested map.

USGS 7.5' Quad: Phelan

Project Location/Address: Project is located in the Community of Phelan/Pinon Hills, on regular shaped parcels, that include an area north of Duncan Road and south of Lindero Road, just east of White Road, in Phelan. See attached map. APN: 3097-597-01

Type of Ground Disturbance

Project area is predominately in a natural condition/environment, except for dirt and gravel piles on the westerly portion of the site along White Road.

Existing Site Environment

The project site is vacant with some native trees as well as shrubs and ground cover. The adjoining properties include vacant land, rural residential development, and agricultural uses. The natural topography of the site is relatively flat.

Known Past Uses

No past uses are known. Vacant on aerial images back to 1952.

ADDITIONAL INSTRUCTION OR COMMENTS:

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