



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: July 9, 2020

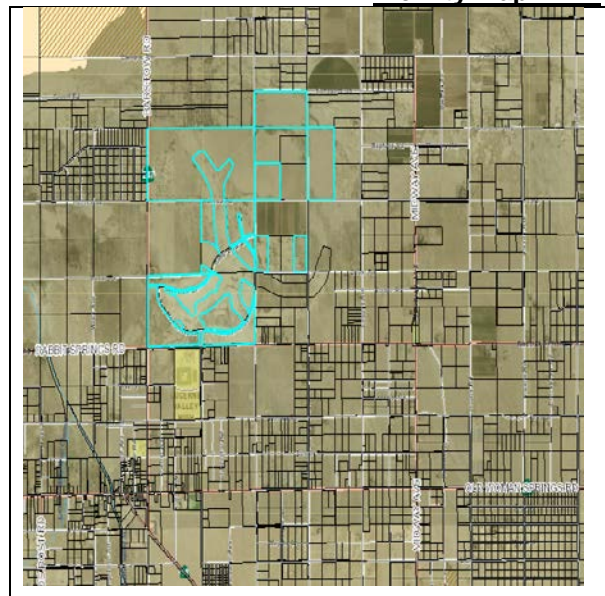
AGENDA ITEM #2

Project Description

Vicinity Map -

APN: 0450-022-57, et al.
Applicant: Lucerne Valley, LLC, et al./Michael Duffy
Community: Lucerne Valley/ 3RD Supervisorial District
Location: Extending from north to south, Sherman Way to Rabbit Springs Road and extending from west to east from Barstow Road to Post Office Road in Lucerne Valley.
Project No: PEXT-2020-00004
Staff: Magda Gonzalez
Rep: Same as Applicant

Proposal: Extension of Time request for Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred to as "Master Tract Map No. 15791").



158 Hearing Notices Sent on: June 26, 2020

Report Prepared By: Magda Gonzalez, Senior Planner

SITE INFORMATION:

Parcel Size: 1,375.51 acres
 Terrain: Primarily flat to gently sloping with major drainage channel constructed.
 Vegetation: Site has been disturbed by grading and construction.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE DISTRICT
Site	Vacant land	LV/SD-RES (Lucerne Valley/Special Development-Residential)
North	Vacant land	LV/AG (Lucerne Valley/Agriculture)
South	High School and scattered residential	Lucerne Valley/Rural Living (LV/RL) and Lucerne Valley/Institutional (LV/IN)
East	Scattered residential	Lucerne Valley/Special Development-Residential (LV/SD-RES), Lucerne Valley/Agriculture (LV/AG), Lucerne Valley/Rural Living (LV/RL)
West	Scattered residential	Lucerne Valley/Rural Living (LV/RL) and Lucerne Valley/Agriculture (LV/AG), Lucerne Valley/Special Development-Residential (LV/SD-RES)

	Agency	Comment
City Sphere of Influence:	None	N/A
Water Service:	Special Districts CSA 29	Feasibility Study required
Sewer Service:	Special Districts CSA 29	Proposed wastewater treatment plant

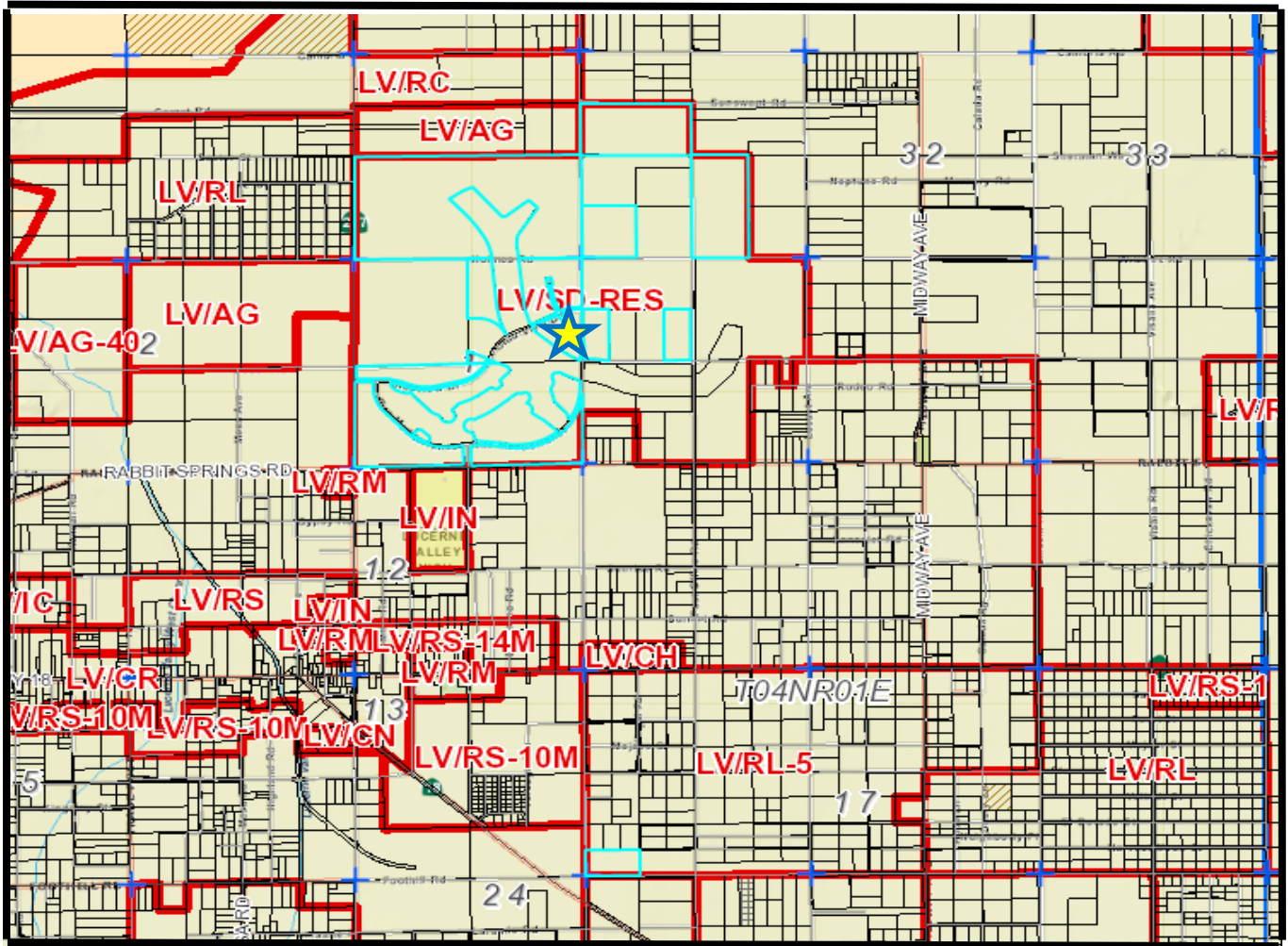
STAFF RECOMMENDATION: That the Planning Commission **DENY** the Extension of Time Request for Tentative Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred to as "Master Tract Map No. 15791")¹

¹ In accordance with Section 86.08.010 of the Development Code and Section 66452.6(e) of the Government Code, the Planning Commission action may be appealed to the Board of Supervisors. 1 of 37

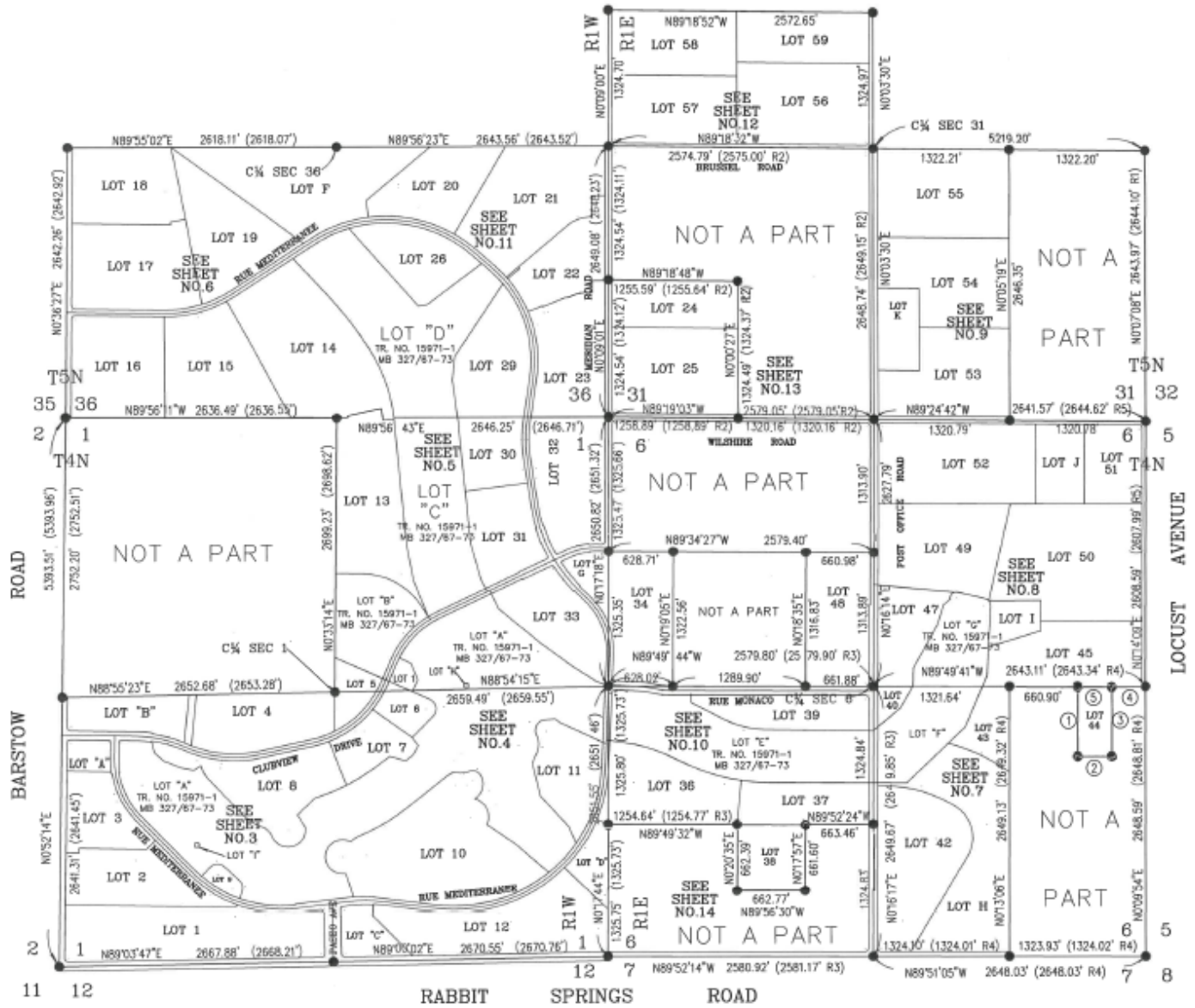
VICINITY MAP:
Aerial view of the Project Site



LAND USE DISTRICT MAP:



SITE PLAN:



PROJECT DESCRIPTION:

Lucerne Valley LLC, *et al.*², by and through its representative Michael Duffy (Applicant), requests an Extension of Time for the expiration of Tentative Tract Map No. 15791 (Project). As part of the Project application, and attached as Exhibit A to the Staff Report, the Applicant offers the following justification for the requested extension:

- Final Tract Map Tract 15791 has been under review by the County Surveyor's Office since December 2019 and is close to being completed. The final Engineer's Estimate Letter and worksheets have been submitted to Land Use Services Department and tentatively approved. A bonding agreement is being drafted.
- Applicant is currently working with Special Districts to clarify sewer and water conditions, County Service Area 29 agreements, and landscaping and irrigation improvements.
- The current Coronavirus pandemic has negatively impacted many financial institutions. The Applicant continues to contact financial institutions to negotiate with them over their bonding requirements.

BACKGROUND

A. LEGAL BACKGROUND

i. Generally

The duration of a tentative map is governed by both State and local law. (Government Code Sections 66410-66499.37 [Map Act]³; San Bernardino County Subdivision Ordinance Sections 87.01.010-87.08.040 [SBCC].) The Map Act provides for the initial life of a tentative map. (Section 66452.6(a).) Beyond this initial period, there are several ways that the duration of a tentative map may be extended. A subdivider can (1) apply to the local agency for a discretionary extension; or (2) file phased final maps. Also, development moratoria and litigation stays can extend the life of a map in certain circumstances. In rare cases, the California State Legislature may even extend the life of a tentative map in an effort to alleviate economic recessions.

ii. Initial Duration and Discretionary Extensions

The initial life of a tentative map is two years, which can be extended by local ordinance for up to an additional 12 months. (Sections 66452.6(a), 66463.5(a).) The County of San Bernardino (County) is a local agency that has elected to add the additional 12-month extension, so the initial life of a tentative map in the County is 36 months. (SBCC § 87.02.120(a).) Before the end of this initial life, a subdivider may apply to the local agency for a discretionary extension. (Section 66452.6(e).) The discretionary extension can be granted for up to a maximum of six years beyond the initial life of the map. (Sections 66452.6(e), 66463.5(c).) More than one discretionary

² Club View, LLC, a California Limited Liability Company; Monaco Investment Company, Inc., a California corporation; Wilshire Road LLC, a California Limited Liability Company; and Makasa Equity, LLC, a Delaware Limited Liability Company.

³ All further statutory reference are to the California Government Code unless indicated otherwise.

extension can be obtained, but the total length of discretionary extensions granted may not exceed six years.

To obtain a discretionary extension in the County, a subdivider must submit an application to the County's Land Use Services Department (Department) before the life of the map expires. (SBCC § 87.02.130(a).) Extensions may be granted only after making affirmative findings included in SBCC § 87.02.130(b) and "[t]he expiration date of a Tentative Map may only be extended in compliance with Section 66452.6." (SBCC § 86.06.070(b)(3).) An application for an extension immediately extends the life of a map for 60 days, or until the extension is approved, conditionally approved, or denied, whichever occurs first. (Sections 66452.6(e), 66463.5(c).)

A tentative map cannot be reinstated once its initial life lapses. The Map Act requires a subdivider to acquire a new map in such cases. (Sections 66452.6(d), 66463.5(b).)

iii. Phased Maps

Additional extensions may also be available if a subdivider files multiple final maps ("phased final maps") on a single tentative map. (Section 66452.6(a).) This phased filing may, under certain circumstances, extend the life of the tentative map. For each phased final map that a subdivider files, the remainder of the tentative map is automatically extended by 36 months beyond the tentative map's normal expiration date if the subdivider is required to expend \$236,790 or more to "construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map." (Section §66452.6(a)(1).)

This phased extension provision can extend the duration of a tentative map up to a maximum of 10 years beyond its approval date. (Section 66452.6(a)(l).) A subdivider can combine the mandatory extensions granted under this statute with the discretionary extensions provided for in Section 66452.6(e) to take the extended life of a tentative map up to 16 years.

iv. Legislative Extensions

Over the years, the California State Legislature has also extended the life of tentative maps numerous times. Relevant legislative extension include the following:

- In 2008, Section 66452.21 extended the life of all tentative maps by an additional one year that were in effect on July 15, 2008, and that would otherwise have expired before January 1, 2011.
- In 2009, Section 66452.22 provided a further two-year extension for all tentative maps that were in effect on July 15, 2009, and that would otherwise have expired before January 1, 2012.
- In 2011, Section 66452.23 further extended by two years all tentative maps that were in effect on July 15, 2011, and that would otherwise have expired before January 1, 2014.
- In 2013, Section 66452.24(a) grants an automatic two-year extension to the life of an unexpired tentative map that was approved on or after January 1, 2000. Section 66452.24(b) provides, on application by the subdivider, a two-year extension of the life of unexpired maps that were approved on or before December 31, 1999, if the local agency finds that the map is consistent with current zoning and general plan requirements. If the map is not consistent with current zoning and general plan requirements, the local agency may deny or impose conditions on the extension.
- In 2015, in certain economically disadvantaged counties, Section 66452.25(b) provides, on application by the subdivider, a two-year extension of the life of unexpired maps that were

approved on or before December 31, 2001, if the local agency finds that the map is consistent with current zoning and general plan requirements. If the map is not consistent with current zoning and general plan requirements, the local agency may deny or impose conditions on the extension.

In all cases, the legislative extensions were in addition to any extensions previously provided. Except as provided in Sections 66452.24(b) and 66452.25(b), the legislative extensions were applied automatically to extend the life of all applicable tentative tract and parcel maps.

B. PROJECT BACKGROUND

In July 1996, the San Bernardino County Board of Supervisors (Board) approved a General Plan Amendment and Preliminary Development Plan (PDP) for the 4,257 unit Rancho Lucerne Planned Development (Rancho Lucerne Project). The PDP encompassed an area of approximately 1,367 acres located northwest of the intersection of Rabbit Springs Road and State Highway 247 (Barstow Road), in the unincorporated community of Lucerne Valley.

Subsequent to the approval of the PDP, the Planning Commission approved a Final Development Plan (FDP) and Master Tentative Tract (MTT) No. 15791 in August of 1997. There were multiple revisions to the FDP and MTT approved, as well as subsequent implementing maps, which include Tentative Tract Map Nos. 16007, 16008, 16010, and 16038 (Implementing Maps). Following the expiration of MTT No. 15791's initial duration (i.e., 36 months), the County approved two extensions totaling five years, extending the expiration date of MTT No. 15791 to August 4, 2005, and exhausting all applicable discretionary extensions as authorized by the Map Act at that time.

Following these approvals, there was a lawsuit between the Applicant and the County relative to the Rancho Lucerne Project that resulted in a settlement agreement on March 1, 2007 (2007 Settlement Agreement). A copy of the 2007 Settlement Agreement and clarifying conditions of approval for the Rancho Lucerne Project are attached to the Staff Report as Exhibit B. The 2007 Settlement Agreement reorganized Tentative Tract Maps 15791-2 through 15791-9 as one master tentative tract map identified as Tentative Tract Map No. 15791 (Subject Tentative Map). The 2007 Settlement Agreement included language stating that the subdivider had three years from the recordation date of Final Tract Map No. 15791-1 to file and record the final map for the Subject Tentative Map. Final Tract Map No. 15791-1 was recorded on April 12, 2007, thereby providing the Applicant an additional three years to record the final map for the Subject Tentative Map.

However, as discussed above beginning in 2008 through 2013, in response to an economic downturn, the State Legislature passed, and the Governor signed into law, a number of legislative extensions of time for tentative tract and parcel maps. Having benefitted by the legislative extensions, on or about January 18, 2015, the Applicant submitted an application for an Extension of Time requesting an additional 24 months to complete the conditions of approval necessary to record the Subject Tentative Map pursuant to Section 66452.24. By letters dated March 18, 2015, and September 14, 2015, the Department advised the Applicant that it was in agreement that the Subject Tentative Map was extended by the legislative extensions found in Government Code sections 66452.21, 66452.22, 66452.23, and 66452.24. As a result of these extensions, the Subject Tentative Map was valid until April 12, 2017.

Later in 2015, Assembly Bill 1303, which was one of the last legislative time extensions, was signed into law. As indicated above, this bill is codified in Section 66452.25 but unlike the previous legislative time extensions, this extension of time only applies to tentative maps in counties meeting specific economic criteria, which includes having a mean household income of less than 80% of the State, an unemployment rate at least 2.75% higher than the State and a poverty rate at least 4% higher than the State. On January 6, 2017, an application for an Extension of Time was submitted by the Applicant, requesting an additional 24 months to complete the conditions of approval necessary to record the Subject Tentative Map. The application cited Section 66452.25 as the basis for the extension request.

Thereafter, the Department concluded that Section 66452.25 did not apply to the County since the County does not satisfy all three elements found in subdivisions (c)(1) through (c)(3). As a result, staff determined that the Subject Tentative Map did not qualify for an extension of time under Section 66452.25. On April 27, 2017, the Department scheduled a Zoning Administrator hearing recommending a denial of the Applicant's request to extend the Subject Tentative Map. This meeting was continued to June 29, 2017, and then stayed pending ongoing discussions.

Before rendering an official decision denying the application, on or about May 3, 2018, the County received a letter from the Applicant's attorney asserting that the Subject Tentative Map was also automatically extended by 36 months pursuant to Section 66452.6(a), by virtue of certain required off-site improvements constructed by the Applicant prior to recordation of the map for 15791-1. The May 3, 2018, letter included documentation showing an expenditure of \$362,000 in the installation of a 12" offsite water transmission line to serve the Rancho Lucerne Project. County staff never disputed this assertion and based on this claim the Subject Tentative Map was extended to April 12, 2020. The January 6, 2017, extension application has since been deemed abandoned.

Due to the action taken by the Board in response to the COVID-19 emergency that extended certain Department timelines until May 31, 2020, as well as the current application to extend the Subject Tentative Map filed by the Applicant on April 9, 2020, the Subject Tentative Map expired on or about June 12, 2020, pending further action on the Extension of Time application.

ANALYSIS:

The Extension of Time application is a request for an additional 12 months to satisfy conditions of approval including sewer and water conditions, as well as obtain funding to meet bonding requirements. Other than indicating the need for additional time, the Applicant does not provide any statutory authority or justification authorizing the County to approve the requested extension as authorized by the Map Act and SBCC.

Pursuant to the SBCC, the expiration date of a tentative map may only be extended in compliance with Section 66452.6 relating to the expiration of tentative maps. (SBCC § 86.06.070(b)(3).) Based on the initial duration (3 years; SBCC § 87.02.120(a)), applicable phased map extension (3 years; Section 66452.6(a)) maximum discretionary extensions (6 years; Section 66452.6(e)), together with the seven years of legislative extensions, the Subject Tentative Map has exhausted all applicable legislative and discretionary extensions allowed under the Map Act and SBCC since

its original approval date in 1997 and date the tentative maps were consolidated in 2007. Without additional authority to extend the life of the Subject Tentative Map beyond that authorized by the Map Act, the requested application cannot be approved.

RECOMMENDATION:

That the Planning Commission:

DENY the Extension of Time Request for Tentative Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred to as “Master Tract Map No. 15791”).

ATTACHMENTS:

EXHIBIT A: Extension of Time Application
EXHIBIT B: 2007 Settlement Agreement

EXHIBIT A

Extension of Time Application



Application Summary Report

System Date: 07/02/2020

Type: Planning/Post- Decision/Extension

APN: 0450022050000

Record: PEXT-2020-00004

Application Name: EXTENSION OF TIME

Record Status: Filed

Description: Extension of Time request for Tract Map 15791 (Consolidated maps 15791-2 through 15791-9, referred as Master Tract Map No.

Owner Name	Owner Address	Primary
WILSHIRE ROAD LLC	9903 SANTA MONICA BLVD STE 541 BEVERLY HILLS CA 90212	N
MONACO, TREASURES INC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
CLUB VIEW LLC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
WILSHIRE ROAD LLC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
WILSHIRE ROAD LLC	9903 SANTA MONICA BLVD STE 541 BEVERLY HILLS CA 90212	N
CLUB VIEW LLC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
LUCERNE VALLEY LLC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
CLUB VIEW LLC	9903 SANTA MONICA BLVD #541 BEVERLY HILLS CA 90212	N
MAKASA LLC	9903 SANTA MONICA BLVD PMB 541 BEVERLY HILLS CA 90212	Y

Parcel Number	Primary
0450022050000	N
0450022530000	N
0450331260000	N
0450381090000	N
0450391060000	N
0452051030000	N
0452051090000	N
0452051110000	N

Applicant Name	Organization Name	Email	Primary
Michael Duffy		pls5113@gmail.com	Y

Contact Type	Contact Name	Organization Name	Email	Primary
Property Owner		Pacific Golf	Pacificgolf1@aol.com	N
Developer	Michael Duffy		pls5113@gmail.com	N

Custom Field Subgroup Name	Custom Field Name	Custom Field Value
EXTENSION OF TIME INFO	Approved Project Number	Tract 15791
EXTENSION OF TIME INFO	Reason for Request	Coronavirus pandemic has made the process of obtaining financing for multimillion dollar street improvement bonding extremely difficult. Applicant needs more time to acquire bonding.
EXTENSION OF TIME INFO	Duration of Extension Requested	12
APPLICANT ONLY	Read Instructions	CHECKED
PRIMARY CONTACT INFORMATION	Primary Contact	Applicant
LOCATION AND ZONING	Supervisory District	District 3
LOCATION AND ZONING	Zoning	LV/SD-RES
LOCATION AND ZONING	Community	LUCERNE VALLEY
LOCATION AND ZONING	USGS Quad Name	FI01
LOCATION AND ZONING	School District	LUCERNE VALLEY UNIFIED SCHOOL DISTRICT
LOCATION AND ZONING	Zip Code	92356
SURVEYING LOCATION	Township-Range	T04NR01W

LETTER OF INTENT – Tract 15791

1. Final Map Tract 15791 has been reviewed by the County Surveyor's Office since December 2019 and close to being completed. The final Engineer's Estimate Letter and worksheets has been submitted to Land Use Services and tentatively approved. Bonding agreement is being constructed.
2. Applicant is current working with Special Districts to clarify sewer and water conditions, CSA 29 agreements, and landscaping and irrigation improvements.
3. The current Coronavirus pandemic has negatively impacted many financial institutions. Pacific Golf continues to contact financial institutions to negotiate with them over their bonding needs.
4. A reasonable timeline would be an additional 12 months to satisfy Items 2 and 3.

EXHIBIT B

2007 Settlement Agreement

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This Settlement Agreement and Mutual Release ("Agreement") is made and entered into by and between the COUNTY OF SAN BERNARDINO ("County"); and PACIFIC GOLF COMMUNITY DEVELOPMENT, LLC; WILSHIRE ROAD, LLC; CLUBVIEW, LLC; and LUCERNE VALLEY, LLC (collectively referred to herein after as "Pacific Golf").

RECITALS

A. Pacific Golf is the owner and developer of approximately 1376 acres of real property within the County of San Bernardino, California.

B. On July 24, 1997, the County approved Tentative Tract Map No. 15791, nine phased Tentative Tract Maps Nos. 15791-1 through 15791-9, inclusive (the "Rancho Lucerne Maps"), and Preliminary Development Plan, along with other related approvals and permits (collectively referred to as "Rancho Lucerne Project").

C. Although County records reflect the intention that Pacific Golf record a master tract map for the entire Rancho Lucerne Project, the conditions of approval did not clearly specify which, if any, of the Rancho Lucerne Maps would be designated the "Master Tract Map" nor when recordation of the Master Tract Map was required.

D. Prior to expiration of Tentative Tract Map No. 15791-1, Pacific Golf presented a final subdivision map for Tract Map No. 15791-1 to the County Surveyor for approval and recordation. The County denied recordation of the final subdivision map for Tract Map No. 15791-1, based on a determination that all necessary conditions of approval had not been satisfied. A dispute has arisen between the County and Pacific Golf concerning whether or not Tract Map No. 15791-1 is in substantial conformance with Tentative Tract Map No. 15791-1 and the necessary conditions of approval ("dispute").

E. On August 4, 2005, Pacific Golf filed a Petition for Writ of Mandate in the San Bernardino County Superior Court (Case No. SCVSS 128878) against County seeking issuance of a writ of mandate and declaratory relief (the "Petition").

F. The Petition alleged, among other things, that the County improperly rejected and denied recordation of the final subdivision map for Tract Map No. 15791-1.

G. To explore resolution of the dispute without further expenditure of resources, the Parties agreed to enter into a tolling agreement which included provisions for: dismissal of the lawsuit, without prejudice; tolling of all applicable statutes of limitation; and preservation of potential claims and defenses relating to or arising out of allegations in the Petition (the "Tolling Agreement").

H. The Parties now wish to settle the dispute and any and all matters arising out of and related to the Petition or the subject matter thereof.

AGREEMENT AND MUTUAL RELEASE PROVISIONS

NOW, THEREFORE, the parties agree as follow:

1. Clarification of Tract Maps. The Rancho Lucerne Tract Maps shall be reorganized for clarification purposes as follows:

a). Tract Maps Nos. 15791-2 through 15791-9 shall be consolidated into one master tract map, which shall be hereinafter referred to as the "Master Tract Map No. 15791";

b). The consolidation of the Rancho Lucerne Maps, as set forth in paragraph 1 (a) herein, shall not serve to: create any new parcels or lots; change the configuration or size of any parcels or lots; nor modify those land uses or allowable densities permitted in the planning areas located within Rancho Lucerne Project.

c). Tract Map No. 15791-1 (the "Golf Course Map") shall not be modified.

2. Clarified Conditions of Approval. The Conditions of Approval for the Rancho Lucerne Project shall be modified to reflect the clarifications and provisions set forth herein. A copy of the agreed upon Conditions of Approval are attached hereto as Exhibit "A", and incorporated herein by reference.

3. Recordation of Final Tract Map No. 15791-1. Immediately upon execution of this Settlement Agreement and up and until the date of March 30, 2007, County agrees to accept Final Map Tract Map No. 15791-1 for recordation.

4. Recordation of Final Map for Master Tract Map No. 15791. Pacific Golf shall have three (3) years from County's recordation of the Final Tract Map No. 15791-1, to file and record the Final Map for Master Tract Map No. 15791. The County Surveyor shall determine whether the Final Map substantially complies with the Clarified Conditions of Approval pursuant to Government Code Section 66442.

5. Related Approvals Extended by Filing Final Map for Tract No. 15791-1. Upon recordation of the final map for Tract Map No. 15791-1, all other related approvals and permits for the Rancho Lucerne Project, including, but not limited to, any unrecorded Rancho Lucerne Tract Maps, the associated Final Development Plan (FDP), and or permits, shall be extended for a period of three (3) years. Thereafter, any requests for extension shall be made in writing to the Planning Director, at least 30 days and no more than 90 days prior to expiration of the permit.

6. Satisfaction of Conditions of Approval. As a condition precedent to the County's recordation of Final Tract Map No. 15791-1 and Final Master Tract Map No. 15791, unless otherwise waived by County, Pacific Golf shall satisfy all applicable conditions and requirements set forth in the Clarified Conditions of Approval.

7. Mutual Releases. The County, on behalf of itself and its employees, affiliates, assigns, successors, attorneys, and agents, or any other person or entity under its management or control, hereby releases and forever discharges Pacific Golf and its officers, directors, shareholders, general and limited partners, subsidiaries, employees, affiliates, heirs, assigns, successors, attorneys, and agents, or any other person or entity under its management or control, from any and all claims, demands, actions, causes of action, liabilities, judgments, liens, contracts, agreements, rights, suits, obligations, promises, acts, costs and expenses (including but not limited to attorneys' fees), damages and charges of whatsoever nature (hereafter "claims"), whether known or unknown, suspected or unsuspected, fixed or contingent, asserted or unasserted, wherever filed or prosecuted, as a result of things undertaken, done or omitted to be done up to

and including the date of this Agreement related or pertaining to the dispute and all claims raised in the Petition.

Pacific Golf, on behalf of itself and its officers, directors, shareholders, general and limited partners, partners, subsidiaries, affiliates, employees, heirs, assigns, successors, attorneys and agents, hereby releases and forever discharges COUNTY and its officers, directors, employees, affiliates, assigns, successors, attorneys and agents, from any and all claims, demands, actions, causes of action, liabilities, judgments, liens, contracts, agreements, rights, suits, obligations; promises, acts, costs and expenses (including, but not limited to, attorneys' fees), damages and charges of whatsoever nature (hereafter "claims"), whether known or unknown, suspected or unsuspected, fixed or contingent, asserted or unasserted, wherever filed or prosecuted, as a result of things undertaken, done or omitted to be done up to and including the date of this Agreement related or pertaining to the dispute and all claims raised in the Petition.

8. California Civil Code Section 1542 Waiver. The parties hereto hereby acknowledge that there is a risk that, subsequent to the execution of this Agreement, they may discover, incur, or suffer from claims which were unknown or unanticipated at the time this Agreement was executed, including, without limitation, unknown or unanticipated claims which arise from, are based upon or are related to the issues and matters raised in the Action, which, if known by the parties hereto on the date this Agreement was executed, may have materially affected their decision to execute this Agreement. The parties hereto acknowledge that they are assuming the risk of such unanticipated claims and agree that this Agreement applies thereto. The parties hereto expressly waive the benefits of section 1542 of the California Civil Code, which provides:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Effective upon execution of this Agreement, the parties hereto waive and relinquish all rights and benefits which they have or may have under section

1542 or the law of any other state or jurisdiction to the same or similar effect to the full extent that they may lawfully waive and relinquish all rights and benefits pertaining to the subject matter of this Agreement.

9. Integration. This Settlement Agreement represents the complete understanding between the parties with respect to matters set forth herein.

10. Attorneys' Fees. In the event of an action to enforce this Settlement Agreement or interpret its terms, the prevailing party shall be entitled to recover its attorneys' fees and costs incurred in connection with this proceeding.

11. Counterparts. This Settlement Agreement may be executed in any number of counterparts each of which shall be deemed an original, but all of which taken together shall constitute one and the same Settlement Agreement.

12. IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

PACIFIC GOLF COMMUNITY
DEVELOPMENT, LLC,

By: *D.A. Sordby*

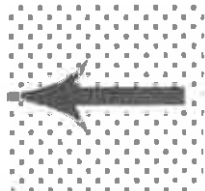
Its: Managing Member

Date: 2/13/07

COUNTY OF SAN BERNARDINO
DENNIS E. WAGNER
Interim County Counsel

By: *Robin Cochran*
ROBIN COCHRAN
Deputy County Counsel

Date: 3/1/07



WILSHIRE ROAD, LLC

By: *D.A. Sordby*

Its: Managing Member

Date: 2/13/07

CLUBVIEW, LLC

By: *D.A. Sordby*

Its: Managing Member

Date: 2/13/07

LUCERNE VALLEY, LLC

By: *[Signature]*

Its: Manager

Date: 2/13/07

APPROVED AS TO FORM

By: *[Signature]*
Michael L. Tidus

Date: 2/22/07

CONDITIONS OF APPROVAL

GENERAL ON-GOING CONDITIONS:

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 243-8245

1. The following Conditions of Approval apply to Master Tentative Tract 15791 in two phases with 50 numbered lots and 20 lettered lots on 1375.51 acres for a two phased Master Tentative Tract 15791 and a Final Development Plan to establish 4,257 residential units, a 27 hole golf course, 30 acres of retail and office commercial, a wastewater treatment plant, two school sites, a fire station, and 11 parks on 1,375.51 acres.
2. The applicant shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval in compliance with San Bernardino County ordinance #2684. The applicant shall reimburse the County, its agents, officers, or employees, for any court costs and attorney's fees which the County, its agents, officers, or employees 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 applicant of his obligation under this condition.
3. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.
4. A Certificate of Fee Exemption is being issued for this project pursuant to California State Assembly Bill 3158, The certificate shall be filed with the Clerk of the Board of Supervisors when the Notice of Determination for the project is filed. The applicant shall pay any filing fee required by the Clerk. Proof of fee payment may be required prior to recordation.
5. The master developer and subsequent developers shall comply with all requirements identified in PUDP/91-0032/DN337-127N. Conditions of Approval, Mitigation Measures and Mitigation Monitoring and Compliance Program. *A note stating the above shall be placed on the CDP.*
6. The following phased tentative tracts are subject to the regulations and requirements of the Preliminary Development Plan and of the Master Tract 15791, as defined by the County Development Code:
 - Tentative Tract 15791-1 for 9 lettered lots; and
 - Tentative Tract 15791 for 50 numbered lots, 11 lettered lots.
7. The project is designed to provide a minimum of 30% seniors housing. Senior housing areas shall have supplemental CC&R's, which require that at least one of the occupants be age 55 or older and conform to all Fair Housing Laws.

Non standard conditions are italicized

BUILDING AND SAFETY DIVISION (909) 387-4226

8. *The grading plan for the flood control channel (golf course) shall be reviewed and approved jointly by the Building and Safety Division and Transportation/Flood Control.*
9. *All subsequent phases of the project, including grading and development of individual tracts, will require additional and site-specific soil and geology investigations. The investigations must be complete and must address the adverse geologic and geotechnical conditions identified in the feasibility study.*

SOUTHERN CALIFORNIA EDISON COMPANY (760) 951-3207

10. The applicant will need to work with Edison if development will occur in Edison's easement areas or affect Edison facilities. Any development within Edison's transmission line right-of-way along the north end of the applicant's project must be approved by Edison.

SPECIAL DISTRICTS DEPARTMENT (760) 955-9885

13. The applicant shall agree to be bound by the Water and Sewer Feasibility Study, prepared by Albert A. Webb Associated, dated August 1, 2006. The requirements of the Study are valid for a period of one year.
14. Water facilities, including pipelines, wells and storage reservoirs, shall be designed and constructed to the Special Districts Department (SDD) standards. Pipeline alignments and other facility locations shall be approved by the SDD prior to initiating final design.
15. Sewer facilities, including pipelines, lift stations, and wastewater treatment plants, shall be designed and constructed to the Special Districts Department (SDD) standards. Pipeline alignments and other facility locations shall be approved by the SDD prior to initiating final design.

LAND DEVELOPMENT ENGINEERING, ROADS (760) 843-4366

16. Existing County roads that will require reconstruction shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Transportation/Flood Control Department, the cash deposit may be refunded.
17. An encroachment permit shall be required from the State Department of Transportation prior to any construction within their right-of-way.

Non standard conditions are Italicized

18. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench backfill, and all subgrades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Contracts Division of the Transportation/Flood Control Department, prior to any placement of base materials and/or paving.
19. Two points of ingress and egress to the nearest County Maintained Road or State Highway shall be required for each phase.

PRIOR TO RECORDATION OF TRACT 15791-1, THE FOLLOWING CONDITIONS SHALL BE MET:

BUILDING AND SAFETY (909) 387-4226

20. A preliminary soils report shall be filed with and approved by the Building Official prior to grading or recordation of the final map. A fee to cover the costs of the review shall be submitted with the report.

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4348

21. All fees due under Job Number 06915CFI shall be paid in full.
22. Four (4) copies of a landscape plan for that phase shall be submitted for Planning Division for review and approval. Said landscape plan shall implement the community design standards and development guidelines for the Rancho Lucerne Preliminary Development Plan and shall include the following, unless otherwise required by the Final Development Plan or other such requirements that may be required by ordinances.
 - A. Slope stabilization for the surface of all cut slopes more than five (5) feet in height and fill slopes more than three (3) feet in height. Said slopes shall be protected against damage from erosion by planting grasses or ground cover plants. Slopes exceeding fifteen (15) feet in vertical height shall be planted with shrubs, spaced not to exceed ten (10) feet on center; or trees, spaced not to exceed twenty (20) feet on center; or a combination of shrubs and trees as cover plants. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site.
 - Trees: 10% 15 gal.; 40% 5 gal.; 50% 1 gal.
 - Shrubs: 20% 5 gal.; 30% 1 gal.
 - Groundcover/hardscape: 100% coverage or as approved by Planning Division, as appropriate for the site.

Non standard conditions are Italicized

- B. Common open areas shall be landscaped with native plants or locally adaptable drought-tolerant cultivars, trees and turf capable of surviving the desert climate and soil conditions with a minimum of supplemental water maintenance once established. The required landscaping may also incorporate decorative rock, boulders or other suitable hardscape material.
 - C. Community entry monuments as shown on the Final Development Plan.
 - D. The location of all on-site trees, including any protected tree or plant that is to remain or be relocated in accordance with the County's Plant Protection and Management Ordinance.
 - E. Walls and fences as shown on the Final Development Plan.
 - F. All required bicycle and pedestrian trails as shown in the Final Development Plan.
 - G. The required walls shall use anti-graffiti paint where necessary, on all visual surfaces and shall be staggered or use architectural relief in conjunction with plantings to soften the visual effects along the road corridors.
 - H. Landscaping as delineated on the Final Development Plan shall be included on the landscaping plan.
23. Four (4) copies of an irrigation plan shall be submitted when slope planting and/or other area planting is required. Areas required to be planted shall be provided with an approved system of irrigation designed to cover all portions of the landscaped areas. A functional test of the systems may be required. The maintenance of landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by a County Service area or other appropriate entity.
24. Irrigation for areas other than the golf course or other large turf areas shall be primarily provided by drip, bubbler or other non-aerial water serving method or system. The system shall include timers for controlled application. Suitable temporary irrigation methods may be substituted upon written approval by the Planning Department where used to establish native or drought resistant plantings.
25. Surety shall be required for all landscape planting and irrigation systems to be provided as shown on the landscape and irrigation plan in a form and manner determined acceptable to the Land Use Services Director. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect and must include material and labor for each lot or landscaped area.
26. All infrastructure requirements for that phase of the project shall be installed or bonded for.
27. Prior to recordation of each phase, a detailed, revised Final Development Plan/Conditional

Non standard conditions are Italicized

Use Permit shall be submitted and approved for facilities such as the water storage facility, sewer facility, parks, commercial facilities and other applicable facilities as may be located within that phase, unless the facility is publicly owned maintained.

OFFICE OF SURVEYOR (909) 387-2389

28. The subdivider shall present evidence to the County Surveyors Office that he has tried to obtain a noninterference letter from any utility company that may have rights of easement within the property boundaries.
29. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record that cannot be relinquished or relocated shall be redesigned.

SPECIAL DISTRICTS (760) 955-9885

30. Each phase of Master Tentative Tract 15971 shall have a valid Feasibility Study as a condition of recordation. Compliance with the requirements of the study is a condition of water and sewer service.
31. If additional water reservoirs, ground water extraction wells, or water transmission facilities are required at an off-site location, the county and County Service Area 29 shall, to the extent necessary, require further environmental review to ascertain compliance under CEQA.
32. If additional sewer lift stations, trunk sewer lines or collection sewer lines are required at an off-site location, the County and County Service Area 29 shall, to the extent necessary, require further environmental review to ascertain compliance under CEQA.
33. The applicant shall transfer sufficient water rights to CSA 29 to be used by Special Districts to meet build out demand for Tract 15791-1 to the satisfaction of Special Districts.

LAND DEVELOPMENT ENGINEERING (760) 843-4366

Phase One Road Improvements:

34. A grant of easement (44 feet half-width) shall be provided along Post Office Road (entire length).
35. Should any grading be done within the Post Office Road dedication, the road shall be reconstructed to County Road Standards. Engineered plans and a permit shall be required.

Non standard conditions are Italicized

36. A grant of easement (44 feet half width) shall be required along the east-west center section line for the west half of Section 6, Township 4 North, Range 1 East.
37. A flowage easement shall be obtained from affected downstream properties northerly of the project.

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

38. Method of sewage disposal shall be through County Service Area 29.
39. The water purveyor shall be County Service Area 29.
40. Written clearance for waste discharge shall be obtained from the designated California Regional Water Quality Control Board (region listed below) and a copy forwarded to DEHS:

Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA. 92260, (760) 346-7491.
41. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system:
 - Where the water/sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the Transportation/Flood Control Department, Surveyor Division, a copy of the approved plan and a signed statement from the utility of jurisdiction confirming that the improvement has been installed and accepted.
 - Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit the approved plans and determined amount or a signed statement from an acceptable governmental entity that financial arrangements have been completed to the Transportation/Flood Control Department, Surveyor Division.
 - In lieu of bonding, an agreement shall be executed with CSA 29 for transfer of water rights and construction of sewer facilities sufficient to serve the needs of the project at build out. (TT15791-1 and 15791)

LAND DEVELOPMENT ENGINEERING/DRAINAGE (760) 843-4366

42. Prior to recordation, a San Bernardino County Drainage Easement (SBCDE) and letter of acceptance shall be obtained from affected properties northerly of the golf course. This shall include onsite and offsite properties.

Non standard conditions are Italicized

PACIFIC GOLF COMMUNITY DEVELOPMENT LLC

PAGE 7 OF 18

SUB/96-0001/DN337-127N/TT15791/RANCHO LUCERNE/LUCERNE VALLEY/S1

ORIGINAL APPROVAL: JULY 24, 1997

CONDITIONS CLARIFIED BY STAFF 02/06/07

Non standard conditions are Italicized

PRIOR TO RECORDATION OF TENTATIVE TRACT 15791 THE FOLLOWING CONDITIONS SHALL BE COMPLETED:

LAND DEVELOPMENT ENGINEERING/DRAINAGE (760) 843-4366

43. Adequate building setback margins shall be provided outside the drainage easements for any habitable structures to reduce the possibility of damage due to overflow and/or erosion.
44. In addition to the drainage requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
45. Prior to recordation of the map for Tract 15791, adequate provisions shall be made to intercept and conduct the off-site tributary drainage flow around or through the site in a manner that will not adversely affect adjacent or downstream properties.
46. Prior to recordation of the map for Tract 15791, Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses and/or drainage facilities. The easements shall be designed to contain 100-year frequency storm flow plus bulking and freeboard per County Standard Criteria.
47. Flowage easements or San Bernardino County Drainage Easements shall be obtained where diversion or concentration of runoff from the site or drainage facilities dewater onto private property.
48. All lots should drain to streets. If lots do not drain to streets, the cross lot drainage will be reviewed and approved by the Building and Safety Division under various ordinances involved.
49. Lots adjacent to water-carrying streets shall be adequately elevated above the top of curb, or block walls provided, or both, to minimize the possibility of street flows entering the site.
50. Prior to grading, grading plans shall be submitted to this office for review.
51. Prior to recordation of the tract map for Tract 15791, channel improvements for Lucerne Valley Channel shall be required through the tract as proposed by the developer's engineer (Land Development Engineering) in a report entitled "Channel Design-Rancho Lucerne, Pico Investment Company, Section 1, 36 T5N-R1 W, Sec 6, T5NR1E," dated July 1997.

LAND DEVELOPMENT ENGINEERING/ROADS (760) 843-4366

52. Prior to recordation of the tract map for Tract 15791, Road sections within and/or bordering

Non standard conditions are Italicized

the tract shall be designed and constructed to Road Standards of San Bernardino County, and to the policies and requirements of the County Transportation/Flood Control Department and in accordance with the Master Plan of Highways.

53. Final plans and profiles shall indicate the location of any existing utility facility that would affect construction.
54. Slope rights shall be dedicated on each final tract map where necessary.
55. Prior to recordation of Tract 15791, vehicular access rights shall be dedicated on Barstow Road and Rabbit Springs Road, and along the rear of double frontage lots.
56. All road names shall be coordinated with the County Transportation/Flood Control Department, Traffic Division.
57. Turnarounds at dead end streets shall be in accordance with the requirements of the County Transportation/Flood Control Department and the Forestry and Fire Warden Department.
58. Existing utility poles shall be shown on the improvement plans and relocated as necessary without cost to the County.
59. Trees, irrigation systems, and landscaping required to be installed on public right-of-way within this tract area shall be maintained by other than the County Transportation/Flood Control Department, and shall be as specified in County Transportation/Flood Control standards for tree planting or any subsequent ordinance. Maintenance procedures acceptable to the Transportation and Flood Control Department shall be instituted prior to recordation.
60. Prior to recordation of Tract 15791, dedication shall be granted as necessary to concur with the Master Plan of Highways. This dedication/right-of-way reservation is to be coordinated with the State Department of Transportation.
61. All required public road and drainage improvements for subdivisions shall be bonded in accordance with County Development Code unless constructed and approved prior to recordation.
62. Prior to recordation, the developer shall make a good faith effort to acquire the required off-site property interests for that tract map, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as County acquires the property interests required for the improvements. Such agreement shall provide for payment by developer of all costs incurred by County to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an

Non standard conditions are Italicized

appraisal report obtained by developer, at developer's cost. The appraiser shall have been approved by County prior to commencement of the appraisal.

63. An approved type wall/barrier shall be required along the rear of double frontage lots and shall be constructed outside of public right-of-way.
64. Prior to recordation of each tract map, a thorough evaluation of the structural road section within that tract map, to include parkway improvements, from a qualified materials engineer, shall be submitted to the Transportation/Flood Control Department.
65. An encroachment permit, or authorized clearance shall be obtained from the County Transportation/Flood Control Department prior to issuance of a grading permit by Building and Safety.
66. Roads within this development shall be entered in the County Maintained Road System.
67. Prior to recordation of Tract 15791, Road improvement plans for Barstow Road (Highway 247) shall be submitted to the State Department of Transportation by a registered Civil Engineer.
68. Any change to this project as currently proposed, which may be necessitated by the State Department of Transportation recommendation, must be incorporated prior to recordation of the Final Map.
69. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
70. For Transportation Department Fees, each lot shall be required to pay a "Lucerne Valley Local Area Transportation Facilities Plan Fee", as adopted by the Board of Supervisors. In addition, there will be a fee of \$120.00 (\$508,588 per final Kunzman Traffic addendum dated June 27, 1997 divided by 4,257, which is the total number of units for the entire development), for intersection improvements that are over five miles away from the project. These intersections are identified as #1 through 935 in Exhibit 21b of the latest addendum to the Traffic Impact Analysis prepared by Kunzman Associates entitled "Rancho Lucerne" and dated June 27, 1997. Therefore the total transportation fee is \$1,368.00 plus \$120 or \$1,488.00. This condition is written primarily for information purposes as these fees are to be taken when building permits are issued for individual residences and additional studies may be required to determine appropriate fees.

Phase Two Road Improvements Required prior to recordation of Tract 15791:

71. The following roads shall be paved to collector road standards (60 feet of right-of-way and 44-foot curb separation): Clubview Drive between Barstow Road and Meridian Avenue, Rue Monoco, and Rue Mediterranee.

Non standard conditions are Italicized

72. Paseo Avenue and the entrance portion of Clubview Drive shall be built to County Standards. These standards may be modified as proposed by the developer's engineer upon approval of the County Director of Transportation. A detailed proposal has not been submitted, but landscaped medians and parkways, pavement beautification and other aesthetic treatments are envisioned. Plant types and locations will be reviewed by the Traffic and Permits Divisions of the County Transportation Department. Any work of this nature within CalTrans right-of-way will require separate approval from the State Department of Transportation's Permit Office. Gates have not been proposed and are not acceptable under the present street configuration.
73. Half-width improvements shall be required on Barstow Road and Rabbit Springs Road adjacent to Lots A, B, and C. This shall include curb, gutter and sidewalk. (Improvements adjacent to Lots 1,2,3,D and 12 will occur when lots are further subdivided).
74. The loop road shall be constructed (or bonded) to a Collector standard. This will require 60 feet of right-of-way and 44-foot curb separation.
75. The following roads shall be constructed (or bonded) to Desert Paved Road Standards:
 - Post Office from Rabbit Springs Road to the tract's north boundary (full-width, 26' paved)
 - Meridian Avenue from Clubview Drive to the tract's north boundary (full-width, 26' paved)
 - Rue Monaco between Meridian Road and Post Office Road (full-width, 26' paved)
 - Wilshire Road between Meridian Road and Locust Road.
 - Locust Road between Wilshire Road and Rabbit Springs Road

COUNTY FIRE DEPARTMENT (909) 386-8400

76. A Financial Agreement is required to be submitted, prior to recordation of any residential tract associated with this project. Developer participation in preparing a Financial Agreement Plan with the County Fire Department shall be approved and agreed upon prior to releasing any residential tract map within this project. The Financial Agreement Plan will address how impacts are to be mitigated for capital improvements and operating expenditures. The Financial Agreement Plan should include the following information:
 - **Capital Outlay**: All new development which impacts fire protection and rescue services will be requested to contribute funds to be used for needed capital improvements and fixed asset items. One-time costs include fire station site acquisitions facility construction, equipment and the first year operation costs.
 - **Operating Budget for Fire Protection**: This project that collectively creates the need for new facilities will be asked to pay for them. One suggestion is for the developer to create a Community Facilities District or assessment district where all homeowners participate with a land tax-funding program for on-going operating costs.

Non standard conditions are Italicized

- **Fire Station Completion Date:** Project phasing and the locations of additional fire facilities will require coordination in order to provide emergency services prior to estimated impact build-out. This concern is required to be addressed in the Financial Agreement Plan. It will be the responsibility of the subdivider to provide an agreement that addresses when building permits will be pulled for the fire station and when anticipated completion will be. Fire station facilities are required to be in prior to the 1,500th single-family building permit is issued.
77. Prior to recordation of any residential tract map and/or building permit issuance, a water system designed to meet the required fire flow, shall be approved by the water purveyor having jurisdiction and Fire Staff. The developer(s) shall furnish the Fire Department with two copies of the water system improvement plans and a letter from the water purveyor stating the water system is capable of providing the required fire flow. The water system shall be approved and operational and field inspection, by fire personnel, shall be conducted before construction will be permitted. Specific fire flows will be established for all individual commercial proposals and all tract maps for single-family home development.
78. **Commercial/Industrial Development:** The water system infrastructure should be designed to provide a potential fire flow of 5,000 gpm, with an actual flow of 3,000 gpm at 20 psi residual operating pressure. Fire hydrant spacing shall not exceed 150 feet from any portion of the buildings as measured along vehicular travel way. All fire apparatus access to all commercial/industrial development is required to provide a clear width of 26 feet and vertical clearance of 13 feet 6 inches. All dead end roads over 150 feet shall provide a radius turn of no less than 48 degrees. All on-site road circulation will be addressed with all individual project proposals.
79. **Residential Development:** The water system infrastructure should be designed to provide 2,500 gpm, with an actual flow of 1,250 gpm at 20 psi residual operating pressure. Fire hydrant spacing shall not exceed 300 feet.
80. All required fire protection water systems shall be designed by a certified civil engineer. Water plans must be reviewed and approved by the water purveyor having jurisdiction prior to submitting the designed plans for fire staffs review. Combustible materials will not be permitted on the site until such time that the approved water system is operational.
81. Additional fire protection may be required with each individual site plan review.

SPECIAL DISTRICTS DEPARTMENT (909) 387- 5940

82. Each implementing tentative tract map of Master Tentative Tract 15971 shall have a valid Feasibility Study as a condition of recordation. Compliance with the requirements of the study is a condition of water and sewer service.

Non standard conditions are Italicized

83. If additional water reservoirs, ground water extraction wells, or water transmission facilities are required at an off-site location, the county and County Service Area 29 shall, to the extent necessary, require further environmental review to ascertain compliance under CEQA.
84. If additional sewer lift stations, trunk sewer lines or collection sewer lines are required at an off-site location, the County and County Service Area 29 shall, to the extent necessary, require further environmental review to ascertain compliance under CEQA.
85. The developer is to form an improvement zone under County Service Area 29. This improvement zone will own and operate all water and sewer facilities associated with the development.
86. The applicant shall agree to be bound by the requirements of the Water and Sewer Feasibility Study, prepared by Albert A. Webb Associates, dated August 1, 2006. The requirements of the Study are valid for a period of one-year.
87. The applicant shall prepare plans and specifications for the construction of a 1.5 million gallon per day (mgd) average day flow and a 3.0 mgd peak day flow wastewater treatment plant (WWTP) on 25.98-acre site to be provided to County Service Area 29 by the project. The WWTP shall incorporate the processes as described in the applicants Water and Sewer Feasibility Study, prepared by Albert A. Webb Associates on August 1, 2006. The design of the WWTP shall be in accordance with the requirements of and approved by the Special Districts Department (SDD).
88. The applicant shall provide a bond, from a surety authorized to do business in the State of California and approved by the Special Districts Department, for the full price to construct a 1.5 mgd average day flow and a 3.0 mgd peak day flow wastewater treatment plant.
89. The applicant shall transfer sufficient water rights entitled to the property to County Service Area 29, to be used by the Special Districts Department to serve the build out water demand for the TT15791.
90. The applicant shall provide a detailed study identifying permitted waste discharge alternatives for the treated sewage from the 1.5 million gallon per day (mgd) average day flow and a 3.0 mgd peak day flow wastewater treatment plant (WWTP). The study shall be performed based on the current and anticipated waste discharge requirements of the Regional Water Quality Control Board (RWQCB), Colorado River Basin Region. Alternatives for discharge should include an option for 100% reclamation of all project wastewater for reuse on or off the project site in RWQCB applications. The study shall also address sources for sludge conveyance and disposal in compliance with the current and anticipated EPA 40CRF Part 503 regulations for Class "A" sludge.

Non standard conditions are Italicized

ENVIRONMENTAL HEALTH SERVICES DIVISION (909) 387-4666

91. Method of sewage disposal shall be through County Service Area 29.
92. The water purveyor shall be County Service Area 29.
93. Written clearance for waste discharge shall be obtained from the designated California Regional Water Quality Control Board (region listed below) and a copy forwarded to DEHS:
94. Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA. 92260, (760) 346-7491.
95. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system:
96. Where the water/sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the Transportation/Flood Control Department, Surveyor Division, a copy of the approved plan and a signed statement from the utility of jurisdiction confirming that the improvement has been installed and accepted.
97. Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit the approved plans and determined amount or a signed statement from an acceptable governmental entity that financial arrangements have been completed to the Transportation/Flood Control Department, Surveyor Division.
98. Prior to the recordation of the tract map for Tract 15791, submit acoustical analysis prepared by an acoustical engineer, based on ultimate traffic volumes of the specific components of the project and based upon detailed site plans. A site-specific noise assessment shall be prepared to determine the type and location of necessary on-site and/or off-site noise barriers. Submit analysis and noise assessment to the Division of Environmental Health Services (DEHS) for review and approval. For information, contact DEHS at (909) 387-4655.

BUILDING AND SAFETY DIVISION (909) 387-4226

99. A preliminary soils report shall be filed with and approved by the Building Official prior to grading or recordation of the final map. A fee to cover the costs of the review shall be submitted with the report.
100. Grading plans shall be submitted to the Building and Safety Division for review and approval prior to grading or recordation. No permits for construction are to be issued until precise grading plans have been approved.
101. *The following note shall be placed in a prominent location on the CDP: "This master tract is for lot sales only—Prior to building permits further Planning approval is necessary".*

Non standard conditions are Italicized

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

102. *The Final Development Plan must be revised to be consistent with the current project. No implementing tract maps may be recorded or CUPs approved prior to recordation of TT 15791.*
103. Prior to the recordation of the tract map for Tract 15791, a Property Owners Association shall be established. Association by-laws shall be submitted for review and approval.
104. Prior to the recordation of the tract map for Tract 15791, the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") for Tract 15791 shall be submitted for review and approval. The CC&Rs shall be recorded prior to the first close of escrow for any residential lot in Tract 15791.
105. All fees due under Job Number 06915CFI shall be paid in full.
106. Four (4) copies of a landscape plan for that phase shall be submitted for Planning Department for review and approval. Said landscape plan shall implement the community design standards and development guidelines for the Rancho Lucerne Preliminary Development Plan and shall include the following, unless otherwise required by the Final Development Plan or other such requirements that may be required by ordinances.
107. Slope stabilization for the surface of all cut slopes more than five (5) feet in height and fill slopes more than three (3) feet in height. Said slopes shall be protected against damage from erosion by planting grasses or ground cover plants. Slopes exceeding fifteen (15) feet in vertical height shall be planted with shrubs, spaced not to exceed ten (10) feet on center; or trees, spaced not to exceed twenty (20) feet on center; or a combination of shrubs and trees as cover plants. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site:
- Trees 10% 15 gal.; 40% 5 gal.; 50% 1 gal.
 - Shrubs 20% 5 gal.; 30% 1 gal.
 - Groundcover/hardscape 100% coverage or as approved by Planning Division as appropriate for the site.
108. Common open areas shall be landscaped with native plants or locally adaptable drought-tolerant cultivars, trees and turf capable of surviving the desert climate and soil conditions with a minimum of supplemental water maintenance once established. The required landscaping may also incorporate decorative rock, boulders or other suitable hardscape material.
109. Community entry monuments as shown on the Final Development Plan.
110. The location of all on-site trees, including any protected tree or plant that is to remain or

Non standard conditions are Italicized

be relocated in accordance with the County's Plant Protection and Management Ordinance.

111. Walls and fences as shown on the Final Development Plan.
112. All required bicycle and pedestrian trails as shown in the Final Development Plan.
113. The required walls shall use anti-graffiti paint where necessary, on all visual surfaces and shall be staggered or use architectural relief in conjunction with plantings to soften the visual effects along the road corridors.
114. Landscaping as delineated on the Final Development Plan shall be included on the landscaping plan.
115. Four (4) copies of an irrigation plan shall be submitted when slope planting and/or other area planting is required. Areas required to be planted shall be provided with an approved system of irrigation designed to cover all portions of the landscaped areas. A functional test of the systems may be required. The maintenance of landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by a County Service area or other appropriate entity.
116. Irrigation for areas other than the golf course or other large turf areas shall be primarily provided by drip, bubbler or other non-aerial water serving method or system. The system shall include timers for controlled application. Suitable temporary irrigation methods may be substituted upon written approval by the Planning Division where used to establish native or drought resistant plantings.
117. Surety shall be required for all landscape planting and irrigation systems to be provided as shown on the landscape and irrigation plan in a form and manner determined acceptable to the Planning Director. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect and must include material and labor for each lot or landscaped area.]
118. All infrastructure requirements for that phase of the project shall be installed or bonded for. This infrastructure includes, but is not limited to, the waste water treatment and trunk lines, water treatment, storage and transmission lines, streets, storm water control facilities, trails, sidewalks and parks.

PRIOR TO LAND DISTURBANCE OR GRADING ON ANY PHASE THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4226

- 1-19. Obtain a demolition permit for any buildings or structures to be demolished. Underground

Non standard conditions are Italicized

structures must be broken in, backfilled and inspected before covering.

120. Submit plans and obtain separate permits for any required walls or retaining walls.
121. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
122. Prior to the issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
123. An NPDES permit - Notice of Intent (NOI) - is required prior to issuance of a grading/construction permit. Contact the Regional Water Quality Control Board for specifics.
124. When earthwork quantities for any tract map exceed 5,000 cubic yards, a geology report, prepared by a licensed geologist, shall be filed with and approved by the Building Official prior to issuance of building or grading permits. A deposit to cover the costs of the review shall be submitted with the report. An additional deposit may be required or a refund issued when the costs do not match the deposit. The review costs shall be paid in full prior to issuance of building or grading permits.
125. *The project geotechnical engineer must review and sign all Phase I grading and foundation plans. A compaction report must be submitted upon completion of rough grading. All grading must conform to the minimum requirements of Appendix Chapter 33 of the Uniform Building Code.*

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 388-4600

126. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (909) 388-4600.

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

127. A copy of the grading plan shall be submitted to Planning for review of landscaping requirements when cut slopes exceed five (5) feet in height and fill slopes exceed three (3) feet in height.

PRIOR OF ISSUANCE OF BUILDING PERMITS ON ANY SUBSEQUENT TENTATIVE TRACT MAP OF MASTER TRACT 15791 THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4226

Non standard conditions are Italicized

128. Submit building plans for approval and obtain permits prior to any construction.

LAND USE SERVICES DEPARTMENT/PLANNING DIVISION (760) 843-4340

129. All landscaping and irrigation, as shown on the approved landscape and irrigation plans for that tract shall be installed.

130. All required walls for the specific tract shall be installed prior to occupancy.

131. All required fees shall be paid in full.

SPECIAL DISTRICTS DEPARTMENT (909) 387-5940

132. For the proposed Wastewater Treatment Plant (WWTP) site, the applicant shall submit to the County an environmental site assessment documenting the presence/absence of hazardous materials and petroleum products within the area of the proposed disturbance at actionable levels. Grading activities associated with this facility shall not commence pending the County's acceptance of that study and the Applicant's commitment to fully perform any recommended remediation measures outlined therein. The Applicant shall demonstrate that site development will not subject site users to any unacceptable hazards associated with the presence or potential presence of any hazardous materials that may exist on the project site.

133. For groundwater development at the site, a Phase I site specific environmental assessment investigation and research specific to groundwater quality at the site and vicinity is required.

134. For off-site water storage facility(ies), a Phase I site specific environmental assessment is required.

135. The applicant shall construct a 1.5 million gallon per day (mgd) average day flow and a 3.0 mgd peak day flow wastewater treatment plant (WWTP) on 25.98-acre site to be provided to County Service Area 29 by the project. The WWTP shall incorporate the processes as described in the applicants Water and Sewer Feasibility Study, prepared by Albert A. Webb Associates on August 1, 2006. The construction of the WWTP shall be approved and inspected by the Special Districts Department. All facilities shall be granted to County Service Area 29 for maintenance and operation.

136. The applicant shall construct the required off-site storage facilities with sufficient transmission piping to provide for both domestic use and fire protection. The construction of the water facilities shall be approved and inspected by the Special Districts Department. All facilities shall be granted to County Service Area 29 for maintenance and operation.

Non standard conditions are italicized