



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: March 7, 2019

AGENDA ITEM 2

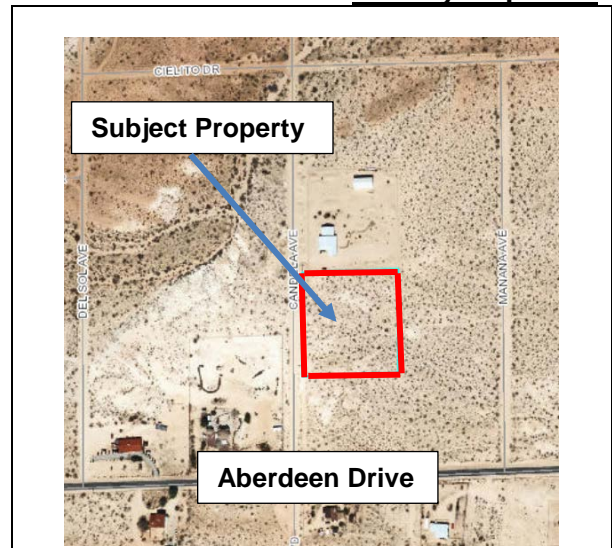
Project Description

Vicinity Map -

APN: 0599-274-02

Applicant: Darren McGarvie
Community: Joshua Tree/3rd Supervisorial District

Location: 3205 Candela Avenue, Joshua Tree
Project No: P201800384/CUP
Staff: Jim Morrissey
Rep: Darren McGarvie
Proposal: Conditional Use Permit to establish a “dry” campground with five camp site in the RL District on 2.3 acres.



7 Hearing Notices Sent on : January 22, 2019

Report Prepared By: Jim Morrissey, Planner

SITE INFORMATION:

Parcel Size: 2.3 acres
Terrain: Relatively flat, with existing camp site improvements
Vegetation: Desert vegetation, with cacti, yucca, and Joshua Trees.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

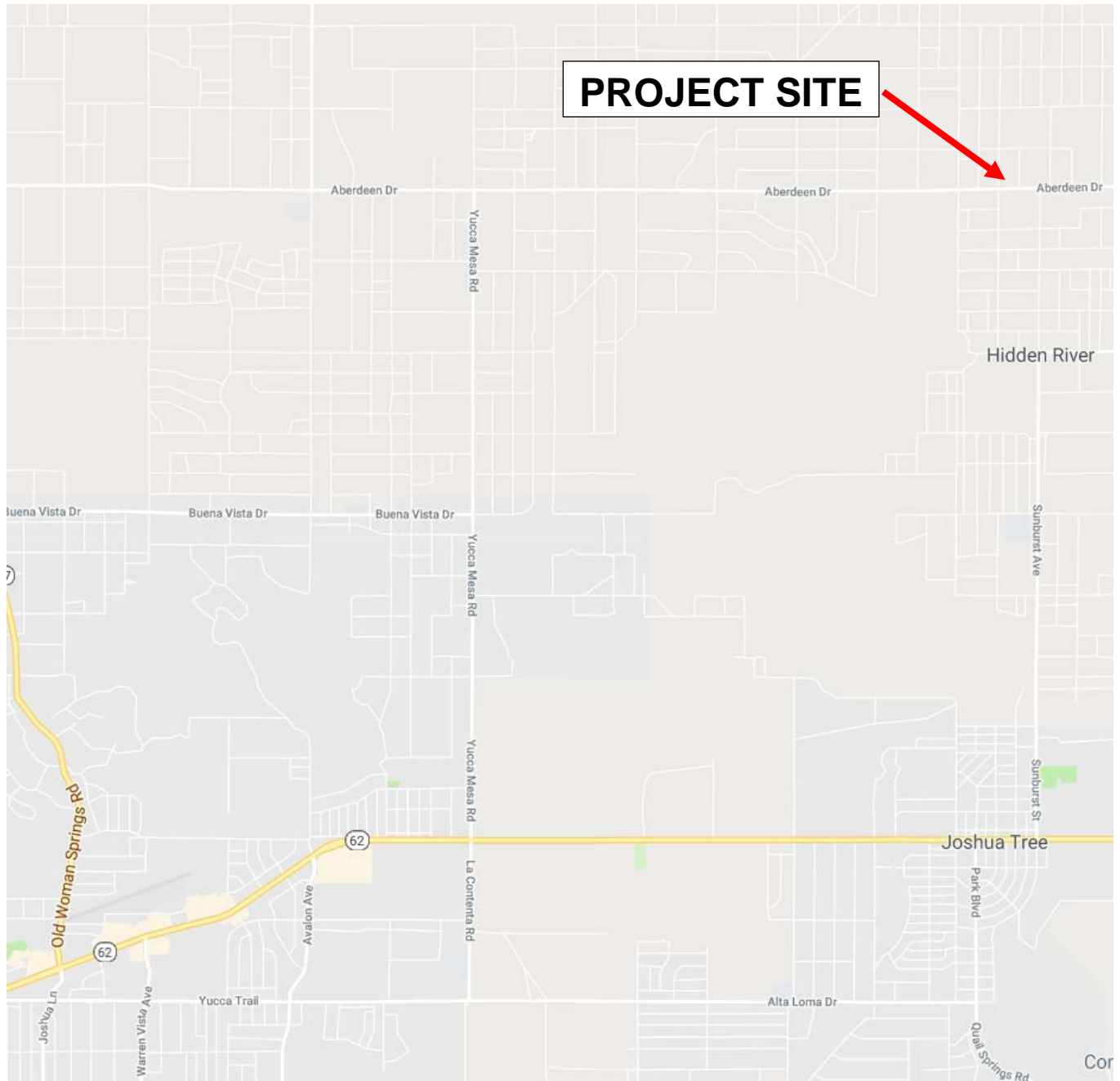
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Camp site	RL (Rural Living)
North	Single Family Residence	RL (Rural Living)
South	Vacant	RL (Rural Living)
East	Vacant	RL (Rural Living)
West	Vacant	RL (Rural Living)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	No Service Intended
Sewer Service:	N/A	No Service Intended

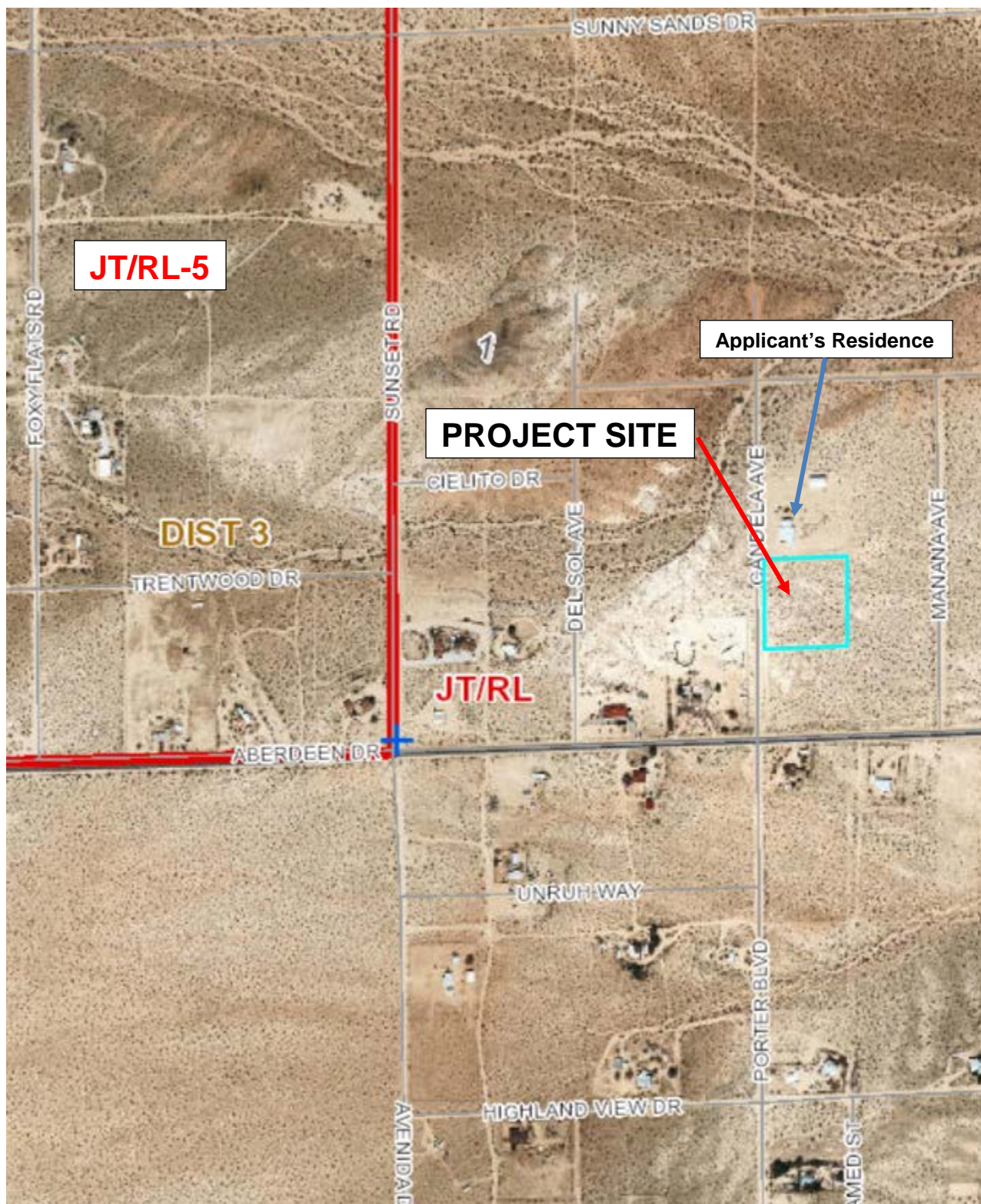
STAFF RECOMMENDATION: That the Planning Commission **FIND** the proposed Project is exempt from CEQA pursuant to CEQA Guidelines §15303, **ADOPT** the recommended Findings, **APPROVE** the Conditional Use Permit based on the recommended Findings and subject to the Conditions of Approval, and **FILE** a Notice of Exemption.¹

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

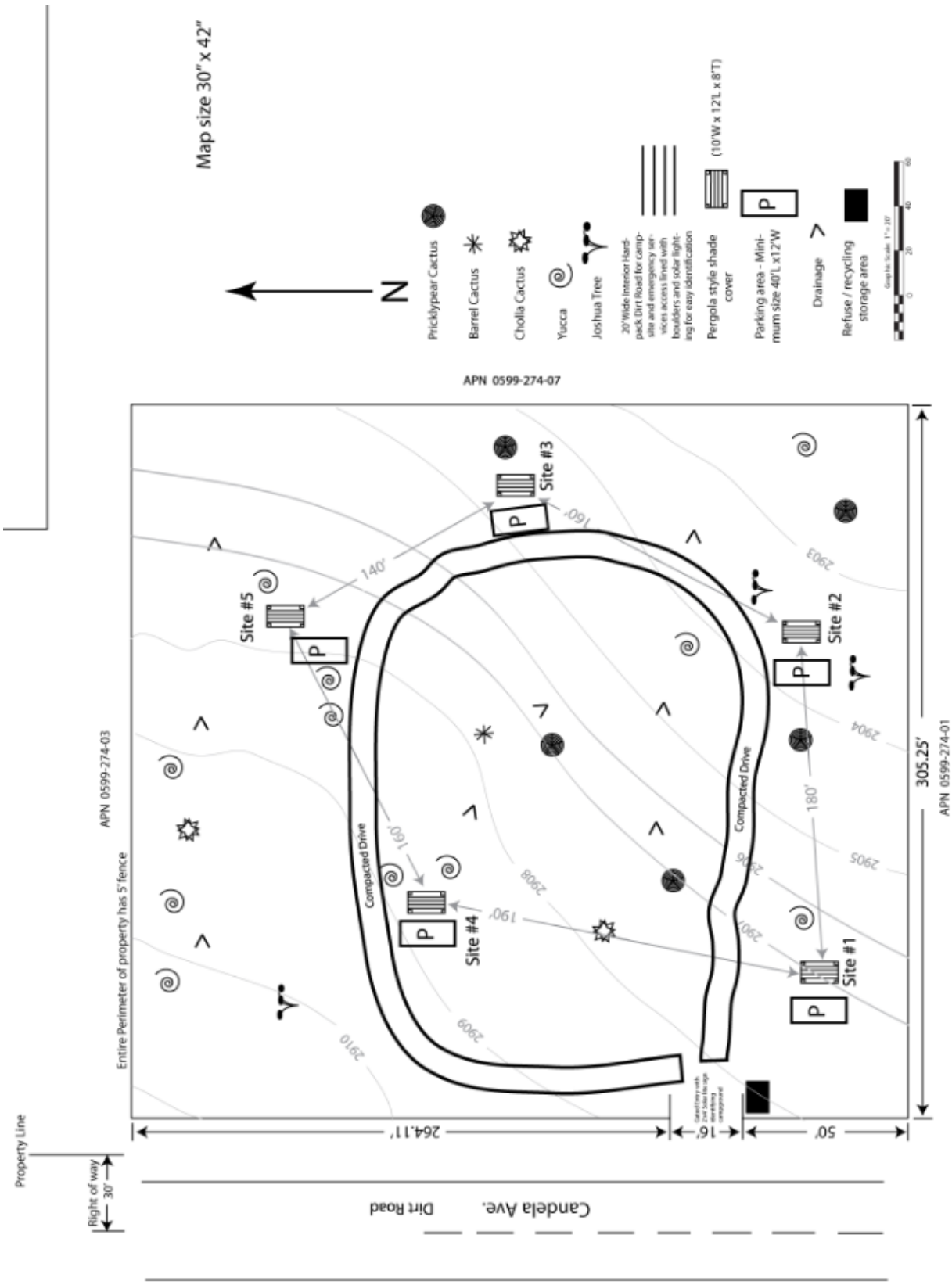
VICINITY MAP:
Aerial view of the Project Site



LAND USE DISTRICT MAP AND AERIAL PHOTO

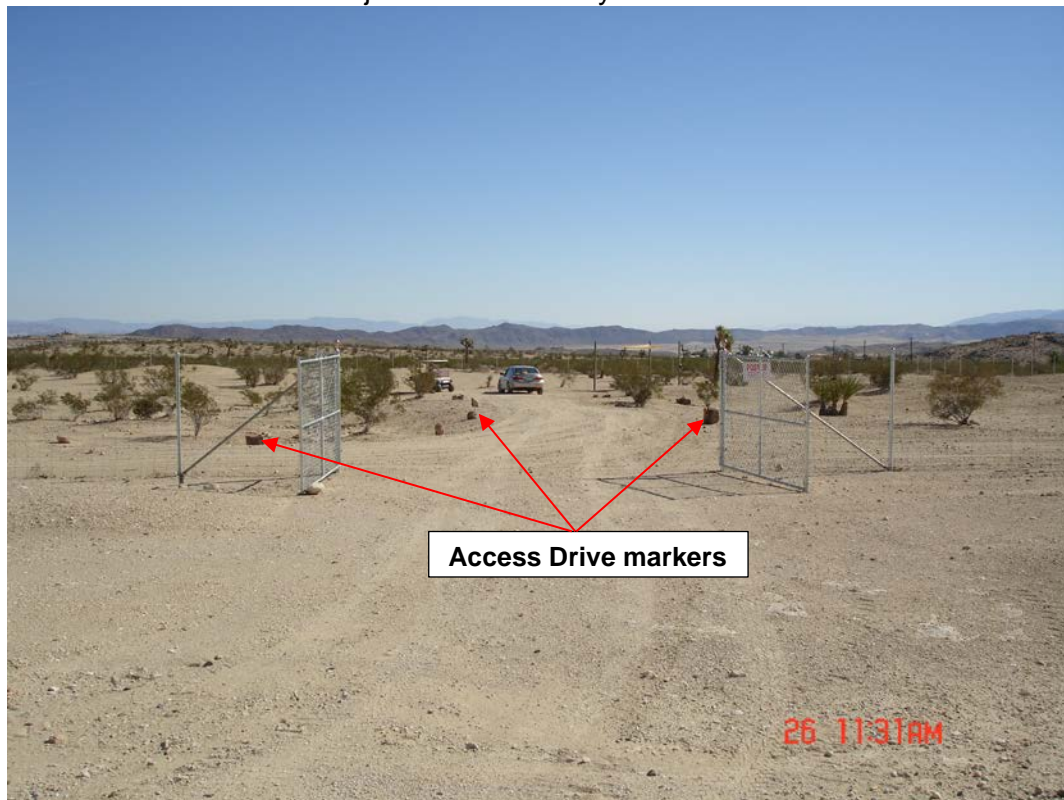


SITE PLAN

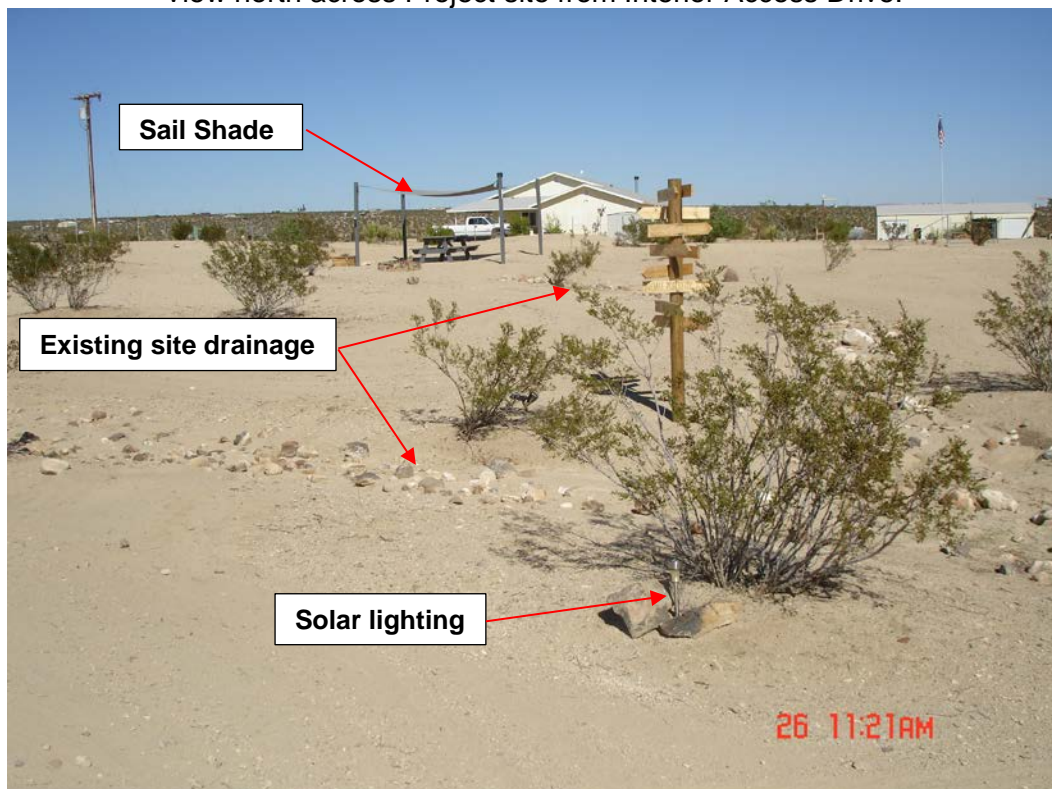


SITE PHOTOS

View into Project Site from Entry on Candela Avenue.



View north across Project site from Interior Access Drive.

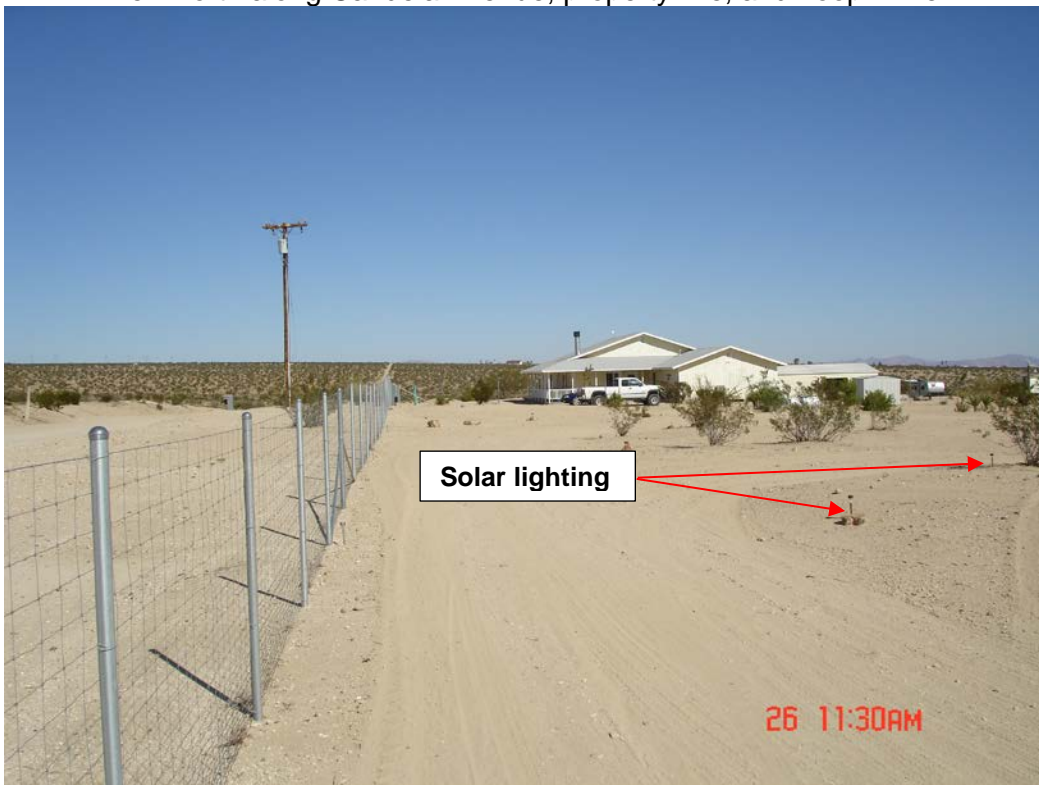


SITE PHOTOS

View south across Project drive from Interior Access Drive.



View north along Candela Avenue, property line, and Loop Drive.



View south along Candela Avenue.



Existing shade cover.



PROJECT DESCRIPTION:

The applicant requests approval of a Conditional Use Permit (CUP) to establish a year-round dry campground with five camp sites on 2.3 acres (Project). The proposed “dry” condition is the result of no on-site water or wastewater facilities. Campground users will be required to utilize recreational vehicles or self-contained campers for their water and wastewater needs. No utilities are to be provided and camp fires and tent camping will not be permitted. Each site will have a shade cover (pergola or sail shade), picnic table, trash can, recycle can, and dog waste bags. According to the applicant, the intent of the Project is “to develop the site with a minimalist approach making the camping experience as ‘natural’ as possible.” According to the applicant, the demand for camp sites is very high, with inadequate space available within the National Park. The Project site is intended to provide additional camping facilities for campers/visitors to the area, within a safe and managed environment. The property is currently fenced and the applicant, who currently resides next door, is considering installing a gate between the two properties. Interior access through the Project site is to occur along a compacted dirt drive that is delineated by small boulders and solar lights.

The applicant has prepared rules and regulations for the operation of the campground (Exhibit D). The regulations indicate the size and number of vehicles, number of guests, pet behavior, length of stay, and other criteria. Information materials will also be provided to campers detailing local attractions, stores, restaurants, and RV dump stations. Staff has incorporated a number of the applicant’s rules and regulations as conditions of approval for the campground design, campground operation, and individual camp site use.

No comment letters have been received.

PROJECT ANALYSIS:

Site Planning: The Project is designed as a natural site, with minimal improvements. The only structures will be one shade structure at each camp site, along with a bench. No paving or concrete pads are proposed, nor are parking spaces to be delineated. A single dirt loop access drive will connect each camp site, with small boulders and solar lights marking the path. The site is predominately improved as it would be under the proposed use. The installation of the shade structures did not require a building permit, nor do the placement of the existing benches. Additional items to be provided include two new shade structures, and trash and recycle cans for each camp site.

Site Operations: The proposed campground will permit only “fully self-contained” campers/RVs, with a maximum length of 25 feet. One additional vehicle will be permitted with the camper. No more than six people will be permitted at each camp site, along with two “well-behaved pets, per camp site”. Additional daytime guests will only be permitted upon approval of a written request. The maximum length of stay is two weeks. Quiet time is to occur between the hours of 10 pm and 8 am and camp fires and parties are not permitted. Each camp site will be provided emergency service information and campground and County rules and regulations.

The applicant currently resides on the adjoining parcel to the north. However, the use/operation of the property does not require an owner to be in close proximity to the project site, except it is very convenient for accessibility at this time. Should the owner sell his residence, the campground would still remain on a separate parcel and would continue to be subject to the conditions of approval.

CALIFORNIA ENVIRONMENTAL QUALTY ACT (CEQA) COMPLIANCE:

The applicant prepared a *Baseline Biological Assessment and Focused Surveys for Desert Tortoise and Burrowing Owl Surveys*, April 2018 and a *Cultural Resource Assessment*, June 2018. An Initial Study (IS) was started due to a comment contained in the *Biological Assessment* that a mitigation measure would

be necessary for the burrowing owl prior to the use operating. As a result of the initiation of CEQA, AB 52 notices were sent out to the Tribes, for Tribal Cultural Resources, and comments were received, but no concerns were identified unless the project were to change in the future. Further discussions subsequently occurred with the Project biologist who indicated that there would not be an issue with the Burrowing Owls due to absence of Burrowing Owls on-site, the physical disturbances that had occurred and the lack of resources for water, shelter and nesting resources on adjacent sites. As such, no biological concerns exist for the Project.

Based on the foregoing, Staff determined that an IS is not required and that the Project qualifies for a Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines, because the Project consists of the construction and location of limited numbers of new, small facilities or structures and has determined there is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances (such as size or location of the Project site).

RECOMMENDATION:

That the Planning Commission:

1. **FIND** the Project is exempt from CEQA pursuant to CEQA Guidelines §15303, New Construction or Conversion of Small Structures, and no unusual circumstances exist that would exclude the Project from the exemption;
2. **ADOPT** the recommended Findings for approval of the Project;
3. **APPROVE** the Conditional Use Permit to establish a “dry” campground with five camp site on 2.3 acres, subject to the recommended Conditions of Approval; and
4. **FILE** a Notice of Exemption.

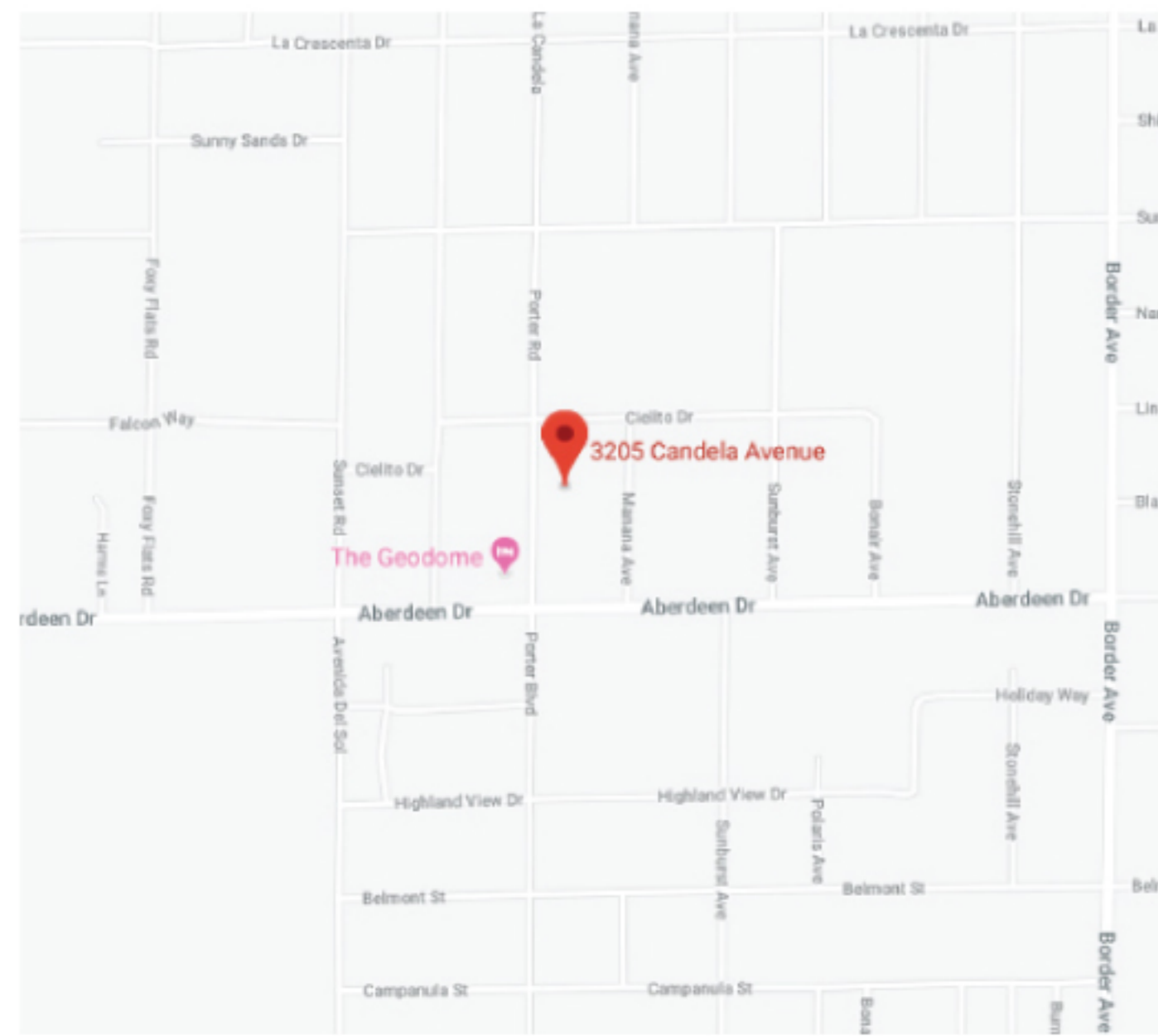
ATTACHMENTS:

- EXHIBIT A: Site Plan
- EXHIBIT B: Findings
- EXHIBIT C: Conditions of Approval
- EXHIBIT D: Letter of Intent/Rules and Regulations

EXHIBIT A

Site Plan

Vicinity Map



Proposed property is vacant. All native vegetation will remain untouched.

Surrounding properties to the East, South and west are zoned RL and vacant.

Property to the North is zoned RL and has a single residence (Also owned by Darren McGarvie)

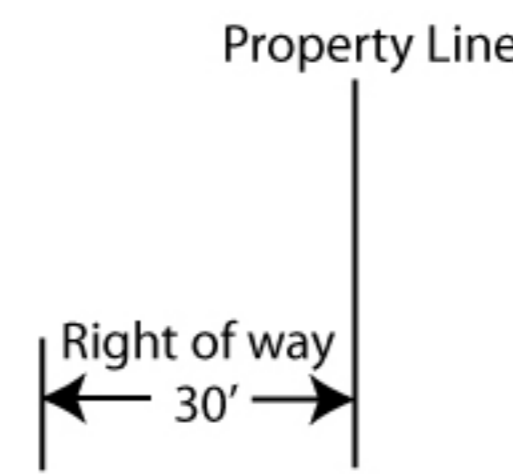
Utilities:

Electric: Southern California Edison
PO Box 800
Rosemead, CA 91770

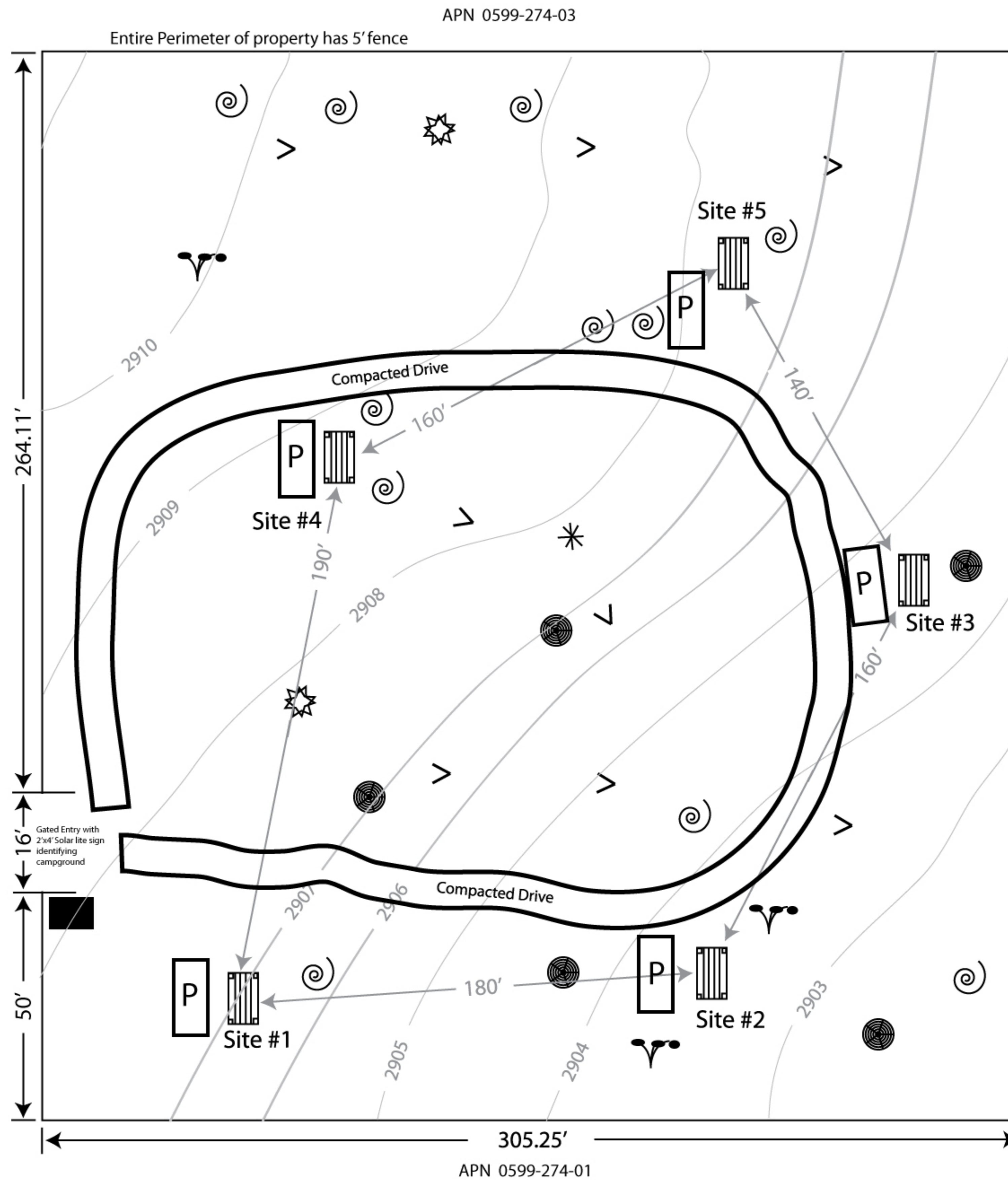
Water: Joshua Basin Water District
61750 Chollita Rd.
Joshua Tree, CA 92252
760-366-8438
No extension to the property is requested.

Sewer: No septic or sewer system to be provided

APN 0599-273-07 RL



Candela Ave. Dirt Road



Map size 30" x 42"



- Pricklypear Cactus
 - Barrel Cactus
 - Cholla Cactus
 - Yucca
 - Joshua Tree
 - 20' Wide Interior Hard-pack Dirt Road for camp-site and emergency services access lined with boulders and solar lighting for easy identification
 - Pergola style shade cover (10'W x 12'L x 8'T)
 - Parking area - Minimum size 40'L x 12'W
 - Drainage
 - Refuse / recycling storage area
- Graphic Scale: 1" = 20'
-



BENCHMARK

PREPARED BY: **Darren McGarvie**
owner / builder
3189 Candela Ave.
Joshua Tree, CA 92252
619-890-3876

MARK	REVISIONS	APPR	DATE
	Original draft		11/16/17

COUNTY OF SAN BERNARDINO

RECOMMENDED BY: _____

APPROVED BY: _____

DATE: _____ DATE: _____

CUP - Campround

APN# 0599-274-02
2.31 AC RL
Lot 61, Tract 5748, as per map recorded in Book 72, pages 77-79, records of Said County

ROAD NO.
3205 Candela Ave.

FILE NO.
Sheet 1 of 1

EXHIBIT B

Findings

FINDINGS: CONDITIONAL USE PERMIT

Conditional Use Permit for the establishment of a “dry” campground with five camp site on 2.3 acres (Project).

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other features pertaining to the application, because the proposed Project involves only minor improvements and has adequate land area to meet the stated operational needs of the use and all County Development Code standards.
2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use, because the proposed Project will obtain access from a maintained County roadway. A single point of access is acceptable to the Fire Department to provide suitable emergency ingress and egress.
3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance, because the proposed use is intended to provide five camp sites in a natural condition without the use of domestic water service, sewer facilities, fire pits or outdoor camping and are subject to conditions of approval designed to avoid and/or mitigate adverse effects on abutting property. The use will not interfere with the present or future ability to use solar energy systems, due to the open air nature of the design.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the proposed land use is allowed as a conditionally permitted use in the RL (Rural Living) Land Use District and implements the goals and policies of the General Plan through its implementation of the County’s economic development and planning objectives, while providing specific design requirements for architecture and landscaping. The Project specifically implements the following goals:

General Plan Policies

General Plan Policy LU 1.4: Encourage preservation of the unique aspects of the rural communities and their rural character.

- Project Characteristics/Implementation
The proposed Project attempts to maintain the existing vegetation and soils through the establishment of non-invasive campground that will not involve trenching for utilities or ground disturbance for roadway improvements.

General Plan Policy D/CO 1.3: Require retention of existing native vegetation and new development projects, particularly Joshua trees, Mojave yuccas and creosote rings, and other species protected by the Development Code and other regulations.

- Project Characteristics/Implementation
The proposed Project has maintained existing Joshua trees, yucca plants, and cacti.

General Plan Policy D/CO 1.4: Reduce disturbances to fragile desert soils as much as practicable in order to reduce fugitive dust.

- Project Characteristics/Implementation
The intended purpose of the proposed campground is to provide a natural environment for camping. As such, minimal improvements are proposed that would allow maintenance of the natural soil condition. Although the Project site has been cleared of some underlying vegetation to improve its aesthetic appeal, the notable trees and plants have been retained. No dirt bikes or off-road vehicle are to be used on site.

Joshua Tree Community Plan Policies

Community Plan Policy JT/LU 1.3: Development shall be required to maintain, conserve and be complementary to environmentally sensitive areas and elements, including but not limited to: Joshua trees, Mojave yuccas, creosote rings and other protected plants, protected fauna, hillsides, scenic vistas, drainage areas, habitat, and unique geological features.

- Project Characteristics/Implementation
The applicant has preserved sensitive elements on the property, including Joshua trees, cacti, and yuccas. Minor on-site drainage courses would not be affected by the proposed Project.

Community Plan Policy JT/CO 1.1: Require future land development to be compatible with the existing topography and scenic vistas, and protect the natural vegetative.

- Project Characteristics/Implementation
The intent of the proposed Project is to maintain the natural environment with minimal improvements and no grading is proposed.

Community Plan Policy JT/CO 1.2: Require retention of existing native vegetation and new development projects, particularly Joshua trees, Mojave yuccas and creosote rings, and other species protected by the Development Code and other regulations.

- Project Characteristics/Implementation
The applicant has identified and maintained the existing sensitive on-site vegetation.

Community Plan Policy JT/CO 8.2: All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards.

- Project Characteristics/Implementation
The applicant has proposed no lighting, except low-lying solar lighting placed periodically along the drive path to delineate vehicular accessibility through the Project site.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because the new campground will not provide connections to or installation of water, sewer or other utilities. The existing adjacent public roadway and the on-site dirt drive loop will be maintained in their current/natural condition.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because the Project has been evaluated by County departments and as part of the environmental review process to respond to specific development needs and reduce potential environmental impacts.
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, because the proposed Project can provide future opportunities for the installation of solar energy systems due to the open and unimproved nature of the use and the proposed shade structures would not interfere with the placement of solar systems on adjoining properties.
8. In compliance with the California Environmental Quality Act (CEQA), the Project was evaluated and found, due to the lack of improvements and no adverse effect upon biological or cultural resources, to be exempt, in accordance with Section 15303 of the California Environmental Quality Act and that there is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances (such as size or location of the Project site) in accordance with Section 15300.2. Therefore, if the project is approved, a Notice of Exemption will be filed. The County exercised independent judgment in making this determination.

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

Darren McGarvie – Dry Campground
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved to establish a Dry Campground with five camp sites on 2.31 acres in Joshua Tree, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0599-274-02 Project No. P201800384.

2. Project Location. The Project site is located at 3205 Candela Avenue, in the Community of Joshua Tree.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer’s indemnification obligation applies to the indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:

- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
- b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
8. Project Account. The Job Costing System (JCS) account number is P201800384. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans, if applicable.
 - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan, if applicable.
 - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- FEDERAL: N/A;
 - STATE: N/A
 - COUNTY: Land Use Services – Planning/Building and Safety/Code Enforcement/Land Development, County Fire; Public Works – Traffic Division, and; Public Health – Environmental Health Services.
 - LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.
 - Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations.

13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Lighting. Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
17. Joshua Tree Relocation Plan. The developer shall submit and have approved by the Planning Division, if applicable, a relocation plan for Joshua Trees within the developed site area. The relocation plan shall be accompanied with certification from a certified arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing a Joshua Tree removals from the subject property.
18. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
19. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
20. Campground Design Criteria. The Project site shall meet the following design requirements:
 - a) The entire property is to be well maintained, fenced, gated and secured.
 - b) The interior drive is to be maintained in a well-groomed manner, utilizing very hard packed native soil and delineated by small boulders and solar lights.
 - c) Small signs are to be provided indicating the direction to each camp site and each camp site.
 - d) Each campsite is to be equipped with a trashcan, recycle can, dog waste bags, picnic table and shade in the form of either a pergola or sail shade.

21. Campground Operational Requirements. The campground shall meet the following requirements:

- a) Campsites shall only be permitted to guests staying in “fully self-contained” campers. No on-site utilities will be provided, including water or wastewater facilities. Campers will be given a list of nearby facilities and recourses such as local attractions, stores, restaurants and RV dump stations to properly dispose of waste, if needed.
- b) Tent camping shall not be permitted.
- c) Maximum length of trailer, RV or Camper shall be 25 feet.
- d) Quiet time shall be observed between 10 pm and 8 am.
- e) Campfires shall not be permitted.
- f) Parties shall not be permitted.
- g) Maximum length of stay in the campground shall be 2 weeks.
- h) In addition to trash and recycle cans located at each site, a dumpster and recycling bins will also be located near the main entrance.
- i) Owner/manager shall be readily available at all times by phone in case physical presence is needed. In the event the owner/manager is not available or is incapacitated for any reason, the campground will be shut down until suitable management can be put into place or closed indefinitely.
- j) Motorcycle and ATV use on the property is prohibited.

22. Individual Camp Site Use Requirements. Each separate camp site shall have the following restrictions:

- a) Guests shall be allowed one vehicle in addition to the Camper.
- a) No more than 6 people per camp site shall be permitted.
- b) No more than two well-behaved pets on a leash per camp site shall be permitted.
- c) Additional daytime guests shall only be permitted upon written request approval of the landowner.

23. Construction Noise. The following measures shall be adhered to during the construction phase of the project:

- All construction equipment shall be muffled in accordance with manufacturer’s specifications.
- All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
- All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

24. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

25. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

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

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

30. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.
31. Noise. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080

COUNTY FIRE DEPARTMENT–Community Safety Division (760)995-8190/(909)386-8465/LOCAL FIRE JURISDICTION

32. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
33. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
34. Additional Requirements. In addition to the Fire Department requirements stated herein, other on-site and 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. [F01A]

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701

35. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
36. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
37. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
38. Mandatory Organics Recycling. As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate four (4) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

39. Roadway Access. Project vehicles shall not back out into the public roadway.
40. Access. The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149

41. Survey Monumentation. 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 (Section 8771(b) Business and Professions Code).
- ✓ Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
 - ✓ Monuments set to mark the property lines.
 - ✓ Pursuant to applicable sections of the Business and Professions Code.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

42. Ground Disturbance – Informational Conditions. The proposed Project will not involve grading. However, if this occurs due to a change in the design concept, the following conditions may be required as part of a subsequent approval action:
- a) In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel and Morongo Bands of Mission Indians will be contacted if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. The archaeologist shall complete an isolate/site record for the find and submit this document to the applicant and Lead Agency for dissemination to the San Manuel and Morongo Bands of Mission Indians.
 - b) If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel and Morongo Bands of Mission Indians for review and comment. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel and Morongo Bands of Mission Indians on the disposition and treatment of any other cultural materials encountered during the project.
 - c) If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

43. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties.
44. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 06071C8135H dated 08/28/2018. Flood Hazards are undetermined in this area but possible.
45. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
46. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage Study. 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.
47. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.
www.swrcb.ca.gov

- 48. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
- 49. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

- 50. Vector Control. 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 (800) 442-2283.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION

- 51. Fire Fee. The required fire fees are due at time of submittal and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices.
- 52. Access. The development shall have a minimum of one point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Access road may be compacted native soil. Standard 902.2.1.

Single Story Road Access Width:

All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F41]

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311

- 53. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
 - a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - b. All sign lighting shall not exceed 0.5 foot-candle.
 - c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.

- d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

54. Acoustical Study. Submit preliminary acoustical information must be submitted demonstrating that the proposed project maintains noise levels at/or below County Noise Standard(s), San Bernardino Development Code (§ 83.01.080, 87.0905). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For more information and request an acoustical checklist contact DEHS. (800) 442-2283
55. Vector Inspection. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.
56. Refuse Generated. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 1-800-442-2283. The recycling center must maintain an amount of less than 10% residual amount of solid waste from the separated waste for reuse; a less than 1% putrescible wastes from the separated waste for reuse material received by weight. As long as the above conditions are met, the facility will not be subject to the Transfer/Processing Regulatory Requirements, pursuant to 14 CCR §17402.5. If the facility exceeds the above stated limitations, a Full Solid Waste Facility Permit will be required.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

57. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201800384.
58. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, “Glare and Outdoor Lighting” (i.e. “Dark Sky Ordinance).
59. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
60. Installation of Improvements. All required on-site improvements shall be installed per approved plans.

LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311

61. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and signoffs shall be completed.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION

62. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
63. Surface. All fire access roadway surfaces, except for driveways providing fire access to no more than two (2) single family dwellings or accessory structures, shall be capable of supporting a fire apparatus with a gross vehicle weight of 80,000 pounds (lbs.). For design purposes, fire apparatus weight is distributed as 60,000 lbs. on the rear dual axles and 20,000 lbs. on the front axle. When required by the fire code official, the design of fire access roadways shall bear the stamp of a registered professional engineer in order to verify that they meet this requirement.
64. Grade. Where no paved roadways exist and road grades do not exceed eight percent (8%) and where serving only single family dwellings or accessory buildings, roads may be constructed with approved native materials or gravel compacted to eighty five percent (85%) compaction.
65. Planted Materials. Planted materials that are retained by a solid system such as “Turf Block”® or “Grass-crete”® may be used for fire apparatus access surfacing, with approval of the fire code official, for limited or isolated areas no more than fifty (50) feet in length and where road grades do not exceed two percent (2%). Such areas shall be clearly signed as Emergency Vehicle Access per SBCFD Standard A-3, Diagram A-3.1. These, as well as other alternate paving materials such as stone, concrete paves, chip seal or slag, shall be evaluated based on their ability to support imposed load of a fire apparatus and shall be immediately recognizable to emergency responders as a drivable surface.
66. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the “fire final”.

END OF CONDITIONS

EXHIBIT D

Letter of Intent/Rules and Regulations

Letter of Intent

Overview:

The plan is to establish a “dry” Campground with 5 sites for paying guests in fully self-contained travel trailers or campers spread evenly amongst the property. The goal is to develop the site with a minimalist approach making the camping experience as “natural” as possible.

At this time I have no desire to add any utilities, fire pits or public facilities. Basically nothing more than a shade cover and picnic table per site in a beautifully maintained, all natural, secured and protected environment.

The campground will be owner operated with no further employees unless required in the case of owner absence and open year round to guests.

Campground design:

As mentioned, simplicity with an emphasis on natural terrain and native desert beauty is key. All native cacti will remain and property will be neatly groomed.

The entire property is fenced, gated and secure.

Interior roads are well-groomed, very hard packed, native soil marked along the sides with boulders and solar lights. There will be small signs indicating direction to each site.

Each campsite is easily located and the area distinguishable from its surroundings. There will be a small sign at each site with the site number.

Each campground will be equipped with a trashcan, recycle can, dog waste bags, picnic table and shade in the form of either a pergola or sail shade.

In addition to trash and recycle cans located at each site, a dumpster and recycling bins will also be located near the main entrance.

Owner / manager will be readily available at all times by phone and located in close proximity incase physical presence is needed. In the event the owner / manager is not available or is incapacitated for any reason, the campground will be shut down until suitable management can be put into place or closed indefinitely.

Who's our guest?

The campground will be marketed to families looking for a safe, quiet alternative to public campgrounds located in the National Park, which very often have no

availability. Currently, much of the “overflow” ends up on vacant private property in the Joshua Tree area where theft and vandalism runs rampant putting these campers at risk. I know 5 campsites isn’t the solution but if we can keep 5 more families a weekend safe and happy, it’s worth it!

We will be advertising in campground directories, local publications and social media.

Rules and Regs:

Campsite rentals will only be permitted to guests staying in “fully self contained” campers as no facilities will be supplied. Campers will be given a list of nearby facilities and recourses such as local attractions, stores, restaurants and RV dump stations to properly dispose of waste if needed. Tent camping will not be permitted.

Guests trailer, RV or Camper maximum length is 25’.

Guests will be able to park one vehicle on their site in addition to the Camper.

Maximum number of guests is limited to maximum occupancy of each camper up to a maximum of 6 people per site.

2 well-behaved pets on a leash per campsite will be permitted.

Maximum guest stay will be limited to 2 weeks.

Quiet time will be 10pm to 8am.

Campfires will not be permitted.

Parties will not be permitted.

Additional daytime guests will only be permitted upon written request approval.

Contact and emergency service information will be given to each guest along with written campground and county rules and regulations.