



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: November 5, 2020

AGENDA ITEM #2

Project Description

Vicinity Map -

APN: 0573-101-07
Applicant: Terrible Herbst Corporation
Community: Nipton /1st Supervisorial District
Location: 10162 Yates Well Road
 Nipton 92364
Project No: PROJ-2019-00035
Staff: Magda Gonzalez
Rep: Gemie Knisely/GK3 Architecture
Proposal: A Policy Plan Amendment from Resource Land Management (RLM) to Commercial (C), zoning amendment from Resource Conservation (RC) to Highway Commercial (CH), Tentative Parcel Map 20243 to subdivide 23.49-acres into two parcels and a Conditional Use Permit for a 7,500 square-foot convenience store, to include off-sale beer and wine, and a fuel station with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, and an 80,000 gallon water tank.



3 Hearing Notices Sent on: October 23, 2020

Report Prepared By: Magda Gonzalez, Senior Planner

SITE INFORMATION:

Parcel Size: 23.49-acres
 Terrain: Developed with unused buildings, vehicles and debris
 Vegetation: Disturbed desert scrub

TABLE 1 – SITE AND SURROUNDING LAND USES, LAND USE DESIGNATION AND ZONING:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	LAND USE CATEGORY
SITE	Vacant, with remnants of previous diner and RV park	Resource Conservation (RC)	Resource Land Management (RLM)
North	Vacant	Resource Conservation (RC)/Government Land	Resource Land Management (RLM)
South	Vacant	Resource Conservation (RC)/Government Land	Resource Land Management (RLM)
East	Vacant	Resource Conservation (RC)/Government Land	Resource Land Management (RLM)
West	Interstate 15, Ivanpah Solar Electric Generating Facility	Resource Conservation (RC)/Government Land	Resource Land Management (RLM)

STAFF RECOMMENDATION: That the Planning Commission recommend that the Board of Supervisors **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **ADOPT** the Policy Plan Amendment, **ADOPT** the zoning amendment, **APPROVE** Tentative Parcel Map 20243, **APPROVE** the Conditional Use Permit, and **DIRECT** the Clerk of the Board to file a Notice of Determination.¹

¹ In accordance with Section 86.12.040 of the Development Code, the Planning Commission action is a recommendation to the Board of Supervisors and may only be appealed by the applicant in the event of disapproval.

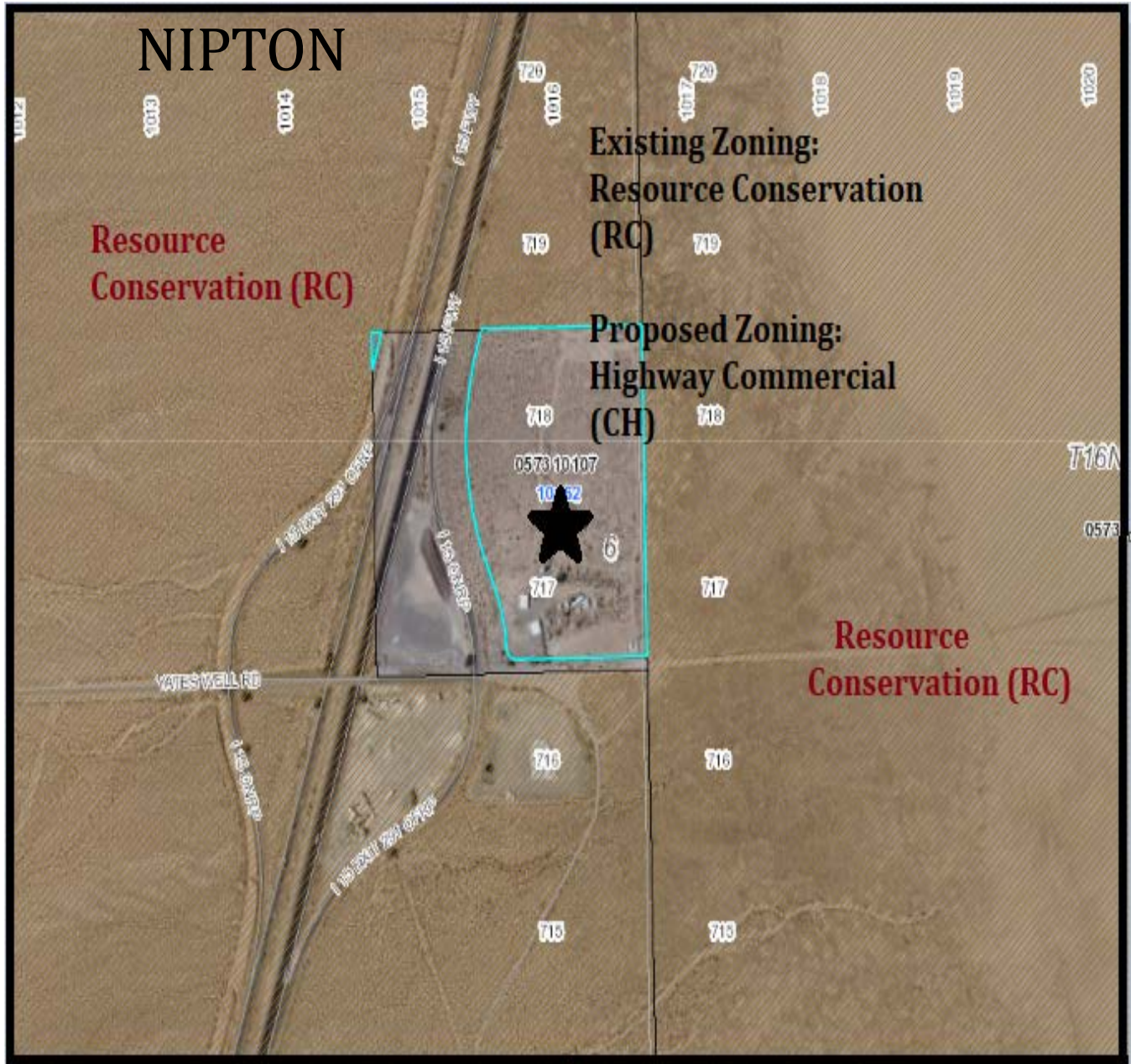
VICINITY MAP:
Aerial view of the Project Site



POLICY PLAN MAP, LU-1 LAND USE DESIGNATION:



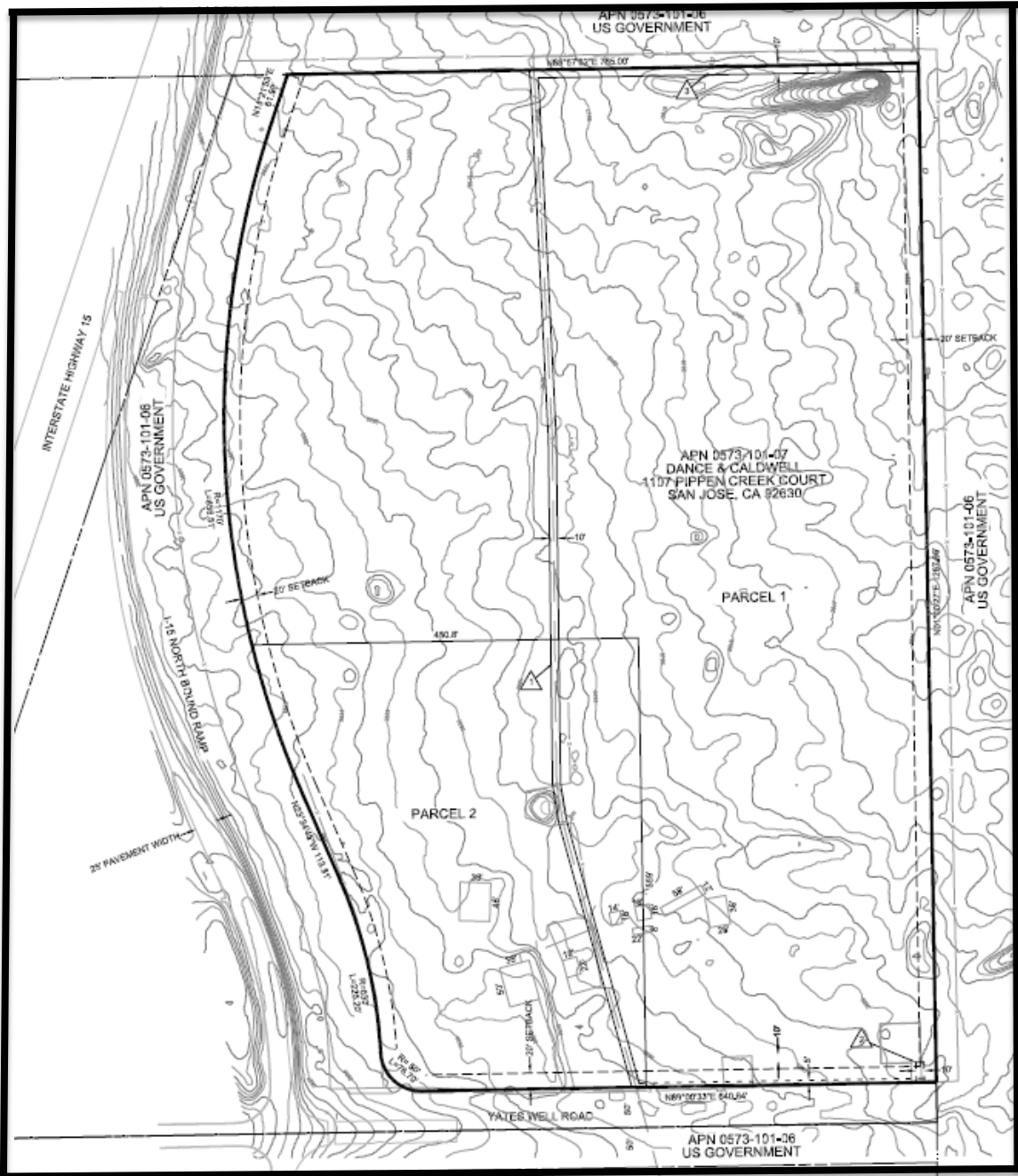
LAND USE ZONING MAP:



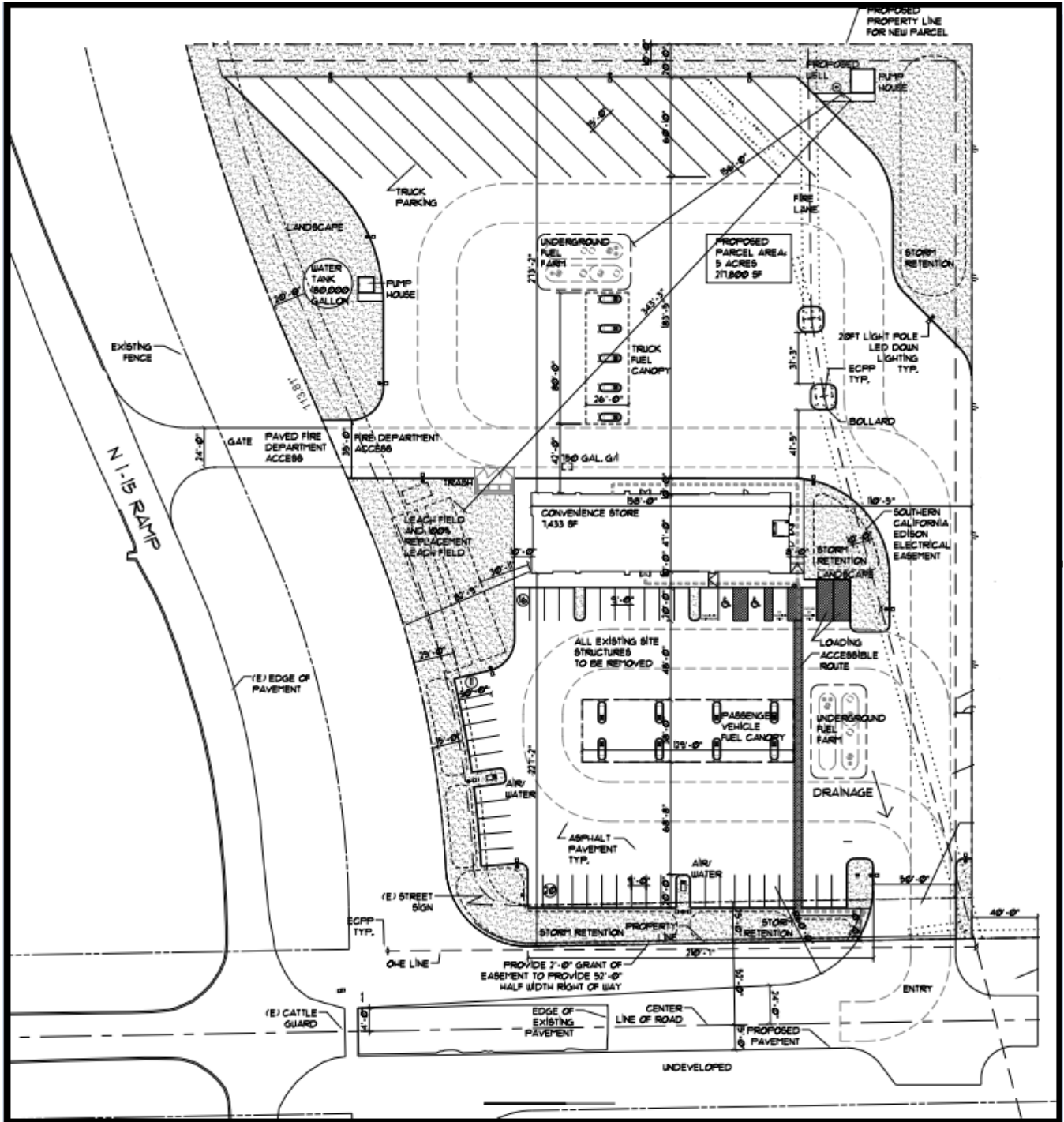
AERIAL PROJECT VIEW:



TENTATIVE PARCEL MAP 20243

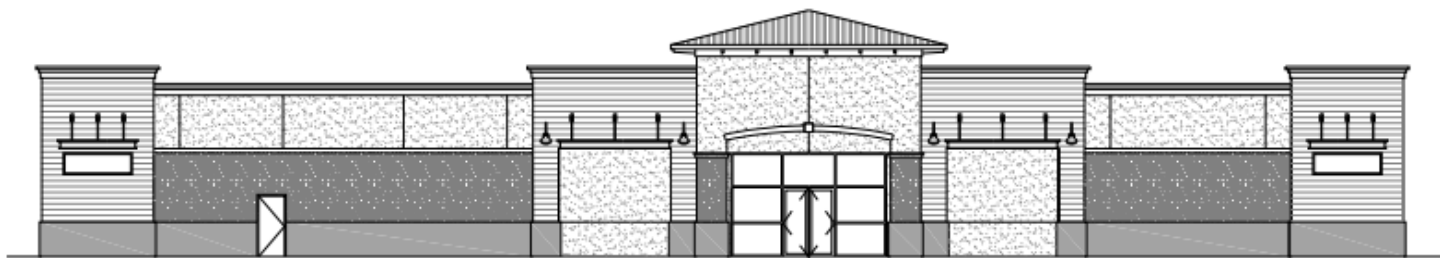


SITE PLAN

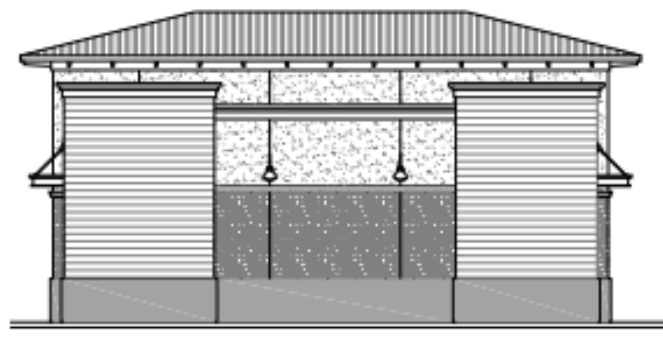


BUILDING ELEVATIONS:

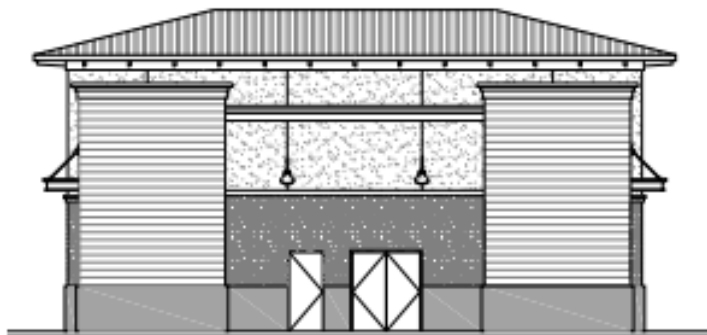
NORTH ELEVATION



EAST ELEVATION



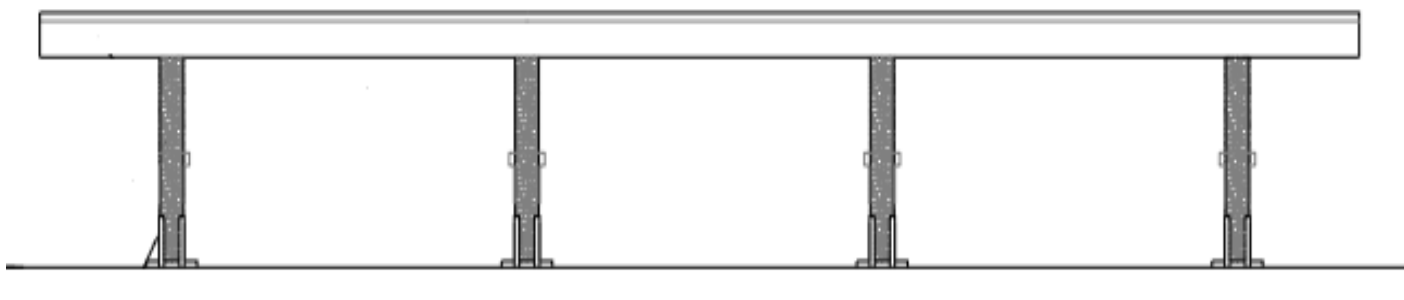
WEST ELEVATION



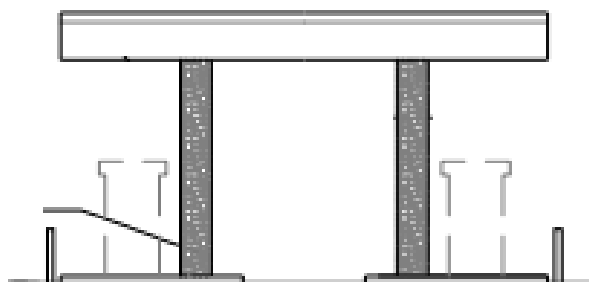
SOUTH ELEVATION



FUEL CANOPY FRONT AND REAR VIEW



FUEL CANOPY SIDE VIEW



SITE PHOTOS

On Yates Well Road, looking north at southwest corner of the site.



On Yates Well Road, looking north-northwest at buildings on site..



SITE PHOTOS

On southern property boundary, looking north on site.



On eastern central edge of site, looking west.



PROJECT DESCRIPTION:

The Applicant is requesting the approval of a Policy Plan Amendment (PPA)¹ from Resource Land Management (RLM) to Commercial (C), a zone amendment from Resource Conservation (RC) to Highway Commercial (CH), a Tentative Parcel Map to subdivide 23.49 acres into two parcels and a Conditional Use Permit (CUP) to construct and operate a convenience store and gas station (Project). Due to the adoption of the Countwide Plan and the shift from a one-map to a two-map system, the Project includes an amendment to both the Policy Plan Map, which serves as the Land Use Designation, and the Land Use District Map, which serves as the zoning for the parcel. The proposed Project is located on a partially developed 23.49-acre parcel, located at 10162 Yates Well Road in the County of San Bernardino, in the unincorporated community of Nipton. The Project will consist of a 7,500 square-foot convenience store with off-sale beer and wine, and a fuel station with a 5,676 square-foot standard canopy with eight fuel islands and a 1,950 square-foot truck canopy with five fuel islands, and an 80,000 gallon water tank. The Project will include a subdivision of the 23.49-acres into two parcels: one 5-acre parcel to be developed and a 17.49-acre parcel to remain vacant for future commercial development, which will be subject to additional discretionary review.

Currently, the Project Site and surrounding parcels have a Policy Plan Land Use Designation of Resource Land Management (RLM) and are zoned Resource Conservation (RC). The applicant is requesting to change the Policy Plan Land Use Designation to Commerical (C) and Land Use Zoning District of the 23.49-acre site to Highway Commercial (CH). The County Development Code requires areas of Highway Commerical (CH) zoning to have a minimum area of 5 acres. The Highway Commerical (CH) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. The proposed convenience store and fuel station are considered retail uses, which would be a permitted use in the Highway Commerical (CH) District.

BACKGROUND:

The Project site is currently developed with several abandoned buildings. The Project site is considered developed land, which has been disturbed to the extent that native vegetation is no longer supported on site and no Joshua trees were observed on site. The site contains an abandoned residential dwelling and a telecommunications facility, as well as several debris piles. The site has also been disturbed by apparent off-highway vehicle (OHV) activity. The Project site is surrounded by vacant government land. The Ivanpah Solar Facility is located further east at the Yates Well Road interchange and further to the east is Ivanpah Dry lake. Primm Valley Golf Club is located within a mile to the northwest of the Project site.

The proposed Project will include site clearing and preparation (demolition of existing building) and the construction of the proposed convenience store and gas station, on-site parking and loading areas, circulation and landscaping. Off-site street and drainage improvements will also be constructed. The Project will be landscaped on all sides of the parcel with the majority located on the southern and the western property boundaries of the 5-acre parcel. Primary access to the Project site would be provided by a driveway along Yates Well Road with secondary Fire Department access via a driveway from the north I-15 ramp.

¹ The common reference within the San Bernardino County Development Code for this action is entitled general plan amendment (GPA). For purposes of these findings and during the interim period until the Development Code is updated to reflect the recent changes associated with the adoption of the Countywide Plan, all references to the policy plan and general plan are interchangeable.

PROJECT ANALYSIS:

Site Planning: The proposed convenience store, fueling station and parking areas will be screened from public view through the incorporation of landscaping placed strategically throughout the Project site. Off-site street improvements will include sidewalks, curb, gutter, paving and a driveway approach on Yates Well Road. Improvements will also be required on the I-15 ramp, subject to Caltrans review. The Project’s site plan provides adequate areas to accommodate all parking, loading areas, access and circulation requirements, as needed to comply with County requirements (See Table 2 below).

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the Highway Commercial (CH) Land Use Zoning District, as illustrated in Table 2:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard Highway Commercial – Desert Region		Project Plans
Convenience Store & Fueling Station	CUP		CUP
Parking	30 spaces		47 spaces & 18 truck spaces
Landscaping	20% required		20% provided
Building Setbacks	Front	25'	25'
	Street Side	25'	25'
	Interior Side	10'	10'
	Rear	10'	10'
Building Height	60 feet maximum		28'-6"
Floor Area Ratio	.3:1		.3:1

Landscaping: The site will include drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 83.10.060, to include species native to the Desert Region Landscaping Design Guidelines. The Project will provide ample tree planting in the perimeter landscaping and will comply with landscape the efficiency standards, pursuant to the Model Water Efficient Landscape Ordinance.

Hours of Operation: The applicant proposes to operate from 24 hours a day, seven days a week. The Project will include a total of 12 employees.

California Environmental Quality Act Compliance:

The Project is subject to the California Environmental Quality Act (CEQA). As such, County staff prepared an Initial Study (IS) for the Project (Exhibit A). Staff determined that the Project will not have any direct, or reasonably foreseeable indirect, adverse impacts on the environment that will remain potentially significant with implementation of the proposed mitigation measures for desert tortoise, common raven, inadvertent discovery of cultural resources, etc. The IS was made available for public review with a closing date of October 22, 2020. As of the posting of this report, no state agencies submitted comments. A letter from the State Clearinghouse was received acknowledging that we have complied with the State Clearinghouse review requirements pursuant to CEQA.

Although the Project site is currently developed, mitigation measures have been identified to ensure impacts will not have a significant impact on the environment, which includes measures addressing inadvertent discovery of cultural resources and archaeological resources, which includes inadvertent

discovery during earthmoving activities. Therefore, a Mitigated Negative Declaration (MND) is recommended for adoption with approval of the Project. The County exercised its independent judgment and analysis in making this determination.

Public Comments:

Project notices were sent to surrounding property owners within 700 feet of the Project site, as required by Development Code Section 85.03.080. No comments were received during the initial public comment period nor in response to the Notice of Availability for the Initial Study.

RECOMMENDATION:

That the Planning Commission **RECOMMEND** that the Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A);
2. **ADOPT** the Policy Plan Amendment to change the Land Use Designation from Resource Land Management (RLM) to Commercial (C) on 23.49 acres;
3. **ADOPT** the Zoning Amendment to change the Land Use Zoning District from Resource Conservation (RC) to Highway Commercial (CH) on 23.49 acres;
4. **ADOPT** the Findings as contained in the Staff Report (Exhibit B);
5. **APPROVE** Tentative Parcel Map 20243 to subdivide 23.49 acres into two parcels, subject to the recommended Conditions of Approval (Exhibit C);
6. **APPROVE** the Conditional Use Permit for a 7,500 square-foot convenience store with off-sale beer and wine, and a fuel station with a 5,676 square-foot standard canopy with eight fuel islands and a 1,950 square-foot truck canopy with five fuel islands, an 80,000 gallon water tank and signage on a 5-acre portion of 23.49-acres, subject to the recommended Conditions of Approval (Exhibit C); and
7. **DIRECT** the Clerk of the Board to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Initial Study/Mitigated Negative Declaration
- EXHIBIT B: Findings
- EXHIBIT C: Conditions of Approval
- EXHIBIT D: Letter of Intent
- EXHIBIT E: Site Plan
- EXHIBIT F: Tentative Parcel Map 20243

EXHIBIT A

Initial Study/Mitigated Negative Declaration

SAN BERNARDINO COUNTY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL: Terrible Herbst Convenience Store and Fueling Station – Nipton

APNs:	0573-101-07	USGS Quad:	Ivanpaugh Lake 7.5 Minute Series
Applicant:	Timothy P. Herbst Terrible Herbst Corporation	T, R, Section:	NA
		Latitude & Longitude	35° 32' 29" N 115° 24' 54" W
Location	10162 Yates Well Road Nipton, California 92364 APN 0573-101-07	Thomas Bros	Northwest Nipton, CA
Project No:	Proj-2019-00035	Community Plan:	NA
Rep	Gemie M. Knisley, RA	LUZD:	Resource Conservation (RC)
Proposal:	Concurrent filing of a General Plan Amendment to Change the land use designation from Resource Conservation (RC) to Highway Commercial (CH), a Tentative Parcel Map to subdivide 23.49-acres into two (2) parcels and a Conditional Use Permit to construct and operate a 7,500 square-foot convenience store and fuel station with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, the sale of packaged beer and wine, a 20-foot water tank and signage.	Overlays:	Desert Tortoise – Dense Population Burrowing Owl (SE)

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services
15900 Smoke Tree Street, Suite 131
Hesperia, California 92345

Contact person: Magda Gonzalez, MPA Senior Planner
Phone No: (760) 995-8150 **Fax No:** (760) 995-8167

E-mail: Magda.Gonzalez@lus.sbcounty.gov

Project Sponsor Timothy P. Herbst
Terrible Herbst Corporation
5195 South Las Vegas Boulevard
Las Vegas, Nevada 89119

Project Description:

Summary

The Terrible Herbst Corporation is proposing a General Plan Amendment (GPA) to change the land use zoning district from Resource Conservation (RC) to Highway Commercial (CH) on a ±23.49-acre parcel located at the northeast corner of Interstate 15 (I-15) and Yates Well Road in San Bernardino County, California. The Project will also include a Tentative Parcel Map to subdivide 23.49-acres into two (2) parcels and a Conditional Use Permit to construct and operate a 7,500 square-foot convenience store and fuel station on the southwestern ±five-acres of the parcel with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, the sale of packaged beer and wine, and a 20-foot water tank and signage. Remaining 17-acre parcel will be undeveloped. (See Figure 1: Project Site Plan and Location Map).

The single-story building is oriented east/west with vehicle traffic routed to the west portion of the site and larger recreational vehicles (RV) and truck and tractor-trailer traffic routed to the east. The project is designed to meet County parking standards, including 14 truck and/or RV parking spaces, 57 automobile parking spaces, and two handicap spaces. No overnight parking is provided. A water tank, pumphouse and leach field will be located in the northwest corner of the site. Fueling islands on the south side of the convenience store will serve automobiles and other light-duty vehicles. Fueling islands on the north side of the convenience store are designed to serve tractor-trailer trucks. The convenience store will sell a variety of food and snack goods, traveler’s sundries, and packaged beer and wine.

Surrounding Land Uses and Setting

The Project Site is in unincorporated San Bernardino County Community of Nipton. The County of San Bernardino Land Use Zoning Map show the Project Site is within the Resource Conservation (RC) zone. The 23.27-acre Project Site is surrounded by resource conservation to the south, east, north and I-15 to the west. The following table, Table 1, lists the existing land uses and zoning district designations.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District

Project Site	Vacant, with remnants of previous diner and RV park, and various litter	Resource Conservation
North	Vacant	Resource Conservation/Government Land
South	Vacant	Resource Conservation/Government Land
East	Vacant	Resource Conservation/Government Land
West	Interstate 15, Ivanpah Solar Electric Generating System	Resource Conservation/Government Land

Project Site Location, Existing Site Land Uses and Conditions

I-15 and the Yates Wells Road on and off-ramps lie to the west of the site. The site has been previously developed, and is strewn with unused buildings, vehicles and related materials that will be demolished and cleaned up as a part of the site preparation for this proposed development. Surrounding properties are rural desert lands and mostly undeveloped. The Ivanpah Solar Electric Generating System lies due west of the Yates Well Road interchange, and a golf course lies within a mile to the northwest of the site on the west side of I-15. Within a mile east of the site is large desert dry wash. A Southern California Edison distribution line runs north-south across the eastern portion of the project site, and an existing microwave antenna surrounding by a block wall is located in the southeast corner.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: California Department of Transportation, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife;

County of San Bernardino: Land Use Services Department-Planning, Building and Safety, and Land Development; Public Health-Environmental Health Services; Public Works-Surveyor, Traffic, Solid Waste, and Special Districts; County Fire-Community Safety Division and Hazardous Materials Division;

Regional: Mohave Desert Air Quality Management District;

Local: None

Site Photographs

Figure 1: From Yates Well Road looking north at southwest corner of the site.



Figure 2: From Yates Well Road looking north-northwest at buildings on site.



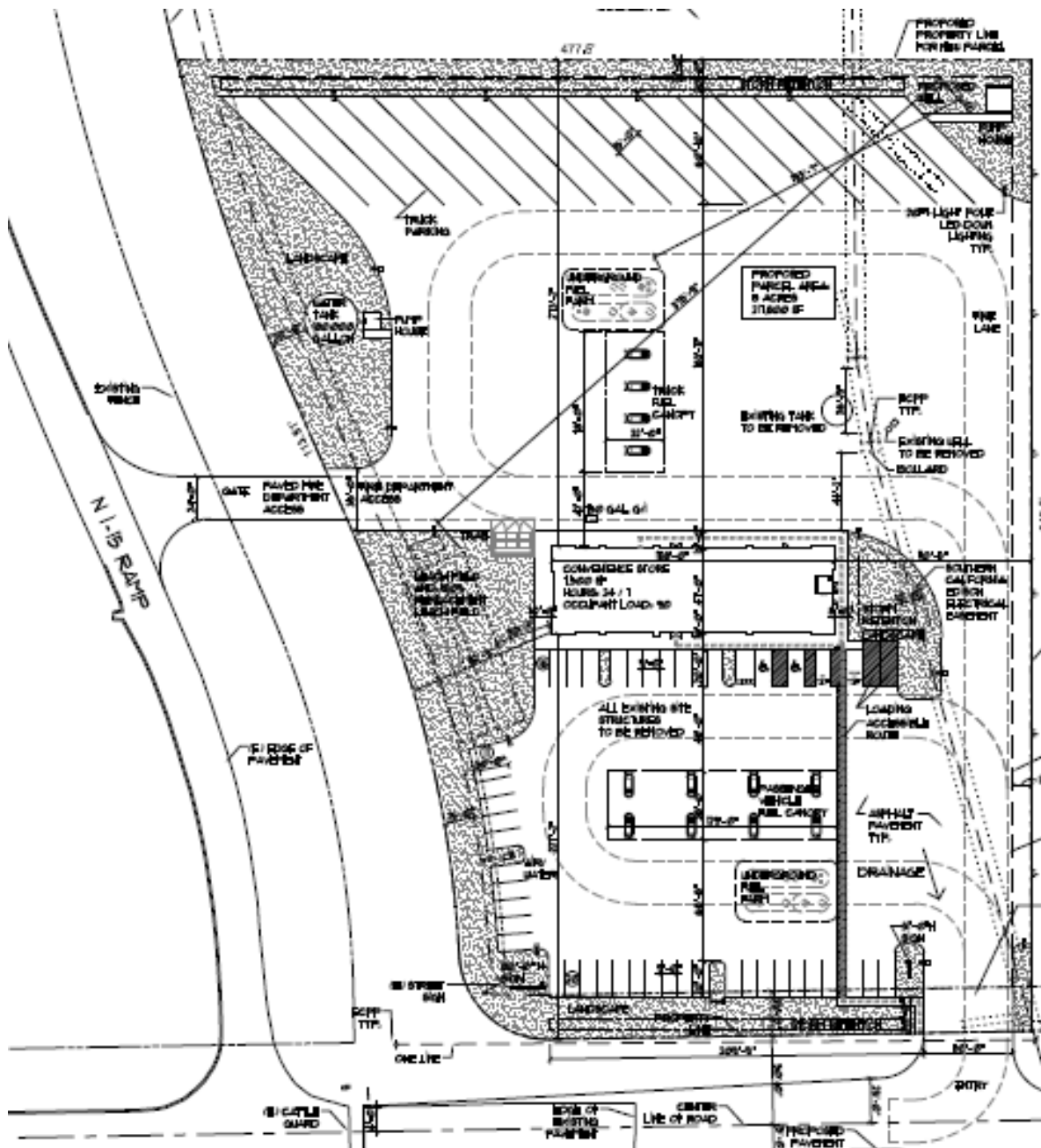
Figure 3: From southern boundary looking north across the property.



Figure 4: From eastern central edge of site looking west. Ivanpah Solar Power Project towers in distance.



Figure 5: Project Site Plan and Location Map



CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

In addition to consideration of a range of environmental issues identified in the CEQA Guidelines (CEQA Appendix G – Environmental Checklist Form), the requested GPA triggers a requirement to conduct a 90-day consultation with Native American tribes that have requested to be notified of proposals within the County regarding the potential of the proposed Project to affect culturally sensitive tribal resources.

The County maintains a list of all the Native American tribes and tribal contacts that have requested to be notified of all proposed projects within the County, and that have requested consultation pursuant to Public Resources Code section 21080.3.1. The County sent letters to each of these parties as described in the Tribal Resources discussion below. Tribal consultation was initiated in early May and extended through July.

The only tribal response was from the Colorado River Indian Tribes (CRIT). CRIT stated that they do not have any specific comment on the proposed project and instead defer to the comments of other affiliated tribes. They did note concern about the potential removal of artifacts from this area and corresponding destruction of the Tribes' footprint on this landscape, and they requested that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. If avoidance of the site is infeasible, then the Tribes request a mitigation measure(s) be added as a condition of project approval that the resources be left in-situ or reburied in a nearby area, after consultation. Finally, CRIT requested to be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. These mitigation measures have been added in this Initial Study and are included in the Mitigation Monitoring and Reporting Program.

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.


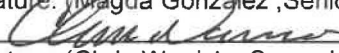
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> <u>Aesthetics</u> | <input type="checkbox"/> <u>Agriculture and Forestry Resources</u> | <input type="checkbox"/> <u>Air Quality</u> |
| <input type="checkbox"/> <u>Biological Resources</u> | <input type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Energy</u> |
| <input type="checkbox"/> <u>Geology/Soils</u> | <input type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input type="checkbox"/> <u>Hazards & Hazardous Materials</u> |
| <input type="checkbox"/> <u>Hydrology/Water Quality</u> | <input type="checkbox"/> <u>Land Use/Planning</u> | <input type="checkbox"/> <u>Mineral Resources</u> |
| <input type="checkbox"/> <u>Noise</u> | <input type="checkbox"/> <u>Population/Housing</u> | <input type="checkbox"/> <u>Public Services</u> |
| <input type="checkbox"/> <u>Recreation</u> | <input type="checkbox"/> <u>Transportation</u> | <input type="checkbox"/> <u>Tribal Cultural Resources</u> |
| <input type="checkbox"/> <u>Utilities/Service Systems</u> | <input type="checkbox"/> <u>Wildfire</u> | <input type="checkbox"/> <u>Mandatory Findings of Significance</u> |

DETERMINATION: Based on this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Signature: (Magda Gonzalez, Senior Planner)

 Signature: (Chris Warrick, Supervising Planner)

09/22/2020
 Date
 9-22-2020
 Date

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
I. AESTHETICS- Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>SUBSTANTIATION:</i> (Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan):				
<i>San Bernardino General Plan, 2007; Submitted Project Materials</i>				

- a) **No Impact.** The Proposed Project site is located adjacent to the Interstate 15 corridor in the Ivanpah Valley. The site is not located along a designated scenic corridor but is within a scenic vista with views of the expansive valley, Ivanpah lakebed, surrounding mountains and rocky outcrops, and the City of Primm at the State border approximately five miles to the north. A prominent manmade feature includes three towers and surrounding heliostats of the Ivanpah Solar Electric Generating System, a solar-thermal power plant. The outer perimeter of a golf course can be seen to the northwest on the western side of the interstate. Within a mile east of the site is the western perimeter of the Ivanpah lakebed. A Southern California Edison distribution line runs north-south across the eastern portion of the project site, and an existing microwave antenna

surrounding by a block wall is located in the southeast corner. The property has several abandoned buildings, automobiles and random trash that are visible to passing motorists on the interstate. (See figures 1 through 4 above.)

The proposed General Plan land use designation would lead to development that would change the existing physical character of the vacant site by development of multiple small commercial enterprises. Lighting and would be consistent with existing commercial buildings along the Interstate 15. Development of the site will also result in removal of the abandoned buildings, vehicles, and trash, improving the visual quality of the site. (See Figures 1 through 4.) Therefore, it is concluded that the Proposed Project would have no impact on a scenic vista, and no mitigation is recommended.

- b) **No Impact.** The Proposed Project site has been heavily disturbed by previous uses and dumping of random trash, and construction of the interstate ramp on the western boundary. The site contains no scenic resources such as large trees, unique vistas, rock outcroppings, or historic buildings. Therefore, no adverse impacts to scenic resources would occur with Project implementation.
- c) **No Impact.** The site has been used for years for dumping of vehicles and various materials that would be cleaned up with the Proposed Project. The visual character of the area is defined by the Interstate 15 travel corridor and the nearby the Ivanpah Solar Electric Generating System project. Development of a variety of new highway commercial buildings will not be inconsistent with the site, surrounding lands, or the balance of the Interstate 15 corridor.

The commercial land use designation would accommodate cleanup of the existing conditions, development of the convenience store and fueling station, and ultimately other small-scale commercial development subject to the County's site plan and design review process, commercial and industrial design guidelines, and building codes as allowed for general commercial buildings.

The proposed GPA and CUP will not degrade the visual character of the site. Subsequent commercial development of the vacant and disturbed site for commercial activities would have an overall beneficial impact to surrounding land uses.

- d) **No Impact.** The proposed GPA and CUP would not create a source of light or glare that would adversely affect day or night-time views in the Proposed Project area. For subsequent development, proposed lighting plans would be reviewed by the County to ensure consistency with the County's outdoor lighting standards and that on-site lighting be shielded and directed within the Project site to minimize off-site glare. Conformance with the County's lighting policies through the plan check process and approval by the Land Use Services Planning department would ensure that lighting impacts are minimized. Therefore, the Proposed Project would not be expected to create a new source of substantial light or glare that would adversely affect views.
-

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<p>II. AGRICULTURE AND FORESTRY RESOURCES- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if project is located in the Important Farmlands Overlay):

San Bernardino County General Plan, 2007; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

a) **No Impact.** There is no history of agricultural use of the Project Site or surrounding region. The property does not qualify for classification as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

b) **No Impact.** The Proposed Project site does not support any agricultural use and is not eligible for or subject to a Williamson Act contract. No impacts are identified or anticipated, and no mitigation measures are required.

c) **No Impact.** Implementation of the Proposed Project would not conflict with existing zoning, or cause rezoning of, forest land, or timberland zoned for Timberland Production because the Project Site is within an area of the County where there are no forest lands or timberlands in the region. Therefore, no impacts are identified or anticipated, no mitigation measures are required.

d) **No Impact.** The project site and surrounding areas do not include any forest or timber lands, and the Proposed Project does not have potential to impact forest land resources. No impacts are identified or are anticipated, and no mitigation measures are required.

e) **No Impact.** As described above, the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION: *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

San Bernardino County General Plan, 2007; Submitted Project Materials

This air quality analysis has been prepared by the RCH Group consistent with the methods described in the Mojave Desert Air Quality Management District (MDAQMD) *CEQA and Federal Conformity Guidelines*.¹ The air quality analysis includes a review of criteria pollutant emissions such as carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOC) as reactive organic gases (ROG), particulate matter less than 10 micrometers (coarse or PM₁₀), and particulate matter less than 2.5 micrometers (fine or PM_{2.5}). **Appendix A** provides an overview of the existing air quality conditions at the project site, the air quality regulatory framework, and supporting air quality calculations.

¹ Mojave Desert Air Quality Management District. *CEQA and Federal Conformity Guidelines*, August 2016, <http://mdaqmd.ca.gov/home/showdocument?id=538>

a) Less than Significant Impact. The applicable air quality plan for the proposed project is the 2004 Ozone Attainment Plan (2004 Plan).² The purpose of the 2004 Plan is to address the attainment and maintenance of State and federal ambient air quality standards for ozone in the Mojave Desert Air Basin (MDAB). The portion of the MDAB that includes the project site is designated as non-attainment for ozone and PM10 California Ambient Air Quality Standards (CAAQS), and PM10 National Ambient Air Quality Standards (NAAQS).

The MDAQMD has adopted the control measures recommended in the 2004 Plan in its Rules and Regulations. The MDAQMD has also adopted fugitive dust control requirements in its Rule 403, the proposed Project will comply with all fugitive dust requirements. The air and dust emissions from the construction and operational use of the proposed Project were evaluated and compared to the MDAQMD air quality thresholds to determine significance. The Project will comply with all applicable MDAQMD construction and operational-source emission reduction rules and regulations, including those adopted from the 2004 plan. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

b & c) Less than Significant Impact. Intermittent (short-term construction emissions that occur from activities, such as site-grading, paving, and building construction) and long-term air quality impacts related to the operation of the proposed project were evaluated. The analysis focuses on daily and annual emissions from these construction and operational activities (mobile, area, stationary, and fugitive sources). The California Emissions Estimator Model (CalEEMod) Version 2016.3.23 was used to quantify construction-related pollutant emissions.

Construction

Construction of the proposed project would occur over approximately seven months. Construction activities would consist of demolition, site preparation, grading, building construction, paving and architectural coating. Earthwork would be balanced onsite. Tables AQ-1 and AQ-2 provides the estimated maximum daily and annual construction emissions, respectively, that would be associated with the proposed project and compares those emissions to the MDAQMD’s significance thresholds for construction exhaust emissions. All construction-related emissions would be below the MDAQMD significance thresholds. Therefore, a less than significant regional air quality impact would occur from construction of the Project.

Table AQ-1: Estimated Maximum Daily Construction Emissions (pounds)

Condition	ROG	NOx	SO ₂	PM10	PM2.5	CO
2020 Construction	6.3	42.5	0.04	21.5	12.1	22.3

² Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan (State and Federal)*, April 26, 2004, <http://mdaqmd.ca.gov/home/showdocument?id=174>

³ California Air Pollution Control Officers Association, *CalEEMod User’s Guide Version 2016.3.2*, September 2016, www.caleemod.com

Significance Threshold	137	137	137	82	65	548
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
 NOTE: Values reflect rounding.

Table AQ-2: Estimated Annual Construction Emissions (tons)

Condition	ROG	NOx	SO ₂	PM10	PM2.5	CO
2020 Construction	0.24	1.68	0.01	0.20	0.13	1.37
Significance Threshold	25	25	25	15	12	100
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
 NOTE: Values reflect rounding.

The proposed project would be required to comply with MDAQMD Rule 403 (Fugitive Dust) and all other applicable MDAQMD rules and requirements for construction/demolition projects in the MDAQMD Rule 403.2 and would ensure fugitive dust is controlled and less than significant. The Applicant or Construction Contractor shall comply with the following conditions as required by MDAQMD Rule 403.2:

- a. Use periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions. For purposes of this Rule, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
- b. Take actions sufficient to prevent project-related trackout onto paved surfaces.
- c. Cover loaded haul vehicles while operating on Publicly Maintained paved surfaces.
- d. Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than thirty days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate Visible Fugitive Dust emissions;
- e. Cleanup project-related trackout or spills on Publicly Maintained paved surfaces within twenty-four hours; and
- f. Reduce non-essential Earth-Moving Activity under High Wind conditions. For purposes of this Rule, a reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.

Operations

CalEEMod was used to estimate emissions that would be associated with motor vehicle use, landscape maintenance, and other minor area sources (paints, solvents, etc.) expected to occur once the proposed project is operational. Emissions estimates assume an operational year of 2021 (the first full year the proposed project could conceivably operate) and emissions would decrease on annual basis in subsequent years of operation due to the phase-out of higher polluting vehicles and the implementation of more stringent emission standards.

Estimated daily and annual operational emissions that would be associated with the proposed project are presented in Tables AQ-3 and AQ-4 and are compared to MDAQMD's thresholds of significance. As indicated in Tables AQ-3 and AQ-4, the estimated operational emissions would be below the MDAQMD's significance thresholds and would be less than significant.

Table AQ-3: Estimated Daily Operational Emissions (pounds)

Condition	ROG	NOx	SO ₂	PM10	PM2.5	CO
Summer 2021 Operations	11.3	69.2	0.5	33.3	9.1	125.3
Winter 2021 Operations	9.9	69.3	0.4	33.3	9.1	110.5
Significance Threshold	137	137	137	82	65	548
Significant Impact?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
 NOTE: Values reflect rounding.

Table AQ-4: Estimated Annual Operational Emissions (tons)

Condition	ROG	NOx	SO ₂	PM10	PM2.5	CO
2021 Operations	1.76	12.91	0.08	5.94	1.63	20.75
Significance Threshold	25	25	25	15	12	100
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
 NOTE: Values reflect rounding.

Conclusions

As indicated in Tables AQ-1 through AQ-4, construction and operational emissions from the proposed project would be below the applicable significance thresholds. Implementation of MDAQMD rules and regulations would ensure fugitive dust is controlled and less than significant. Because the proposed project's emissions are less than significance thresholds, the emissions during construction and operations would not be expected to result in a cumulatively considerable impact to air quality. Therefore, the proposed project would have a less-than-significant impact.

d) Less than Significant Impact. The MDAQMD, CEQA and Federal Conformity Guidelines define sensitive receptor land uses as residences, schools, daycare centers, playgrounds, and medical facilities. The following proposed project types for sites within the specified distance of existing or planned sensitive receptor land uses must be evaluated using the MDAQMD's health risk significance thresholds:

- a. Any industrial project within 1,000 feet;
- b. A distribution center (40 or more trucks per day) within 1,000 feet;
- c. A major transportation project (50,000 or more vehicles per day) within 1,000 feet;
- d. A dry cleaner using perchloroethylene within 500 feet; and
- e. A gasoline dispensing facility within 300 feet.

The proposed project is a gasoline dispensing facility, but the project site is not within 300 feet of a sensitive receptor land use. There are no sensitive receptors within one mile of the project site. Construction and operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project would have a less-than-significant impact.

d) Less than Significant Impact. Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact. As a general matter, the types of development that pose potential odor problems include agriculture, food processing, dairies, rendering, refineries, chemical plants, wastewater treatment plants, landfills, composting facilities, and transfer stations. Convenience stores and fueling stations do not typically pose potential odor problems and there are no sensitive receptors within one mile of the project site. Therefore, the proposed project would have a less-than-significant impact for other emissions or odors.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES - Would the project:				

- | | | | | | |
|----|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) | Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

San Bernardino County General Plan, 2007; Submitted Project Materials; Add in Studies here

A biological resources assessment was completed for this Proposed Project by HELIX Environmental Planning, Inc. (HELIX). Prior to conducting field surveys, a thorough review of relevant maps, databases, and literature pertaining to biological resources known to occur within the project vicinity was performed. Recent and historical aerial imagery (Google 2019), topographic maps (U.S. Geological Survey 1975), soils maps (U.S. Department of Agriculture [USDA] 2019), and other maps of the project site and vicinity were acquired and reviewed to obtain updated information on the natural environmental setting.

In addition, a query of sensitive species and habitats databases within five miles of the project site was conducted, including the U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (2019a), USFWS species records (USFWS 2019b), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB; CDFW 2019), and California Native Plant Society (CNPS) Electronic Inventory (CNPS 2019). The USFWS' National Wetlands Inventory (NWI) was also reviewed (USFWS 2019c). Recorded locations of species, habitat types, wetlands, and other resources were mapped and overlaid onto aerial imagery using Geographic Information Systems (GIS). Environmental documentation and survey findings from nearby projects were also referenced (BLM 2011).

The property is characterized by disturbed and developed land occupied by a residential dwelling, Southern California Edison (SCE) distribution line, telecommunications facility, disturbed desert scrub, and an arrangement of scattered trash and debris piles. Several off-highway vehicle (OHV) roads traverse the sites that are regularly used.

The surrounding area includes Yates Well Road to the immediate south, I-15 to the immediate west, disturbed desert scrub. Further to the north is I-15 and Primm Valley Golf Club. Further to the east is Ivanpah Dry Lake, and further to the west is the Ivanpah solar facility. The Mojave National Preserve occurs approximately 5 miles south of the site. The nearest critical habitat unit designated by the U.S. Fish and Wildlife Service (USFWS) is for desert tortoise, approximate 3 miles to the east of the site; the site is separated from this critical habitat by Ivanpah Dry Lake. Evidence of heavy disturbance was observed throughout the site, including OHV use, scattered trash and debris, domestic dog use, and vegetation clearing. The site is further enclosed by perimeter fencing and subject to ongoing noise and night lighting from I-15.

No special-status plant species were observed during the survey and none have a moderate or high potential to occur. Disturbance factors and overall poor-quality habitat strongly reduce the potential for special-status plants to occur. The OHV and dumping disturbances have modified the landscape, soil, and vegetation composition of the site. No special-status animals were observed during the survey and none have a moderate or high potential to occur. The potential for special-status animal species to occur within the project site is low due to existing perimeter fencing, adjacent developments, and the disturbed state of the site and surrounding lands. The site does not support an abundance of trees, shrubs, and other cover and resources that would attract and sustain special-status animal species that occur in the region. The existing uses and regular human activity at the site and in the local area would likely preclude most special-status animals from moving onto the site. Existing uses and disturbances, proximity to developments, and lack of suitable habitat strongly reduce the potential for special-status animals to occur.

a) Less than Significant with Mitigation Incorporated. None of the special-status plant species known to occur in the region have potential to occur on the project site, primarily due to the degraded state of the existing habitat. The site is characterized by disturbed Mojave creosote bush scrub and disturbed land. These communities are very common and widespread throughout the region, and when degraded and situated in proximity of more-urbanized desert areas, are unlikely to support special-status plants. The site is relatively small, with the majority containing evidence of regular surface disturbance from pedestrian use, OHV use and illegal dumping.

Where this disturbance is not evident on the site, the conditions are degraded with scattered trash and very common desert plant species. Therefore, special-status plant species are not likely to occur and the project would have no impact on such species.

The survey concluded that the desert tortoise (*Gopherus agassizii*) is currently not likely to occur on the project site, primarily due to the geographic isolation of the site, perimeter fencing, and degradation of the on-site habitat. Additional factors confirmed during the habitat assessment include presence of humans, domestic dog, and common raven on the site. The habitat assessment details are provided above. No desert tortoise or tortoise sign were observed during the survey, including any burrows capable of supporting the species. Therefore, the desert tortoise is not likely to occur based on current conditions. However, because the potential for the species to move onto the site in the future cannot be entirely ruled out, pre-construction take avoidance surveys shall be completed by the project proponent pursuant to mitigation measure BIO-1 to ensure that no inadvertent and unauthorized take of the species occurs.

Mitigation Measure BIO-1. Desert Tortoise. A pre-construction take avoidance survey for desert tortoise will be conducted no less than 14 days prior to initiating ground disturbance activities following current USFWS protocol. A final survey shall be conducted within 24 hours prior to ground disturbance. Regardless of the results of the survey, the applicant will install a fence to prevent desert tortoises from entering the site during construction. The applicant will ensure that a qualified biologist who is experienced with the installation of temporary fencing oversees the installation. (Desert tortoises reside in habitat that is adjacent to the proposed convenience store. They are attracted to water, which the applicant will most likely use to control dust during construction.)

In the unexpected event that tortoise is found, then the following consultation, avoidance and minimization measures shall be implemented prior to any ground disturbance activities at the site:

- The project proponent shall notify and formally consult with the USFWS and CDFW pursuant to the requirements of the federal and State endangered species acts.
- Preparation and implementation of a Desert Tortoise Mitigation Plan approved by USFWS and CDFW. (The applicant shall install exclusion fencing regardless of the surveys.)
- If the applicant finds a desert tortoise on-site, contact USFWS and CDFW for appropriate measures.

Mitigation Measure-BIO-2. Common Raven. Because of the proximity of the site to areas where desert tortoises reside, the greatest concern with regard to the proposed convenience store is that its construction and operation will attract common ravens (*Corvus corax*), which prey on desert tortoises. The construction and operation of the Terrible Herbst facility would likely lead to a local increase in the number of common ravens; these birds are highly attracted to human activity and the proposed project would provide subsidies to them in the form of food and sites for nesting, roosting, and perching that are not currently present in the area. In addition to food wastes that construction and operation of the facility may generate, common ravens may also use various structures in the project area, for shade, perching, roosting, or nesting. Common ravens prey on desert tortoises and, for this reason, any local increase in the number of common ravens may have detrimental effects on the desert tortoise, both near and distant, from the proposed facility, as these birds travel large distances on a daily basis between various areas that provide them with food, water, and shelter.

In order to reduce the attractiveness of the proposed action to common ravens, the applicant shall apply the following requirements. These measures include but are not limited to:

- educating workers to not feed common ravens and to secure their food where common ravens cannot steal it;
- reducing as much as possible standing water from which common ravens can drink;
- designing structures in a manner that reduces the opportunities for nesting and perching;
- removing inactive nests of common ravens; and
- reporting any nesting by common ravens within the site to the Service. If a nest were present, the Service would coordinate with the owner and request permission to access the property to manage it.

Even with the implementation of all such measures, it is anticipated that at least some common ravens will obtain food, water or shelter from the facility. To mitigate these residual effects, the applicant will be required to contribute the appropriate amount to the regional management program for common ravens. The Desert Managers Group manages this program; the program includes wide-scale surveys for common ravens, monitoring of the effectiveness of management actions, outreach to control subsidies, and increased levels of population control when necessary. The contribution consists of a one-time payment of \$105 per acre to the National Fish and Wildlife Foundation; the USFWS can provide the appropriate contacts with the National Fish and Wildlife Foundation and forms upon request.

Mitigation Measure-BIO-3. Nesting Migratory Birds. Portions of the project site support trees and shrubs with the potential to support common (non-sensitive) nesting birds protected under the MBTA and CFG Code. Compliance with the MBTA and CFG Code is a regulatory requirement. Mitigation measure BIO-3 shall be completed by the project proponent within 4 days of the onset of ground-disturbing activities because many species of birds can initiate nest building and lay eggs within 4 days. to ensure that no impacts occur to nesting birds.

If the removal of trees and shrubs must occur during the general bird breeding season (February 1 to August 31), a qualified biologist shall conduct a nesting bird survey within 4 days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.

Mitigation measures BIO-1, BIO-2 and BIO-3 would ensure no impacts occur to desert tortoise, common raven and nesting migratory birds pursuant to regulatory requirements.

b) No Impact. Project development would be restricted to common upland habitat types that are not riparian habitat types or sensitive natural communities and do not require mitigation. Therefore, no impacts to riparian habitat or sensitive natural communities would occur, and no mitigation is recommended.

c) No Impact. No federally protected wetlands as defined by CWA Section 404 occur on the site; none will be impacted by the project. No potential jurisdictional resources occur on the site. Therefore, the project would result in no impacts on federally protected wetlands or other potential jurisdictional resources, and no mitigation is recommended.

d) Less than Significant Impact. The project site encompasses disturbed and developed land outside of any areas targeted for conservation, including areas that could potentially serve as a corridor or linkage. The site is highly disturbed and adjacent to several developments, including the I-15 freeway. The site is further encompassed by perimeter fencing. Its function to facilitate wildlife movement in the local and regional area is limited due to existing impediments and lack of live-in and dispersal habitat. Common small mammals, small reptiles, and birds could potentially use portions of the site for dispersal and foraging; however, they would not use the site as a wildlife corridor, specific travel route, or when traveling to and from nursery sites due to existing impediments and lack of suitable habitat and resources. Although the project would introduce new developments to the site, wildlife would still be expected to move through the local and regional area unimpeded. Therefore, the potential impacts of the project on wildlife movement and nursery sites would be less than significant, and no mitigation is recommended.

e) No Impact. There are no local policies or ordinances that are applicable to the project based on the findings of the biological resources technical study. Therefore, the project would have no conflict and no impact, and no mitigation is recommended.

f) No Impact. The project does not occur within the boundaries of any adopted conservation plans. No impact would occur, and no mitigation is recommended.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
V. CULTURAL RESOURCES – Would the project:				

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those outside of formal cemeteries?

SUBSTANTIATION: (Check if the project is located in the Cultural or Paleontologic Resources overlays or cite results of cultural resource review):

San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

a) No Impact. Applied EarthWorks, Inc. (Æ) conducted a cultural resource investigation in accordance with CEQA standards. Their report details the methods and results of the cultural resource investigation of the Project area, including a records search and literature review, a Sacred Lands File (SLF) Search with the Native American Heritage Commission (NAHC), and an archaeological survey of the Project area. The results of the cultural resources investigation are summarized herein. The full report is presented in Appendix C, including detailed prehistoric and historic use of the region surrounding the Proposed Project site.

The purpose of the investigation was to determine the potential for the Proposed Project to affect cultural resources eligible for or listed on the California Register of Historic Resources (CRHR). The literature and records search at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System indicated 19 previous cultural resource investigations and 23 cultural resources within the Project area with a one-mile-wide buffer (Study Area). Two of these previously recorded cultural resources were within the Project area, a prehistoric archaeological site (36-002393) and historic-period rural property with buildings and associated structures (36-021632). Site 36-021632 was previously evaluated and recommended ineligible for listing on the CRHR. The NAHC completed the SLF search with negative results.

Archaeologist Evan Mills completed an intensive pedestrian surface survey of the Project area on February 26, 2020. During the survey, he attempted to re-identify the two previously recorded cultural resources reported within the Project area.

Prehistoric site (36-002393) had been reported as destroyed and Mills observed no site evidence. The built-environment resource (36-021632) is in poor condition—all the buildings and structures are in disrepair and modern refuse is strewn throughout. No additional cultural resources were encountered within the Project area during the survey.

The ground surface throughout the majority of the Project area is disturbed extensively (i.e., excavated trench, ditch, discarded construction materials). Digital soil data are not available presently for the Project area; however, Arizo soils are mapped on the west side of the I-15; these soil series do not include a buried A (Ab) horizon but have moderate potential to contain archaeological deposits. However, the recent nature of the soils and the proximity to an ancient lakeshore creates moderate potential for former stable surfaces to have been covered during a time period of human occupation. Nonetheless, due to the extensively disturbed nature of the Project area and the lack of surface indicators for prehistoric resources, construction-related activities are unlikely to affect intact and significant buried archaeological resources. Therefore, no further cultural resource management of the Project area is recommended.

b) Less than Significant Impact with Mitigation Incorporated. Development of this site is not expected to cause a substantial adverse impact on cultural resources; however, it is always possible that unforeseen artifacts could become uncovered during construction activities. The Project site does not lie near any known cemeteries, but as noted in the Phase 1 ESA discussed in the Hazards section above, there is evidence of illegal dumping, including burial of illegally dumped materials. The potential for finding human remains on the site is highly unlikely, and potential impacts are less than significant, but the following mitigation measures are recommended as required conditions of approval to be implemented in the event that cultural artifacts, or human remains are discovered during grading and construction activities.

Mitigation Measure CR-1. In the event that human remains are discovered during grading and construction activities, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.

Mitigation Measure CR-2. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance.

Mitigation Measure CR-3. If avoidance of a prehistoric cultural resources site found during construction is infeasible, the resources should be left in-situ or reburied in a nearby area, after consultation with the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's

list. The Tribes should be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. Colorado River Indian Tribe request consultation in the event this should occur.

c) Less than Significant Impact. The proposed Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable mandatory provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin. Pursuant to California Public Resources Code Section §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VI. ENERGY – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Materials

a) Less than Significant. All new development in California is required to be built in strict conformance with the State’s building codes, including a range of energy efficient design features such as insulation, energy efficient appliances, lighting, building materials and HVAC systems. For example, energy efficient features for the convenience store and fueling station include:

Building Envelope

- Enhanced wall and roof insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher).
- Enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC).

- Enhanced cool roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance).

Indoor Space Efficiencies

- Heating/Cooling distribution system with enhanced Duct Insulation (R-8).
- Space Heating/Cooling equipment with improved efficiency HVAC (EER 14/65% AFUE or 8 HSPF).
- Improved Efficiency Water Heater (0.675 Energy Factor).
- High efficiency artificial lighting, with 25% of in-unit fixtures considered high efficiency defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt.

Irrigation and Landscaping

- Water efficient landscaping with native species moderate water using plants.

Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)

- Electric Vehicles: Provide one public charging station for use by an electric vehicle.

These energy efficient construction and operations measures shall be included as building permit conditions and verified prior to the issuance of the final certificate of occupancy. Subsequent highway commercial development on the remainder of the property will be required to meet similar standards as applicable. Therefore, the proposed convenience store and fueling station, and subsequent highway commercial development will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

b) Less than Significant. As described above, the energy efficiency features incorporated in building design and operations systems are in conformance with state and local energy efficiency plans, including the San Bernardino County GHG Reduction Plan (discussed under greenhouse gases below). Therefore, the proposed convenience store and fueling station, and subsequent highway commercial development will not conflict with or obstruct any state or local plan for renewable energy or energy efficiency.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VII. GEOLOGY AND SOILS - Would the project:				

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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

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

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

SUBSTANTIATION: (Check if project is located in the Geologic Hazards Overlay District): **San Bernardino County General Plan, 2007; Submitted Project Materials**

San Bernardino County General Plan, 2007; Submitted Project Materials

A geotechnical assessment and percolation testing were prepared for the Proposed Project site by Landmark Consultants, Inc., and was used as a basis for this impact assessment. Their original reports are attached as Appendix F. The Project area lies in Ivanpah Valley along Ivanpah Dry Lake, a flat playa at the base of the Ivanpah-Mescal-Clark mountain range of the Mojave Desert geomorphic province. Mountain ranges and valleys are known as the Basin and Range Province within the larger Great Basin. Most of the valleys of the Great Basin are drained internally so that rain that falls within these basins and ranges does not make it back to the ocean.

The Project area is located within the Ivanpah Valley, just off the western shore of Ivanpah Dry Lake. Summers are long and hot, with the average high temperature in July, the warmest month, at 108.3 degrees Fahrenheit (°F) (average low 88.3°F). Winters are mild, with the average high temperature in December, the coolest month, at 63.4°F (average low 42.0°F). Average annual precipitation is approximately 4.5 to 6 inches, and annual evaporation rates exceed 6 feet. Most months receive 0.4 to 0.5 inch of rainfall, although rainfall in May and June is very rare, and rainfall in August is above the monthly average.

While the Natural Resource Conservation Service (NRCS) has not yet digitized the soil data within the Project area, the Arizo series is the only soil unit mapped in the immediate vicinity—west of the Project area, across I-15 (Soil Survey Staff 2020a). Since these soils are on the same alluvial fan as the one in the Project area, the following official soil series description is likely pertinent to the Project as well.

Arizo series soils consist of very deep, excessively drained soils that formed in mixed alluvium on gentle slopes of recent alluvial fans, inset fans, fan skirts, stream terraces, and floodplains of intermittent streams and channels. These soils are Entisols, and, as such, are young and retain mineral soil materials with an absence of distinct horizons. The typical stratigraphy of Arizo soils begins with an 8-inch-thick A horizon of light brownish-gray (10YR 6/2) very gravelly fine sand with 35 percent gravel. The underlying B horizon (28 inches thick) consists of light brownish gray (10YR 6/2) extremely gravelly sand (60 percent gravel, 10 percent cobbles) with few very thin coats of calcium carbonate on undersides of gravel. The C horizon (to 62 inches) consists of light brownish gray (10YR 6/2) extremely gravelly sand (60 percent gravel, 20 percent cobbles, 3 percent stones). Arizo soils lack a buried A (Ab) horizon.

a) i-iv) No Impact. The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to mitigate the hazard of surface faulting by preventing the construction of buildings used for human occupancy over an area with known faults. The nearest major fault is the Garlock Fault located approximately 54 miles west of the site. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the ground surface. Liquefaction can occur under saturated conditions, but in this case the water table lies approximately 88 to 90 feet below ground surface, and the potential for liquefaction is very low. The proposed Project and subsequent commercial development would not expose people or structures to risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The Ivanpah Valley is not within an Alquist-Priolo Earthquake Fault Zone.

The Ivanpah Valley is located in Seismic Zone 3, which is relatively stable. However, in the event of a major seismic event, moderate ground shaking is expected. Structures in the region are required to be designed in accordance with the values and parameters given within the CBC standards for Seismic Zone 3 classification. Surface rupture is considered unlikely in the Proposed Project area. All development in the County is subject to construction requirements of CBC standards for Seismic Zone 3 classification and the County's Building Department review. Therefore, potential impacts would be less than significant.

b) No Impact. Commercial development of the site allowed under the GPA and CUP would be landscaped and partially covered with asphalt or concrete upon completion of development and would not be susceptible to erosion. The site is level and is not subject to substantial soil erosion. Grading of the site would presumably include cut and fill for foundations. A geotechnical (soils) report and grading and erosion control plan would be required as a condition for development approval and in accordance with the requirement of the County's grading permit application.

A geotechnical (soils) report and a grading and erosion control plan must be submitted for plan check and approval by the County Engineering Department prior to final approval of the individual construction projects. Short-term erosion effects during subsequent construction would be prevented through implementation of the erosion control plan, which includes the implementation of standard practices such as sandbags, silt fencing, and temporary detention to control on-site and off-site erosion. In order to reduce the potential for wind erosion, regular watering is required during grading. Thus, substantial soil erosion or loss of topsoil is not likely to result from the GPA, CUP, and subsequent commercial development.

c & d) No Impact. Issues regarding on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse are discussed in Response 1a) above.

The Proposed Project site does not represent a significant impact regarding lateral spreading, subsidence, liquefaction, or collapse. Therefore, potential impacts would be considered less than significant. In addition, subsequent developments would be designed in accordance with applicable standards and specifications for seismic safety identified in the CBC and the San Bernardino County Building Code(s). Therefore, the potential for subsequent commercial development to result in unstable soil conditions would be less than significant.

e) No Impact. Soils testing, including percolation tests conducted by Landmark Consultants Inc. concluded that soils on the property are suitable for use of septic tanks to serve the proposed development. The final engineering plans will include identification of the septic leach field, and a separate location for a future replacement field. As a condition of approval a geotechnical (soils) report will be submitted to the County for review and approval. Therefore, no impact is anticipated, and no mitigation is recommended.

f) No Impact. No paleontological resources or unique geological features were detected during any of the site surveys undertaken in the preparation of this environmental assessment. The potential for finding fossils on the site is highly unlikely, and potential impacts are less than significant, but the following mitigation measure is recommended as a required condition of approval to be implemented in the event that fossils are discovered during grading and construction activities.

Mitigation Measure Geo-1 In the event that fossils are discovered during grading and construction activities, the Project Applicant and its contractors would be required to stop work in that area and contact the County Land Use Services office. A qualified geologist must be consulted to determine whether the discovered materials are a unique paleontological resource, and to recommend appropriate handling and recovery actions to be taken, if needed to ensure that the Project would not have an adverse effect on such resources.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. Mitigation measure Paleo 1 is included as a contingency measure for an unlikely potential impact.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VIII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

This greenhouse gas (GHG) emissions analysis is consistent with the methods described in San Bernardino County's Greenhouse Gas Emissions Development Review Processes.⁴ **Appendix A** provides a background on GHG emissions, GHG emissions regulatory framework and supporting GHG emissions calculations.

a) Less than Significant Impact with Mitigation. San Bernardino County adopted the Greenhouse Gas Reduction Plan⁵ (GHG Plan) in September 2011, which provides guidance on how to analyze GHG emissions and determine significance during CEQA review of proposed development projects within the County. The County includes a GHG Development Review Process that specifies a two-step approach in quantifying GHG emissions. First, a screening threshold of 3,000 metric tons of (carbon dioxide equivalents) (CO₂e) per year is used to determine if additional analysis is required. Projects that do not exceed the screening threshold of 3,000 metric tons of CO₂e per year are considered consistent with the County's GHG Plan and would be determined to have a less than significant individual and cumulative impact for GHG emissions. Projects that exceed the screening threshold of 3,000 metric tons of CO₂e per year are required to achieve a minimum 100 points per the Screening Tables or are required to achieve the equivalent level of GHG emissions efficiency as a 100-point project per the Screening Tables. Consistent with CEQA guidelines, such projects would be considered consistent with the County's GHG Plan and would be determined to have a less than significant individual and cumulative impact for GHG emissions.

CalEEMod was used to quantify GHG emissions associated with proposed project construction activities, as well as long-term operational emissions produced by motor vehicles, landscape maintenance, natural gas combustion for space and water heating, electricity use, water/wastewater conveyance and solid waste. Emission rates associated with electricity consumption were based on Southern California Edison's projected 2021 CO₂ intensity rate of 419 pounds of CO₂e per megawatt hour of electricity delivered consistent with the State's Renewable Portfolio Standard targets.⁶

4 San Bernardino County. *Greenhouse Gas Emissions, Development Review Processes, County of San Bernardino, California*, March 2015, <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf>

5 San Bernardino County, *Greenhouse Gas Emissions Reduction Plan*, September 2011. <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf>

6 Navigant, *Analysis of the Role of Gas for a Low-Carbon California Future*, July 2018, https://www.socalgas.com/1443741887279/SoCalGas_Renewable_Gas_Final-Report.pdf

Construction of the proposed project was estimated to generate approximately 238 metric tons of CO₂e in 2020. Per guidance from the South Coast Air Quality Management District (SCAQMD), construction emissions are amortized over a 30-year period to account for the contribution of construction emissions over the lifetime of the proposed project. Amortizing the emissions from construction of the proposed project over a 30-year period would result in an annual contribution of approximately 7.9 metric tons of CO₂e per year.

Operational emissions estimates assume an operational year of 2021 (the first full year the project could conceivably operate) and emissions would decrease annually in subsequent years of operation due to the phase-out of higher polluting vehicles and the implementation of more stringent emission standards. Estimated annual GHG emissions from the proposed project are presented in **Table GHG-1**.

Table GHG-1: Estimated Annual GHG Emissions (metric tons)

Emissions Source	Annual CO₂e Emissions (metric tons)
Amortized Construction Emissions	7.9
Area Sources	<0.01
Energy	20.2
Mobile Sources	7,354.6
Solid Waste	1.2
Water Usage	1.2
Total Annual Emissions Year 2021	7,385
San Bernardino County Screening Threshold	3,000
Exceeds Screening Threshold (Yes or No)	Yes

SOURCE: CalEEMod Version 2016.3.2.
 NOTE: Values reflect rounding.

As shown in **Table GHG-1**, estimated annual GHG emissions from the proposed project would exceed the County's screening threshold of 3,000 metric tons of CO₂e per year. Commercial projects that exceed the screening threshold of 3,000 metric tons of CO₂e per year are required to achieve a minimum 100 points per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. **Mitigation Measure GHG-1** contains the GHG reduction measures that the proposed project would implement to achieve the minimum 100 points. (The proposed project would achieve 101 points and the full screening table for the proposed project is in **Appendix A**).

Consistent with CEQA guidelines, the proposed project with implementation of **Mitigation Measure GHG-1** would be consistent with the County's GHG Plan and would have a less than significant individual and cumulative impact for GHG emissions.

Mitigation Measure GHG-1. The Applicant shall implement the following GHG reduction measures from the County's Screening Table for Implementation of GHG Reduction Measures for Commercial Development:

- Building Envelope – Insulation: Greatly enhanced insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher). [20 points]

- Building Envelope – Windows: Greatly enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC). [12 points]
- Building Envelope – Cool Roof: Greatly enhanced cool roof (CRRR Rated 0.35 aged solar reflectance, 0.75 thermal emittance). [16 points]
- Indoor Space Efficiencies – Heating/Cooling Distribution System: Enhanced Duct Insulation (R-8). [10 points]
- Indoor Space Efficiencies – Space Heating/Cooling Equipment: Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF). [7 points]
- Indoor Space Efficiencies – Water Heaters: Improved Efficiency Water Heater (0.675 Energy Factor). [14 points]
- Indoor Space Efficiencies – Artificial Lighting: Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt). [9 points]
- Irrigation and Landscaping – Water Efficient Landscaping: Only moderate water using plants. [3 points]
- Renewable Fuel/Low Emissions Vehicles (EV Charging Stations) – Electric Vehicles: Provide one public charging station for use by an electric vehicle. [10 points]

The GHG Reduction measures shall be included as building permit conditions and verified prior to the issuance of the final certificate of occupancy.

b) Less than Significant Impact with Mitigation. The County of San Bernardino has adopted a Greenhouse Gas Reduction Plan as discussed in Impact GHG-1 above. As noted previously, the proposed project would exceed the County’s screening threshold of 3,000 metric tons of CO₂e per year and would be required to achieve a minimum 100 points per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. The proposed project would implement Mitigation Measure GHG-1 to achieve the required minimum 100 points (the proposed project would achieve 101 points and the full screening table for the proposed project is in Appendix A) per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. Consistent with CEQA guidelines, the proposed project with implementation of Mitigation Measure GHG-1 would be consistent with the County’s Greenhouse Gas Reduction Plan and would have a less than significant individual and cumulative impact for GHG emissions.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
ix. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				

- | | | | | | |
|----|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

a) Less than Significant Impact. The proposed Project, convenience store and fueling station, and subsequent commercial development is unlikely to generate or result in the transport of hazardous materials. Construction activities would likely involve the short-term use of hazardous materials such as oil, gas, tar, and cleaning solvents. Equipment maintenance or other activities that may release hazardous materials during construction would be conducted in accordance with existing regulations, such as National Pollution Discharge Elimination System (NPDES), to prevent soil and water contamination and accidents. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. Compliance with pertinent hazardous material regulations would reduce the potential for significant adverse impacts to below a level of significance.

b) Less than Significant Impact. The proposed Project, convenience store, fueling station and likely subsequent commercial development does not involve processes or other actions that would be likely to result in an upset or accident condition that could release significant levels of hazardous materials to the environment. The transport, use, and storage of hazardous materials on the site during construction would be limited and confined to small quantities (e.g., hydraulic oil, cleaning fluids, grease, or lubricating oils). Fuel station operations would conform to all applicable regulatory standards and will be identical to operations of fuel station throughout the State that do not result in significant hazards. The Project would not significantly impact the public or the environment through reasonably foreseeable upset and accident conditions.

c) No Impact: The Proposed Project would not use acutely hazardous materials other than gasoline and diesel fuels that will be contained and dispensed in state-of-the-art tanks and pump equipment. There is no school within one-quarter mile of the site. The nearest school is located in the City of Primm approximately five miles north of the Proposed Project site.

d) Less than Significant Impact with Mitigation. The Westmark Group (Westmark) conducted a Phase I Environmental Site Assessment (ESA) to evaluate the potential for hazardous materials on the entire ±23-acre parcel. Their assessment and recommendations are summarized here, and their full report is attached as Appendix E. The findings and conclusions discussed in the ESA are based on a site reconnaissance performed on August 20, 2019, an offsite reconnaissance of nearby properties, a regulatory records review, and a review of ownership/land use history described in detail in the report.

The ESA conformed with the scope and limitations of ASTM Practice E 1527-13. The Property was evaluated for Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), and Controlled Recognized Environmental Conditions (CRECs), and *de minimis* conditions existing onsite or resulting from offsite activities. A “de minimis condition” is defined as:

A condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions. (Source: ASTM Standard E 1527-13).

Setting

The Property is located within a predominantly vacant area with some commercial developments in the vicinity. Vacant land borders the Property to the North. Yates Well Road borders the Property to the south, beyond which lies vacant land. Vacant land borders the Property to the east. I-15 borders the Property to the west, beyond which lies vacant land.

The Property is currently developed with permanent structures and a water well system in the southern portion. All of these structures appear vacated and/or abandoned. The southeast portion of the Property is occupied by an operational cellular communication tower. For the purposes of this report, the area delineated by the functioning cellular tower compound are considered a part of the Property, however, access to within this compound was not made available at the time of our site visit or during the preparation of this report.

Evidence of past use of the Property was apparent during the site walk in the form of what appears to be a previous travel stop with a diner, potential gasoline station, automotive garage, a potential mobile home park, and a scrap yard. The Property is comprised of abandoned/vacated permanent structures in the form of mobile homes and a potential restaurant, potential gasoline station, and automotive garage. A water well structure was also observed on the Property.

Auto Garage – Various automotive, household cleaning chemicals, and paints, full or partially full containers of various capacities including shelf-size, gallon, 5-gallon, and 55-gallon volumes; including various petroleum-based chemicals observed. These containers were observed to be scattered throughout the garage in an unorganized fashion.

Metal Storage Structure – chemicals and paints, full or partially full containers of various capacities including shelf-size, gallon, 5-gallon volumes; including various petroleum-based chemicals observed.

Diner Structure and Kitchen and Storage Closet – various household cleaning chemicals observed.

Mobile Home/Trailers – various household chemicals in shelf-size volumes 55-gallon drums were also observed scattered across the southern portion of the Property. Contents of these drums were not verified, although some appeared filled with dirt or concrete. The drums had no observable labels or lettering. The drums also appeared to be scrap or repurposed as structural components or barriers. Small containers of benzene, old cans and containers of general automobile chemicals, motor oil, and lubricant were also found in some of the mobile homes onsite, particularly in the auto shop building.

Evidence of Stained or Discolored Soil, Pavement, and Vegetation

No evidence of significant spills or releases of hazardous substances was observed.

Evidence of Spills or Releases

No evidence of significant spills or releases of hazardous substances was observed on the site.

Evidence of Landfills, Dumping or Burial Activities

Evidence of dumping activities was noted on the Property in the form of miscellaneous items such as drums, wood scraps, and other materials. These items were localized in the southern area of Property around the former structures.

Significant dumping and material accumulation were observed at the wash located in the northern portion of the Property. The northern area was also discussed in the aerial photograph section. Beginning in the 1983 aerial photograph reviewed, an area near the northeast corner of the Property appeared graded with dirt-surfaced roads extending from this area to the west/south and east/south.

Although direct evidence of dumping cannot be ascertained from the aerial photograph review, the evidence observed during our site visit combined with the information gathered during the aerial photograph review suggest that dumping may have occurred and the possibility exists that this material could be buried.

Electrical Transformers and Other Potential PCB Sources

Various pole-mounted transformers were observed during the site walk on the north, south, east, and west fences of the Property.

Groundwater Wells

One private water well was noted on the Property. The well was denoted by a surface-grade pump and associated piping and appurtenances. The well system was located in the southern-central portion of the Property. A water storage tank and apparent distribution system was included near the water well.

Septic Systems

A septic system is reportedly located at the southwest corner of the Property. However, Westmark did not encounter this septic system during their site visit.

Findings

Based on the data reviewed, it is Westmark's opinion that no HRECs or CRECs exist at the Property. Two conditions were observed that are considered as Recognized Environmental Conditions (RECs) as a result of this Phase I ESA.

The first REC is the evidence of a former automotive refueling station observed in aerial photographs reviewed beginning with the 1975 aerial photograph. Surface markings in the aerial photographs are indicative of a concrete pad adjoining a building that could have been used as a parking area for the refueling of automobiles. No other evidence of an automotive refueling facility at this location was encountered during the preparation of the ESA. However, given the remote location of this Property as well as the historical practice of keeping few to no records on remote service stations, it is likely that this facility could have operated as an automotive refueling station with little to no readily-available records to indicate such.

Therefore, Westmark has determined, for the purposes of this Phase I ESA, that this facility qualifies as a REC based on the “likely presence of any hazardous substances or petroleum products in, on, or at the property” due to “conditions indicative of a release to the environment”. The conditions indicative of a release in this instance is the expectation (based on precedence) of UTS from this era having a likelihood of failure which can result in the release of petroleum products into the surrounding native environmental media (soil and possibly groundwater).

The second REC is the evidence of dumping near the north/northeast corner of the Property as observed in aerial photographs beginning with the 1983 aerial photograph reviewed. Surface markings in this area depict a dirt roadway entering and exiting a larger, graded area along the north/northeast portion of the Property. There is little to no other indication in the aerial photograph as to the purpose of this graded area. Therefore, Westmark has inferred that earthwork activities have occurred in this area of the Property.

Given the remote location of this Property, and this awareness that “desert dumping” is an actual practice that is generally understood to have occurred in these remote parts of the southwestern United States, Westmark has concluded that it is likely that there was dumping of unknown material at this location with subsequent burial of such material. Given the unknown nature of this condition, Westmark has considered this a REC based on the likelihood that there could be buried hazardous materials at this location.

Westmark identified five *de minimis* conditions during the preparation of this Phase I ESA. These *de minimis* conditions are discussed below.

1. Various containers of chemicals were observed in the automobile garage of the Property. These chemicals consisted of regulated substances (benzene and other petroleum-based products) and unknown chemicals. Due to the large number of containers in the auto garage and the unorganized state of the containers, Westmark was unable to identify each individual container’s contents. The automobile garage consists of a cement floor, so if any chemicals spilled, they would not likely be in direct contact with the soil or groundwater onsite. Therefore, Westmark believes the presence of these chemicals constitutes a *de minimis* condition.

2. Similar to the automobile garage, various chemicals were observed in the metal storage structure on the Property. These chemicals were also in an unorganized fashion and consisted of various petroleum-based products in various sizes. Poor housekeeping of these chemicals and the cement floor of the storage structure do not indicate a likely release to the environment. Therefore, Westmark believes the poor housekeeping of these chemicals constitutes a *de minimis* condition.
3. The AST located in the compound north of the diner is considered a *de minimis* condition by Westmark. The AST is located in an area on the Property that Westmark believes might have been a fueling station. The AST does not have any secondary containment. There were no holes observed on the AST. Additionally, there is a pipe leading from the underside of the AST. There were no compliance records known to be available on this AST.
4. A corroded drum was observed in the wash in the northeast corner of the Property. The drum was observed with holes and in poor condition. However, there were no chemicals observed in the drum that could be released to the Property. Additionally, it is unknown what chemicals, if any, were stored in the drum in the past.
5. Evidence of a water production well was observed on the Property. The operational condition of this well and its infrastructure was not evaluated as part of this Phase I ESA. However, this well represents a *de minimis* condition in that it is a potential conduit for surface contaminants to migrate into its serviceable groundwater aquifer.

Lastly, a discussion of the Las Vegas Paving Corporation facility that appears on the regulatory review database report as being on and/or near the southwestern corner of the Property, as well as being observed in the aerial photographs reviewed, is warranted. Although the southern half of the Property shows up in the EDR Radius Map under the Las Vegas Paving Corporation facility, Westmark could not find any additional recorded information about the details of these findings. A records request was submitted with US EPA regarding the site and whether any releases occurred. Records do not indicate a release occurring from this facility. Further, review of the available aerial photographs for the Property indicate a facility near the southwest corner of the Property, but not on the Property, existed for a short period of time around 2009. Therefore, Westmark does not believe the presence of the Las Vegas Paving Corporation facility in the Radius Map constitutes an REC.

Recommended mitigation measures regarding future activities and development of the Property with regard to potentially hazardous substance are listed below and will reduce potential impacts levels that are less than significant.

Mitigation Measure Haz-1. Evidence of a former automotive refueling facility was observed during the preparation of this Phase I ESA. Prior to beginning construction, performance of additional studies is required to determine whether a gasoline service station operated at this Property. The study should include the performance of a subsurface investigation using acceptable methods for reducing the uncertainty of the presence of petroleum products in the subsurface.

Mitigation Measure Haz-2. Prior to beginning construction, a subsurface study is required in the area of the observed potential dumping near the northeast corner of the Property.

Mitigation Measure Haz-3. Prior to beginning construction, the various containers of chemicals in the

auto garage, storage shed, mobile homes, and any other structures on the Property shall be properly identified, inventoried, and properly removed and disposed.

Mitigation Measure Haz-4. Prior to beginning construction, a subsurface study is required in the area near the corroded drum in the southwest area of the Property.

Mitigation Measure Haz-5. Prior to beginning construction, information on the water production well should be researched with a goal to reveal the construction specifications of this well. Further, it would be beneficial to attempt to resume water production from this well or obtain a manual grab sample in an effort to obtain a water sample for evaluation of groundwater quality. This information may prove useful if any hazardous materials are identified in the subsurface soil.

e) No Impact. The Proposed Project site is not located within two miles of any airport, and therefore the project would not represent a safety hazard for people residing or working in the project vicinity.

f) No Impact. The proposed project location does not have a private airport near the site, therefore, the construction and operations of the Proposed Project would not represent any related safety hazard for people residing or working in the area.

g) No Impact. The project site is not used for emergency response to or evacuation from adjacent areas. The proposed Project and related commercial development would not impair implementation of or physically interfere with any adopted emergency response plan or emergency evacuation plan by San Bernardino County, and no related impacts would occur.

h) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project would not expose people or property to wildland fire hazards. Subsequent commercial development will be constructed in accordance with fire codes established in the UBC, CBC, and County Fire Department laws, ordinances, regulations, and standards. Fire related risks are concluded to be less than significant.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
X. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

a) Less than Significant Impact with Mitigation. There is no local or regional wastewater treatment system that the proposed highway commercial development could connect to, and the proposal includes development of an onsite septic tank and leach field system for wastewater management. As a part of its review of the development application, the County Land Development Division requested that a geotechnical assessment identify site-specific requirements for the proposed sewer leach field. Landmark Consultants, Inc. conducted a total of four (4) percolation tests on November 6 and 7, 2019 at this site to evaluate whether soils on site are suitable for use with septic system to serve the project, whether there is sufficient space on the property to accommodate the leach field system, and whether the system can be built with adequate separation from the underlying water table. The results of their assessment are summarized here; their complete "Soil Percolation Report" is presented in Appendix G.

The percolation tests were performed to the San Bernardino County percolation report standard, as described in the "*On-Site Waste Water Disposal System*" document published by the San Bernardino County Department of Environmental Health. The tests were performed using a 6-inch diameter, hand auger boreholes made to a depth of 4.0 feet below the existing ground surface. The test pits were filled with water (5 gallons bottle) and tests were performed the next day after two consecutive 30 minutes readings with more than 6 inches drop in the test holes. Based on these two readings the "sandy soil" test criteria were determined to exist at the site and six (6) 10-minute interval readings were taken for an hour period until a stabilized drop was recorded.

The test results indicate that the stabilized percolation rate (based on the average of the last 3 readings) in the soil ranges from 3.8 minute per inch to 4.1 minutes per inch, The fines content of the native sand is 20% to 36% passing the #200 (0.08 mm) sieve and 79% to 88% passing the #10 (2 mm) sieve. Based on the data presented in the report and using the recommendations set forth, Landmark concluded that there is sufficient area on the subject parcel to support on-site sewage disposal (leach field) that will meet the current standards of the Regional Water Quality Control Board.

Groundwater was not encountered in the borings. Well information collected near the subject site has indicated that the ground water level ranges from elevation 2520 to 2521 (88 to 90 feet below the ground surfaces) in the last 50 years. Therefore, Landmark also concluded that the groundwater table will not encroach within the current allowable limit set forth by County and State requirements. Landmark's recommendations for the septic system design are included as a required condition of project approval as the following mitigation measure and will reduce potential impacts to levels that are less than significant.

Mitigation Measure HYDRO-1. A maximum soil percolation rate of 3.8 minutes per inch (mpi), and the design rate of 0.83 sq-ft/gal/day may be used for leach field design. The leach lines shall be designed with 18-inch soil cover with 12 inches of leach field rock below the leach lines and 2 inches of leach field rock above the leach lines. The designed system shall be located at the depth of the percolation tests performed (4 feet bgs).

b) No Impact. The proposed commercial development will be supplied by an on-site well and storage tank system. Water consumption on-site would be commensurate with the proposed commercial land use. They would also be consistent with the County's commercial land uses and zoning. Therefore, the proposed project would not have a significant impact on groundwater supplies and would not interfere with groundwater recharge. There is no applicable sustainable groundwater management plan for this groundwater basin.

c. i-iv) Less than Significant Impact with Mitigation. No existing drainages cross the site, and the property is essentially level ground with no potential to produce scouring runoff that could result in erosion or siltation on adjoining lands. Development of the site would result in construction of multiple structures, impervious surfaces, and landscaped areas on a relatively flat and previously graded parcel. It would not significantly impact the existing drainage pattern of the site and would route stormwater for detention within the site.

Implementation of the SWMP and site construction and post-construction BMPs in compliance with the regional NPDES permit would ensure that site grading would not substantially alter the existing drainage pattern of the site or area. Subsequent development would be required to design all storm water facilities to meet or exceed County requirements and would identify and include these facilities in construction documents and specifications. The Project would improve the existing drainage pattern and would not create or contribute to the exceeding capacity of an existing stormwater drainage system.

During subsequent development construction activities will include installation of new buildings, surface parking, and landscape / hardscape improvements during which time there is a potential for pollutants to enter stormwater runoff. These include loose soils and organic matter, construction wastes, equipment fluids, and cleaning and maintenance solvents. Conveyance of these materials into the storm drain system would lead to pollutants which could degrade stormwater quality and down-gradient runoff.

The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide Construction General Order (2009-0009-DWQ). The County and Water Board require a Stormwater Pollution Control Plan be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The link to the general order is:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The following mitigation measure is recommended as a condition of project approval and will reduce potential impacts levels that are less than significant.

Mitigation Measure HYDRO-2. Prior to commencing construction, a Stormwater Pollution Control Plan must be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide

Construction General Order (2009-0009-DWQ).

d) No Impact. Development of general commercial uses at the site would not expose people or structures to a significant risk of loss, injury, or death of flooding. The project site is approximately 2,625 feet above MSL and more than 250 miles from the Pacific Ocean and is not subject to tsunamis. The property is surrounded by level lands and there are no potential impacts associated with a seismic seiche. Therefore, there are no impacts associated with flooding from tsunami or seiche or related risk of pollutants being released. The property is not located within the 100-year floodplain of any local water body and there will be no potential for related flood hazard impacts.

e) No Impact. The proposed project is required to conform with all applicable water quality protection requirements and will not conflict with or obstruct implementation of a water quality control plan. There is no applicable sustainable groundwater management plan adopted for the Ivanpah Valley.

The Lahontan Regional Water Quality Control Board (Water Board) provided recommendations to the County pertaining to the proposed water and wastewater treatment systems to be developed to serve the proposed development at the project site, and regarding stormwater management. (Email from Jay Cass, P.E., Senior Water Resources Control Engineer at the Lahontan Water Board to Magda Gonzalez, Senior Planner, San Bernardino County, April 15, 2020.)

There is an existing well on the site that served the previous diner, gas station and RV park on the property. That well will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

A new well and water storage tank will be constructed at the northeast corner of the property. Well construction will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be located on the site to ensure minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

The onsite wastewater treatment system (OWTS) septic tank and conventional leach field are shown on the site plan to be located on the west side of the property adjacent to the I-15 northbound on-ramp. A 100% replacement area leach field must also be shown. The OWTS discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that OWTS discharges are protective of receiving groundwater quality.

The Lahontan Water Board also recommended that existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Analysis should include all general minerals (including nitrate and total dissolved solids) and bacteria. The Water Board also notes that Chevron Corporation remains responsible for groundwater cleanup at the New Ivanpah Evaporation Pond, located 8,000 feet east of the project site. Groundwater at that location contains elevated total dissolved solids, radionuclides, and nitrate. The regional topography slopes from west to east in the area where the project site is located which is generally indicative of the groundwater flow direction, and it is not likely that Ivanpah New Evaporation Pond groundwater plume extends this far west and upgradient, however, further analysis is necessary to determine whether the project's proposed new well would be affected by these constituents, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

The following mitigation measures are recommended as conditions of project approval and will reduce potential impacts levels that are less than significant.

Mitigation Measure HYDRO-3. The existing well on the site will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

Mitigation Measure HYDRO-4. Construction of the new well and water storage tank will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be developed on the site in a location that provides minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

Mitigation Measure HYDRO-5. Prior to approval of the final map, a 100% replacement area leach field must be identified. Leach field discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that discharges are protective of receiving groundwater quality.

Mitigation Measure HYDRO-6. Prior to commencing construction, existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Testing should include all general minerals (including nitrate and total dissolved solids) and bacteria.

Mitigation Measure HYDRO-7. Prior to development of the new well, a qualified hydrogeologist should be consulted to evaluate likely pumping rates and groundwater conditions to determine whether the project's new well could be affected by the constituents in the groundwater cleanup at the New Ivanpah Evaporation Pond, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING – Would the project:				

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

a) No Impact. The project site is located at a fully functioning interstate highway interchange at an isolated location south of the California / Nevada border. There is no established community in the vicinity of the property, and it is a highly suitable location for a highway commercial development intended to serve passing motorists on this busy travel corridor between the Los Angeles region and Las Vegas. The Project has no potential to divide an established community.

b) No Impact. The property is designated as a resource conservation zone in the County's General Plan, and the Applicant has applied for General Plan Amendment (GPA) to designate the property for highway commercial development. A Conditional Use Permit (CUP) has also been requested to allow initial development of the property with the proposed Terrible Herbst convenience store and fueling station. Subsequent highway commercial development will be subject to separate project specific assessment, including review under CEQA. Future uses are unknown at this time and therefore too speculative to assess. However, the nature of typical highway commercial development is not likely to include proposed uses that would conflict with land use policies to avoid or mitigate adverse environmental effects.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. MINERAL RESOURCES - Would the project:				

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

SUBSTANTIATION: (Check if project is located within the Mineral Resource Zone Overlay):

San Bernardino County General Plan, 2007; Submitted Project Materials

a & b) No Impact. There are no significant or valuable mineral deposit sites within the vicinity of the project site. The project site does not contain a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, the project would have no impact on mineral resources.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
xiii. NOISE - Would the project result in:				

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element):

San Bernardino County General Plan, 2007; Submitted Project Materials

a) Less than Significant. Existing noise levels at this property come from traffic along the I-15 corridor and are experienced 24 hours a day. Noise sensitive receptors (land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise) typically include residential dwellings, hospitals, nursing homes, educational facilities, and libraries. Surrounding land uses contain no sensitive receptors and noise associated with construction and subsequent commercial activities would be typical of such operations throughout the County. Therefore, noise associated with the proposed Project, convenience store and fueling station and subsequent commercial development would not have significant adverse impacts and noise reduction mitigation measures are not required.

b) Less than Significant. For subsequent commercial development consistent with the proposed Project, construction activities would create noise from construction equipment operation and vibration from grading activities. Soil grading and compaction would also occur during construction of buildings. Project construction may cause temporary, intermittent, minor increases in groundborne vibration and groundborne noise levels. Standard earth moving construction equipment such as rubber-tired loaders, excavators, and haul trucks would be used during construction in accordance with County regulations. However, this standard construction equipment would not be expected to cause excessive groundborne vibration or groundborne noise levels, and there are no sensitive receptors in the area. Therefore, there are no potential impacts associated with excessive groundborne vibration or noise levels.

c) No Impact. The project site is not located in the vicinity of a public airport or airstrip that would result in any impacts, either on-site or off-site, and there is no potential for impacts related to these issues.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIV. POPULATION AND HOUSING - Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials.

a) No Impact. Subsequent commercial development allowed with the proposed Project would not include the extension of off-site roadways or other major infrastructure which could lead to substantial population growth. Commercial development would provide employment opportunities for residents in San Bernardino County. Therefore, the Project would not directly or indirectly induce substantial growth, and there would be no adverse impact to population and housing.

b) No Impact. No existing housing would be displaced. The site is currently designated “Resource Conservation” and was previously used for a diner, gas station and small RV Park. The GPA “General Commercial” designation to allow commercial development instead is not expected to substantially increase the demand on local housing for employees. The employment opportunities for the short-term construction and commercial uses of the property would be expected to be met through the local and existing workforce. No significant impacts to housing would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
---------------	---------------------------------------	---	------------------------------	------------------

XV. PUBLIC SERVICES

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

Fire Protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

a). i. ***Fire protection***

Less than Significant Impact with Mitigation Incorporation. There are no potential “*physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities*” that will result from the proposed land use change and highway commercial development. The property is not in close proximity to a County or City fire department.

The Proposed Project includes a 7,500 square foot convenience store, standard vehicle fueling stations under a canopy, truck fueling stations under a separate canopy, and underground fuel farms serving the filling stations. The convenience store building is planned to be sprinklered, and will meet Type V-A construction standards for structural framing and bearing walls to have a one-hour fire-resistance rating, meaning a fire would take an hour to burn through the wall. The canopies will be sized to be within area limitations such that sprinklers will not be required for the canopies. The site is not served by a municipal water supply. The County General Plan designates this property as being within the Fire Safety Review Area and all future construction shall adhere to all applicable standards and requirements of the overlay district.

The Proposed Project is under the jurisdiction of the San Bernardino County Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances, and standards of the Fire Department.

The County Fire Prevention Specialist Curtis Markloff has developed fire conditions for the initial development of the convenience store and fueling station (San Bernardino County Fire Protection District, letter to GK3 Architecture July 16, 2019, included in Appendix G). Fire conditions for subsequent highway commercial development on the property are too speculative to develop at this time, and each subsequent development proposal will need to go through a separate application review process.

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The fire flow required for the 7,500 square-foot convenience store shall be 1,500 gallons per minute (GPM) for a two-hour duration at 20 pounds per square-inch (psi) residual operating pressure.

Fire Conditions cover an extensive range of specifications for equipment, signage, building standards, site access, construction timing, vegetation control and more. Because there is always potential for fire to occur at a fueling station, adherence to all of the identified fire conditions is identified as a mitigation measure, and when fully implemented, will reduce the potential for fire emergencies to a level that is less than significant.

Mitigation Measure PS-1. Prior to initiating construction at the site, the Applicant shall consult with the San Bernardino County Fire Protection District for final review of site design, building specification, and fire safety systems and obtain all applicable Fire Condition construction permits. Final plans and specifications must include all aspects of the July 16, 2019 letter from the Fire Protection District contained in Appendix F of this IS/MND. In addition to the Fire requirements stated herein, other onsite and offsite 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 the Fire Protection District.

ii. Police Protection

Less than Significant Impact. There are no potential “*physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities*” that will result from the proposed land use change and highway commercial development. The property is not in close proximity to a County or City sheriffs or police department. California Highway Patrol does patrol the I-15, and patrol cars pass Yates Well Road on a regular basis.

Although they are likely to be similar, security conditions for subsequent highway commercial development on the property are too speculative to develop at this time, and each subsequent development proposal will need to go through a separate application review process.

For the convenience store and fueling station security cameras will be installed covering the main driveway, all areas around the fueling canopies, and multiple vantage points within the convenience store. Cameras will be connected to a secure server, with 24-hour recording downloaded and maintained for at least 14 days. Other than the main entry way for customers, building doors will alarmed and locked except when in use for deliveries. These systems should provide adequate security for the convenience store and fueling station, and with these design features in place, demand for police services would be less than significant. No additional mitigation measures are recommended.

iii. – v Schools, parks, or other public facilities

No Impact. Typical highway commercial development would not have a direct physical impact on any school, park, libraries, or other public facilities. The Project does not include a residential component and therefore would not result in a direct population increase or direct or indirect effect on such facilities or services. There are no schools, parks, or other public facilities in the vicinity.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

a, b) No Impact. The proposed Project and subsequent commercial development would not require the expansion of existing recreational facilities or the construction of new recreational facilities. Therefore, the proposed project would not impact any proposed recreational facilities in the area.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVII. TRANSPORTATION				
– Would the project:				

a)

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

A comprehensive Traffic Impact Assessment (TIA) was prepared for the project by Urban Crossroads, Inc. for the project based upon initial consultation and scoping with the County and Caltrans. Findings and recommended measures to be incorporated as mitigation for this project identified in the TIA are summarized in this section. The complete TIA is presented in Appendix D. The CEQA Guidelines have been updated to reflect current policy for assessing the environmental effects of projects, with an emphasis on "Vehicle Miles Traveled" rather than "Levels of Service" as has been done in the past, (2020 CEQA Guidelines, §15064.3). The County and Caltrans are also concerned about traffic safety, flow, and congestion. For that reason, this assessment starts with the four questions posed in the CEQA Guidelines Appendix G checklist shown above, followed by presentation of traffic impact considerations and recommendations developed in the TIA.

a) Less than Significant Impact. The Proposed Project includes a new highway commercial development in an area of very limited development. It is designed to take advantage of the existing traffic flow on the adjacent I-15 corridor by providing services and basic goods to passing travelers. Therefore, the only existing circulation system in question is the existing short segment of Yates Well Road extending from the interstate ramps to the project site and proposed driveways, and proposed circulation internal to the proposed project site. The General Plan does identify a potential long-term circulation system involving this segment of Yates Well Road, which is discussed in the TIA and included below. There is no provision of transit, bicycle, or pedestrian facilities in the area, and the Proposed Project has no significant adverse impacts and no mitigation measures are required.

Traffic Impact Assessment

This traffic impact analysis (TIA) has been prepared for the proposed project, and addresses both short term and long term traffic conditions that will occur with the initial development of the convenience store and fueling station, and the ultimate buildout of the property with related highway commercial development.

The purpose of this traffic impact analysis is to evaluate the potential circulation system deficiencies that may result from the development of the proposed Project, and to recommend improvements to achieve acceptable circulation system operational conditions. This traffic study has been prepared in accordance with the San Bernardino County Congestion Management Program (CMP) *Guidelines for CMP Traffic Impact Analysis Reports* (Appendix B, 2016 Update), the *San Bernardino County Transportation Impact Study Guidelines* (July 9, 2019), and through consultation with County of San Bernardino staff during the scoping process.

Vehicular and truck traffic access will be provided via one driveway located near the east edge of the Project site, providing access via Yates Well Road. Emergency access will also be available via a gated access at the I-15 northbound Ramp. Regional access to the Project site is available from the I-15 freeway via the Yates Well Road interchange. (See Exhibits 1-1 and 1-2.)

Trips generated by the Project's proposed land uses have been estimated based on trip generation rates included in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, 2017. The Project is estimated to generate a net total of 5,071 trip-ends per day on a typical weekday with approximately 618 AM peak hour trips and 506 PM peak hour trips, and a major portion of these trips are already traveling on the adjacent freeway and are diverted to/from the project (3,651 daily, 446 AM peak hour, and 364 PM peak hour diverted trips).

For the purposes of this traffic study, potential impacts to traffic and circulation have been assessed for each of the following conditions:

- Existing (2019)
- Opening Year Cumulative (2021) Without Project
- Opening Year Cumulative (2021) With Project
- Horizon Year (2040) Without Project
- Horizon Year (2040) With Project ±15 Acre Commercial

The proposed commercial development will require County approval of a General Plan Amendment (GPA), rezoning and a Conditional Use Permit (CUP) to designate the property for "Commercial Highway" (CH) use. The applicant proposes that the GPA and rezoning will apply to a ±20-acre parcel, with a Tentative Parcel Map (TPM) to divide the five-acres for the convenience store and fueling station. Cross access will be provided to the northern ±15-acre portion of the site for possible future development. The Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial scenario will account for future traffic conditions with development of the entire ±23.50-acre parcel.

Existing (2019) Conditions

Existing (2019) conditions represents the baseline traffic conditions as they existed at the time this report was prepared. Peak period traffic counts have been conducted at the existing ramp intersections along Yates Well Road and mainline I-15 volumes have been extracted from Caltrans Performance Measurement System (PeMS) database for a typical Fall 2019 week (October 13 to October 19).

Opening Year Cumulative (2021) Conditions

To account for growth in traffic between Existing (2019) traffic conditions and the Project Opening Year Cumulative (2021), a growth rate of 4.04 percent was assumed (2.0 percent per year, compounded annually over 2 years). The 2.0 percent annual growth rate is intended to capture non-specific ambient traffic growth.

Horizon Year (2040) Conditions

Traffic projections for Horizon Year (2040) with Project conditions were derived from the San Bernardino County General Plan. The Horizon Year (2040) conditions analysis are utilized to determine long range cumulative lane requirements.

Study Area Intersections

The following three study area intersections listed in Table 1-1 and shown on Exhibit 1-2 were selected for this TIA:

Table 1-1: Intersection Analysis Locations

ID	Intersection Location
1	I-15 Southbound Ramps & Yates Well Road
2	I-15 Northbound Ramps & Yates Well Road
3	Project Driveway & Yates Well Road

Study Area Freeway Mainline Segments

The freeway mainline analysis locations include the segments on either side of the I-15 Freeway and Yates Well Road interchange. The study area freeway mainline analysis locations include four I-15 Freeway mainline segments for the northbound and southbound directions of flow as listed in Table 1-2.

Table 1-2: Freeway Mainline Segment Analysis Locations

ID	Freeway Mainline Segments
1	I-15 Freeway – Southbound, North of Yates Well Road
2	I-15 Freeway – Southbound, South of Yates Well Road
3	I-15 Freeway – Northbound, North of Yates Well Road
4	I-15 Freeway – Northbound, South of Yates Well Road

Study Area Freeway Merge/Diverge Ramp Junctions

The study area freeway merge/diverge ramp junction analysis locations include four I-15 freeway ramp junctions for both northbound and southbound directions of flow as listed in Table 1-3:

Table 1-3: Freeway Merge/Diverge Ramp Junction Analysis Locations

ID	Freeway Merge/Diverge Ramp Junction Analysis Locations
1	I-15 Freeway – Southbound, Off-Ramp at Yates Well Road
2	I-15 Freeway – Southbound, On-Ramp at Yates Well Road
3	I-15 Freeway – Northbound, On-Ramp at Yates Well Road
4	I-15 Freeway – Northbound, Off-Ramp at Yates Well Road

Levels of Service

This section provides a summary of study area service levels. Section 2 *Methodologies* provides information on the methodologies used in the analysis and Section 5 *Opening Year Cumulative (2021) Traffic Conditions*, and Section 6 *Horizon Year (2040) Traffic Conditions* includes the detailed analysis.

Existing (2019) Conditions

The two existing study area intersections (I-15 Southbound Ramps at Yates Well Road and I-15 Northbound Ramps at Yates Well Road) were found to operate at an acceptable LOS (LOS D or better) during the peak hours under Existing traffic conditions.

Opening Year Cumulative (2021) Conditions

The study area intersections are anticipated to operate at an acceptable LOS during the peak hours under Opening Year Cumulative (2021) Without Project and With Project traffic conditions, with access improvements. Basic freeway segment analysis and freeway merge / diverge analysis do not result in any study area deficiencies for Opening Year Cumulative (2021) Without Project and With Project traffic conditions.

Horizon Year (2040) Conditions

Study area intersections are anticipated to operate at an acceptable LOS during the peak hours under Horizon Year (2040) Without Project conditions. Without added lane improvements, the following study area intersections are anticipated to operate at a deficient LOS during one or both peak hours under Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial traffic conditions:

- I-15 Southbound Ramps & Yates Well Road (#1) – LOS F AM and PM peak hours
- I-15 Northbound Ramps & Yates Well Road (#2) – LOS E PM peak hour only
- Project Driveway & Yates Well Road (#3) – LOS F AM and PM peak hours

With cumulative future lane improvements (see Exhibit 6-5), acceptable LOS operations are provided at study area intersections.

Basic freeway segment analysis and freeway merge / diverge analysis do not result in study area deficiencies for Horizon Year (2040) Without Project and With Project traffic conditions.

Friday and Weekend Traffic Conditions

This section provides information regarding peak hours on a Friday and weekend day (Sunday), when traffic conditions are worse than typical mid-week peak hours. Directional mainline I-15 traffic volumes on weekdays, Friday, and weekend days have been extracted from the Caltrans Performance Measurement System (PeMS) database for a typical Fall 2019 week (October 13 to October 19). These volumes are utilized to estimate traffic conditions with the project in the study area for afternoon peak hours on a Friday and peak weekend day (Sunday).

The results of the Friday and weekend Opening Year (2021) With Project conditions indicates that study area intersections experience acceptable operations, with Project access improvements (see Exhibit 5-3). Basic freeway segment analysis and freeway merge / diverge analysis do not result in any study area deficiencies for Friday and weekend Opening Year Cumulative (2021) With Project traffic conditions.

As part of the conditions of approval for the proposed Project the applicant shall comply with all requirements stipulated by the San Bernardino County Traffic Division and Caltrans, which will include:

- 1) Opening Year Cumulative (2021) With Project Roadway Segment Improvements. The following roadway segment improvements are necessary to accommodate site access:
 - Between the I-15 northbound intersection and the main Project entry, a transitioning width of paved roadway is required on the north side of the roadway centerline as shown on Exhibit 5-3.
 - Between the I-15 northbound intersection and the main Project entry, Yates Well Road shall be improved to accommodate one eastbound travel lane on Exhibit 5-3.
- 2) Opening Year Cumulative (2021) With Project Right-of-Way Dedication. The Project should dedicate 52 feet of right-of-way for ultimate provision of a Major Highway half section along the Project frontage as indicated on Exhibit 5-3.
- 3) Opening Year Cumulative (2021) With Project Intersection Improvements

Project Driveway & Yates Well Road (#3)

Construct the Project driveway at Yates Well Road as follows:

- Provide stop control for travelers exiting the Project driveway
- Construct north leg with one shared outbound left/right turn lane, and one inbound lane
- Provide eastbound shared left/through lane

- Provide appropriate paved roadway transitions to existing dirt roads east and south of the intersection (see Exhibit 5-3).

4) Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial Roadway Segment Improvements

Contribute on a fair share basis to the following roadway segment improvements to accommodate future cumulative conditions and maintain consistency with the San Bernardino General Plan:

Yates Well Road should ultimately be widened to provide Major Highway half-section width, including one westbound through lane, one westbound right turn lane (for I-15 northbound ramp access), one eastbound left turn lane, one eastbound through lane, and one eastbound right turn lane (for the Yates Well Road – Ivanpah Road corridor) along the Project frontage.

5) Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial Intersection Improvements

Contribute on a fair share basis to the following intersection improvements to accommodate future cumulative conditions and maintain consistency with the San Bernardino County General Plan:

I-15 Southbound Ramps & Yates Well Road (#1) –

- Provide traffic signal control
- Add southbound left turn lane

I-15 Northbound Ramps & Yates Well Road (#2) –

- Provide traffic signal control
- Add northbound right turn lane

Project Driveway & Yates Well Road (#3) – Update the Project driveway intersection configuration at Yates Well Road as follows:

- Provide traffic signal control
- Construct south leg of the intersection to include one northbound left turn lane and one northbound shared through/right lane
- Provide separate southbound right turn lane
- Provide separate eastbound left turn lane
- Provide separate eastbound right turn lane.

Truck turning paths are addressed in coordination with site lane recommendations on Exhibit 5-3 (for Opening Year 2021) and 6-5 (for Horizon Year 2040).

Vehicle Miles Travelled (VMT)

CEQA procedures for determination of transportation impacts have recently changed to an evaluation of Vehicle Miles Traveled (VMT) rather than vehicle delay or level of service, due to Senate Bill 743 (SB 743). The County of San Bernardino VMT Analysis Guidelines provide a structure for evaluating VMT on a project level basis. Vehicle delay and level of service are still used in County of San Bernardino traffic studies, as presented in earlier sections of this traffic study.

San Bernardino County VMT Analysis Guidelines

The Transportation Impact Study Guidelines for San Bernardino County includes a CEQA Assessment - VMT Analysis section providing recommendations regarding VMT analysis procedures. Projects are first screened to determine if they serve the local community and have the potential to reduce VMT.

Although the Project is not serving a local community, it provides services to an existing adjacent freeway corridor, resulting in very short trip lengths for traffic that is diverted from the freeway to interact with the gas station and convenience store.

For purposes of SB 743 compliance, the County requires a VMT analysis for land use projects as deemed necessary by the Traffic Division, typically if the Project has the potential to increase the average VMT per Service Population (SP), which in this case consists of employment and visitors.

Normalizing to VMT per SP provides a transportation efficiency that allows for comparison of the project to the remainder of the unincorporated area for purposes of identifying transportation impacts.

Based on the SCAG Connect SoCal Plan Draft PEIR (December 2019), VMT/capita for all vehicles in 2019 was estimated at 28.27 for San Bernardino County. The county average of 28.27 VMT was applied to the Project primary trips which represent potential induced travel activity associated with the Project. The nearest city to the Project (Primm, Nevada) is approximately 13 miles away, so 28 miles per trip is a reasonable estimate for primary Project trips.

The mileage per diverted trip was developed via calculating the length of travel for vehicles exiting the I-15 southbound, traveling to the Project and back to the I-15 southbound in comparison to continuing on the I-15 southbound through the study area. This diversion of less than a mile was then applied as the average Project diverted trip length.

Project Employment, Visitation, and VMT Estimates

Approximately 30 employees and 2,506 visitors per day are anticipated for the Terrible Herbst Convenience Store and Fueling Station. The estimate of visitors to the Project is consistent with Client forecasts as well as trip generation estimates.

Approximately 72% of the trips generated by the Project are not new trips, but instead would be trips already traveling on the adjacent freeway that are diverted to the project. Diverted linked trips occur when vehicles already traveling on I-15 exit the freeway to purchase gas or food at the project, then continue back onto the freeway.

The following summary presents the Project VMT for both primary and diverted trips.

Project Travel Component	Daily Trip Generation	Average Trip Length	Project VMT
Primary Trips	1,420	28.2	40,044
Diverted Trips	3,621	0.67	2,426
Total	5,041	8.42	42,470

The resulting total Project VMT amounts to approximately 42,470 annual vehicle miles traveled. When compared to the total Service Population (SP) of 2,536 (30 employees and 2,506 visitors), the resulting VMT / SP is 16.7, which is less than the County average per SP and considered a less than significant impact based upon County criteria.

b) Less than Significant Impact. CEQA Guidelines section 15064.3, subdivision (b)(1) pertains to criteria for analyzing transportation projects for land use projects, and states in part:

“Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant traffic impact.”

The Proposed Project is located at the Interstate 15 on and off ramps accessing Yates Well Road and is therefore determined to have no conflicts or inconsistency with the applicable CEQA Guidelines.

c) Less than Significant Impact. The existing interstate ramp system and segment of Yates Well Road accessing the property do not present any hazards due to geometric design, or conflicts with incompatible uses such as farm equipment. All intersections do have potential hazards related to high traffic volume, which are routinely addressed with signage and signalization. These are unrelated to “Vehicle Miles Traveled” but do pose significant safety and traffic flow issues which are addressed in the subsequent presentation of the TIA findings and recommendations. As part of the conditions of approval the applicant will comply with County Traffic and Caltrans rules and regulations.

d) Less than Significant Impact. As shown in the site plan, primary access to the project site would be from ingress and egress driveways on the north side of Yates Well Road. A secondary emergency ingress and egress access is part of the proposed plan and extends from the northbound I-15 on ramp to the convenience store and fueling station parking areas. Additional emergency access that may be needed for subsequent commercial development of the balance of the property will be determined as a part of environmental review when those proposed uses are better defined. As a condition of approval the applicant shall comply with all County Fire requirements including providing two points of access.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVIII. TRIBAL CULTURAL RESOURCES				

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

a & b) No Impact. The County did send letters offering to consult with all local and regional tribal organizations that have requested to be consulted for all County projects. The only tribal response was from the Colorado River Indian Tribes (CRIT). CRIT stated that they do not have any specific comment on the proposed project and instead defer to the comments of other affiliated tribes. They did note concern about the potential removal of artifacts from this area and corresponding destruction of the Tribes' footprint on this landscape, and they requested that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. If avoidance of a prehistoric cultural resources site is infeasible, then the Tribes request a mitigation measure(s) be added as a condition of project approval that the resources be left in-situ or reburied in a nearby area, after consultation. Finally, CRIT requested to be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, artifacts are identified during ground disturbance. This mitigation measure has been added in this Initial Study.

The site does not contain any buildings, structures, or sites which could be designated as historic resources. The change in land use designation will not have any effects on cultural resources. (See also Cultural Resources section herein, and the detailed Cultural Resources Assessment in Appendix C.) Subsequent development is not expected to cause a substantial adverse impact on cultural resources, however, it is always possible that unforeseen artifacts could become uncovered during construction activities. In that event, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.

The Project site does not lie near any known cemeteries. Therefore, the potential for finding human remains on the site is highly unlikely. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and all tribal organizations that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify the San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance. These requirements are included as a mitigation measure (CULT-2) in the cultural resources section above.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>SUBSTANTIATION:</i>				
<i>County of San Bernardino General Plan 2007; Submitted Project Materials</i>				

a) No Impact. The Proposed Project does not require relocation or construction of new utilities that could cause significant environmental effects. The development would be served by a new water well on the property, with wastewater disposal using a septic tank and leach field. As discussed in the hydrology section above, stormwater will also be managed on site and will not connect to any regional stormwater system. Southern California Edison Company (SCE) has confirmed that electric power for the convenience store and fueling station can be served from the existing 33kV circuit that crosses the property. Subsequent highway commercial development will need to coordinate with SCE to determine load requirements and available capacity as development applications are being prepared. There is no natural gas line extending to the property at present and no proposed uses that would rely upon natural gas. A cellular telecommunications tower is located on the southeast corner of the property and will not require relocation or new construction. Therefore, the Proposed Project has no potential to result in significant adverse effects related to these utilities and service systems.

b) No Impact. The Proposed Project will obtain all needed water supplies from a new well to be developed on the property and will not rely upon a surface water system or municipal water system that is subject to variable supplies in dry and multiple dry years. The groundwater basin is classified as “very low” priority by the California Department of Water Resources (DWR), based upon its evaluation of multiple criteria including:

1. The population overlying the basin or subbasin.
2. The rate of current and projected growth of the population overlying the basin or subbasin.
3. The number of public supply wells that draw from the basin or subbasin.
4. The total number of wells that draw from the basin or subbasin.
5. The irrigated acreage overlying the basin or subbasin.
6. The degree to which persons overlying the basin or subbasin rely on groundwater as their primary source of water.
7. Any documented impacts on the groundwater within the basin or subbasin, including overdraft, subsidence, saline intrusion, and other water quality degradation.
8. Any other information determined to be relevant by the department, including adverse impacts on local habitat and local streamflows.⁷

Therefore, it is concluded that a groundwater well should provide sufficient water supplies to serve the proposed convenience store and fueling station and subsequent highway commercial development during normal, dry, and multiple dry years.

c) No Impact. Wastewater disposal would be managed using a septic tank and leach field onsite and will not place any demands on a local or regional wastewater treatment provider.

d) No Impact. The proposed highway commercial development does not include any unique aspects that would result in the generation of excessive solid waste, or impede recycling and waste reduction goals, and would not result in exceeding the capacity of local or regional waste management facilities.

e) No Impact. All development within the County is required to comply with all federal, State and local regulations related to solid waste such as the California Integrated Waste Management Act and County recycling programs; therefore, no significant impacts related to waste management would occur.

⁷ Source: <https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
County of San Bernardino General Plan 2007; Submitted Project Materials

a) No Impact. The Proposed Project has no potential to impede implementation an emergency response or evacuation plan and is located along the I-15 corridor providing ready evacuation from the site if an emergency were to occur on the property.

b) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project would not expose people or property to wildland fire hazards. Subsequent commercial development will be constructed in accordance with fire codes established in the UBC, CBC, and County Fire Department laws, ordinances, regulations, and standards. Fire related risks are concluded to be less than significant.

c) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. No roads, fuel breaks, or emergency water sources, power lines or other utilities will be created as a result of the project that could exacerbate fire risk wildland fire related risk.

d) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project site is essentially level and has no active drainage channels that could result in downslope or downstream effects. Fire related risks are concluded to be less than significant.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) No Impact. The site has been disturbed by construction of the adjacent interstate, previous development, and illegal dumping over decades. The project site does not contain high quality habitat for fish or wildlife species, and subsequent land development at this location will not cause a fish or wildlife population to drop below self-sustaining levels, to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The site does not contain any structures or other features that would be considered important examples of the major periods of California history or prehistory.

b) No Impact. The change in land use designation for the 23-acre parcel would not contribute to cumulative impacts on the environment. Subsequent commercial development would contribute to new economic development in the community which is a goal of the County. No cumulative effects are identified or foreseeable at this time.

c) No Impact. Information contained in this Initial Study supports the conclusion that the proposed Project and subsequent commercial uses of this project site would not have significant adverse environmental effects, including social or economic, that would cause substantial adverse effects on human beings either directly or indirectly. No negative social effects would be expected from implementation of the proposed project, which has the potential to provide services, create employment opportunities, and generate property and sales taxes in San Bernardino County.

This section summarizes the findings and conclusions of the individual resource topic discussed in the checklist items above. Specifically, this section addresses the broader question concerning whether impacts may be cumulatively significant, or if there would be direct or indirect effects that have not been considered above in the checklist items. All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

XVIII MITIGATION MEASURES.

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval).

Mitigation Measure BIO-1. Desert Tortoise. A pre-construction take avoidance survey for desert tortoise will be conducted no less than 14 days prior to initiating ground disturbance activities following current USFWS protocol. A final survey shall be conducted within 24 hours prior to ground disturbance. Regardless of the results of the survey, the applicant will install a fence to prevent desert tortoises from entering the site during construction. The applicant will ensure that a qualified biologist who is experienced with the installation of temporary fencing oversees the installation. (Desert tortoises reside in habitat that is adjacent to the proposed convenience store. They are attracted to water, which the applicant will most likely use to control dust during construction.)

In the unexpected event that tortoise is found, then the following consultation, avoidance and minimization measures shall be implemented prior to any ground disturbance activities at the site:

- The project proponent shall notify and formally consult with the USFWS and CDFW pursuant to the requirements of the federal and State endangered species acts.
- Preparation and implementation of a Desert Tortoise Mitigation Plan approved by USFWS and CDFW. (The applicant shall install exclusion fencing regardless of the surveys.)
- If the applicant finds a desert tortoise on-site, contact USFWS and CDFW for appropriate measures.

Mitigation Measure-BIO-2. Common Raven. Because of the proximity of the site to areas where desert tortoises reside, the greatest concern with regard to the proposed convenience store is that its construction and operation will attract common ravens (*Corvus corax*), which prey on desert tortoises. The construction and operation of the Terrible Herbst facility would likely lead to a local increase in the number of common ravens; these birds are highly attracted to human activity and the proposed project would provide subsidies to them in the form of food and sites for nesting, roosting, and perching that are not currently present in the area. In addition to food wastes that construction and operation of the facility may generate, common ravens may also use various structures in the project area, for shade, perching, roosting, or nesting. Common ravens prey on desert tortoises and, for this reason, any local increase in the number of common ravens may have detrimental effects on the desert tortoise, both near and distant, from the proposed facility, as these birds travel large distances on a daily basis between various areas that provide them with food, water, and shelter.

In order to reduce the attractiveness of the proposed action to common ravens, the applicant shall apply the following requirements. These measures include but are not limited to:

- Educating workers to not feed common ravens and to secure their food where common ravens cannot steal it;
- Reducing as much as possible standing water from which common ravens can drink;
- Designing structures in a manner that reduces the opportunities for nesting and perching;
- Removing inactive nests of common ravens; and
- Reporting any nesting by common ravens within the site to the Service. If a nest were present, the Service would coordinate with the owner and request permission to access the property to manage it.

Even with the implementation of all such measures, it is anticipated that at least some common ravens will obtain food, water or shelter from the facility. To mitigate these residual effects, the applicant will be required to contribute the appropriate amount to the regional management program for common ravens. The Desert Managers Group manages this program; the program includes wide-scale surveys for common ravens, monitoring of the effectiveness of management actions, outreach to control subsidies, and increased levels of population control when necessary. The contribution consists of a one-time payment of \$105 per acre to the National Fish and Wildlife Foundation; the USFWS can provide the appropriate contacts with the National Fish and Wildlife Foundation and forms upon request.

Mitigation Measure-BIO-3. Nesting Migratory Birds. Portions of the project site support trees and shrubs with the potential to support common (non-sensitive) nesting birds protected under the MBTA and CFG Code. Compliance with the MBTA and CFG Code is a regulatory requirement. Mitigation measure BIO-3 shall be completed by the project proponent within 4 days of the onset of ground-disturbing activities because many species of birds can initiate nest building and lay eggs within 4 days. to ensure that no impacts occur to nesting birds.

If the removal of trees and shrubs must occur during the general bird breeding season (February 1 to August 31), a qualified biologist shall conduct a nesting bird survey within 4 days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.

Mitigation Measure CR-1. In the event that human remains are discovered during grading and construction activities, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.

Mitigation Measure CR-2. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD).

The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance.

Mitigation Measure CR-3. If avoidance of a prehistoric cultural resources site found during construction is infeasible, the resources should be left in-situ or reburied in a nearby area, after consultation with the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list. The Tribes should be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. Colorado River Indian Tribe request consultation in the event this should occur.

Mitigation Measure Geo-1. In the event that fossils are discovered during grading and construction activities, the Project Applicant and its contractors would be required to stop work in that area and contact the County Land Use Services office. A qualified geologist must be consulted to determine whether the discovered materials are a unique paleontological resource, and to recommend appropriate handling and recovery actions to be taken, if needed to ensure that the Project would not have an adverse effect on such resources.

Mitigation Measure GHG-1. The Applicant shall implement the following GHG reduction measures from the County's Screening Table for Implementation of GHG Reduction Measures for Commercial Development:

- Building Envelope – Insulation: Greatly enhanced insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher). [20 points]
- Building Envelope – Windows: Greatly enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC). [12 points]
- Building Envelope – Cool Roof: Greatly enhanced cool roof (CRRR Rated 0.35 aged solar reflectance, 0.75 thermal emittance). [16 points]
- Indoor Space Efficiencies – Heating/Cooling Distribution System: Enhanced Duct Insulation (R-8). [10 points]
- Indoor Space Efficiencies – Space Heating/Cooling Equipment: Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF). [7 points]
- Indoor Space Efficiencies – Water Heaters: Improved Efficiency Water Heater (0.675 Energy Factor). [14 points]
- Indoor Space Efficiencies – Artificial Lighting: Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt). [9 points]
- Irrigation and Landscaping – Water Efficient Landscaping: Only moderate water using plants. [3 points]
- Renewable Fuel/Low Emissions Vehicles (EV Charging Stations) – Electric Vehicles: Provide one public charging station for use by an electric vehicle. [10 points]

Mitigation Measure Haz-1. Evidence of a former automotive refueling facility was observed during the preparation of this Phase I ESA. Prior to beginning construction, performance of additional studies is required to determine whether a gasoline service station operated at this Property. The study should include the performance of a subsurface investigation using acceptable methods for reducing the uncertainty of the presence of petroleum products in the subsurface.

Mitigation Measure Haz-2. Prior to beginning construction, a subsurface study is required in the area of the observed potential dumping near the northeast corner of the Property.

Mitigation Measure Haz-3. Prior to beginning construction, the various containers of chemicals in the auto garage, storage shed, mobile homes, and any other structures on the Property shall be properly identified, inventoried, and properly removed and disposed.

Mitigation Measure Haz-4. Prior to beginning construction, a subsurface study is required in the area near the corroded drum in the southwest area of the Property.

Mitigation Measure Haz-5. Prior to beginning construction, information on the water production well should be researched with a goal to reveal the construction specifications of this well. Further, it would be beneficial to attempt to resume water production from this well or obtain a manual grab sample in an effort to obtain a water sample for evaluation of groundwater quality. This information may prove useful if any hazardous materials are identified in the subsurface soil.

Mitigation Measure HYDRO-1. A maximum soil percolation rate of 3.8 minutes per inch (mpi), and the design rate of 0.83 sq-ft/gal/day may be used for leach field design. The leach lines shall be designed with 18-inch soil cover with 12 inches of leach field rock below the leach lines and 2 inches of leach field rock above the leach lines. The designed system shall be located at the depth of the percolation tests performed (4 feet bgs).

Mitigation Measure HYDRO-2. Prior to commencing construction, a Stormwater Pollution Control Plan must be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide Construction General Order (2009-0009-DWQ).

Mitigation Measure HYDRO-3. The existing well on the site will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

Mitigation Measure HYDRO-4. Construction of the new well and water storage tank will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be developed on the site in a location that provides minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

Mitigation Measure HYDRO-5. Prior to approval of the final map, a 100% replacement area leach field must be identified. Leach field discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that discharges are protective of receiving groundwater quality.

Mitigation Measure HYDRO-6. Prior to commencing construction, existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Testing should include all general minerals (including nitrate and total dissolved solids) and bacteria.

Mitigation Measure HYDRO-7. Prior to development of the new well, a qualified hydrogeologist should be consulted to evaluate likely pumping rates and groundwater conditions to determine whether the project's new well could be affected by the constituents in the groundwater cleanup at the New Ivanpah Evaporation Pond, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

Mitigation Measure PS-1. Prior to initiating construction at the site, the Applicant shall consult with the San Bernardino County Fire Protection District for final review of site design, building specification, and fire safety systems and obtain all applicable Fire Condition construction permits. Final plans and specifications must include all aspects of the July 16, 2019 letter from the Fire Protection District contained in Appendix F of this IS/MND. In addition to the Fire requirements stated herein, other onsite and offsite 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 the Fire Protection District.

GENERAL REFERENCES

California Environmental Quality Act, Statute and CEQA Guidelines, 2020; Association of Environmental Professionals (AEP)

United States EPA, National Pollutant Discharge Elimination System General Permit for Discharges from Construction Activities, February 6, 2012

San Bernardino County, *San Bernardino County 2007 General Plan*, last amended April 24, 2014

PROJECT-SPECIFIC REFERENCES

California Air Pollution Control Officer's Association (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures*, August 2010, <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

California Water Code - Division 6. Conservation, Development, And Utilization of State Water Resources [10000 - 12999], Part 2.11. Groundwater Monitoring [10920 - 10936], Chapter 3. Groundwater Monitoring Program [10927 - 10936];
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10933.&lawCode=WAT; accessed 04/27/20

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, August 2016, Planning, Rule Making and Grants Section, Air Monitoring Section. <http://mdaqmd.ca.gov/home/showdocument?id=538>

Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan (State and Federal)*, April 26, 2004, <http://mdaqmd.ca.gov/home/showdocument?id=174>

Navigant, *Analysis of the Role of Gas for a Low-Carbon California Future*, July 2018, https://www.socalgas.com/1443741887279/SoCalGas_Renewable_Gas_Final-Report.pdf

San Bernardino County. *Greenhouse Gas Emissions, Development Review Processes, County of San Bernardino, California*, March 2015, <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf>

San Bernardino County, *Greenhouse Gas Emissions Reduction Plan*, September 2011. <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf>

LIST OF PREPARERS

Harvey Consulting Group, Environmental Consultants

- Jeff Harvey, Ph.D., Project Manager & Senior Scientist
- Jennifer Reed, Production Specialist

The Holt Group

- Rob Holt, P.E., Principal Engineer
- Lindsay Holt, AICP, MPA, Senior Planner

RCH Group

- Paul Miller, M.S., Principal Scientist
- Dan Jones, Senior Planner

Landmark Consultants, Inc.

- Greg Chandra, P.E., M.ASCE

Applied Earthworks, Inc.

- Amy L. Ollendorf, Ph.D., M.S., RPA (12588), Managing Principal & Principal Investigator
- Joan George, B.S., Associate Archaeologist & Project Manager
- Evan Mills, M.A., RPA (18026), Associate Archaeologist

Helix Environmental Planners, Inc.

- Karl Osmundson, Principal Biologist / Biology Group Manager
- Amy Mattson, Senior Biologist

Urban Crossroads

- John Kain, AICP, Principal Transportation Planner
- Marlie Whiteman, P.E., Transportation Engineer
- Jeanette Cachola, Senior Planner

D. Proctor Engineering

- Douglas Proctor, P.E., Principal Electrical Engineer

Heidi Maits, Project Manager.

EXHIBIT B

Findings

A Policy Plan Amendment (PPA)¹ from Resource Land Management (RLM) to Commercial (C), a Zoning Amendment from Resource Conservation (RC) to Highway Commercial (CH), a Tentative Parcel Map No. 20243 to subdivide 23.49 acres into two parcels, and Conditional Use Permit (CUP) for the construction and operation of a 7,500 square-foot convenience store with off-sale beer and wine, and a fuel station with a 5,676 square-foot standard canopy with eight fuel islands and a 1,950 square-foot truck canopy with five fuel islands, an 80,000 gallon water tank on a 5-acre portion of 23.49-acres, located in the Community of Nipton (PROJ-2019-00035, APN: 0573-101-07) (Project).

FINDINGS: POLICY PLAN AND ZONING AMENDMENT:

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for the Policy Plan and Zoning Amendments:

1. The proposed amendment is internally consistent with all other provisions of the General Plan.

Consistency: Based on the evidence contained in the Project’s supporting documents, the amendment is consistent with and will further the goals and policies of the County Policy Plan and will not obstruct their attainment as further indicated below:

- a. **Policy LU-1.3. Fiscal sustainability.** When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas.

Consistency: The proposed Project proposes a convenience store and fueling station that will stimulate the County’s economic base and provide jobs for its residents.

- b. **Policy LU-4.7. Dark skies.** We minimize light pollution and glare to preserve views of the night sky, particularly in the Mountain and Desert regions where dark skies are fundamentally connected to community identities and local economies. We also promote the preservation of dark skies to assist the military in testing, training, and operations.

Consistency: The proposed Project will comply with Development Code regulations pertaining to dark night sky protection and safety standards.

- c. **Policy LU-2.1. Compatibility with existing uses.** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

Consistency: The proposed Project is located in an area where it will serve the social and economic needs of its residents, as there is no similar commercial development in the area.

¹ The common reference within the San Bernardino County Development Code for this action is entitled general plan amendment (GPA). For purposes of these findings and during the interim period until the Development Code is updated to reflect the recent changes associated with the adoption of the Countywide Plan, all references to the policy plan and general plan are interchangeable.

Consistency: The proposed Project's location is consistent in that it will meet the needs of residents and motorists traveling Interstate 15 by providing services not readily available.

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

Consistency: The amendment facilitates a Project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased revenue to the community as a result of increased property taxes and development impact fees, resulting in enhanced local public services; the Project will promote significant economic development within the local community, including construction jobs, all of which support local businesses.

3. The proposed land use designation and zoning district change is in the public interest, therefore will be a community benefit, and other existing and allowed uses will not be compromised.

Consistency: The Project will provide a convenience store and gas station while maintaining the goals and policies of the County Policy Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The proposed Project retains and protects the existing desert character of the area by maintaining the rural setting. The Project will also promote significant economic development within the community, including construction jobs.

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

Consistency: The Project site is located adjacent to existing commercial development, a convenience store and gas station located to the south, vacant land to the east and west, and residences to the north. Existing Yates Well Road will provide vehicular access to the Project site and all necessary public services and infrastructure will be available.

5. The proposed land use designation and zoning district change does not conflict with provisions of the Development Code.

Consistency: The Project site conforms to the size and location criteria specified for the Highway Commercial (CH) land use district and all other applicable Development Code requirements.

6. The proposed land use designation and zoning district change will not have a substantial adverse effect on surrounding property.

Consistency: The Project includes appropriate mitigation measures and conditions of approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property. In addition, there is existing commercial development to further northwest of the Project site.

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

Consistency: The site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided conditions of approval. The Project will have sufficient permitted solid waste storage capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified conditions of approval.

FINDINGS: CONDITIONAL USE PERMIT

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for the proposed CUP:

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 required features pertaining to the application.** All setbacks meet or exceed the requirements of the Development Code for the proposed land use and the existing zoning. The proposed convenience store and fuel station which includes a water tank, canopies for the fueling station and the sale of packaged beer and wine will meet all development code requirements for the proposed Highway Commercial (CH) Land Use Zoning District.
2. **The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The proposed Project provides for adequate site access from Yates Well Road. The Project is required, as part of its conditions of approval, to provide road dedication and improvements, which include curb and gutter, and driveway approach on Yates Well Road.
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. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.** An Initial Study (IS) was prepared for the proposed Project resulting in a proposed Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND", which analyzed potential impacts to surrounding properties and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will also comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project would not shade adjacent parcels and would not limit the future development of solar energy systems or other development on neighboring properties. The Project site is bounded by government land, which is currently undeveloped and vacant land.

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.** The Project includes a Policy Plan Amendment to change the Land Use Designation from Resource Land Management (RLM) to Commercial (C) and a zone amendment to change the Land Use Zoning District from Resource Conservation (RC) to Highway Commercial (CH). The purpose of the Highway Commercial (CH) zoning district is to provide sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses. Specifically, the Policy Plan states that the County should:

- Require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. (Policy LU. 2.1)

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** During construction and operation the Project's required use of local infrastructure will not significantly affect existing service levels. As part of the Conditions of Approval, vehicles shall not back out into the public roadway, and driveway access will be granted on Yates Well Road. The Project applicant will be responsible for paying for and/or constructing the minimal necessary infrastructure improvements and thus there will be no significant effect on existing service levels.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.** The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. The Conditions of Approval are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All Conditions of Approval are necessary and reasonable to ensure compliance with the goals, policies and objectives of the County's Policy Plan.

7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The proposed Project was designed in a manner that will interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels.

FINDINGS: TENTATIVE PARCEL MAP

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 87.02.060, and the State Subdivision Map Act (Government Code Section 66410 et. seq.), and supporting facts for the proposed tentative parcel map:

1. **The proposed map, subdivision design and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan.** The proposed subdivision is consistent with the Desert Region Development Standards for the Highway Commercial (CH) Land Use Zoning District, in that the minimum parcel area, parcel width, parcel depth and parcel ratio are met for each proposed parcel. The proposed subdivision is consistent with the Policy Plan's Highway Commercial density requirement, which states that the minimum lot area shall be a 5-acre minimum. Development is proposed on one of the parcels while the other will remain vacant. However, the vacant parcel is adequate in shape, size and design for future development, the proposal meets:

Per the Policy Plan, the purpose of the Highway Commercial (CH) Land Use Zoning District is "to provide sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling, and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses."

2. **The site is physically suitable for the type and proposed density of development.** The proposed Tentative Parcel Map is adequately sized for the proposed subdivision; Yates Well Road binds the parcel on the south, on the west by I-15, and to the north and east by government land. The project site is consistent with the density requirements of the Highway Commercial (CH) Land Use Zoning District, which requires the lot area to be 5 acres minimum. The density of the Highway Commercial (CH) zone has been found to be an appropriate density for this Project and location.
3. **The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** An IS/MND has been prepared for the Project which includes the proposed Tentative Parcel Map. A Mitigated Negative Declaration (MND) is recommended and a Notice of Determination (NOD) will be posted and filed.
4. **The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.** The design of the subdivision follows a logical and orderly progression of development. The proposed subdivision has been reviewed by all agencies with jurisdiction over the Project and has been found to not cause serious public health or safety problems, with the implementation of all County Development Standards and completion of all conditions of approval and mitigation measures.

5. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.** The approval of the Tentative Parcel Map will require all existing easements to remain in place and unobstructed and no improvements are required that would conflict with any easements of record.
6. **The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.** The development proposed with this subdivision will require an approved San Bernardino County Department of Public Health – Environmental Health Services Division onsite wastewater treatment system (OWTS).
7. **The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.** The design of the subdivision allows for future development to be designed in any alignment to take advantage of passive or natural heating and cooling opportunities that exist on the project site.
8. **The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.** The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Highway Commercial Land Use Zoning District for the Desert Region. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code and any applicable federal, state, and local laws are met.

FINDINGS: ENVIRONMENTAL:

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced project has been determined to not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed as part with the San Bernardino County Clerk's office. The IS/MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL
Tentative Parcel Map 20243

PROJECT DESCRIPTION

1. Project Approval Description. Tentative Parcel Map 20243 to subdivide to subdivide 23.49 gross acres into two (2) parcels: one (1) 5-acre parcel and one (1) 18.49-acre remainder parcel is approved and may be recorded in compliance with the conditions of approval, the approved stamped tentative map, and the required Composite Development Plan. The project site is located at 10162 Yates Well Road, in Nipton, First Supervisorial District, APN: 0573-101-07, PROJ-2019-00035.

NOTICES

2. Expirations/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation before the expiration date.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible for initiation of any extension request.

3. Extension of Time/TPM. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Land Use Services may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.
4. Revisions/TPM. Any proposed change to the approved Tentative Parcel Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
5. Condition Compliance. Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.
6. Project Account. The Project trust account is PROJ-2019-00035. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation.

- 7. 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.

**PRIOR TO RECORDATION OF THE PARCEL MAP
The Following Shall Be Completed**

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

- 8. **Replacement Area Leach Field (HYDRO-5).** Prior to approval of the final map, a 100% replacement area leach field must be identified. Leach field discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that discharges are protective of receiving groundwater quality.
- 9. Composite Development Plan (CDP). A Composite development plan (“CDP”), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.
- 10. CDP/Planning Division. The following shall be delineated or noted on the CDP (Statements in quotations shall be verbatim):

“Land Use Services Department- Planning Division (909) 387-8311”

Mitigation Measures are Shown in Bold Text

- a) "Utilities. All proposed utility lines shall be placed underground."
- b) "Delineate Building Setback Lines."

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

- 11. Geotechnical (Soil) Report Required. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to recordation of the parcel map
- 12. Geology Report Required Grading. If cut slopes steeper than 2:1 (horizontal to vertical) or grading involving 5,000 cubic yards or more are proposed a geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist prior to recordation of the parcel map
- 13. Composite Development Plan (CDP) Note Requirements. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the Building and Safety Division prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

"Land Use Services Department – Building and Safety Division"

"Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits."

"Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division."

LAND USE SERVICES DEPT.-Land Development Division-Drainage Section (909) 387-8311

- 14. Composite Development Plan (CDP). A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

"Land Use Services Department - Land Development Division - Drainage Section"

"Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by County Land Use Services Department – Land Development Division/Drainage Section for each lot/parcel."

"FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C1400H dated 8/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit."

Mitigation Measures are Shown in Bold Text

“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”

“Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.”

“Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.”

"WQMP Operations and Maintenance. Operation and maintenance requirements for all Source Control, Site Design, and Treatment Control BMPs shall be identified within the Water Quality Management Plan (WQMP). All maintenance or replacement of BMPs proposed as part of the WQMP are the sole responsibility of the Owner in accordance with the terms of the WQMP Agreement."

“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.”

LAND USE SERVICES DEPT.-Land Development Division-Road Section (909) 387-8311

- 15. Road Dedication. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedication:

Yates Wells Road (Major Highway – 104)

- Road Dedication. A 2 foot grant of easement is required to provide a half-width right-of-way of 52 feet.

SAN BERNARDINO COUNTY FIRE DEPT. – Community Safety Division (909) 866-7566

- 16. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. 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.

Mitigation Measures are Shown in Bold Text

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

17. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
18. Easements. Easements within the reminder portion of the map are to be dedicated by separate document.
19. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
20. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
21. Parcel Map Review. Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
22. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

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

23. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board Division of Drinking Water. Applicant shall submit preliminary technical report to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449- 5577.
24. Water Purveyor. Water purveyor shall be EHS approved.
25. Sewage Disposal. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
26. New OWTS. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
27. Existing Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3)

Mitigation Measures are Shown in Bold Text

constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.

- 28. Existing OWTS. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

ADDITIONAL NOTICES

- 29. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
- 30. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These may include:
 - a) FEDERAL: U.S. Fish & Wildlife
 - b) STATE: Lahontan RWQCB, Mojave DAQMD, and California Department of Fish and Wildlife;
 - c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire – Community Safety Division ; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor/Solid Waste Management, and
 - d) LOCAL: N/A.

END OF CONDITIONS

CONDITIONS OF APPROVAL

Terrible Herbst Convenience Store & Gas Station – Nipton
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

LAND USE SERVICES DEPARTMENT– Planning Division (760) 995-8140

1. **Project Description.** Conditional Use Permit (CUP) to construct and operate a 7,500 square-foot convenience store, to include off-sale beer and wine, and a fuel station with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, and an 80,000 gallon water tank, located in the unincorporated Community of Nipton, APN: 0573-101-07; Project No. PROJ-2019-00035.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Rural Commercial (CR) land use designation, the California Building Codes (CBC), the California Fire Code (CFC), the Conditions of Approval, contained herein, and the approved site plan.

2. **Project Location.** The Project site is located at 10162 Yates Well Road, Nipton 92364.
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)

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. 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.
7. 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.
8. 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)
9. Project Account. The Project account number is PROJ-2019-00035. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
10. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall comply with all of the conditions for each of the respective stages of development. The developer shall obtain written clearance (email is ok) that all of the conditions have been satisfied prior to issuance of any permits.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

12. 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: U.S. Fish & Wildlife
 - STATE: Lahontan RWQCB, Mojave DAQMD, and California Department of Fish and Wildlife;
 - COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire – Community Safety Division ; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor/Solid Waste Management, and
 - LOCAL: N/A.
13. 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.
 - 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.
 - Waste Disposal: The Developer shall comply with regulations stipulated on the Development Code Section 84.24 regarding Solid Waste Disposal.
14. 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.
15. 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.

16. 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).
17. 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.
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. 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

21. 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.
22. 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).

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

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

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

24. **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.
25. **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.
26. **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.
27. **Natural Drainage.** The natural drainage courses traversing the site shall not be occupied or obstructed.

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

28. **Refuse Storage and Disposal.** 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 EHS/LEA at: 1-800-442- 2283.
29. **Noise Levels.** Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.
30. **Septic System Maintenance.** The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a EHS permitted pumper. For information, please call EHS/Wastewater Section at: 1-800-442-2283.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

31. **Permit Expiration.** 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.

32. 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 applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.
33. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite 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.
34. Access - 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
35. Access – 30% Slope. Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.

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

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT– Planning Division (760) 995-8140

36. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
 - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

37. **Diesel Regulations.** The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
38. **Cultural Resources (CR-1).** In the event that human remains are discovered during grading and construction activities, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.
39. **Cultural Resources (CR-2).** In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD).

The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance.

40. **Cultural Resources (CR-3).** If avoidance of a prehistoric cultural resources site found during construction is infeasible, the resources should be left in-situ or reburied in a nearby area, after consultation with the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list. The Tribes should be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. Colorado River Indian Tribe request consultation in the event this should occur.
41. **Desert Tortoise (BIO-1).** A pre-construction take avoidance survey for desert tortoise will be conducted no less than 14 days prior to initiating ground disturbance activities following current USFWS protocol. A final survey shall be conducted within 24 hours prior to ground disturbance. Regardless of the results of the survey, the applicant will install a fence to prevent desert tortoises from entering the site during construction. The applicant will ensure that a qualified biologist who is experienced with the installation of temporary fencing oversees the installation. (Desert tortoises reside in habitat that is adjacent to the proposed convenience store. They are attracted to water, which the applicant will most likely use to control dust during construction.)

In the unexpected event that tortoise is found, then the following consultation, avoidance and minimization measures shall be implemented prior to any ground disturbance activities at the site:

- The project proponent shall notify and formally consult with the USFWS and CDFW pursuant to the requirements of the federal and State endangered species acts.

- **Preparation and implementation of a Desert Tortoise Mitigation Plan approved by USFWS and CDFW. (The applicant shall install exclusion fencing regardless of the surveys.)**
- **If the applicant finds a desert tortoise on-site, contact USFWS and CDFW for appropriate measures.**

42. **Common Raven (BIO-2).** Because of the proximity of the site to areas where desert tortoises reside, the greatest concern with regard to the proposed convenience store is that its construction and operation will attract common ravens (*Corvus corax*), which prey on desert tortoises. The construction and operation of the Terrible Herbst facility would likely lead to a local increase in the number of common ravens; these birds are highly attracted to human activity and the proposed project would provide subsidies to them in the form of food and sites for nesting, roosting, and perching that are not currently present in the area. In addition to food wastes that construction and operation of the facility may generate, common ravens may also use various structures in the project area, for shade, perching, roosting, or nesting. Common ravens prey on desert tortoises and, for this reason, any local increase in the number of common ravens may have detrimental effects on the desert tortoise, both near and distant, from the proposed facility, as these birds travel large distances on a daily basis between various areas that provide them with food, water, and shelter.

In order to reduce the attractiveness of the proposed action to common ravens, the applicant shall apply the following requirements. These measures include but are not limited to:

- **Educating workers to not feed common ravens and to secure their food where common ravens cannot steal it;**
- **Reducing as much as possible standing water from which common ravens can drink;**
- **Designing structures in a manner that reduces the opportunities for nesting and perching;**
- **Removing inactive nests of common ravens; and**
- **Reporting any nesting by common ravens within the site to the Service. If a nest were present, the Service would coordinate with the owner and request permission to access the property to manage it.**

Even with the implementation of all such measures, it is anticipated that at least some common ravens will obtain food, water or shelter from the facility. To mitigate these residual effects, the applicant will be required to contribute the appropriate amount to the regional management program for common ravens. The Desert Managers Group manages this program; the program includes wide-scale surveys for common ravens, monitoring of the effectiveness of management actions, outreach to control subsidies, and increased levels of population control when necessary. The contribution consists of a one-time payment of \$105 per acre to the National Fish and Wildlife Foundation; the USFWS can provide the appropriate contacts with the National Fish and Wildlife Foundation and forms upon request.

43. **Nesting Migratory Birds (BIO-3).** Nesting Migratory Birds. Portions of the project site support trees and shrubs with the potential to support common (non-sensitive) nesting birds protected under the MBTA and CFG Code. Compliance with the MBTA and CFG Code is a regulatory requirement. Mitigation measure BIO-3 shall be completed by the project proponent within 4 days of the onset of ground disturbing activities because many species of birds can initiate nest building and lay eggs within 4 days to ensure that no impacts occur to nesting birds.

If the removal of trees and shrubs must occur during the general bird breeding season (February 1 to August 31), a qualified biologist shall conduct a nesting bird survey within 4 days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.

44. **Fossil Discovery (Geo-1)**. In the event that fossils are discovered during grading and construction activities, the Project Applicant and its contractors would be required to stop work in that area and contact the County Land Use Services office. A qualified geologist must be consulted to determine whether the discovered materials are a unique paleontological resource, and to recommend appropriate handling and recovery actions to be taken, if needed to ensure that the Project would not have an adverse effect on such resources.

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

45. **Wall Plans**. Submit plans and obtain separate building permits for any required retaining walls.
46. **Geotechnical (Soil) Report Required Before Grading**. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
47. **Demolition Permit Required Before Grading**. Obtain a demolition permit for any building/s or structure to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

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

48. **Topo Map**. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
49. **FEMA Flood Zone**. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C1400H dated 8/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
50. **Drainage Improvements**. A Registered Civil Engineer (RCE) 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 safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
51. **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.
52. **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.

53. **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
54. **Grading Plans.** Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

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

55. **Vector Control Requirement.** The project area has a high probability of containing vectors. EHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to EHS/Land Use. For information, contact Vector Control at (800) 442-2283.

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

56. **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 pursuant to Section 8771(b) Business and Professions Code.
57. **Record of Survey or Corner Record.** Pursuant to Sections 8726(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT – Planning (760) 995-8140

58. **Architecture.** The architectural elevations provided are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
59. **GHG Reduction Measures for Commercial Development (GHG-1).** The Applicant shall implement the following GHG reduction measures from the County's Screening Table for Implementation of GHG Reduction Measures for Commercial Development:
- Building Envelope – Insulation: Greatly enhanced insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher). [20 points]**
 - Building Envelope – Windows: Greatly enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC). [12 points]**

- **Building Envelope – Cool Roof: Greatly enhanced cool roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance). [16 points]**
 - **Indoor Space Efficiencies – Heating/Cooling Distribution System: Enhanced Duct Insulation (R-8). [10 points]**
 - **Indoor Space Efficiencies – Space Heating/Cooling Equipment: Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF). [7 points]**
 - **Indoor Space Efficiencies – Water Heaters: Improved Efficiency Water Heater (0.675 Energy Factor). [14 points]**
 - **Indoor Space Efficiencies – Artificial Lighting: Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt). [9 points]**
 - **Irrigation and Landscaping – Water Efficient Landscaping: Only moderate water using plants. [3 points]**
 - **Renewable Fuel/Low Emissions Vehicles (EV Charging Stations) – Electric Vehicles: Provide one public charging station for use by an electric vehicle. [10 points]**
60. **Additional Studies (Haz-1).** Evidence of a former automotive refueling facility was observed during the preparation of this Phase I ESA. Prior to beginning construction, performance of additional studies is required to determine whether a gasoline service station operated at this Property. The study should include the performance of a subsurface investigation using acceptable methods for reducing the uncertainty of the presence of petroleum products in the subsurface.
61. **Subsurface Study in Northeast Area (Haz-2).** Prior to beginning construction, a subsurface study is required in the area of the observed potential dumping near the northeast corner of the Property.
62. **Inventory of Chemical Containers (Haz-3).** Prior to beginning construction, the various containers of chemicals in the auto garage, storage shed, mobile homes, and any other structures on the Property shall be properly identified, inventoried, and properly removed and disposed.
63. **Subsurface Study in Southwest Area (Haz-4).** Prior to beginning construction, a subsurface study is required in the area near the corroded drum in the southwest area of the Property.
64. **Water Production Well (Haz-5).** Prior to beginning construction, information on the water production well should be researched with a goal to reveal the construction specifications of this well. Further, it would be beneficial to attempt to resume water production from this well or obtain a manual grab sample in an effort to obtain a water sample for evaluation of groundwater quality. This information may prove useful if any hazardous materials are identified in the subsurface soil.
65. **Percolation Rate (HYDRO-1).** A maximum soil percolation rate of 3.8 minutes per inch (mpi), and the design rate of 0.83 sq-ft/gal/day may be used for leach field design. The leach lines shall be designed with 18-inch soil cover with 12 inches of leach field rock below the leach lines and 2 inches of leach field rock above the leach lines. The designed system shall be located at the depth of the percolation tests performed (4 feet bgs).
66. **Stormwater Pollution Control Plan (HYDRO-2).** Prior to commencing construction, a Stormwater Pollution Control Plan must be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide Construction General Order (2009-0009-DWQ).

67. **Well Destruction (HYDRO-3).** The existing well on the site will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.
68. **New Well and Water Storage Tank (HYDRO-4).** Construction of the new well and water storage tank will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be developed on the site in a location that provides minimum separation distances are maintained between the well and leach field, including the future replacement leach field.
69. **Groundwater (HYDRO-6).** Prior to commencing construction, existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Testing should include all general minerals (including nitrate and total dissolved solids) and bacteria.
70. **New Well Evaluation (HYDRO-7).** Prior to development of the new well, a qualified hydrogeologist should be consulted to evaluate likely pumping rates and groundwater conditions to determine whether the project's new well could be affected by the constituents in the groundwater cleanup at the New Ivanpah Evaporation Pond, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.
71. **County Fire Review (PS-1).** Prior to initiating construction at the site, the Applicant shall consult with the San Bernardino County Fire Protection District for final review of site design, building specification, and fire safety systems and obtain all applicable Fire Condition construction permits. Final plans and specifications must include all aspects of the July 16, 2019 letter from the Fire Protection District contained in Appendix F of this IS/MND. In addition to the Fire requirements stated herein, other onsite and offsite 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 the Fire Protection District.
72. **Landscape and Irrigation Plan.** Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit a Landscape Plan record through our EZ Online Permitting system. Refer to the Landscape Plan Information Sheet for more information; this handout can be located in Planning's Handouts page under the Guidance section.
73. **Lighting Plans.** The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential zoning district, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
74. **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.

75. MDAQMD Permits. The District has reviewed the plan and recommends that best practices be employed to minimize fugitive dust emissions during the construction of the Project. Furthermore, the District recommends the County require that the following for the Gasoline Dispensing Facility and vertical propane tank:

- The Gasoline Dispensing Facility and vertical propane tank will require an Authority to Construct from the District, the applicant shall submit applicable permit applications and the associated application and permit fees to the District.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

76. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,500 GPM for a two hour duration at 20 psi residual operating pressure. Fire Flow is based on a 7,500 sq.ft. structure.

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

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

78. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

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

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

80. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.

81. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

82. **Road Standards and Design.** All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
83. **Road Dedication/Improvements.** The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Yates Wells Road (Major Highway – 104')

- Road Dedication. A 2 foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline along frontage of Parcel 2 of Tentative Parcel Map No. 20243. If tentative parcel map is withdrawn or does not record prior to commencing with the Conditional Use Permit for this project, improvements will be required along the entire property frontage on Yates Wells Road.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

I-15 (Freeway/Interstate)

- Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.
84. **Caltrans Review.** Obtain comments from Caltrans for access requirements and working within their right-of-way.
85. **Slope Tests.** Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
86. **Street Gradients.** Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
87. **Transitional Improvements.** Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
88. **Street Type Entrances.** Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

89. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
- a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

- b. **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.
90. **Building Plans.** Building plans shall be submitted to the Fire Department for review and approval.
91. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
92. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
93. **Fire Fee.** The required fire fees shall be paid to the San Bernardino County Department/Community Safety Division.
94. **Haz-Mat Approval.** The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
95. **Primary Access Paved.** Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
96. **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
97. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.

COUNTY FIRE PROTECTION DISTRICT – Hazardous Materials Division (909) 386-8401

98. **Underground Storage Tank (UST).** Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401. "Hazardous Material" means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment. Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

99. 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 pursuant to Section 8771(b) Business and Professions Code.
100. Record of Survey or Corner Record. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
- Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

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

101. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board Division of Drinking Water. Applicant shall submit preliminary technical report to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.
102. Water Purveyor. Water purveyor shall be EHS approved.
103. Sewage Disposal. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
104. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. 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 the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
105. New OWTS. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
106. Food Establishment Plan Check Required. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
107. Existing Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.

108. Existing OWTS. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
109. California Regional Water Quality Control Board Clearance. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130. Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, 760-346-7491. Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

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

110. CDWMP Part I. CDWMP Part I must be submitted prior to issuance of the permit. County franchise waste hauler is CR&R. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop/permits/construction-waste-management-plan-part-1/>

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed For Each Phase

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

111. 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 PROJ-2019-00035.
112. 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).
113. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
114. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
115. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
116. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG reduction measures have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.

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

117. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

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

118. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
119. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
120. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
121. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.
122. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

123. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
124. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
125. Key Box. An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
126. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
127. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.
128. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit detailed plans with manufacture' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

129. Fire Sprinkler – NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Any building over 5000 sqft.
130. Fire Alarm – Manual. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
131. 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.
132. Combustible Vegetation. Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
133. Fire Extinguisher. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
134. Inspection by the Fire Department. Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for Fire Department.

SAN BERNARDINO COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909) 386-8401

135. Permit Requirements. A business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
136. Reporting Requirements. An application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>
137. Plan Submittal Requirements. Businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.

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

138. CDWMP Part II. CDWMP Part II must be submitted prior to the Final Inspection. County franchise waste hauler is CR&R. For questions related to the submittal of this plan please call (909) 386-8701 or visit the EZOP website at <http://wp.sbcounty.gov/ezop>.

END OF CONDITIONS

EXHIBIT D

Letter of Intent



2111 Edgewood Ave • Las Vegas, NV 89102
Phone: 702 932 0455 Fax: 702 932 0456

ARCHITECTURE ● PLANNING ● INTERIOR DESIGN

October 1, 2019

San Bernardino County
385 N. Arrowhead Ave.
San Bernardino, CA 92415
Tel.: (909) 387-8311

Re: Letter of Intent
North East Corner of Yates Well Road and N1-15
10162 Yates Well Rd
Nipton, CA
APN: 0573 101 07

GK³ Architecture, on behalf of Terrible Herbst, is requesting the review of a general plan amendment with a conditional use permit for a commercial development. The development includes a 7,500 SF convenience store with two detached fuel canopies, a 20ft water tank and associated signage. The convenience store will sell packaged beer and wine. The building is oriented North/South with standard vehicle traffic at the South side of the building and RV/Truck traffic to the North side of the building. The far Northern and Eastern portion of the site will remain undeveloped. The properties adjacent the site are rural and undeveloped. The building is single story. This site is zoned RC. We ask for the zoning to be amended to commercial highway(CH). The project intends to amend the zoning for the whole parcel and then divide 5 acres of the parcel for the convenience store and fueling station. Cross access will be provided to the North portion of the site for future development.

The project meets all parking and landscape standards. The required approach distances are maintained for the entrance proposed on Yates Well Road. An emergency fire department access is proposed on to the N-I-15 on ramp. As designed the project is consistent with the objectives of the land use plan and will not negatively affect neighbors or impact any views.

The hours of the business will be 24/7. There will be approximately 16 employees. The traffic study scope has estimated 5,071 daily vehicle trips for the project. Many of the trips generated by a service station are not new trips, but instead trips already traveling on the adjacent freeway. The required parking for the project is 30 spaces, 51 spaces are proposed plus 11 oversized truck parking spaces.

This project will be an asset to the area. The approval of the proposed design would not constitute a grant of any special privilege. The building would not allow a use or activity which is not permitted in the RC Zone and would pose no adverse effect to public health, safety, or welfare.

Thank you for your consideration of these matters.

Sincerely,

Gemie M. Knisely, RA



ARCHITECTURE ● PLANNING ● INTERIOR DESIGN

USA 2111 Edgewood Ave.; Las Vegas, NV 89102 Tel. 702.932-0455 Fax 702.932.0456

EMAIL kevin@gk3architecture.com • gemie@gk3architecture

EXHIBIT E

Site Plan

OFFICIAL USE ONLY:

gk³architecture
ARCHITECTURE • PLANNING • INTERIOR DESIGN

2111 EDGEWOOD AVENUE
LAS VEGAS, NEVADA 89102
Tel. (702) 932-0455 • Fax (702) 932-0456
Mobile (702) 250-9416
• kevin@gk3architecture.com
• gemie@gk3architecture.com
WWW.GK3ARCHITECTURE.COM

OWNERS:
TIMOTHY P. HERBST
5195
S. LAS VEGAS BLVD.
LAS VEGAS, NV
89119
TEL: (702) 798-6400



PROJECT INFORMATION:

AFN: 0513 101 01
PROJECT SCOPE:
GENERAL PLAN AMENDMENT:
CURRENT ZONING-RURAL CONSERVATION (RC)
PROPOSED ZONING-COMMERCIAL HIGHWAY (CH)
CONDITIONAL USE PERMIT FOR:
CONVENIENCE STORE & FUELING STATION
SIGNS WILL BE REVIEWED UNDER SEPARATE PERMIT
BUILDING AREA: 1500 SF
CONVENIENCE STORE: 1500 SF
STANDARD FUEL CANOPY: 5676 SF
TRUCK FUEL CANOPY: 1350 SF
TOTAL BUILDING: 15,126 SF
HEIGHT OF BUILDING: 28'-6"
HEIGHT OF FUEL CANOPY: 19'-6"

HOURS OF OPERATION: 24/7
NUMBER OF EMPLOYEES: 12
PARKING ANALYSIS
RETAIL 1 PER 250 SF
CONVENIENCE STORE: 1500 SF / 250:30 SPACES
TOTAL REQUIRED 30 SPACES
TOTAL PROVIDED 41 SPACES
• 42 REGULAR SPACES
• 1 ACCESSIBLE SPACE
• 1 VAN ACCESSIBLE SPACE
• 2 EV CHARGING SPACE
• 1 CLEAN AIR/VANPOOL/EV SPACE
(ALL PARKING UNCOVERED)

ADDITIONAL PARKING PROVIDED : 18 TRUCK SPACES
LOADING ZONE:
1 PER 5,000 SF PER USE : 2 SPACES REQUIRED
2 SPACES PROVIDED

LOT COVERAGE/FAR ANALYSIS:
PROPERTY SIZE: 1021961 SF
AREA TO BE DEVELOPED: 217,800 SF
BUILDING AREA: 1500 SF
FUEL CANOPY AREA: 1398 SF
PAVEMENT AREA: 140000 SF
LOT COVERAGE: 71% (80% ALLOWED)
F.A.R.= 7%

LANDSCAPING STANDARD ANALYSIS:
RETAIL: 20% REQUIRED (43,560 SF)
44,000 SF PROVIDED
UTILITY INFORMATION:
WATER: ON-SITE WELL
SEWAGE: COMMERCIAL ON-SITE SEPTIC
ELECTRIC: SOUTHERN CALIFORNIA EDISON
PO BOX 800
ROSEMead, CA 91170
TEL: 800-655-4555
GAS: NOT APPLICABLE

CONTACT INFORMATION:

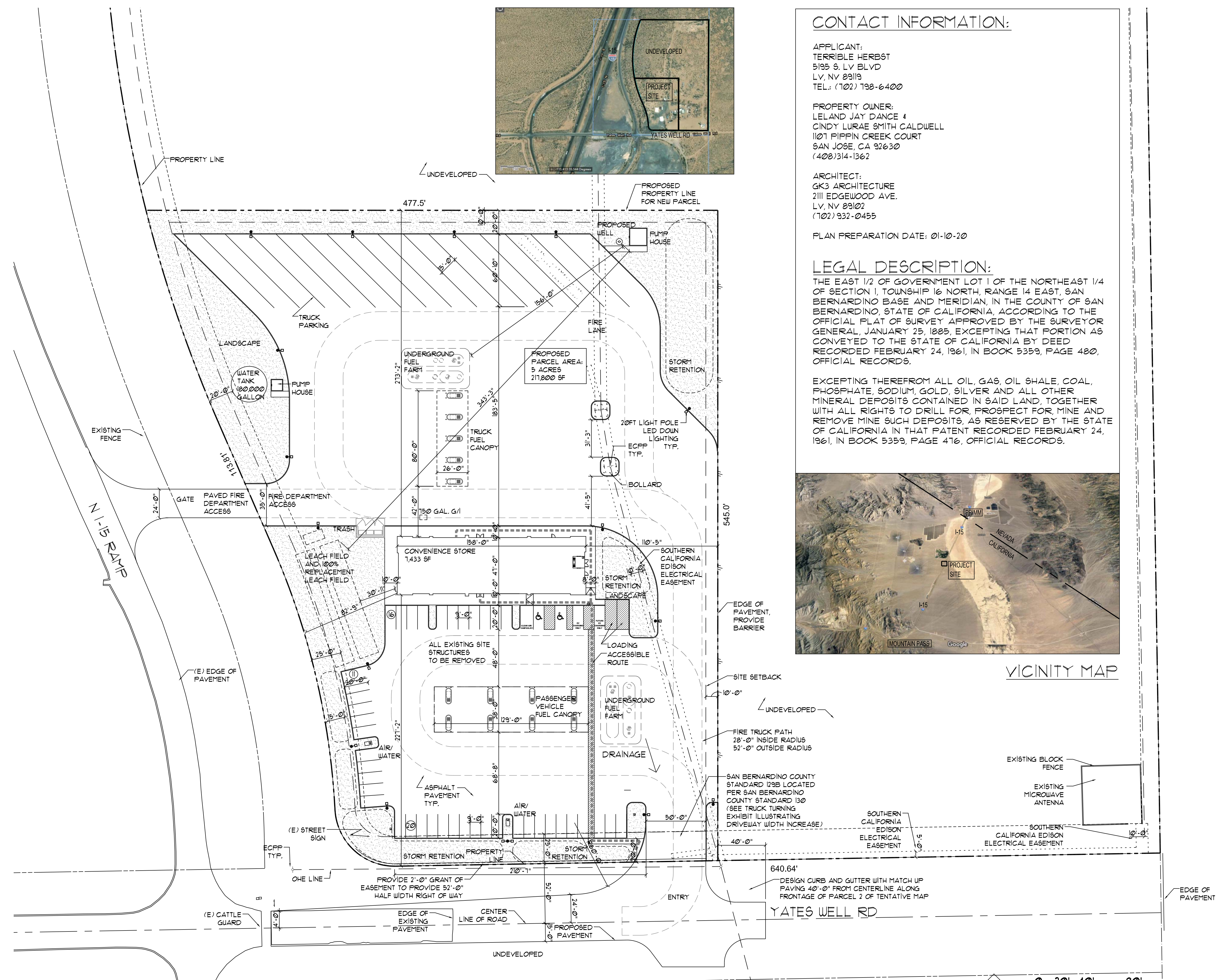
APPLICANT:
TERRIBLE HERBST
5195 S. LV BLVD
LV, NV 89119
TEL.: (702) 798-6400
PROPERTY OWNER:
LELAND JAY DANCE &
CINDY LURAE SMITH CALDWELL
1101 PIPPIN CREEK COURT
SAN JOSE, CA 92630
(408)314-1362
ARCHITECT:
GK3 ARCHITECTURE
2111 EDGEWOOD AVE.
LV, NV 89102
(702) 932-0455
PLAN PREPARATION DATE: 01-10-20

LEGAL DESCRIPTION:

THE EAST 1/2 OF GOVERNMENT LOT 1 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 14 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SURVEY APPROVED BY THE SURVEYOR GENERAL, JANUARY 25, 1885, EXCEPTING THAT PORTION AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED FEBRUARY 24, 1961, IN BOOK 5359, PAGE 480, OFFICIAL RECORDS.
EXCEPTING THEREFROM ALL OIL, GAS, OIL SHALE, COAL, PHOSPHATE, SODIUM, GOLD, SILVER AND ALL OTHER MINERAL DEPOSITS CONTAINED IN SAID LAND, TOGETHER WITH ALL RIGHTS TO DRILL FOR, PROSPECT FOR, MINE AND REMOVE MINE SUCH DEPOSITS, AS RESERVED BY THE STATE OF CALIFORNIA IN THAT PATENT RECORDED FEBRUARY 24, 1961, IN BOOK 5359, PAGE 476, OFFICIAL RECORDS.



VICINITY MAP



1 SITE PLAN
1"=40'-0"
N
0 20' 40' 80'

PROJECT:
CONVENIENCE STORE & FUELING STATION
1062 YATES WELL ROAD
NIPTON, CA 92364
AFN: 0513 101 01
NORTHEAST CORNER OF YATES WELL RD AND N 15

SEAL:

REVISIONS	
NO.	DESCRIPTION
01	09-26-18 GENERAL PLAN AMENDMENT
02	09-10-19 GENERAL PLAN AMENDMENT
03	10-19-20 GENERAL PLAN AMENDMENT

SHEET TITLE:
SITE PLAN

SCALE: AS NOTED
DATE: 10-19-20
ISSUED FOR: PERMIT
SHEET:

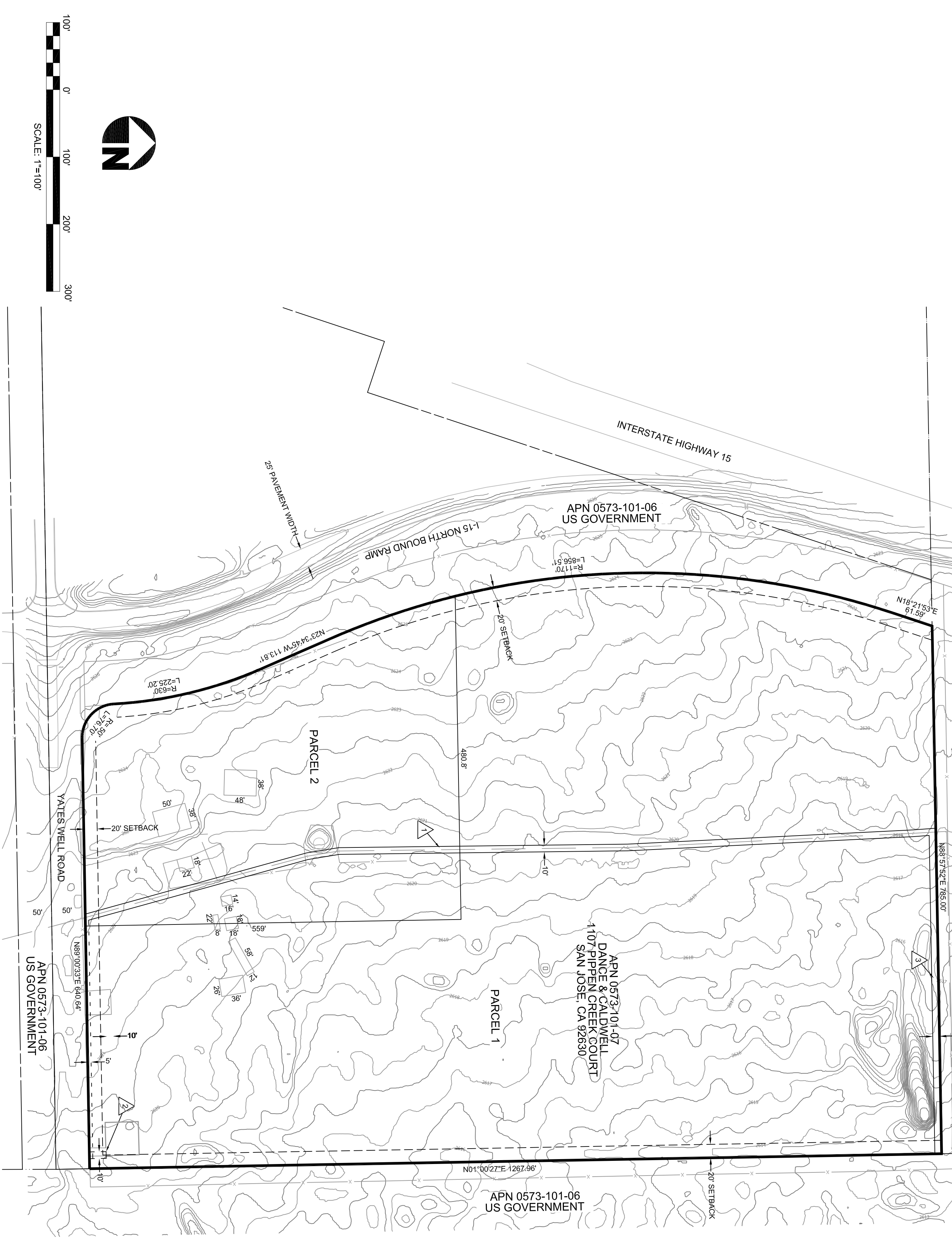
A1.0

EXHIBIT F

Tentative Parcel Map No. 20243

TENTATIVE PARCEL MAP NO. 20243

IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 PORTION OF GOVERNMENT LOT 1 IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 16
 NORTH, RANGE 14 EAST, SBM, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



UTILITIES
 ELECTRIC: SOUTHERN CALIFORNIA EDISON
 TELEPHONE: THE GAS COMPANY
 SEWER: COMMERCIAL ON-SITE SEPTIC
 WATER: ON-SITE WELL

CURRENT ZONING RC - RURAL CONSERVATION
PROPOSED ZONING CH - COMMERCIAL HIGHWAY

CURRENT GENERAL PLAN AND LAND USE DESIGNATION RETAIL STORE - 0200

PROPOSED GENERAL PLAN AND LAND USE DESIGNATION COMMENCEMENT STORE - 0313
CURRENT USE MOBILE HOME/VACANT
PROPOSED USE COMMERCIAL

SETBACKS FRONT/SIDE: 20'
PROJECT TYPE DEVELOPER BUILD OUT

The Holt Group
 ENGINEERING PLANNING SURVEYING

201 E. Hobsonway
 Blythe, California 92225
 1601 N. Imperial Avenue
 El Centro, California 92224

(760) 922-4598
 (760) 537-9883

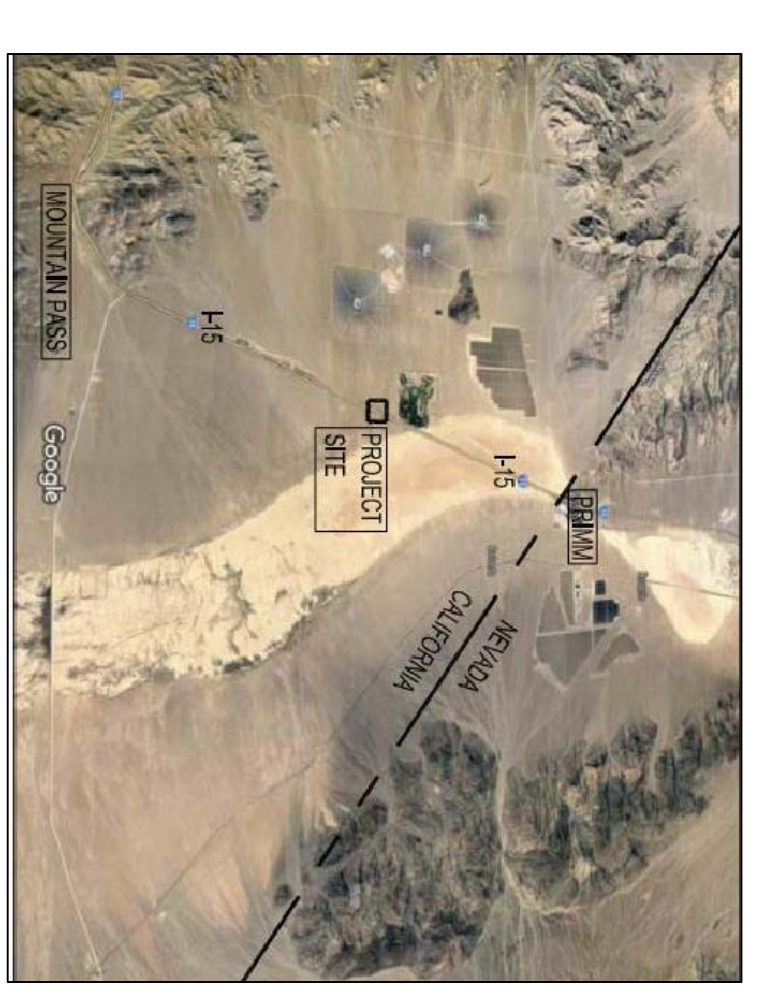
NO.	REVISIONS:	APPROVED	DATE	DESIGN BY:	BENCHMARK: CITY OF BLYTHE BENCHMARK
1	CHANGED THE SIZE OF THE LOTS	AED	10/4/2020	VG	
				DRAWN BY:	ELEVATION:
				VG, AG	LOCATION:
				CHECKED BY:	
				VG/RMH	

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.



PREPARED UNDER THE DIRECT SUPERVISION OF:

ROBERT K. HOLT, P.E. R.C.E. NO. 27943
 1-18-20 DATE REG. EXP. 03/31/20



LEGAL DESCRIPTION

THE EAST 1/2 OF GOVERNMENT LOT 1 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 14 EAST, SBM, BEARING NORTH 89°02'16" EAST, PER RECORD OF SURVEY Y143/75, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA.

EXCEPTING THEREFROM ALL OIL, GAS, OIL SHALE, COAL, PHOSPHATE, SODIUM, GOLD, SILVER AND ALL OTHER MINERAL DEPOSITS CONTAINED IN SAID LAND, TOGETHER WITH AS RESERVED BY THE STATE OF CALIFORNIA IN THAT PATENT RECORDED FEBRUARY 24, 1961, IN BOOK 5359, PAGE 476, OFFICIAL RECORDS.

BASIS OF BEARING STATEMENT

THE BASIS OF BEARINGS FOR THE SURVEY BASED ON THE NORTH LINE OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 14 EAST, SBM, BEARING NORTH 89°02'16" EAST, PER RECORD OF SURVEY Y143/75, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA.

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS DISK STAMPED HING-CALF STATION 08-1, FLUSH, BY WEST SIDE OF CALTRANS RIGHT OF WAY, ELEV= 2617.67' MVD 88

FLOOD ZONE

FLOOD ZONE D - AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, PANEL NOT PRINTED.
 MAP NO. 090271400H
 COMMUNITY NO. 080270
 EFFECTIVE DATE AUGUST 28, 2008
 FLOOD ZONE INFORMATION OBTAINED FROM FEMA WEBSITE.

AREAS

PARCEL 1 - 18.46 AC, 804,071 SF
 PARCEL 2 - 5.00 AC, 217,890 SF
 TOTAL - 23.46 AC, 1,021,961 SF

EXISTING EASEMENT DESCRIPTIONS

A RESERVATION TO THE UNITED STATES OF AMERICA FOR THE RIGHT TO DRILL, PER PATENT REC. 2,24/1961 IN BK 5359, PG 476 OF DEEDS, BLANKET IN NATURE.

OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM ANY STREET, HIGHWAY, OR RAILROAD, OR FROM ANY OF THE ADJACENT AREAS OF SAID LAND.

AN EASEMENT FOR ABOVE GROUND OR UNDERGROUND CONDUITS IN FAVOR OF SOUTHERN CALIFORNIA EDISON PER DOCUMENT REC. 9/4/09 IN BK 7298, PG 319 OF OR.

AN EASEMENT FOR ABOVE GROUND OR UNDERGROUND CONDUITS IN FAVOR OF SOUTHERN CALIFORNIA EDISON PER DOCUMENT REC. 3/7/03 INSTRUMENT NO. 83-046715 OF OR.

AN EASEMENT FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION LINES IN FAVOR OF SOUTHERN CALIFORNIA EDISON PER DOCUMENT REC. 7/29/02 INSTRUMENT NO. 2002-0391781 OF OR.

ASSESSORS PARCEL NO.

APN 0573-101-07
PARCEL MAP NO.
 XXXXX

OWNER

LELAND JAY DANCE & CINDY LURAE SMITH
 CALDWELL LN GREEN COURT
 SAN JOSE, CA 95130
 (408) 314-1362

APPLICANT

TERRELL HERBST
 5195 S. LY BLDG
 LV, NV 89119
 (702) 798-6400

ENGINEER

THE HOLT GROUP, INC.
 201 E. HOBSONWAY
 BLYTHE, CA 92229

MAP PREPARATION & REVISIONS

MAP PREPARATION DATE: 1/18/20

TENTATIVE PARCEL MAP 20243

SHEET CONTENT:
 TENTATIVE PARCEL MAP 20243

LOCATION: MPTON, CA. CLIENT: SAN BERNARDINO CO

SHEET 1 OF 1 SHEETS
 JOB NO. XXXXX,XXX