



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

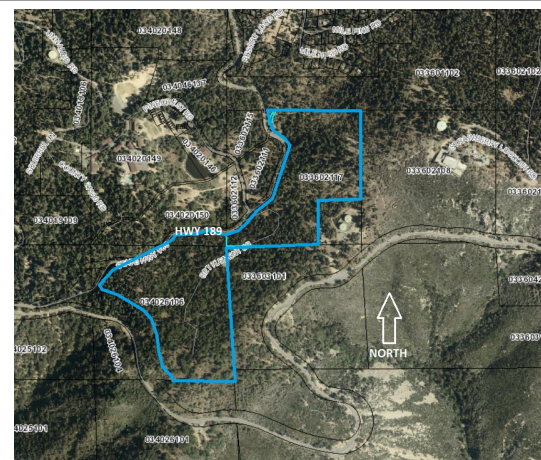
HEARING DATE: July 8, 2021

AGENDA ITEM #2

Project Description

Vicinity Map

APN: 0336-021-17, 0340-261-06
Applicant: Better Place Forests, Co.
Community/Supervisory District: Twin Peaks
District: 2ND Supervisory District
Location: 1235 Highway 189 Twin Peaks
Project No: PROJ-2020-00211
Staff: Anthony DeLuca/Senior Planner
Rep: Gia DeBartolo
Proposal: A Conditional Use Permit to establish a conservation memorial forest for the purposes of resting cremated remains, to include a 1,800 square foot visitors center and a 600 square foot maintenance shed, on approximately 51.39 acres.



29 Hearing Notices Sent On: June 23, 2021

Report Prepared By: Anthony DeLuca

SITE INFORMATION

Parcel Size: 51.39
Terrain: Mountain
Vegetation: Vacant/natural mountain vegetation

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DESIGNATION
Site	Vacant	Open Space (OS)	Special Development Residential (SD-RES)
North	Vacant	Open Space/Rural Living (OS/RL)	Resource Conservation (RC)
South	Vacant	Open Space (OS)	Resource Conservation (RC)
East	Vacant	Open Space/Public Facilities (OS/PF)	Resource Conservation/Special Development Residential (RC/SD-RES)
West	Vacant	Rural Living (RL)	Special Development Residential (SD-RES)

	AGENCY	COMMENT
Water Service:	Crestline Village Water District	Will Serve Letter Submitted
Sewer Service:	Septic System	EHS Approved

STAFF RECOMMENDATION: That the Planning Commission **FIND** the Project is exempt from CEQA, **ADOPT** the recommended Findings, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** Staff to file a Notice of Exemption¹.

¹In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Board of Supervisors.

LAND USE CATEGORY MAP

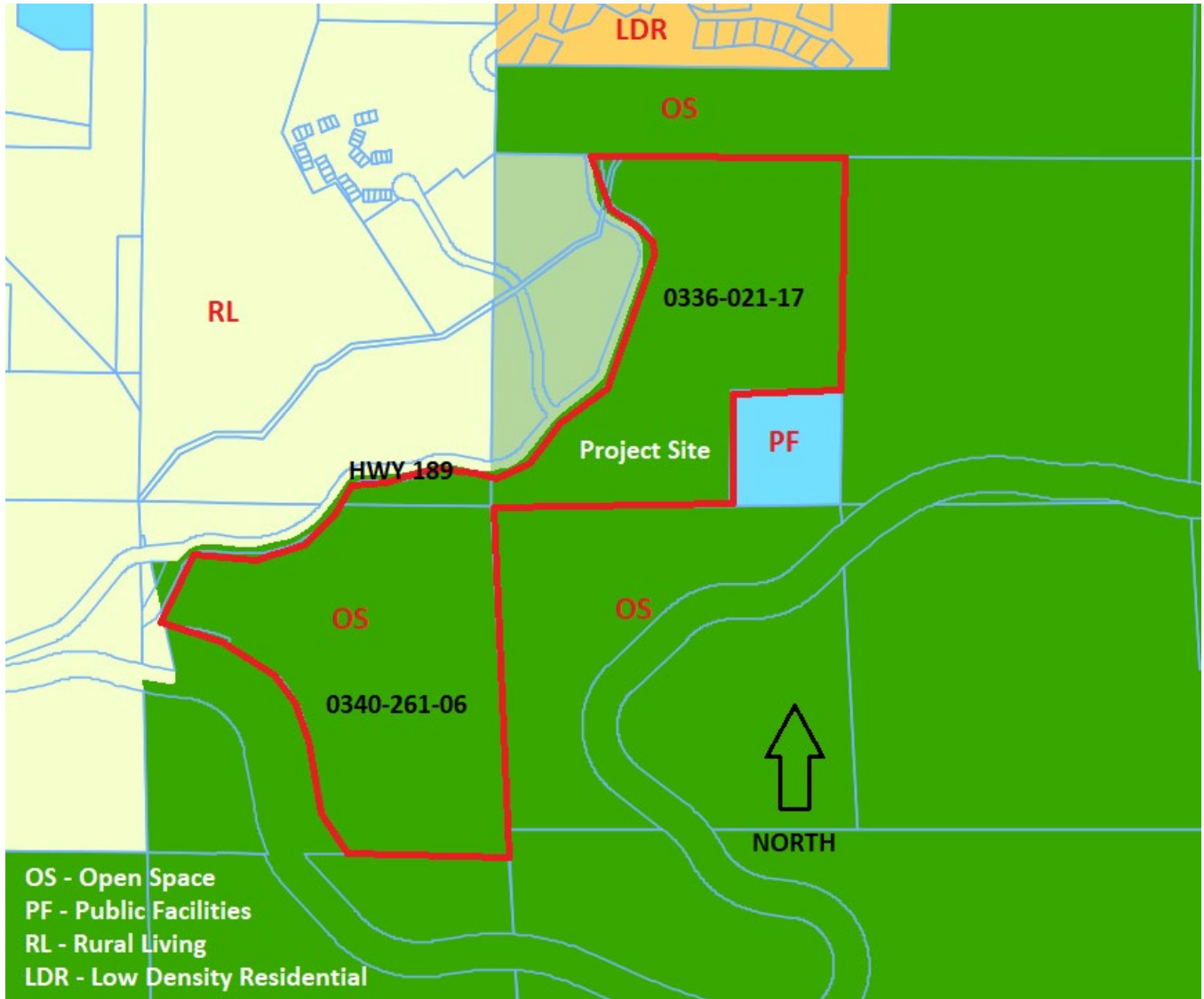


Figure 1 Current Countywide Plan/Policy Plan Land Use Designations¹

¹ In Open Space (OS) designated land uses, privately-owned land is treated as Resource Land Management (AG, RC) designated lands, unless otherwise restricted by government regulations.

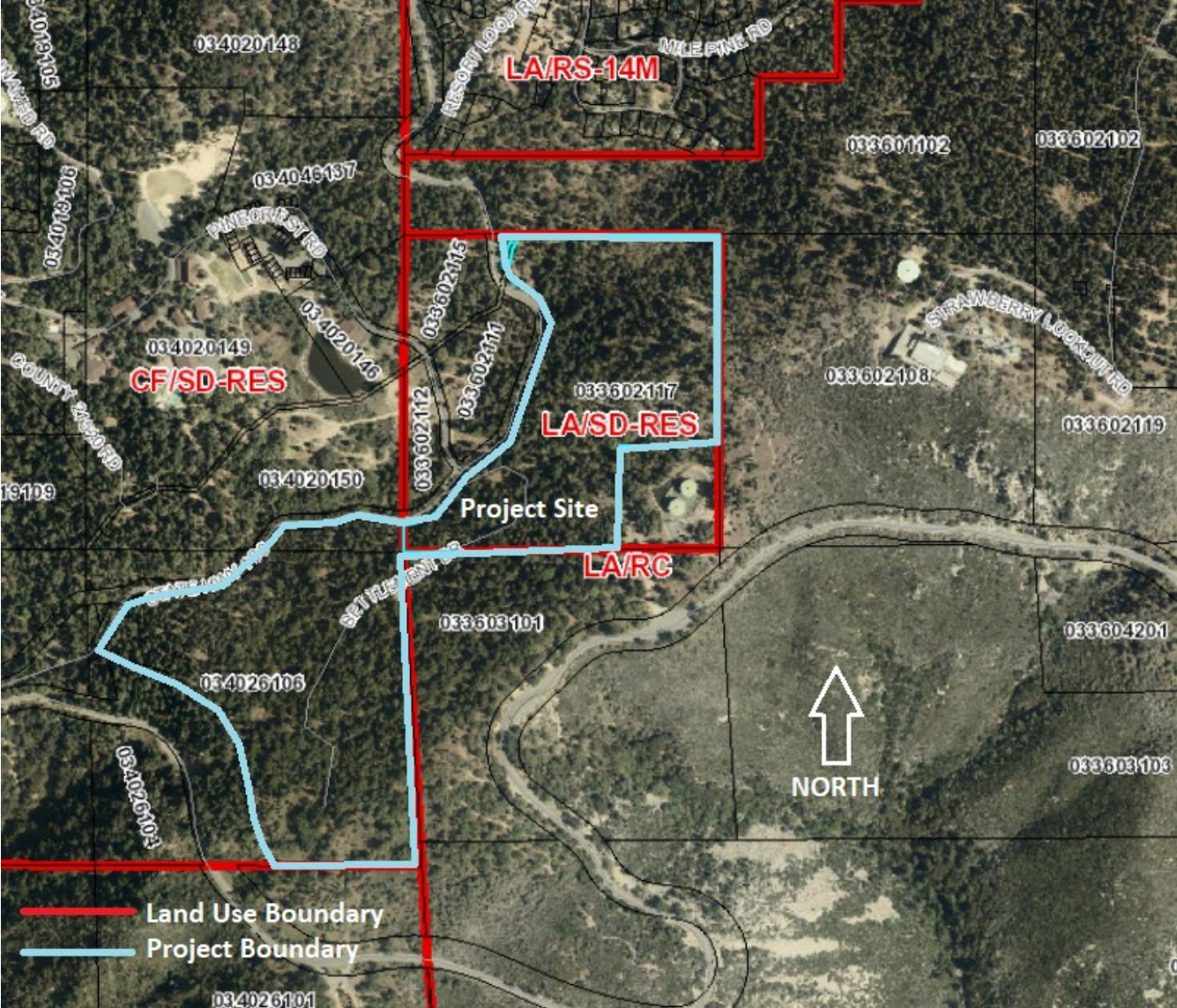


Figure 2 Current Zoning Designations

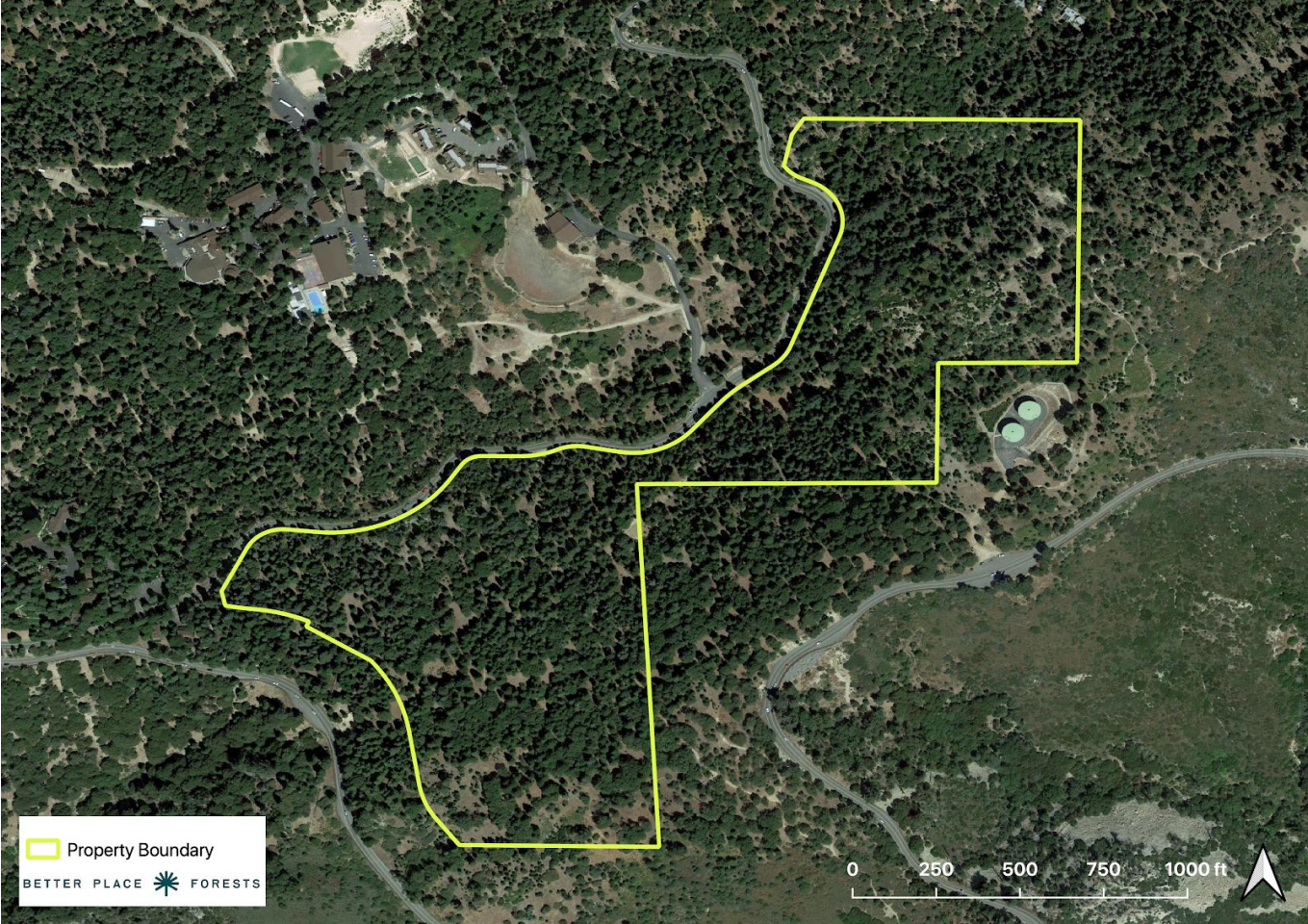


Figure 3 Aerial Vicinity Map

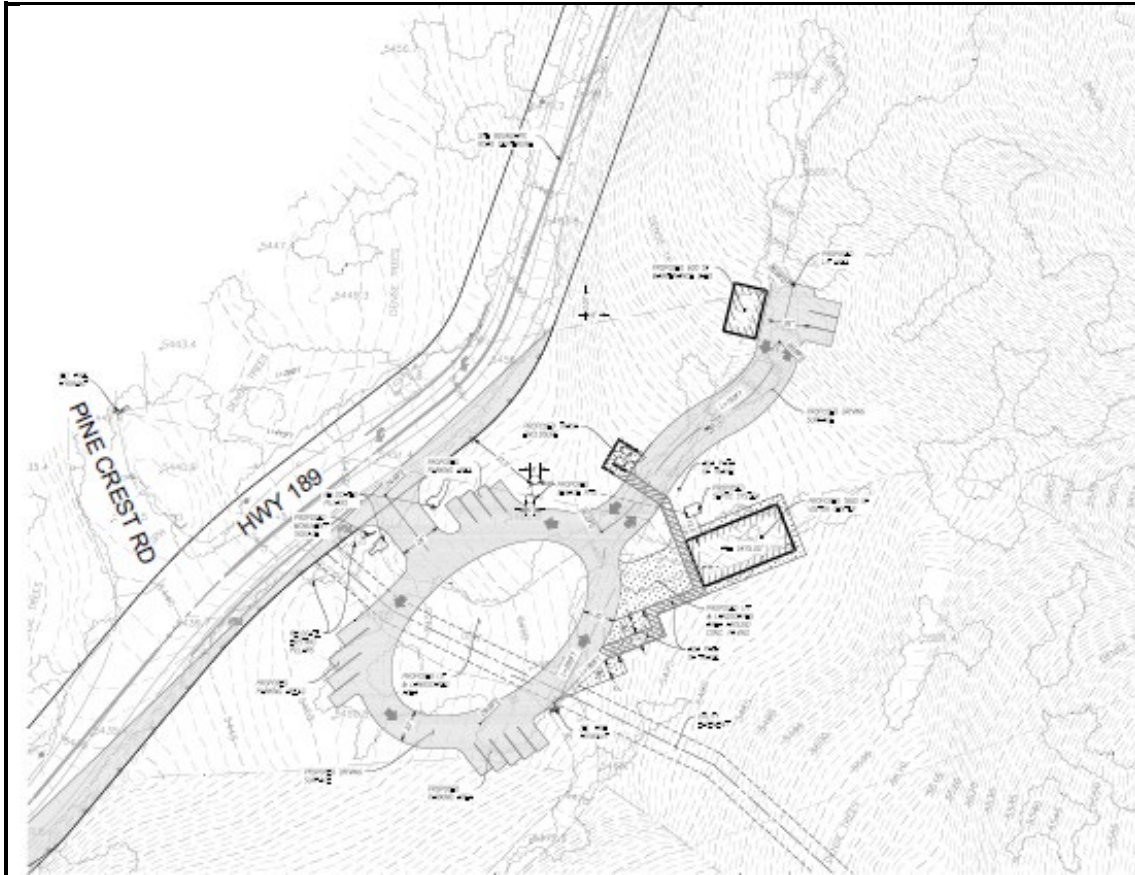


Figure 4 Proposed Site Plan

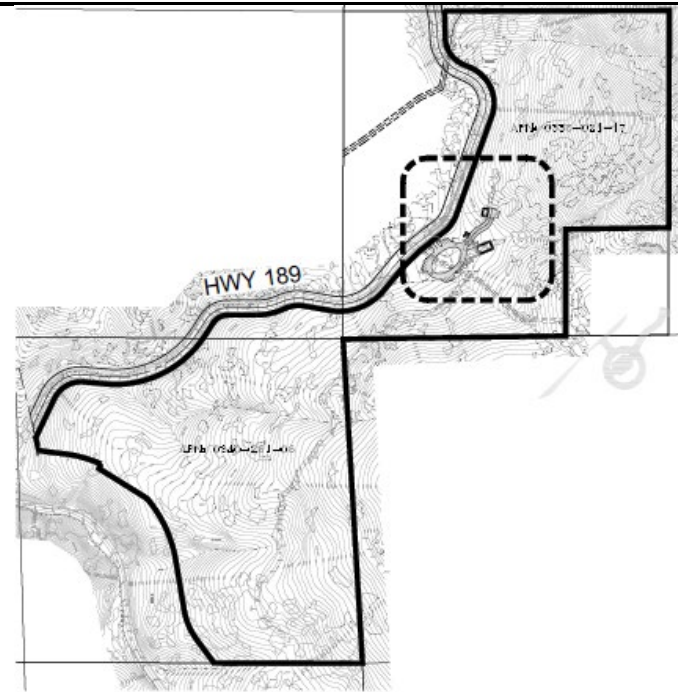


Figure 5 Area of Disturbance

Site Photos



Figure 4 View of Site Entrance on Highway 189



Figure 5 Visitors Center from a Similar Facility



Figure 6 Example of a Commemorative Marker



Figure 7 Representative Scattering Ceremony

PROJECT DESCRIPTION AND BACKGROUND:

Better Place Forests Co. (BPF or Applicant) is requesting approval of a Conditional Use Permit (CUP) to establish a conservation memorial forest for the purposes of resting cremated remains mixed with native soil at the base of a memorial tree, to include a 1,800 square foot visitors center with restrooms, and on-site improvements to include a driveway, parking area, 600 square foot maintenance shed and a system of trails to provide access to the individual scattering areas (Project). Although similar and compatible to a “cemetery”, the operational aspects of the Project have been determined by the California Department of Consumer Affairs, Cemetery and Funeral Bureau (Exhibit A), and Land Use Services Department as not qualifying within the State or local definition of a cemetery. For these reasons, the Project is being permitted as a “conservation memorial forest” pursuant to San Bernardino County Development Code (“Development Code”) Section 82.02.030(a)(3) (Similar and Compatible Use May Be Allowed).

The Project is located on two vacant parcels with a total of approximately 51.39 acres, at 1235 State Highway 189 in the County of San Bernardino, in the community of Twin Peaks in the Lake Arrowhead planning area. With the purchase of a tree dedication in the forest, customers will be granted the exclusive right to rest their cremated remains (or those of their loved ones) at the base of their own memorial tree. During memorial spreading ceremonies, cremated remains will be mixed with native soil at a 1:3 ratio and spread topically at the base of each tree. In lieu of a traditional tombstone, an inscribed USGS-style marker will memorialize each site. The proposed site improvements are intended to facilitate a safe and comfortable visitation experience for guests. Approximately 50.39 acres of the property will remain undeveloped and properly managed according to a Forest Management Plan. BPF is currently evaluating options for placing a conservation easement over this undeveloped portion of the site.

Upon completion of the Project, the property will be open to visitors during select daytime hours. Depending on seasonality and the number of pre-scheduled visits, the Project site will receive guests from a minimum of two days a week to a maximum of seven days a week. A BPF employee, called a “Forest Steward”, will be present during all operating hours. Customers will visit the Project site for multiple reasons including tree selection, memorial ceremonies, or visiting trees dedicated to loved ones. The site will not be open to the general public and the majority of visitation will be by appointment only. BPF is proposing the development of 20 parking spaces to accommodate employees and guests and one ADA accessible space.

PROJECT ANALYSIS:

Site Planning: With the recent adoption (November 27, 2020) of the Countywide Plan/Policy Plan, the land use category of the subject property is Open Space (OS), and a zoning designation of Special Development Residential (SD-RES) focus. The OS (Open Space) land use category provides sites for open space and recreational uses, and similar and compatible uses. In Open Space (OS) designated land uses, privately-owned land is treated as RLM (AG, RC) designated lands, unless otherwise restricted by government regulations. As proposed, the Project would be allowed in the RLM land use category. According to a letter provided by the California Department of Consumer Affairs, Cemetery and Funeral Bureau, on October 22, 2018, the proposed land use would not be subject to State and local development standards for cemeteries as set forth California Health and Safety Code §§ 8100 *et seq.* or Chapter 84.06 (Cemeteries) of the Development Code.

Development Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the Special Development-Residential (SD-RES) Zoning District, as illustrated in the following table. See **Table 1 Project Code Compliance, Table 82-20B Mountain Region:**

Table 1 Project Code Compliance Special Development-Residential (SD-RES) Mountain Region			
Project Component	Development Code Standard		Project Plans
Better Place Forests	CUP		CUP
Building Setbacks	Front:	15'	15'
	Street Side	15'	15'
	Side		
	Interior:	10'	10'
	Rear	10'	10'
Parking	1 space for every 3 fixed seats or 25 sf of seating area with 1 handicap accessible spaces		20 spaces including 1 handicap accessible space
Lot Coverage	80%		80%
Maximum Height	35'		20'
Landscape Area	The larger of 20% or 1,000 sf. excluding undisturbed portions of non-residential project sites		20%

Fencing: Any proposed walls and fencing will be in compliance with Chapter 83.06 of the Development Code.

Hours of Operation: The facility is expected to operate during regular business hours between the hours of 8:00 a.m. to 6:00 p.m. seven (7) days per week, dependent on scheduled scatterings.

Water Service: Water service will be provided by the Crestline Village Water District pursuant to the Adequate Service Certification Public Water Form (W1) provided, dated September 25, 2020.

Sewer System: Sewer service will be provided by an EHS approved onsite septic system pursuant to the Adequate Service Certification On-Site Sewage Disposal (Form S2) provided, dated September 17, 2020.

Landscaping: A landscaping plan will be provided and will be required to comply with the Landscaping Standards provided in the Development Code, Section 83.10.030, Section 83.10.060, and Table 83-12 "Minimum Landscaped Area". However, undisturbed portions of non-residential project sites are excluded from the landscape requirements stated in Chapter 83.10 of the Development Code.

PUBLIC NOTICE AND COMMENT:

Following the initial submittal of this Project, County Staff sent out notices to surrounding property owners within 700 feet of the property boundary. Staff received one phone call, one comment letter from surrounding property owners and a letter from the Law Offices of John G. Worm in opposition to the Project (Exhibit B). The comments received were all based on misinformation stated in the original Project Notice. The original project notice stated that the visitors center was a proposed "1,500 visitors center", without the words "square feet" after 1,500. This made it appear that 1,500 visitors would be expected daily. This was brought to my attention by a caller. The project notice was revised and re-distributed within a few days to clarify that there would not be 1,500 visitors, and that the building was proposed at 1,500 square feet no further comments were received. The building has subsequently been revised to be proposed at 1,800 square feet, as described in this Staff Report.

The County Planning Division sent out the Notice of Hearing on June 23, 2021, advertising the Planning Commission Hearing to be held on July 8, 2021.

ENVIRONMENTAL REVIEW:

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 be exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines related to *New Construction or Conversion of Small Structures not exceeding 2,500 feet in floor area*. In addition to the forgoing categorical exemption, the Project is not subject to review under CEQA pursuant to Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment) of the CEQA Guidelines. Based on technical studies provided by the Applicant, there are no unusual circumstances under CEQA Guidelines Section 15300.2 that would render either of the exemptions inappropriate. Therefore, the filing of a Notice of Exemption (NOE) is recommended. The NOE represents the independent judgment and analysis of the County acting as lead agency for the Project.

RECOMMENDATION: That the Planning Commission:

1. **FIND** that the Project is exempt from CEQA pursuant to Sections 15303(c) and 15061(b)(3) of the CEQA Guidelines;
2. **ADOPT** the Findings as contained in the staff report (EXHIBIT C);
3. **APPROVE** the Conditional Use Permit to establish a conservation memorial forest for the purposes of resting cremated remains mixed with native soil at the base of a memorial tree, to include a 1,800 square foot visitors center with restrooms, and on-site improvements to include a driveway, parking area, 600 square foot maintenance shed and a system of trails to provide access to the individual scattering areas (trees) on approximately 51.39 acres, subject to the Conditions of Approval (Exhibit D); and
4. **DIRECT** Staff to file the Notice of Exemption.

ATTACHMENTS:

- EXHIBIT A:** Letter from the Cemetery and Funeral Bureau
- EXHIBIT B:** Public Comments
- EXHIBIT C:** Findings
- EXHIBIT D:** Conditions of Approval
- EXHIBIT E:** Site Plan

EXHIBIT A

Letter from the Cemetery and Funeral Bureau

Better Place Forests
3717 Buchanan Street, Suite 400
San Francisco, CA 94123

January 6, 2021

San Bernardino County Land Use Services
385 N Arrowhead Avenue
San Bernardino, CA 92415

Dear San Bernardino County Land Use Services,

The enclosed package contains a letter received by Better Place Forests (BPF) in 2018 from the Cemetery and Funeral Bureau (CFB) regarding the designation of our existing forest in Mendocino County. In this letter, it is resolved that BPF's practice of spreading cremated remains is compliant with all rules and regulations governing Cremated Remains Disposers and does not require a Certificate of Authority (cemetery license) in the State of California. The method of cremated remains disposal performed at our existing forest in Mendocino County is identical to the method being proposed within this CUP application for our proposed forest in San Bernardino County.

In 2020, Better Place Forests received a Conditional Use Permit for a conservation memorial forest in Mariposa County, California. As part of Mariposa County's review process, staff reached out to Gina Sanchez of the CFB regarding our proposed project. Ms. Sanchez's response, reiterating the CFB's initial stance, has additionally been enclosed for your review.

Please do not hesitate to reach out with any further questions regarding our business operations or designations in the State of California.

Sincerely,



Gia Marie DeBartolo
Project Manager – Entitlements
gia@betterplaceforests.com
630-272-1013

Scott Roycroft
Director of Entitlements
scott@betterplaceforests.com
415-308-2339

CEMETERY AND FUNERAL BUREAU

1625 N. Market Blvd., Suite S-208, Sacramento, CA 95834
P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



October 22, 2018

Better Place Forests
Attention: Alexander A.S. Gibson
25284 Ten Mile Rd
Point Arena, CA 95468

RE: Complaint Number I 2018-85 – Better Place Forests

Dear Mr. Gibson:

The Cemetery and Funeral Bureau (Bureau) has concluded its investigation into the complaint filed against Better Place Forests as an unlicensed cemetery. Upon review of the complaint and applicable documentation collected, there is insufficient evidence to support a violation of the Bureau's laws, rules, or regulations governing the operation of a cemetery in the State of California. We are closing our file on this matter with no further action.

Your business operation and website appear to be compliant with the laws and regulations governing Cremated Remains Disposers and the scattering of cremated remains. It is the Bureau's understanding that you will be scattering cremated remains only, in accordance with Health and Safety Code (HSC) section 7116 and that there will be no burial of cremated remains, which would require you to obtain a Certificate of Authority (cemetery license).

HSC section 7116 states in pertinent part:

(a) Cremated remains may be scattered in areas where no local prohibition exists, provided that the cremated remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the cremated remains has obtained written permission of the property owner or governing agency to scatter on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing, consistent with this section, or specifically prohibiting, the scattering of cremated human remains on lands under the agency's jurisdiction. The scattering of the cremated remains of more than one person in one location pursuant to this section shall not create a cemetery pursuant to Section 7003 or any other provision of law.

Your cooperation with Field Representatives Glenn Miller and Scott Lang during the investigation is appreciated. Should you decide in the future to operate Better Place Forests as a private cemetery, you must first meet all requirements for licensure and obtain a Certificate of Authority (cemetery license) from the Bureau. You may not advertise as a cemetery nor make any sales of cemetery property until and unless you are licensed with the Bureau. You may contact the Bureau's Licensing Unit at the letterhead address for information about licensing requirements.

If you have any questions or need further information at this time, please contact the Bureau at the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "S. Patterson".

Sandra Patterson
Field Operations Supervisor
Cemetery and Funeral Bureau

cc: Glenn Miller, Field Representative
Scott Lang, Field Representative



BETTER PLACE
FORESTS

Scott Roycroft <scott@betterplaceforests.com>

CUP No. 2019-212 Better Place Forests

Sanchez, Gina@DCA <Gina.Sanchez@dca.ca.gov>

Wed, Feb 5, 2020 at 10:01 AM

To: Steve Engfer <sengfer@mariposacounty.org>, Scott Roycroft <scott@betterplaceforests.com>, Jessica Carey <jcarey@mariposacounty.org>

Good Afternoon All:

As requested by Mariposa County, this email will serve as clarification to all interested parties regarding the Cemetery and Funeral Bureau's (Bureau) current position on Cremated Remains Disposers (CRD). Please be advised that CRDs are subject to the statutory requirements of the Cemetery and Funeral Act under Article 4.5 of the Business and Professions Code, sections 7672 through 7673.2 and Article 6, sections 7686 through 7711.12. In addition, CRDs are subject to the regulatory requirements of Title 16, California Code of Regulations, sections 2321 and 2382. Furthermore, a CRD must also comply with pertinent statutory provisions of the Health & Safety Code. (See Health & Safety Code §§ 7010.7, 7116, 7117, 7117.1, 103050 and 103060) Accordingly, any views expressed to the contrary are simply incorrect.

The Bureau's October 22, 2018 letter addressed to Mr. Gibson did not find that the location visited of Better Place Forests was operating as an unlicensed cemetery, and therefore subject to the laws and regulations governing that specific license category. The letter's opening paragraph noted in relevant part: "Upon review of the complaint and applicable documentation collected, there is insufficient evidence to support a violation of the Bureau's laws, rules, or regulations governing the operation of a cemetery in the State of California." The letter concluded by stating should Better Place Forests (BPF) "decide to operate in the future," as a private cemetery, BPF must "meet all requirements for licensure and obtain a Certificate of Authority (cemetery license) from the Bureau." To be clear, no determination was made by the Bureau that BPF was operating as a cemetery.

Therefore, to avoid any further confusion on this issue, the Bureau is enclosing a copy of its "Cremated Remains Disposers Booklet," for review and consideration by all parties.

We thank you for the opportunity to address your questions on this issue.

Sincerely,

Gina Sanchez, Chief
Cemetery and Funeral Bureau
www.cfb.ca.gov
916-574-7870

From: Steve Engfer <sengfer@mariposacounty.org>

Sent: Friday, January 31, 2020 10:54 AM

To: Scott Roycroft <scott@betterplaceforests.com>

Cc: Liam McNally <liam@betterplaceforests.com>; Emailcfb@DCA <emailcfb@dca.ca.gov>; Mark Forster <mark@betterplaceforests.com>; Sanchez, Gina@DCA <Gina.Sanchez@dca.ca.gov>; Patterson, Sandra@DCA <Sandra.Patterson@dca.ca.gov>; Jessica Carey <jcarey@mariposacounty.org>

Subject: RE: CUP No. 2019-212 Better Place Forests

[EXTERNAL]: btv1==2995440ab3f==sengfer@mariposacounty.org

EXHIBIT B

Public Comments

**Law Offices of
JOHN G. WÜRМ**
John G. Würm, Esq. SBN 106475
27321 North Bay Road
P.O. Box 1875
Lake Arrowhead, CA 92352-1875
Telephone: 909.337.2557
Facsimile: 909.336.3697
jwurmlakearrowhead@gmail.com

January 21, 2021

Anthony DeLuca, Senior Planner
San Bernardino County, Land Use
385 N. Arrowhead Ave., San Bernardino, Ca 92415

Via email Anthony.deluca@lus.sbcounty.gov and US Mail

Re: Project No. PROJ-2020-00211

Dear Mr. DeLuca:

I represent a land owner in Twin Peaks. I was requested to send my client's comments in response to the Project Notice for PROJ-2020-00211, which I enclose. The proposed project negatively affects residential property in Twin Peaks and residential and conference buildings at the intersection of Highway 18, Highway 189, North Road and Lake Gregory Drive on Highway 189, North Road and Lake Gregory Drive.

The Project Notice states that the project will include a visitors center for 1500 attendees. This concerns my client greatly. This venue, if constructed, would be for the largest number of attendees in the Western San Bernardino mountains for a private property. The only larger venue is the Rim High School football stadium.

Access for such a large number of people is extremely poor. The road from Highway 18 to the property, Highway 189, is narrow, winding and steep. Highway 189 from the property to Twin Peaks is equally narrow, winding and steep. Neither direction is remotely adequate to accommodate ingress and egress for several hundred vehicles even in the best of circumstances.

Even more serious, is the portion of Highway 189 at the intersection of Highway 18, Highway 189, North Road and Lake Gregory Drive. It is the confluence of four major evacuation routes. In addition to the normal traffic, hundreds of vehicles passing past this intersection twice within a few hours will create some of the biggest traffic jams ever seen in the area.

That portion of Highway 189 is totally unsuitable for such a volume of traffic. It is at the bottom of a steep grade. Vehicles often speed by far faster than is safe as they reach relatively level road after descending a steep grade. At the approach of the intersection, Highway 189 is bordered on one side by an old rock retaining wall that is up to 8 feet high. On the other side is a guardrail. There is virtually no clearance. The guardrail is in poor condition. The rock wall is unreinforced and failing. Caltrans has been planning to replace it for many years, but there is no definite plan yet. It would take hours to clear these intersections before and after an event.

Several years ago, a horrific accident occurred in this area. A bus full of children was coming down the grade, lost control and overturned. There were scores of serious injuries. Despite this, Caltrans still did nothing.

On this basis alone, the proposed project is totally unsuitable.

I have reviewed the Community Plan for the Lake Arrowhead Area. Highway 18 is designated as a major mountain road. Highway 189, North Road and Lake Gregory Drive are designated as secondary mountain roads. In the event of a fire, it would be unconscionable to have hundreds of vehicles trying to evacuate using this intersection. Recently, the County required property owners to clear flammable vegetation within 10 feet of a roadway. It makes no sense to solve one aspect of a fire evacuation problem and then just make it worse.

From my review of the County Development Code, a pet cemetery is not an approved use for the property.

The Community Plan lists many worthwhile goals for the Lake Arrowhead community, such as recreation, enhanced business environment, betterment of the schools, and fostering an environment for young families. A pet cemetery is not among them. A pet cemetery does not further any of the goals. It is likely that few mountain residents would use the pet cemetery. A better location for pet cemetery would be in an area with better roads that doesn't have the critical needs so well stated in the Lake Arrowhead Community Plan.

On behalf of my client, I register my client's opposition to the proposed project and request to be notified of all developments of PROJ-2020-00211. If you have any questions or comments, please contact me. Thank you.

Very truly yours,

LAW OFFICES OF JOHN G. WÜRM



JOHN G. WÜRM

JGW: bm

Cc: Client



TreePeople
LAND TRUST

Formerly known as Mountains Restoration Trust

June 28, 2021
Sent via email only

Dear San Bernardino County Planning Commission:

On behalf of TreePeople Land Trust, I am writing in support of Better Place Forests and their conservation memorial forest project in Twin Peaks. TreePeople Land Trust is a 501(c)(3) public benefit corporation that protects critical open space in California and educates the public on local ecology, wildfire resilience, and water conservation.

As committed land stewards in Southern California for over 35 years, we believe it's more important than ever to work with willing private landowners to preserve land and ensure our lands are protected for future generations. To this end, it's critical for land trusts throughout the region to support new and innovative ways to preserve land.

Through our conversations over the past several months with the team at Better Place Forests, we see their organization as an innovative approach to conserving forests. Furthermore, TreePeople has reviewed the subject property in detail and believes it to be very deserving of our conservation efforts. After their purchase of the property Better Place Forests intends to donate the development rights to TreePeople Land Trust, ensuring the property is never developed.

We hope that Better Place Forests will be able to operate its project in Twin Peaks and continue to support innovation in land use that furthers our mission of conserving land. If we can answer any additional questions, please don't hesitate to reach out at (818) 591-1701 or kgaston@treepeople.org

Respectfully submitted,

Kevin Gaston
Deputy Director

23075 Mulholland Highway, Calabasas CA, 91302 | treepeoplelandtrust.org

TreePeople Land Trust is an independent entity operating as an affiliate of TreePeople, Inc

February 19, 2021

William and Beverly Lipka
1146 Sea Larke Drive
Fallbrook, CA 92028

Anthony DeLuca, Senior Planner
San Bernardino County
385 N. Arrowhead Avenue
San Bernardino, CA 92415

Ref. Project number: PROJ-2020-00211

Dear Anthony DeLuca, Senior Planner,

I am writing to advise you that I cannot make an informed decision on the project without further information. I submitted Request 21-228 for all public records related to the project, and just received the documents. I will review the 33 documents containing 298 pages and advise you if further information is needed to address my questions and concerns. I am also in contact with Gia DeBartolo at Better Place Forests.

Additionally, I do not want more time to slip by before informing you of my situation. The revised Project Notice received January 14 states comments are to be received before January 29, however, speaking with you, this is not a firm date and comments can be submitted afterwards.

Therefore, I am advising you through this letter and asking for your help to provide the information that may not be contained in public records. Below find my questions and requested documents. I look forward to hearing from you and I will contact you if further information is necessary after reviewing the public records.

As a point of reference, my property is located at 1060 Mile High Road, Twin Peaks, CA. APN: 0336-201-26-0-000.

Questions and document request, including drawings:

1. What is the distance from the northern project site border to 1060 Mile High, Twin Peaks southern property border?
2. Walking path plan with "dedication tree" locations:
 - a. How many trees will be designated as "dedication trees"?
 - b. How many persons cremated remains per "dedication tree"?
 - c. Review of walking path plan of the project site?
 - d. Review of "dedication tree" locations of the project site?
3. Review of all project studies which I understand include, but not limited to:
 - a. biology study
 - b. traffic study
 - c. geology study
 - d. all other remaining studies pertinent to project
4. Review of all project drawings, including but not limited to:

- a. drawings of walking paths and “dedication tree” locations.
- b. drawings of site improvements and developments.
- c. all other remaining drawings pertinent to project

Regards,

William and Beverly Lipka

Cc Gia DeBartolo, Better Place Forests

29 June 2021

San Bernardino County Planning Department
385 North Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415

Attn: Anthony DeLuca, Senior Planner
Sub: Better Place Forests, PROJ-2020-00211

The Save Our Forest Association, Inc. (SOFA), is the largest, grass roots environmental organization in the San Bernardino Mountains dedicated to maintaining the quality of life for its inhabitants and conserving its natural resources for over thirty years.

I am writing, on behalf of SOFA, in support of Better Place Forests and their conservation memorial forest project in Twin Peaks. Given the impacts of climate change, the proximity to the millions of residents in Southern California, and the fact that the San Bernardino National Forest is the most visited in the United States, we believe that it is more important than ever to collaborate with willing private landowners to preserve our natural resources.

This property was threatened with an extremely controversial development project between 2001 and 2010 until the project was abandoned and the property sold to the San Bernardino Mountains Land Trust. SOFA strongly encourages innovative ways of preserving land through building relationships between land stewards and advocates throughout Southern California and particularly in the San Bernardino Mountains.

As a result of our conversations over the last several months with the team at Better Place Forests we are confident that their organization has developed an effective model for forest conservation. SOFA has first hand knowledge of this property for over thirty years and has led group hikes here for local residents and visitors to better appreciate its unique attributes.

We are hopeful that the Planning Commission will vote to move this project forward and support innovation in forest land conservation. Please contact us at 909-953-0299 or by email at habialeckidmd@gmail.com if we can answer any additional questions.

Sincerely,

Hugh A. Bialecki, DMD
Pres., Save Our Forest Association, Inc.

EXHIBIT C

Findings

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 Conditional Use Permit (PROJ-2019-00079) to establish a conservation memorial forest for the purposes of resting cremated remains mixed with native soil at the base of a memorial trees, to include a 1,800 square foot visitors center with restrooms, and on-site improvements to include a driveway, parking area, 600 square foot maintenance shed and a system of trails to provide access to the individual scattering areas (trees) on approximately 51.39 acres, in the Community of Twin Peaks within the Lake Arrowhead planning area (Project).

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project site plan complies with all applicable Development Code standards in terms of land use, setbacks, parking, landscaping, walls, and fences.

- 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 site for the proposed use has adequate access. The Project's design and proposed conditions of approval require the streets surrounding the site to be fully improved to provide legal and physical access to the site.

- 3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.**

The proposed use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. No more than 10-20 guests will be onsite per day. The Project has been conditioned and is required to comply with all requirements of the Development Code with respect to noise, vibration, lighting, and glare. In addition, the use will not interfere with the present or future ability to use solar energy systems.

- 4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan and any applicable Community or Specific Plan.**

The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan. The Project's site plan, together with the provisions for its design and improvement, are consistent with the Countywide Plan/Policy Plan. The Project specifically implements the following goals:

Goal LU-2: Land Use Mix and Compatibility: An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

Policy LU-2.4 Land Use Map Consistency: We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

- Goal/Policy Implementation: The Project is located on two large vacant mountain parcels with a total of approximately 51.39 acres located on Highway 189 in Lake Arrowhead. The proposed land use is allowed in the current zone and will not require a Policy Plan or Zoning Amendment. A large portion of the site will remain undeveloped with minimal tree removal to accommodate the proposed development. Considering features of the site design, the arrangement of land uses within the vicinity, and data included in the supporting studies, the Project is appropriately sited and compatible with the surrounding area.

Goal NR-3 Open Space, Parks and Recreation: A system of well-planned and maintained parks, trails, and open space that provides recreation opportunities for residents, attracts visitors from across the region and around the country, and preserves the natural environment.

Policy NR-3.1: Open Space Preservation: We regulate land use and coordinate with public and nongovernmental agencies to preserve open space areas that protect natural resources, function as a buffer against natural hazards or between land uses, serve as a recreation or tourist destination, or are central to the identity of an unincorporated community.

Policy NR-3.5: Private Conservation Efforts: We support nongovernmental organizations and private entities who purchase, own, maintain, and expand areas for conservation and preservation. We also support the voluntary transition of privately held lands within a larger boundary designated by the state or federal government for open space and resource conservation to public ownership.

- Goal/Policy Implementation

The Project proponent intends to preserve the local forest while providing the option of a natural resting place to the regional population of Southern California. Through the proposed site improvements, the intention is to facilitate visitation and access to the site while improving overall forest health through active management. Better Place Forests is currently evaluating options for placing a conservation easement over this undeveloped portion of the site.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels.**

The developer will be required to improve the site frontage per Caltrans requirements. Water service is provided by the Crestline Village Water District, and sewer service will be provided by an onsite septic system approved by the County Environmental Health Department.

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

The conditions of approval include measures that require the developer to comply with the performance measures outlined in the Development Code.

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.**

Through the orientation and design of the buildings, the Project will be able to take advantage of passive solar heating capabilities.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Section 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 be exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines related to *New Construction or Conversion of Small Structures not exceeding 2,500 feet in floor area*. In addition to the forgoing categorical exemption, the Project is not subject to review under CEQA pursuant to Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment) of the CEQA Guidelines. Based on technical studies provided by the applicant, there are no unusual circumstances under CEQA Guidelines Section 15300.2 that would render either of the exemptions inappropriate. A Notice of Exemption (NOE) will be filed with the San Bernardino County Clerk's office. The NOE represents the independent judgment and analysis of the County acting as lead agency for the Project.

EXHIBIT D

Conditions of Approval

CONDITIONS OF APPROVAL

Better Place Forests Co./Conservation Memorial Forest
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Approval Description. A Conditional Use Permit, to establish a conservation memorial forest for the purposes of resting cremated remains mixed with native soil at the base of a memorial tree. The project will include an 1,800 square foot visitors center with restrooms, and on-site improvements to include a driveway, parking area, a 600 square foot maintenance shed and a system of trails to provide access to the individual scattering areas (trees), on approximately 51.39 acres in the Community of Twin Peaks within the Lake Arrowhead planning area.

This CUP is approved in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g., elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0336-021-17, 0340-261-06, Project No. PROJ-2020-00211

2. Project Location. The project is located at 1235 State Highway 189 in the Community of Twin Peaks within the Lake Arrowhead planning area.
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. 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:
 - a) FEDERAL: N/A;
 - b) STATE: Caltrans, Cemetery and Funeral Bureau
 - c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d) LOCAL: N/A
6. 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.
7. 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:
 - a. 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.
 - b. The land use is determined by the County to be abandoned or non-conforming.
 - c. 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.
8. 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.
9. 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)
10. Project Account. The Project account number is PROJ-2020-00211. 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.
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. 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.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. 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:
 - a) 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.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) 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.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) 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.
 - g) 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.
 - h) 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.
 - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - k) 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.
 - l) 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.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.

16. Lighting. 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.
17. 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. Existing utilities around the site perimeter shall also be placed underground, in coordination with the utility provider.
18. 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.
19. 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.
20. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast 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. 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.

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).

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

23. 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.
24. 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.

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. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

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

27. 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 one (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 two (2) times per week, or as often if necessary, to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.
28. Noise Levels. Noise levels shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS/LEA at 1-800-442-2283.
29. Septic System Maintenance. The septic system shall be maintained so as to not create a public nuisance and shall be serviced by a EHS permitted pumper. For more information, please call EHS/Wastewater Section at: 1-800-442-2283

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

30. 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. 1. Indicate the nearest hydrant to the proposed building, if it exceeds 300ft. an onsite hydrant may be required per Standard W-2. 2. Turnaround required for the access road; if it exceeds 150'.
31. Fire Safety Overlay. 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.
32. Standard B-1 PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING: This standard applies to the marking of all buildings with address numbers for identification.
33. Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS. This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.
34. Standard A-1 FIRE APPARATUS ACCESS ROAD DESIGN, CONSTRUCTION AND MAINTENANCE. This standard shall apply to the design, construction and maintenance of all new fire apparatus access roads within the jurisdiction, as well as fire apparatus access roads at existing facilities when applied at the discretion of the fire code official.

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

35. Refuse Enclosure. Total square footage of building floor area is 1,800 square feet. Per County Development Code, a minimum storage area required for a floor area of this size is 24 square feet.
36. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste dba Mountain Disposal).
37. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
38. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial

recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.

39. Mandatory Trash Service. This property falls within a Uniform Handling Service area. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
40. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

The Following Shall Be Completed

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

41. Discovery of Human Remains: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.
42. Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate any significant impacts to cultural resources.
43. Unanticipated Discovery of Human Remains. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
44. GHG Emissions Screening Tables. Prior to the approval of grading permits, the project applicant shall demonstrate that it would implement a minimum of 100 points of GHG reduction measures listed in the County's GHG Emissions Screening Tables. Per County standards, projects that exceed 3,000 MT CO₂e and implement a minimum of 100 points would be consistent with the County's GHG Plan and would therefore result in a less than significant impact.

45. Caltrans Permit. At such time that an encroachment into SR-189 Right-of-Way (R/W) is undertaken, issuance of a Caltrans Encroachment Permit will be required. Implementation of Caltrans' Encroachment Permits Office Process (EPOP) or the Project Delivery Quality Management Assessment Process (QMAP) will be determined with submittal of a permit application. For information regarding the Encroachment Permit application and submittal requirements, including information regarding EPOP or QMAP encroachment project process enhancements, contact: Caltrans Office of Encroachment Permits at 909.383.4526 <http://www.dot.ca.gov/programs/traffic-operations/ep>

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

46. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
47. 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 permits.

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

48. Drainage Improvements. A drainage study will be required to analyze the tributary offsite 100-year stormwater runoff impacting the site. A drainage plan may require infrastructure (swales, storm drains, walls, driveways, curbs/gutters, and all other structures affecting flow patterns) in order to protect any proposed buildings from potential flood hazards without adversely impacting the surrounding property owners. A review fee (initial deposit) of \$750 will be collected at the time of the Planning application submittal. Review processed on an actual cost basis.
49. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C7955H dated 8/28/2008. Flood hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
50. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
51. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
52. 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
53. 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.
54. On-site Flows. On-site flows need to be directed to the nearest drainage facility unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
55. Streambed Alteration Agreement. Any alteration or encroachment to the blue-line stream(s) requires California Department of Fish and Wildlife (CDFW) to be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at <https://www.wildlife.ca.gov/Conservation/LSA>.

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

56. 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: 1500 GPM for a 2 hour duration at 20 psi residual operating pressure.

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

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

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:

- a) Monuments set to mark property lines or corners;
- b) Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c) Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey

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

58. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at 1-800-442-2283.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

59. Architecture. Architectural elevations 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.

60. 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 development, 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.

61. 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 four copies of a landscape and irrigation plan to County Planning.

62. 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 the minimum standards described in SBCC Chapter 83.13, *Sign Regulations*, and SBCC §83.07.030, *Glare and Outdoor Lighting Mountain Region*.

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

63. 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.
64. Temporary Use Permits: 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

65. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.

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

66. Fire Flow Test: Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
67. 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.
68. 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.
69. Water System Certification: The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.

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

70. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

71. Sewage Disposal. Method of sewage disposal shall be an EHS approved onsite wastewater treatment system (OWTS).
72. Water Purveyor. Water purveyor shall be **Crestline Village Water District** or EHS approved.
73. Water Service Verification Letter. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address will suffice. For information, contact the Water Section at 1-800-442-2283.
74. 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

75. 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.
76. 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.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

77. 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-2020-00211
78. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC
79. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
80. 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.
81. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
82. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

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

83. 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.
84. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.

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

85. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

END OF CONDITIONS

EXHIBIT E

Site Plan

PRELIMINARY SITE / GRADING PLAN

HWY 189

TWIN PEAKS, CA

APN(s): 0336-021-17 & 0340-261-06

PROPERTY OWNER

SAN BERNARDINO MOUNTAINS LAND TRUST
P.O. BOX 490
LAKE ARROWHEAD, CA 92352

APPLICANT

BETTER PLACE FORESTS CO.
3717 BUCHANA ST SUITE 400
SAN FRANCISCO, CA 94123
PHONE: (630) 272-1013

PROJECT DESCRIPTION

CONSERVATION MEMORIAL FOREST VISITOR CENTER & PARKING ARE THE ONLY PROPOSED IMPROVEMENTS

BUILDING SETBACK

FRONT 15 FT. MIN.
REAR 10 FT. MIN.
SIDE-INTERIOR 10 FT. MIN.
SIDE-STREET 15 FT. MIN.

PER SAN BERNARDINO COUNTY DEVELOPMENT
CODE 82.05.060 TABLE 82-206.

PROJECT INFORMATION

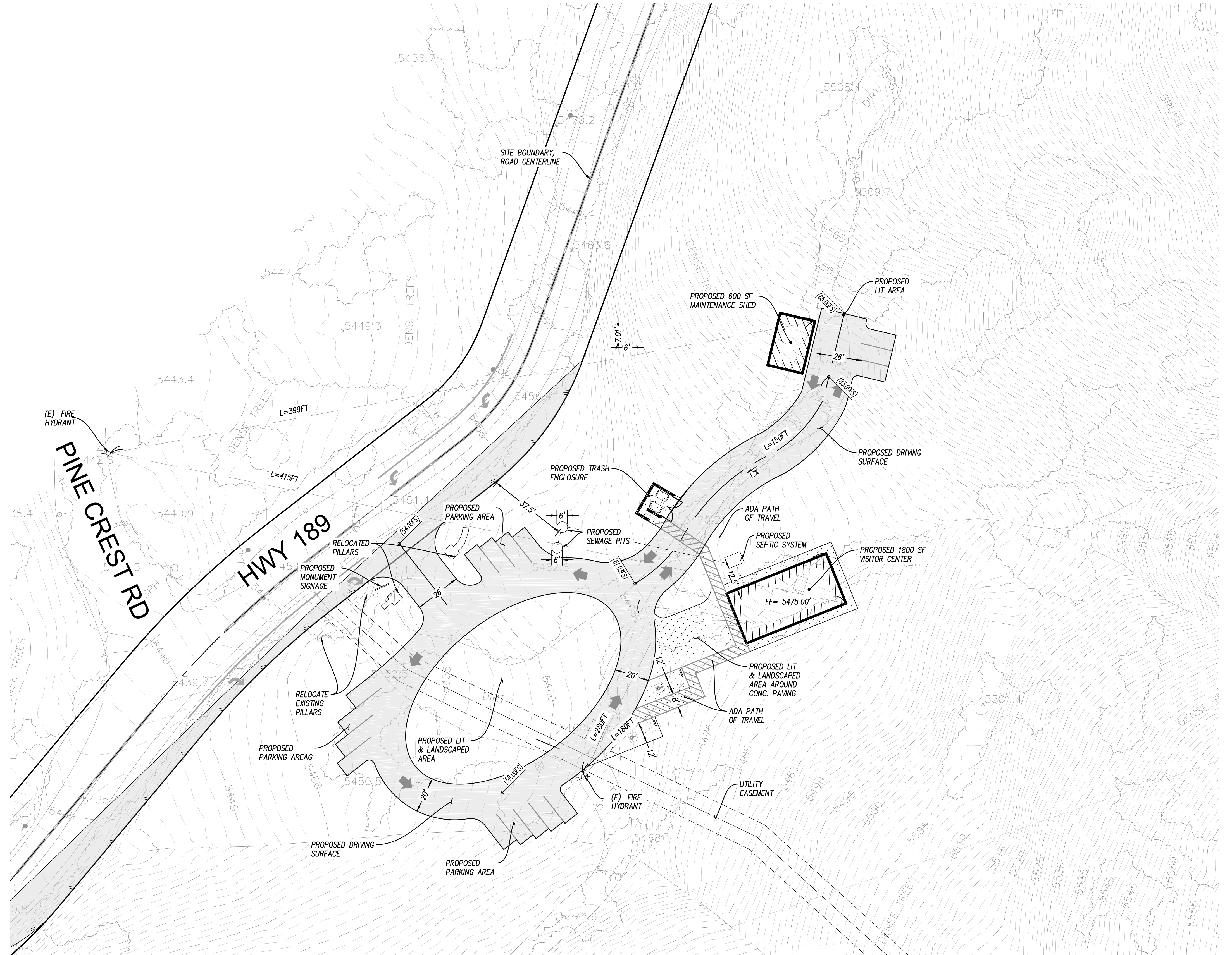
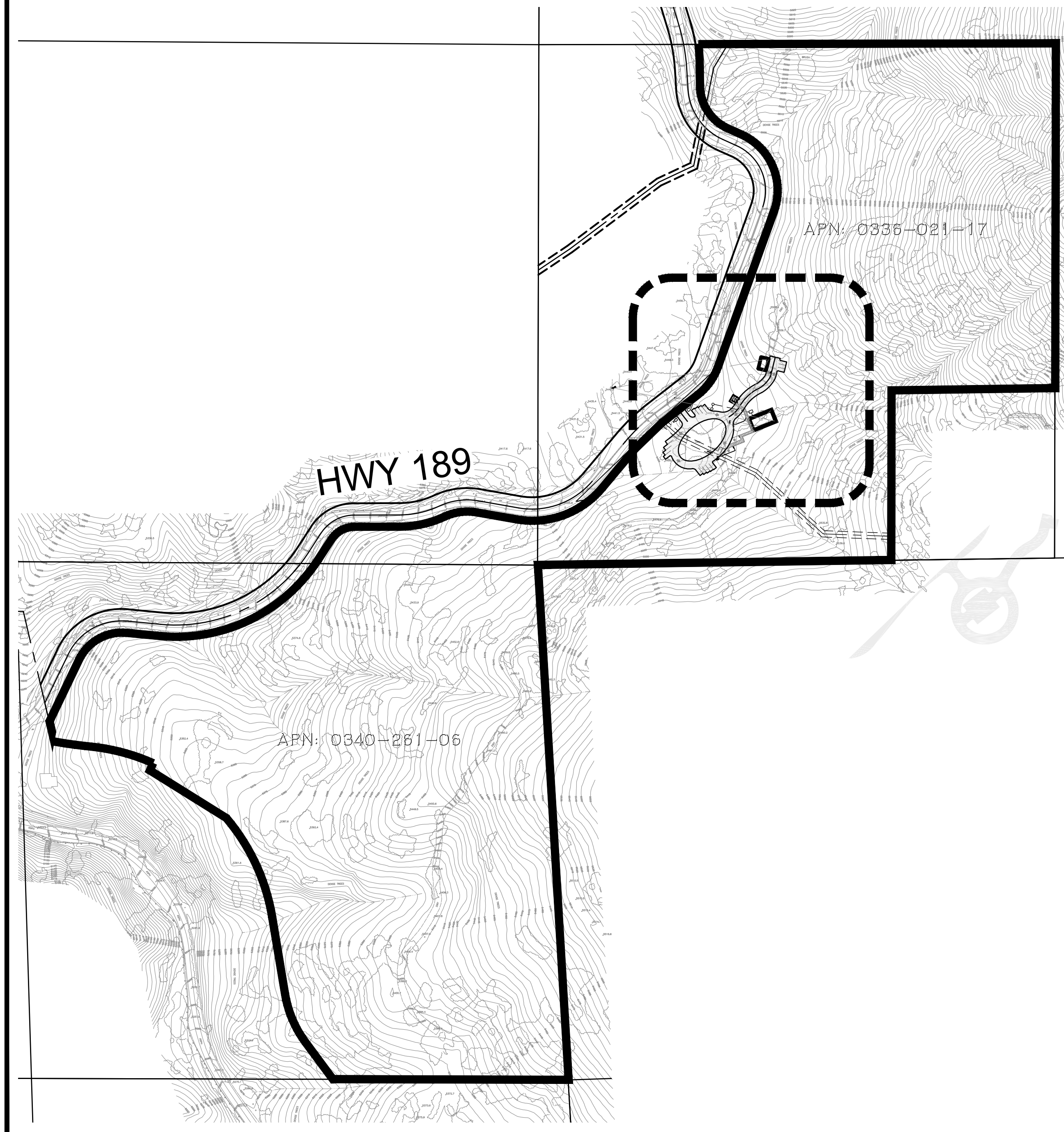
ASSESSOR'S PARCEL NO: 0336-021-17 & 0340-261-06
PROJECT ACREAGE: 50.25 AC
EXISTING ZONING: SPECIAL DEVELOPMENT-RESIDENTIAL(LA/SD-RES)
EXISTING LAND USE: VACANT
PROPOSED LAND USE: MEMORIAL FOREST
CABLE: FRONTIER (844) 831-2790
WATER PURVEYOR: CRESTLINE VILLAGE WATER DISTRICT (909) 338-1727
GAS PURVEYOR: SOUTHWEST GAS (877)860-6020
ELECTRICITY PURVEYOR: SOUTHER CALIFORNIA EDISON (800)655-4555
TELEPHONE PURVEYOR: VERIZON (800)483-1000

LEGAL DESCRIPTION

PARCEL 1:
ALL THAT PROPERTY IN SECTION 25, TOWNSHIP 2 NORTH, RANGE 4 WEST, AND SECTION 30, TOWNSHIP 2 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
ALL THAT PORTION OF THE PROPERTY CONVEYED TO THE ASSEMBLIES OF GOD, INC., BY DEED RECORDED IN BOOK 3573, PAGE 172, OFFICIAL RECORDS OF SAID COUNTY LYING SOUTHERLY AND EASTERLY OF THE CENTERLINE OF STATE HIGHWAY 189, AS DESCRIBED BY INSTRUMENT NO. 82-03486, OFFICIAL RECORDS OF SAID COUNTY, EXCEPTING THEREFROM ALL THAT PORTION LYING SOUTHERLY AND WESTERLY OF THE NORTHERLY, NORTHEASTERLY AND EASTERLY LINE OF LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED FEBRUARY 19, 1982, INSTRUMENT NO. 82-03256, OFFICIAL RECORDS OF SAID COUNTY.
ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CRESTLINE-LAKE ARROWHEAD WATER AGENCY BY FINAL ORDER OF CONDEMNATION, RECORDED APRIL 06, 1971, IN BOOK 7641, PAGE 672, OFFICIAL RECORDS OF SAID COUNTY.
ALSO EXCEPTING THEREFROM ALL THAT PROPERTY IN GOVERNMENT LOT 2, IN THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 2;
THENCE SOUTH 89°13'26" WEST, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 2, 415.00 FEET;
THENCE NORTH 00°08'31" EAST, PARALLEL WITH THE EAST LINE OF SAID GOVERNMENT LOT 2, 430.00 FEET;
THENCE NORTH 89°13'26" EAST, PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 2, 415.00 FEET TO A POINT ON SAID EAST LINE OF GOVERNMENT LOT 2;
THENCE SOUTH 00°08'31" WEST, ALONG SAID EAST LINE OF GOVERNMENT LOT 2, 430.00 FEET TO THE POINT OF BEGINNING.
THE LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A CERTIFICATE OF COMPLIANCE NO. M0017-93, RECORDED MAY 25, 1993 AS INSTRUMENT NO. 93-222886 OF OFFICIAL RECORDS.
PARCEL 2:
AN APPURTENANT EASEMENT FOR INSTALLING, MAINTAINING, REPAIRING AND REPLACING UNDERGROUND UTILITY IMPROVEMENTS AS SHOWN IN THAT CERTAIN DOCUMENT ENTITLED UTILITY EASEMENT DEED AND AGREEMENT RECORDED JULY 20, 1993, INSTRUMENT NO. 93-309212, OFFICIAL RECORDS.
For conveyancing purposes only: APN 0340-261-06-0-000 (Portion of Said Land) APN 0336-021-17-0-000 (Portion of Said Land)

INDEX MAP:

SCALE: 1"=200'

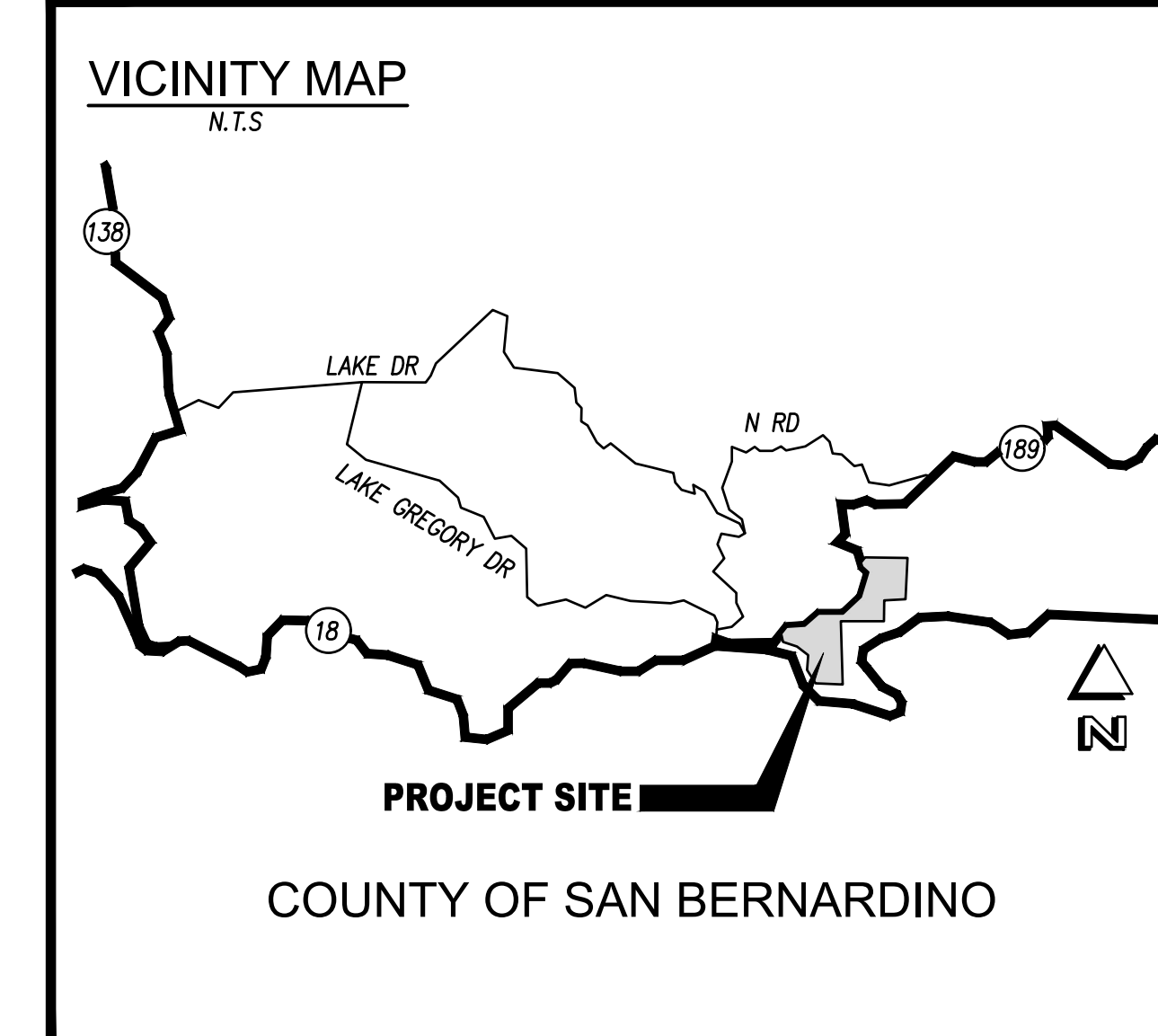
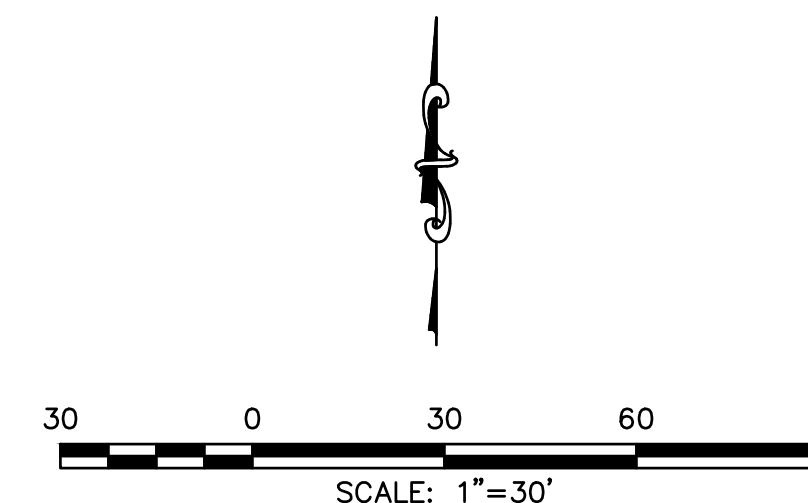


PROPOSED CONSTRUCTION AREA MAP:

SCALE: 1"=30'

LEGEND

- | | |
|---------------------------------|------------------------------------|
| ASPH ASPHALTIC CONCRETE SURFACE | EXISTING CONCRETE SURFACE |
| BT BOTTOM OF TRENCH | PROPOSED CONCRETE SURFACE |
| CB CATCH BASIN | EXISTING AC PAVEMENT TO BE REMOVED |
| C&G CURB AND GUTTER | RIGHT OF WAY |
| CL CENTER LINE | PROPERTY LINE |
| DDC DOUBLE DETECTOR CHECK | CENTERLINE |
| DWY DRIVEWAY | EXISTING BLOCK OR STONE WALL |
| (E) EXISTING | FLOWLINE |
| FF FINISH FLOOR | FILL SLOPE |
| FG FINISH GRADE | INDICATES DIRECTION OF FLOW |
| FL FLOWLINE | CONTOUR ELEVATION (FEET) |
| FS FINISHED SURFACE | (1500) |
| GB GRADE BREAK | ADA PATH OF TRAVEL |
| GW GUY WIRE | EDGE OF PAVEMENT (EP) |
| INV INVERT OF PIPE | |
| MH MANHOLE | |
| NTS NOT TO SCALE | |
| PP POWER POLE | |
| ST STREET | |
| TC TOP OF CURB | |
| TF TOP OF FOOTING | |
| TW TOP OF WALL | |
| TYP TYPICAL | |
| WM WROUGHT IRON | |
| WM WATER METER | |



BONADIMAN TEL: (909) 885-3806
 JOSEPH E. BONADIMAN & ASSOCIATES, INC. 234 NORTH ARROWHEAD AVE
 ENGINEERS - C.T.S. - SURVEYING - PLANNING SAN BERNARDINO, CA 92408
 FAX (909) 381-1721
 www.bonadiman.com

PRELIMINARY SITE / GRADING PLAN
HWY 189
 TWIN PEAKS, CA 92391
 APN(s): 0336-021-17 & 0340-261-06

REVISIONS				
NO	DESCRIPTION	BY	APPROVED	DATE

PREPARED FOR: BETTER PLACE FORESTS CO.
 DRAWN BY: VB SCALE: 1" = 30'
 CHECKED BY: JTS JOB NO: 204783 SHEET: 1 OF 1 **SP1**
 DISREGARD PRINTS BEARING EARLIER REVISION DATES 6-11-21