

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

[Not subject to Condition Compliance Release Form (CCRF) signatures]

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

1. Project Description. The County conditionally approves the proposed Conditional Use Permit to recognize an existing towing and impound facility on two parcels totaling approximately 0.72 acres in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), 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 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: 0528-243-17* and Project Number: P201200300.
2. Concurrently Filed Application: The project proposal also includes a General Plan Land Use Zoning District Amendment (GPA) from General Commercial (CG) to Rural Commercial (CR) on 5 parcels totaling 2.89 acres.
3. Project Location. The project site is located on the southwest corner of National Trails Highway and Nopal Lane in the unincorporated community of Newberry Springs; First Supervisorial District.
4. Development Standards/CR. The project site is located in the Desert Region and will be within the Rural Commercial (CR) land use zoning district. SBCC Section 82.05.060 lists the CR Development Standards.
5. 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 structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved 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)
6. Continuous Effect/Revocation. All conditions of approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
7. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, the subdivider and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
8. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its “indemnities” (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 the 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's 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

9. Local Labor. *The developer shall give preference to and employ San Bernardino County residents as much as practicable during construction and operation of the facility.*
10. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
 - the permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - 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]

Occupancy of completed structures and operation of the approved 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:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

11. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include 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)
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201200300. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 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. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).

14. Condition Compliance. In order to obtain construction permits for grading, building, final inspection, and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Occupancy - a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by County Planning.

15. 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 include:
 - a) FEDERAL: US Fish & Wildlife, Army Corps of Engineers, Federal Aviation Administration
 - b) STATE: State Fish & Wildlife, Lahontan RWQCB, Mojave Desert AQMD
 - c) COUNTY: Land Use Services – Planning, Building and Safety, Code Enforcement; Public Health – Environmental Health Services; Special Districts; Public Works; County Fire; and Hazardous Materials
 - d) LOCAL: Newberry Springs Community Services District (CSD)

16. Continuous Maintenance. The project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - Annual maintenance and repair. The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
 - Landscaping. The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - External Storage. The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - Metal Storage Containers. The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - Screening. The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - Signage. The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.

- Lighting. The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires County Planning 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.
17. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
 - Emissions: No emission of dirt, dust, fly ash and other forms of particulate matter.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
18. Clear Sight Triangle. Any structures located within the clear sight triangle shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
19. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
20. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
21. Signs. No signs are proposed as part of this project. Any future signs must comply with and be permitted in accordance with SBCC §83.13, Sign Regulations.

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

22. Plans. Submit plans and obtain separate building permits for any required walls, retaining walls, or trash enclosures.
23. Disabled Access. The applicant shall provide disabled parking in each parking area to serve each accessible building or area.

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

24. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
25. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC §23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

26. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that 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.

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

29. Road Standards. All required street improvements shall comply with the latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.

PUBLIC HEALTH DEPARTMENT– Division of Environmental Health Services [DEHS] (800)442-2283

30. Noise. Noise level shall be maintained at or below SBCC Standards, §83.01.080. For information, contact DEHS at the number above.
31. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at the number above.
32. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with SBCC Chapter 8, §33.0830 et. seq. For information, call DEHS/LEA at the number above.

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

33. Redesign. The developer shall redesign the refuse/recycling storage area to allow double bin capacity. The trash enclosure may be adequate, but size and/or location are/is not listed on the site plan.
34. 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 AB 2176.
35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five or more must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

36. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department, herein "Fire Department". Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current CFC requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY,
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

37. Site Plan. Provide a site plan that shows the specific use of all structures on site, both existing and proposed.
38. Septic System. Provide the location of the septic system for verification of setback to property lines and structures.
39. Permits. Show proof of permits for all structures or obtain a field investigation inspection permit for each structure not permitted.
40. Grading Plans. If grading exceeds 50 cubic yards, approved plans will be required.

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

41. Lot Merger. The developer shall merge APN 0528-243-17 and 0528-243-11 in order to place all uses associated with the existing towing and impound facility on a single parcel.
42. Cultural Resources. The project is not expected to have an impact on cultural or paleontological resources. However, the following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during earthmoving and/or construction. The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements and shall include a note on the grading plans and in all construction contracts/subcontracts a provision that the project contractors shall also adhere to the following requirements:
 - In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.
 - If possible human remains are encountered during any earthmoving activities, all work shall stop in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.
43. Grading Plans. The developer shall submit three sets of grading plans to the Planning Division for review and approval.
44. MDAQMD. The developer shall submit verification to County Planning that project design and construction adhere with the requirements of the MDAQMD, including compliance with all MDAQMD regulations (i.e., Rules 201, 203, 401, 403.2, 404), proper maintenance of vehicles, implementation of the MDAQMD-approved DCP, and suspension of all construction during high wind or second stage smog events. Additionally, the developer shall submit verification from the MDAQMD that a Dust Control Plan (DCP) is not required.
45. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

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

46. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties.
47. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

PUBLIC WORKS DEPARTMENT – Surveyor (909)387-8149

48. Monumentation. If any activity on this project will disturb any land survey monumentation, including be 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).
49. Encroachment. It appears that improvements are encroaching onto the adjoining parcel to the west (APN 0528-243-16) and to the south (APN 0528-243-04). This issue may be resolved by a Lot Line Adjustment or the removal of the improvements.
50. Record of Survey. A Record of Survey/Corner Record shall be filed to identify the property lines and encroachments noted above to aid in resolving the issue.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

51. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division. Submit plans for review and approval, obtain permits, and call for proper inspections.
52. Wall Plans. Submit plans and obtain permits for all fences greater than six feet in height and for any walls required by the Planning Division.
53. Disabled Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of each accessible building or area.
54. Disabled Parking Spaces. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one in each parking area, shall be served by an access aisle 96 inches wide and shall be designated Van Accessible. The words “**NO PARKING**” shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
55. Green Building Measures. The developer shall design all new buildings to include the “Green Building Measures” as outlined in the California Green Building Standards Code.

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

56. Road Dedication and Improvements. Prior to issuance of building permits, the developer shall submit for review and obtain approval from the Land Use Services Department the following dedications, plans, and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall

be submitted to the Land Development Division, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415-0187.

National Trails Highway (Major Highway – 104')

- Road Dedication. A 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet along the entire frontage.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of National Trails Highway and Nopal Lane.
- Curb Returns. Curb Returns shall be designed per County Standard 110.

Nopal Lane (Local – 60')

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.
57. Road Design. Road sections within and/or bordering the project site shall be designed and constructed 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 Master Plan of Highways.
 58. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
 59. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole that would affect construction, and any such utility shall be relocated as necessary without cost to the County.
 60. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division-Permit Section. Telephone (909) 387-8039. Permits shall be required from other agencies as well, prior to work within their jurisdictions.
 61. 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. A written report shall be submitted to the Transportation Operations Division – Permit Section of County Public Works, prior to any placement of base materials and/or paving.
 62. 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.
 63. Open Roads/Cash Deposit. Existing County roads that will require reconstruction shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
 64. Street Gradients. Road profile grades shall not be less than 0.5 percent unless the engineer, at the time of submittal of the improvement plans, provides justification to the satisfaction of the Department of Public Works confirming the adequacy of the grade.

PUBLIC HEALTH DEPARTMENT– Division of Environmental Health Services [DEHS] (800)442-2283

65. Water. Water purveyor shall be EHS approved.
66. Water Letter. The applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall reference Assessor's Parcel Number (APN): 0528-243-17*. For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at the number above.
67. Sewer. The method of sewage disposal shall be EHS approved.
68. Sewer Letter. The applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the water agency. The letter shall reference APN: 0528-243-17*. If sewer connection and/or service are unavailable, onsite wastewater systems (OWTS) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at the number above.
69. Septic Certification. The existing septic system can be used if the 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. The applicant shall provide documentation outlining the methods used in determining function.
70. Acoustical Checklist. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, SBCC §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 with 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 the number above.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

71. Fire Fee. The required fire fees, currently \$1,997.00, have been paid to the San Bernardino County Fire Department/Community Safety Division.
72. Building Plans. The developer shall submit at least three complete sets of building plans to the Fire Department for review and approval.
73. Building Plans – Hazardous Materials Approval. The developer 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.

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

74. Elevations. In order to improve views along National Trails Highway the developer shall submit exterior elevation improvements of the existing structures for review and approval by the Planning Division.
75. Landscape Plans. The applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC §83.10, Landscape Standards. At a minimum, landscaping shall be along National Trails Highway and Nopal Lane, adjacent to

the structures, within the parking lots, and along the perimeters of the property. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards for the Desert Region.

76. MDAQMD. The developer shall provide verification of compliance with the MDAQMD Best Available Control Technology (BACT) to County Planning. These BACT must offset any new emissions so that there is no net gain in emissions within the air basin.
77. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

**PRIOR TO FINAL INSPECTION OR OCCUPANCY,
The Following Shall Be Completed**

LAND USE SERVICES DEPARTMENT – Building and Safety Division (760)995-8140

78. Final Occupancy. Prior to occupancy, all Planning Division requirements and sign-offs shall be completed.

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

79. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, then inspected and approved by County Public Works.
80. 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.

SAN BERNARDINO COUNTY FIRE DEPARTMENT OFFICE OF THE FIRE MARSHAL – Community Safety Division (760)995-8190

81. Commercial Addressing. Commercial and industrial developments of 100,000 square feet or less shall have the street address installed on the building with numbers that are a minimum six inches in height and with a three-quarter 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 200 feet or more from the roadway, additional non-illuminated, contrasting six inch numbers shall be displayed at the property access entrances.
82. Fire Extinguishers. Hand portable fire extinguishers are required. The Fire Department shall approve the location, type, and cabinet design.

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

83. Emergency/Contingency Plan. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at 909.386.8401.
84. Permits. Prior to occupancy, the applicant/operator shall be required to apply for one or more of the following: a Hazardous Material Handler Permit, a Hazardous Waste Generator Permit and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at 909.386.8401.

LAND USE SERVICES DEPARTMENT – Code Enforcement Division (909)948-5075

85. Special Use Permit – Landscaping. The developer shall submit an application with the appropriate fees and obtain approval of a Special Use Permit for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and survival of the required landscaping.

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

86. Surety for the Landscaping. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to insure that the landscaping remains in a healthy thriving condition for a minimum of three full years and that the irrigation system continues to function properly for a minimum of three full years. At a minimum this surety shall be in an amount equal to 120 percent of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by County Code Enforcement. Also the requirement for the Special Use Permit shall be extended and continue until such time as the objective has been accomplished to the satisfaction of County Code Enforcement and sustained for one year.

OR

The developer shall cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the landscaping remains healthy and thriving for three growing seasons in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate therefor provided by a licensed landscape architect and approved by the Land Use Services Director.

87. Landscaping Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC §83.10.100 in the form of a Certificate of Completion prepared by the professional who prepared the plans. Supplemental verification should include photographs.
88. Encroachment. *The developer shall submit evidence that the fence encroachment onto the adjacent parcels has been eliminated. Substantiation shall include photographs with a location legend and graphic representations of the fence location in relation to the property lines.*
89. Air Quality & GHG. The developer shall submit evidence to County Planning that all air quality requirements and greenhouse gas reduction measures have been properly installed and implemented.
90. On-site Improvements. Parking and on-site circulation requirements shall be installed per SBCC §83.17, Parking and Loading Standards; including the following:
- All required off-street parking and loading areas and vehicular access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving to the satisfaction of the Building and Safety Division.
 - All primary vehicular access drives shall be a minimum of 26 feet wide.
 - All parking lot vehicular aisle widths shall be a minimum of 24 feet wide for two-way circulation. Fire Department requirements may be more stringent and require wider widths.
 - All paved parking stalls shall be clearly striped with double or hairpin stripes and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained; including arrows painted to indicate the direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum 3-inch white or yellow painted line. All pedestrian crossings in public rights-of-way shall be delineated per County Standards.

91. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
92. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
93. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
94. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.
95. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201200300 shall be paid in full.

END OF CONDITIONS