



**LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT**



HEARING DATE: February 7, 2013

AGENDA ITEM NO: 2

PROJECT DESCRIPTION

APN: 0625-221-31
APPLICANT: CHRISTIAN EVANGELISTIC ASSOCIATION, INC.
PROPOSAL: A CONDITIONAL USE PERMIT TO ESTABLISH A CHURCH AND A MULTIPURPOSE COMMUNITY CENTER, CONSISTING OF A 6,000-SQUARE FOOT BUILDING AND A VARIANCE TO ALLOW 35% LOT COVERAGE IN LIEU OF 20% ON 5 ACRES
COMMUNITY: TWENTYNINE PALMS/3RD SUPERVISORIAL DISTRICT
LOCATION: EAST SIDE OF GODWIN ROAD, APPROXIMATELY 650 FEET NORTH OF TWENTYNINE PALMS HIGHWAY
PROJECT NO.: P201100240/CUP
REP(S): PAUL BERGER & ASSOCIATES
STAFF: OXSO SHAHRIARI, PLANNER

VICINITY MAP N ↑



8 Hearing Notices Sent On: January 23, 2013
P.C. Field Inspection Date: August 13, 2012

Report Prepared By: Oxso Shahriari
Field Inspected By: Commissioner Kwappenberg

SITE INFORMATION:

Parcel Size: 5 Acres
Terrain: Nearly flat
Vegetation: Site is mostly cleared with regrown sporadic indigenous vegetation

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING/OVERLAY DISTRICTS
Site	Vacant	Rural Living–Five Acre Minimum Lot Size (RL-5), Biological Resources & Airport Safety (AR-3) Overlays
North	Vacant/Single Family Residence (Northwest)	Rural Living–Five Acre Minimum Lot Size (RL-5), Biological Resources & Airport Safety (AR-3) Overlays
South	Vacant/Single Family Residence (Southeast)	Rural Living–Five Acre Minimum Lot Size (RL-5), Biological Resources & Airport Safety (AR-3) Overlays
East	Vacant	Rural Living–Five Acre Minimum Lot Size (RL-5), Biological Resources & Airport Safety (AR-3) Overlays
West	Vacant	Rural Living–Five Acre Minimum Lot Size (RL-5), Biological Resources & Airport Safety (AR-3) Overlays

City Sphere of Influence:
 Water Service:
 Septic/Sewer Service:

AGENCY
 Twentynine Palms
 On-site well
 Septic system

COMMENT
 None
 EHS approval required
 EHS approval required

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** a Conditional Use Permit to establish a church and a multipurpose community center consisting of a 6,000-square foot building; and a variance to allow 35% lot coverage in lieu of 20% on 5 acres.

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

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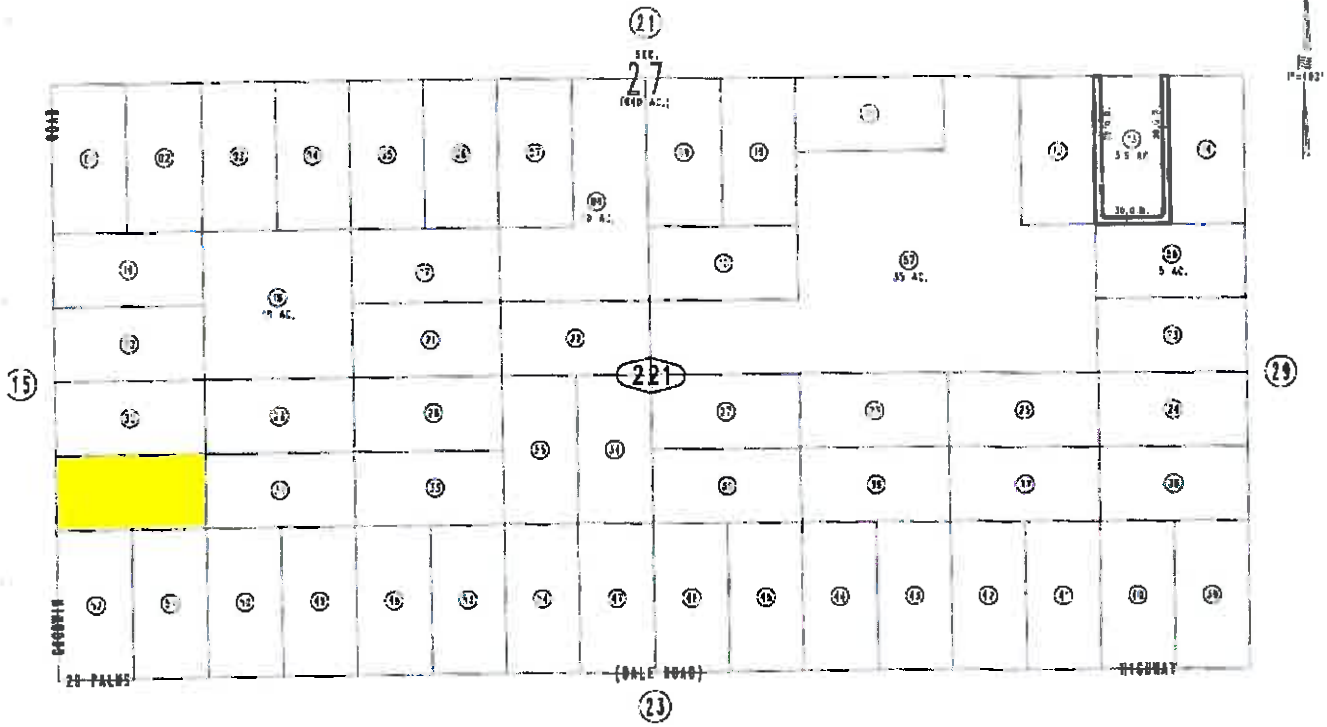
Vicinity Map (Regional)



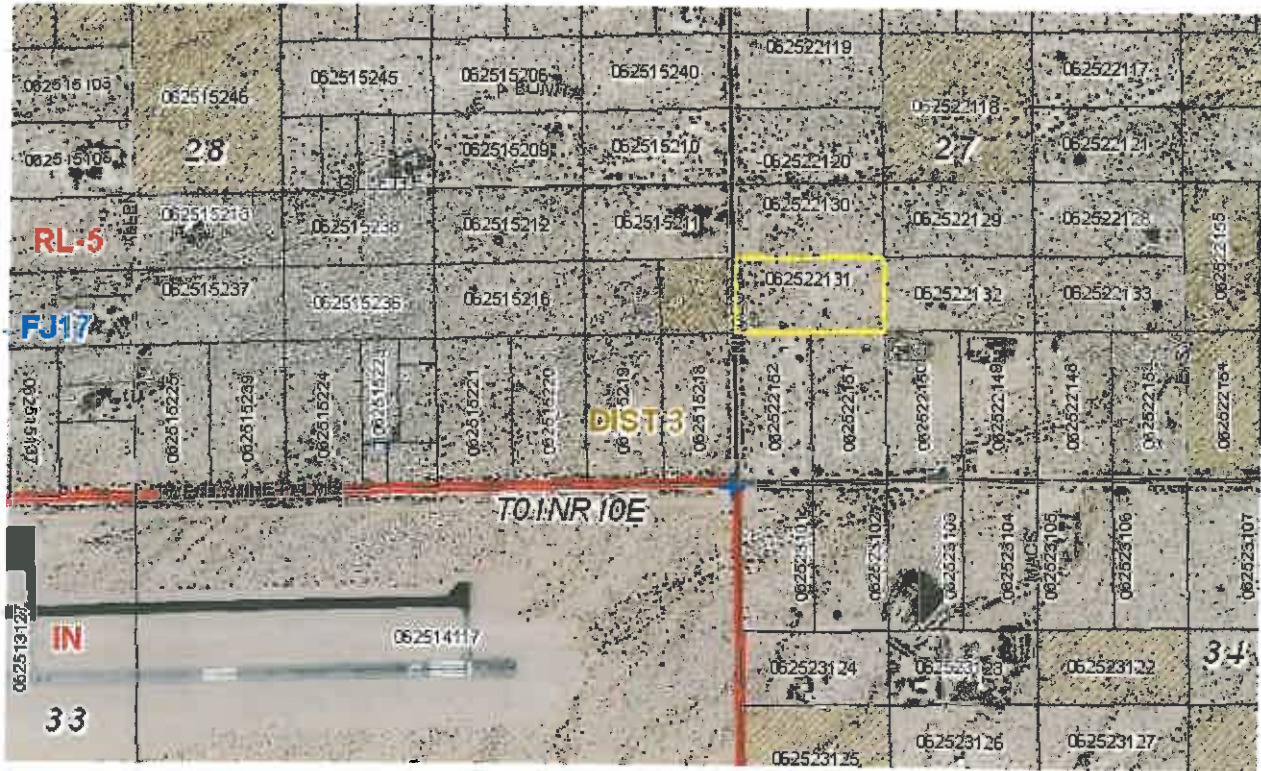
Aerial Map



Assessor Parcel Map

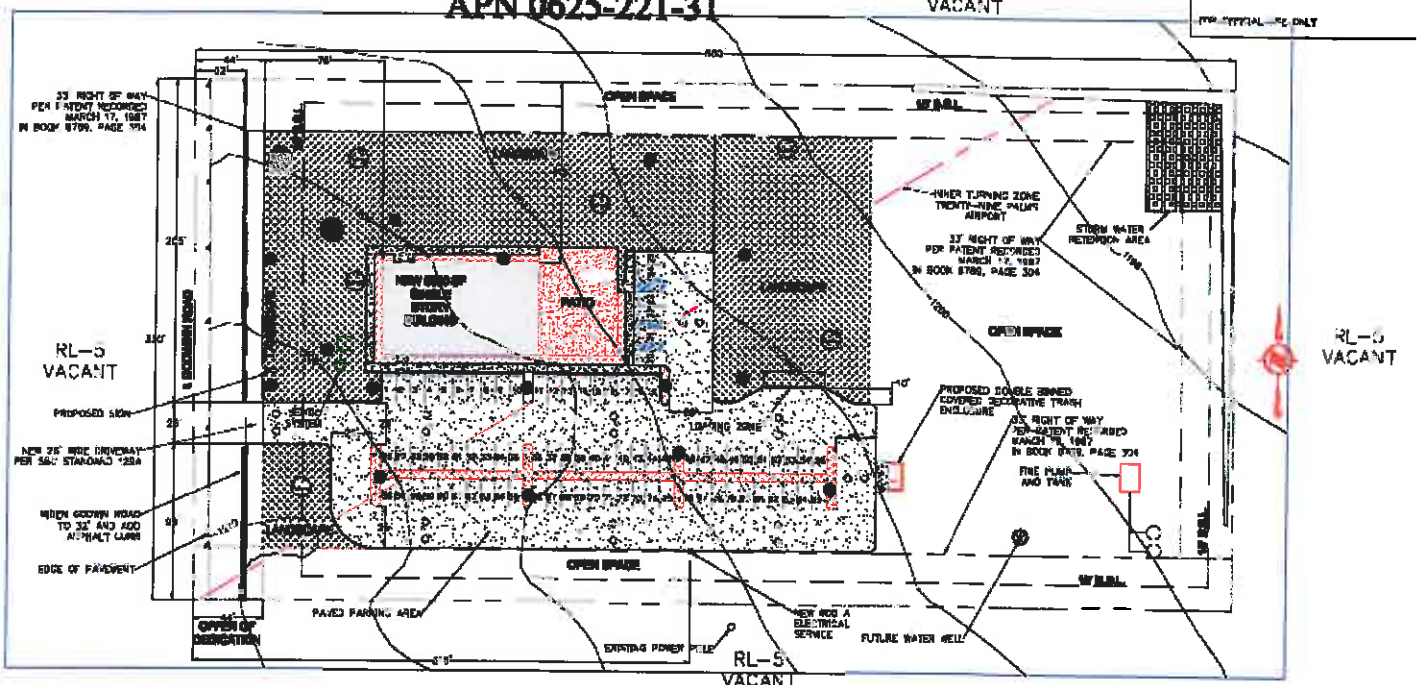


Land Use District Map



Site Plan

CHRISTIAN EVANGELISTIC ASSOCIATION GODWIN CHRISTIAN FELLOWSHIP 6389 GODWIN ROAD TWENTY NINE PALMS, CA APN 0625-221-31



Site Photos



Looking east from Godwin Road toward the project site, with the Twentynine Palms Highway (State Highway 62) nearly 650 feet to the right.

Site Photos



Looking north toward the project site with the Twentynine Palms Highway (State Highway 62), behind.

Site Photos



Looking south toward the project site with the two cabins in the background and Twentynine Palms Highway (State Highway 62), nearly 650 feet to the south.

Christian Evangelistic Assoc. Inc.
P201100240/Conditional Use Permit
Planning Commission Hearing Date: February 07, 2013

PROJECT DESCRIPTION:

The proposed project (Project) is a Conditional Use Permit (CUP) to establish a church and a multipurpose community center consisting of a 6,000 square-foot building; and a variance to allow 35% lot coverage in lieu of 20% on 5 acres. The 6,000 square-foot, single-story structure will include a sanctuary, a pastor's office and a multipurpose community room. The activities proposed for the facility will consist of Sunday morning and evening services, weekday training and teaching services, community assembly and other events on an intermittent basis. The church office will be staffed by volunteer workers from 9:00 AM to 8:00 PM, Monday through Friday, and occasionally on Saturday. The proposed sanctuary can accommodate up to 80 congregants.

The Project site is zoned Rural Living--5-acre minimum lot size (RL-5); and is located in the unincorporated portion of the south desert region of the County, within the Sphere of Influence of the City of Twentynine Palms. The Project site is situated on the east side of Godwin Road, approximately 650 feet north of Twentynine Palms Highway (State Highway 62) and approximately 700 feet from the Twentynine Palms Airport's (Airport) northern property line. Godwin Road, a County maintained road, provides legal and physical access to the site. The water needs of the Project will be accommodated by a private onsite well, subject to County Environmental Health Services review and approval. An onsite wastewater treatment system is proposed to serve the sewage disposal needs of the Project. The Project site is located in the Biological Resources and Airport Safety Review (AR-3) Overlay Districts.

BACKGROUND:

The proposal was previously scheduled to be presented to Planning Commission on September 6, 2012. However, upon further evaluation of the Airport Comprehensive Land Use Plan, staff determined that the proposed assembly structure needed to be relocated outside of the Transitional Surface area, one of the four imaginary surfaces for civil airports, to ensure public safety and protection of airspace. To allow time for the required relocation and Project redesign, Planning Staff requested continuance of this Project on September 6, 2012 Planning Commission Hearing. Subsequently and upon reevaluation of the redesigned proposal, staff has noticed the Project and is ready to recommend Project approval based on the facts presented herein.

ANALYSIS:

DEVELOPMENT STANDARDS.

The Project site plan conforms to all development standards of the RL-5 land use district, including building height and setback requirements, except for the maximum percentage of lot coverage. Calculation of lot coverage includes not only the building coverage, but also includes impervious surfaces such as driveways and paved parking areas. The maximum lot coverage permitted in the RL-5 land use district is 20%, and the Project proposes 35% lot coverage. A variance is proposed to permit the requested coverage ratio, which is justified based on the fact that places of worship are permitted in the RL-5 land use district subject to approval of a CUP, and the CUP must require adequate parking for public assembly. Findings for approval of the proposed variance are attached. Approximately 20% of the site will be landscaped. Eighty seven (87) parking spaces will be provided, including five for the disabled. The variance — if granted by the Planning Commission — will allow for proper onsite circulation patterns and sufficient parking for the proposed activities.

PUBLIC INPUT. The Project has been noticed to eight surrounding property owners within 300 feet of the Project site, as required by Development Code Section 84.27.070, for project sites 20 acres or less. The Project has not generated any controversy; no comments for or against the Project have been received.

Christian Evangelistic Assoc. Inc.
P201100240/Conditional Use Permit
Planning Commission Hearing Date: February 07, 2013

CITY COMMENTS. The Project is within the sphere of the Influence of the City of Twentynine Palms. The city was notified of the Project through the standard project notification process, however no comments were submitted by the City of Twentynine Palms.

BIOLOGICAL RESOURCES. The Project site is located in a sparsely developed rural residential area, characterized as Category-3 potential habitat, the lowest potential for a viable population of the Agassiz's land tortoise (Desert Tortoise). The site is not located within Desert Tortoise critical habitat, which was designated in 1994 (U.S. Fish and Wildlife Service 1994a), nor is it within a Desert Wildlife Management Area (DWMA) as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish And Wildlife Service 1994b). A General Biological Resources Assessment prepared by Circle Mountain Biological Consultants (CMBC) found no signs of the protected species on the Project site or in adjacent areas. Based on the absence of tortoise sign, CMBC concludes that Desert Tortoise is absent from the subject property. The report also finds that the potential for migration to the site is very minimal. Nonetheless, to reduce any potential adverse impact to this species, a preconstruction Tortoise Survey is incorporated into the Project's conditions of approval as a mitigation measure. Because a Burrowing Owl's feather was found approximately 1500 feet north/northwest of the site, a prior-to-ground-disturbance survey for Burrowing Owl will also be required.

AIRPORT SAFETY. The Project site is located approximately 650 feet northeast of the Twentynine Palms Airport and falls within the Airport Safety Review Overlay (AR-3). Development near the airport is governed by the 1992 Twentynine Palms Airport Comprehensive Land Use Plan (ACLUP) which does not allow development involving public assembly within the Transitional Surface area, one of the four imaginary surfaces for civil airports that ensures public safety and protection of airspace. The airspace safety within the airport approach and departure patterns is accomplished by establishing these imaginary surfaces to allow aircraft maneuvering room and to ensure that neither the operating capability of the airplanes nor the usable runway is adversely affected by development in the immediate vicinity and the surrounding airspace.

The northern boundary line of the referenced Transitional Surface area runs through the Project site, generally from southwest to northeast, bisecting the site diagonally. Development involving public assembly is allowed to the north of this line only. The Project was reviewed in 2012 by the County of San Bernardino Airports Department, which could not support the original design due to the inconsistency of the original Project design with the ACLUP. The original design would put an assembly structure, and by extension a substantial number of the general public at risk, in the Airport's outer turning, approach and departure zones. The current site plan has addressed the airport safety issue by relocating the assembly and office building to the north of the Transitional Surface area. The current proposal has been reviewed by the County Airports Department, which now recommends approval of the Project as designed.

Additionally, the County Development Code subsection 82.09.060 (f) requires that an Avigation Easement be granted to the 29 Palms airport and recorded before the issuance of a building permit for uses established within an AR1, AR2, or AR3 Airport Safety Review Overlay Districts. A copy of the recorded easement shall be forwarded to the County and the affected airport prior to issuance of Building Permits. A condition of approval has been included to ensure compliance with this requirement.

TRAFFIC AND CIRCULATION. The Project is located on the west side of Godwin Road, approximately 650 feet north of the Twentynine Palms Highway (State Highway 62), which provides sufficient vehicular access to the site. Location and design of the driveways providing access to the church premises were analyzed by County Traffic and Planning and are deemed consistent with County Development Standards for providing sufficient access to serve the proposed use and related activities.

Christian Evangelistic Assoc. Inc.
P201100240/Conditional Use Permit
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AIR QUALITY. The Project site is located within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). Air quality impacts would include temporary construction exhaust emissions and dust generated by construction activities, diesel- and gasoline-powered equipment, and commuting needs of the construction crew. The proposed Project's construction and operational activities will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed uses do not exceed established thresholds of concern as established by the MDAQMD. Additionally, the Project's conditions of approval include a Dust Control Plan, Diesel Exhaust Control measures, and coating restrictions as mitigation measures. The Project design incorporates paving (and/or dust-proof surfacing) and landscaping, which will minimize wind-blown dust or particulate matter leaving the site during operations.

INITIAL STUDY. An Initial Study has been prepared for the Project, in compliance with the California Environmental Quality Act (CEQA). The Initial Study contains mitigation measures recommended to minimize potential impacts on biological and cultural resources, air quality, and noise levels. The Initial Study and the proposed Mitigated Negative Declaration were circulated through the State Clearinghouse, and made available for public review from July 10, 2012 to August 9, 2012. One comment letter was received from Caltrans during the public review period. This letter raised concerns regarding Airport Safety, which was subsequently addressed by a redesign of the Project. The initial study has been updated to clarify that the Project was designed to avoid potential impacts. The Initial Study concludes that the proposed Project would not have any significant adverse impacts with application of the proposed mitigation measures. Therefore, a Mitigated Negative Declaration is proposed for adoption by the Planning Commission.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration, based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the Project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;
2. **ADOPT** the Findings as contained in the Staff Report;
3. **APPROVE** the Conditional Use Permit to establish a church and a community center, consisting of 6,000-square foot single-story building, to include a sanctuary, a pastor's office and a multipurpose community center with a variance to allow 35% lot coverage in lieu of 20% on 5 acres, subject to the recommended Conditions of Approval; and
4. **FILE** a Notice of Determination.

Attachments: [EXHIBIT A: Findings](#)
[EXHIBIT B: Conditions of Approval](#)
[EXHIBIT C: Initial Study](#)
[EXHIBIT D: General Biological and Desert Tortoise Reports](#)

EXHIBIT A

FINDINGS

FINDINGS: Conditional Use Permit – Church and Community Center Facility

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** The project site plan has fully addressed the landscaping, parking, and open space needs of the project. Additionally, the proposed facility is required, either by design or by application of Conditions of Approval, to comply with all requirements pertaining to a Conditional Use Permit application, including required setbacks. The proposed project is consistent with County development standards, except for lot coverage and separate Findings have been prepared for a variance to allow 30% lot coverage in lieu of the required 20%.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use** because the proposed church and community center will have adequate legal and physical access by utilizing Godwin Road, located to the west of the project site. Godwin Road is a controlled Collector Road with the ultimate Right-of-Way of 66 feet. The County Public Works Department has reviewed the site plan and its proposed driveway access, and has found that the site has adequate access to support the proposed use and related activities.
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance** because the proposed use is permitted in residential zoning districts, subject to approval of a Conditional Use Permit. The proposed church and community center would provide support services to the surrounding Rural Living land use district. The facility will not generate excessive noise, vibration, traffic or other disturbance unusual to its intended use. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems because the use and its proposed structure will not cast significantly large, sun-blocking shadows across a potential site for such solar energy system.
4. **The proposed use and manner of development are consistent with the goals, policies, standards and maps of the County General Plan** because the proposed facility will provide community services typically considered beneficial to neighboring residences. The proposed development together with the provisions for its design and improvement are consistent with the goals and policies of the General Plan. Specifically, the proposed use is consistent with:

GOAL LU 1 which states that, "the County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents."

The proposed church will serve the surrounding community by providing a neighborhood facility for worship and assembly.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels** because the project site is sufficiently served by Godwin Road, which is connected to the Twenty-nine Palms Highway (State Highway 62), located only 650 feet south of the site. The intensity of the proposed use and limited scope of the related community activities will minimally increase service demands.
6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare** because the conditions of approval incorporate mitigation measures intended to reduce any potential impacts in the area of noise, biological resources and air quality associated with the project. The other conditions, when implemented, will protect the public health, safety and welfare by providing adequate site improvements.
7. **The design of the site has considered the use of solar energy systems and passive or natural heating and cooling opportunities**, in that adequate space is available in the site design for future installation of such systems.
8. **The project is consistent with the California Environmental Quality Act (CEQA)** because an Initial Study has been prepared in compliance with CEQA, which represents the independent judgment of the County acting as the lead agency for the project. The Initial Study contains mitigation measures recommended to minimize potential impacts on biological resources, air quality, and noise levels. The Initial Study and the draft Mitigated Negative Declaration were circulated through the State Clearinghouse, and made available for public review. Based on the referenced Initial Study, the proposed Project would not have significant adverse impacts with application of the proposed mitigation measures. Therefore, a Mitigated Negative Declaration is proposed.

RE: FINDINGS: VARIANCE

1. **The granting of this variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems** because the requested variance provides adequate open space that will be sufficient to address potential future expansion of use, while maintaining appropriate setbacks. Also, the proposed use will not substantially interfere with the present or future ability to use solar energy systems because the proposed use and related structures will not cast significant sun-blocking shadows across a potential site for such solar energy system.
2. **There are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use that do not apply to other properties in the same vicinity and land use zoning district** because the proposed activities associated with an institutional use will require additional area to meet parking and assembly needs that are greatly larger than those of the typical single family residence. Other properties in the area are developed with single-family homes, and the building coverage requirements for the Rural Living (RL) zoning addresses single-family development. The parking requirements of a religious facility are exceptional, compared to the residential uses permitted in the RL land use district.
3. **The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district** because such strict application of standards will deprive the subject property of the lot coverage standard applied to assembly uses. Places of Worship are allowed in residential areas, including Rural Living zoning districts, and have higher parking requirements than single-family development. Granting of this variance is necessary for the proposed facility to operate and meet all of the other developments standards outlined in the Code. Additionally, the standards have been amended in other residential zones to allow a greater building coverage for institutional uses.
4. **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan** because the granting of this variance and development of this church/community center will help provide community services typically considered beneficial to the neighboring residences. The proposed development together with the provisions for its design and improvement are consistent with the goals and policies of the General Plan. Specifically, the proposed use is consistent with the following San Bernardino County General Plan goal:

GOAL LU 1 which states that, "the County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents."

The proposed church will serve the surrounding community by providing a neighborhood facility for worship and assembly.

EXHIBIT B

CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS Conditions of Operation and Procedure

LAND USE SERVICES – PLANNING DIVISION (760) 995-8140

1. Project Description. A Conditional Use Permit to construct a 6,000 sq. ft. church and multipurpose community center facility, with a variance to allow 35% lot coverage in lieu of 20% on 5 acres. The 6000-sqare feet single story structure will include a sanctuary, a pastor's office and a multipurpose community room. Project implementation will include the installation of paved parking areas, landscaping, a stormwater retention area and street improvements. Granting the referenced variance, if approved by the Planning Commission, will allow for proper onsite circulation patterns and sufficient number of parking numbers needed for the proposed activities. Project Number: P201100240; Assessor's Parcel Number: 0625-221-31.
2. Project Location. The project site is located on the east side of Godwin Road, approximately 650 feet north of Twentynine Palms Highway (State Route 62), in the 3RD Supervisorial District; and is within the City of Twentynine Palms Sphere.
3. 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.
4. Development Standards. The project site's designated Zoning District is Rural Living-5 acre minimum lot size (RL-5). The project remains subject to all applicable RL-5 Desert Region Development Standards. Complete development standards for this and all zoning districts can be found at: <http://www.co.san-bernardino.ca.us/landuseservices/devcode.htm>. The project is also within Airport Safety Overlay Area 3 (AR3). Development standards appropriate for this overlay shall apply as discussed in these conditions of approval.
5. Revisions. Any proposed change to or expansion of the approved use/activity on this site (e.g. from a church/community center to office/retail); or any increase in the developed area of the site or any expansion of or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants, (patrons 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 an additional land use application (e.g. Revision to an approved Actions application), subject to review and approval by County Planning. The developer shall prepare revision proposals, submit with fees and obtain County approval prior to implementing any revision or modification. (SBCC §86.06.070)

Mitigation Measures are in BOLD.

6. **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 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.

7. **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.

8. **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 granted. The permit is deemed “exercised” when either 1) the permittee has commenced actual construction or alteration under a validly issued Building Permit, or 2) 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:

- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and a final inspection is approved.
- The land use is determined by the County to be abandoned or non-conforming.
- The land use is determined to be not operating in compliance with either these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected and the land use is revoked.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The property owner is responsible for initiation of any extension request and the granting an extension is a discretionary action.

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 (3) years beyond the current expiration date. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in construction, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date.
10. **Development Impact Fees.** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. **Project Account.** The Job Costing System (JCS) account number is P201100240. 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 \$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. 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).

12. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and 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.
13. 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) STATE: State Fish & Game, WQCB-Colorado River Region, Mojave Desert AQMD
 - b) COUNTY: Land Use Services-Planning, Building and Safety, Environmental Health Services; Public Works; County Fire AND
 - c) LOCAL: None.
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:
- Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - Graffiti and debris shall be removed immediately with weekly maintenance.
 - Landscaping shall be maintained 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 measures shall be maintained on any undeveloped areas where landscaping has not been provided.
 - Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.

- External Storage, loading, recycling and trash storage areas shall be kept neat and orderly and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - Metal Storage Containers are NOT allowed in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - Signage. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. Signs on the site are limited to monument-type signs, and shall be of the size and general location as shown on the approved site plan. Internally illuminated signs shall not be permitted.
 - Lighting shall be hooded and downshielded to protect the road right-of-way and surrounding properties from any resultant glare as required by Section 83.07.040 – Glare and Outdoor Lighting – Mountain and Desert Regions.
 - Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded 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, unfaded 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. All markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations shall be clearly defined and shall be maintained in good condition at all times.
15. 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. 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.

16. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the County Development Code or as otherwise required by the County Traffic Division.
17. 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 County Code.
18. AQ-1: Operational Mitigation. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)], including but not limited to:
 - **Equipment/vehicles shall not be left idling for periods in excess of five minutes.**
 - **Engines shall be maintained in good working order to reduce emissions.**
 - **On-site electrical power connections shall be made available, where feasible.**
 - **Ultra low-sulfur diesel fuel shall be utilized.**
 - **Electric and gasoline powered equipment shall be substituted for diesel powered equipment, where feasible.**
 - **Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.**
 - **All transportation refrigeration units (TRU's) shall be provided electric connections at all loading areas.**
19. GHG Measures. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
 - Waste Stream Reduction. The developer shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - Vehicle Trip Reduction. The developer shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
 - Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants, and require that the tenants shall display in their facilities, current transit route information for the project area in a visible and convenient location for employees and customers.
 - Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Mitigation Measures are in BOLD.

20. 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's standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
21. Construction Security. During construction, on-site security measures may include the provision of low-level security lighting in compliance with County Development Code Section 83.07.040 – Glare and Outdoor Lighting – Mountain and Desert Regions. Additional measures may include the provision of private security personnel during hours when construction activities are not being performed and/or the securing of all machinery and related equipment.
22. Signs. Any free-standing or attached sign must be applied for and permitted in accordance with County Development Code Chapter 7, Sign Regulations and in compliance with the conditions of approval.

CODE ENFORCEMENT DIVISION (909) 387-4044

23. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
24. 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).

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

25. Jurisdiction. This project is under the jurisdiction of the San Bernardino County Fire Department, herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

LAND USE SERVICES - BUILDING AND SAFETY DIVISION (760) 995-8140

26. Permits. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.
27. UBC Compliance. Projects that include E occupancy per the Uniform Building Code must comply with the State Private Schools Act.

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES [DEHS] (909) 387-4666

28. Noise. Noise level shall be maintained at or below County Development Code Standards, Section 83.01.080. For information, contact DEHS at (909) 387-4666.

Mitigation Measures are in BOLD.

29. Septic Systems. 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, contact DEHS/Wastewater Section at (909) 387-4666.
30. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and 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 San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, call DEHS/LEA at (909) 387-4655.

PUBLIC WORKS - Land Development Division – Drainage (909) 387-8145

31. Infrequent Flood Hazards. The site may be subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm.
32. 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.
33. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
34. 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.
35. Continuous BMP Maintenance. The property owner/developer is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.

36. **BMP Enforcement.** In the event the property owner/developer (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or developer, including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

PUBLIC WORKS-Land Development Division - Roads Section (909) 387-8145

37. **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.
38. **Access.** The property currently has temporary full turning movement access to Godwin Rd. The County reserves the right in the future to construct and/or install a raised median on Godwin Rd or other appropriate safety measures/traffic control devices for the purposes of protecting public health and safety, which could result in the property having only right-in and right-out access to Godwin Rd.

PUBLIC WORKS - Solid Waste Management (909) 387-8701

39. **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 complying with the recycling requirements of AB 2176.
40. **Mandatory Commercial Recycling.** Beginning July 1, 2012 all businesses [defined to include a commercial or public entity that generates four (4) or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five (5) units or more] shall 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 complying with the recycling requirements of AB 341.
41. **Mandatory Commercial Trash Service.** This project falls within a Uniform Handling Service area. If uniform handling service implemented for all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area that are required to have uniform handling service 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.

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

LAND USE SERVICES - BUILDING AND SAFETY DIVISION (760) 995-8140

42. **Demolition Permit.** Obtain a demolition permit for any building or structure to be demolished. Underground structures must be broker in, back-filled and inspected before covering.
43. **Erosion Control Plan.** An erosion control and sediment plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
44. **Tree Removal Plan.** A preconstruction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
45. **Grading Plans.** If grading exceeds fifty (50) cubic yards, approved plans will be required.
46. **NPDES Permit.** A National Pollutant Discharge Elimination System (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 the Regional Water Quality Control Board (RWQCB), Colorado River Basin Region, for specifics.
47. **RWQCB Permit.** Prior to permit issuance, CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID#. Construction activity includes clearing, grading or excavation that results in the disturbance of at least one (1) acre of land total.
48. **SWPPP.** Submit a Storm Water Pollution Prevention Plan (SWPPP).

LAND USE SERVICES – PLANNING DIVISION (760) 995-8140

49. **Grading Plans.** The developer shall submit three sets of grading plans to the Planning Division for review and approval.
50. **Cultural Resources.** The developer shall submit for review and obtain approval from County Planning of a letter agreeing to the following: If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.

Mitigation Measures are in BOLD.

51. **BIO-1: Desert Tortoise.** Although a General Biological Survey-Focused Survey for Desert Tortoise found no evidence of any special-status species on site, if a desert tortoise is observed during ground disturbance, all activities that could harm the animal shall be immediately halted. The U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted to determine appropriate action.
52. **BIO-2: Burrowing Owl.** Prior to and within thirty days of any ground disturbance, pre-construction surveys for Burrowing Owls and their active burrows shall be completed in accordance with California Department of Fish and Game protocol. A report evaluating the effects of the proposed project shall be submitted to the County Planning Division for review prior to ground disturbance and/or grading permit. The report shall include a discussion of survey methodology, results, conclusions, recommendations and a map showing the location of the site. Required mitigation measures must be adopted and approved by the County Planning Division in conjunction with the California Department of Fish & Game.
53. **Bio-3: Native Plants.** Prior to any land disturbance (e.g. grading or land clearance) the developer shall obtain a preconstruction inspection and approval from the Building and Safety division that said land disturbance will not result in the removal of any regulated native tree or plant.
54. **AQ-2: Diesel Exhaust Control Measures.** All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:
- Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:
 - Idling when queuing,
 - Idling to verify that the vehicle is in safe operating condition,
 - Idling for testing, servicing, repairing, or diagnostic purposes,
 - Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
 - Idling required to bring the machine system to operating temperature, and
 - Idling necessary to ensure safe operation of the vehicle.
 - Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U.S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.
 - Maintain engines in good working order to reduce emissions.
 - Signs shall be posted requiring vehicle drivers to turn off engines when parked.
 - Any requirements or standards subsequently adopted by the South Coast Air Quality Management District, the Mojave Desert Air Quality Management District or the California Air Resources Board.
 - Provide temporary traffic control during all phases of construction.
 - On-site electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.

Mitigation Measures are in BOLD.

- **Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.**
 - **Contractors shall use ultra low-sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.**
 - **Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.**
55. **AQ-3: AQ Dust Control Plan.** (Prior to Land Disturbance) The developer shall submit for review and obtain approval from County Planning of a Dust Control Plan consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include activities to reduce on-site and off-site dust production, including the following:
- **Throughout grading/land disturbing and construction activities, exposed soil shall be kept moist through a minimum of twice daily watering to reduce fugitive dust.**
 - **Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials.**
 - **Site access driveways and adjacent streets will be washed, if there are visible signs of any dirt track-out at the conclusion of any workday.**
 - **All trucks hauling dirt away from the site shall be covered to prevent the generation of fugitive dust.**
 - **During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil will be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.**
 - **Storage piles that are to be left in place for more than three working days shall either be:**
 - 1) **Sprayed with a non-toxic soil binder, or**
 - 2) **Covered with plastic or**
 - 3) **Revegetated until placed in use.**
 - **Tires of vehicles will be washed before leaving the site and entering a paved road.**
 - **Dirt on paved surfaces shall be removed daily to minimize generation of fugitive dust.**
56. **AQ-4: Coating Restrictions.** The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:
- **Architectural coatings with Reactive Organic Compounds (ROC) shall not have a content greater than 100 g/l.**
 - **Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs./day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.**

Mitigation Measures are in BOLD.

- **High-Volume, Low Pressure (HVL) spray guns will be used to apply coatings.**
- **Use pre-coated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings.**

57. **N-1: Construction Impacts.** 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 activities shall be limited to weekdays and Saturday between 7 a.m. and 7 p.m. No construction, other than interior finish work, shall be conducted any time on Sundays or Federal holidays.**
- **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 nearest the project site.**

PUBLIC WORKS – SURVEY SECTION (909) 387-8145)

58. Record of Survey. For the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes, a Record of Survey/Corner Record shall be filed in the following instances:
- a) Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
 - b) Monuments set to mark the property lines.
 - c) Pursuant to applicable sections of the Business and Professions Code.

PUBLIC WORKS - Land Development Division - Drainage Section (909) 387-8145)

59. 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. Submit drainage study for review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.
60. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities or concentration of runoff from the site to dewater into private property.
61. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
62. LDD-Grading Plans. Grading plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.

Mitigation Measures are in BOLD.

63. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
64. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at: http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp
65. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of \$3,600 to Land Development Division.

PUBLIC WORKS/Solid Waste Management (909) 387-8701

66. C&D Plan – Part 1. The developer shall prepare, submit and obtain approval from Solid Waste Management Division (SWMD) of a "Construction/Demolition Debris and Solid Waste Management Recycling Plan (C&D Plan), Part I" for each phase of the project. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume. The established hourly fee to submit these forms is currently a 3-hour minimum of \$165.00, with each additional hour billed at \$55.00 per hour. Payment is required at the time of filing, by personal/cashier's check or money order payable to the County of San Bernardino.

Upon completion of construction, the developer shall complete SWMD's C&D Plan Part 2. This summary shall provide documentation of diversion of materials including but not limited to receipts or letters documenting material types and weights from diversion facilities or certification reuse of materials on site.

**PRIOR TO ISSUANCE OF BUILDING PERMITS,
The Following Shall Be Completed**

LAND USE SERVICES - BUILDING AND SAFETY DIVISION (760) 995-8140

67. Avigation Easement. An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the Airport Safety (AR) Overlay areas. Plans submitted in the AR overlay areas shall conform to the interior noise levels as per San Bernardino County standards.
68. Erosion Control Devices. Prior to issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
69. Erosion Control Plantings. All erosion control planting, landscaping and devices shall be installed upon completion of rough grading.
70. Site Drainage/Runoff. All runoff must be held to pre-development levels, per Section 82.13.080 of the San Bernardino County Development Code.
71. 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.
72. Mausoleum/Columbarium. Any mausoleum, crypts, columbarium or chapel shall be constructed to comply with all applicable sections of the California Health and Safety Code Division 8, Part 5.
73. Wall Plans. Submit plans and obtain permits for all fences greater than six feet (6') in height and for any walls required by the Planning Division.
74. 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.
75. 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.
76. Green Building Standards. All new buildings shall be designed to include the "Green Building Measures" as outlined in the California Green Building Standards Code.
77. GHG – Design. The developer shall submit for review and obtain approval from County Planning of documentation that the following measures have been incorporated into the design of the project. These standards are intended to reduce potential project emission impacts on greenhouse

Mitigation Measures are in BOLD.

gases (GHG) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure:

- **Title 24 + 5%**. The developer shall document that the design of the proposed structures exceeds the current Title 24 energy-efficiency requirements by a minimum of five percent. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this mitigation, provided that the total increase in efficiency meets or exceeds the cumulative goal (105%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended October 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006):
 - Incorporate dual-paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment.
 - Incorporate energy efficient light fixtures, photocells, and motion detectors.
 - Incorporate energy efficient appliances.
 - Incorporate energy efficient domestic hot water systems.
 - Incorporate solar panels into the electrical system.
 - Incorporate cool roofs/light colored roofing.
 - Incorporate other measures that will increase the energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- **Plumbing**. All plumbing shall incorporate the following:
 - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- **Lighting**. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- **Building Design**. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.

Mitigation Measures are in BOLD.

- All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
- Energy Star or equivalent appliances shall be installed.
- A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.
- Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- Transportation Demand Management (TDM) Program. Where practical, the project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

PUBLIC WORKS - Land Development Division - Roads (909) 387-8145

78. Road Dedication and Improvements. The developer shall submit for review and obtain approval from the Department of Public Works of 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 Department of Public Works (DPW), located at 825 E. Third Street, San Bernardino, CA 92415-0835. Telephone (909) 387-8145.

Godwin Road (Secondary Highway – 88')

79. Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
80. Street Improvements. Design A.C. dike with match-up paving 32 feet from centerline.
81. Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and locate per Standard 130.
82. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to the Desert Region 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.
83. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.

Mitigation Measures are in BOLD.

84. 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.
85. 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.
86. Soil 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.
87. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
88. 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.
89. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer, at the time of submittal of the improvement plans, provides justification to the satisfaction of the Department of Public Works confirming the adequacy of the grade.

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES [DEHS] (909) 387-4666

90. Water. Water purveyor shall be Twentynine Palms Water District, or EHS approved.
91. 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 the Assessor's Parcel Number: APN: 0625-221-31. 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 (909) 387-4655.

92. Wells. If well water is approved, source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards, shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at (909) 387-4655.
93. Water Connection. If an approved water company cannot serve the project, individual wells may be authorized for the project, providing the project does not meet the requirements of a community water system. If a community water system is required, additional water well standards, state required technical, managerial and financial documents and further testing will be required. For more information, contact DEHS at (909) 387-4655.
94. Sewer. The method of sewage disposal shall be the City of Twentynine Palms or, if available, EHS approved onsite wastewater treatment system (OWTS).
95. 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 sewerage agency. The letter shall reference the Assessor's Parcel Number: APN: 0625-221-31.
96. 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 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, contact the Wastewater Section at (909) 387-4655.
97. CRWQCB Clearance. Written clearance from the designated California Regional Water Quality Control Board may be necessary if the project wastewater effluent exceeds 5,000 gallons per day. Clearance shall be obtained from the Colorado River Basin Regional Water Quality Control Board, 73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260, (760) 346-7491 and a copy forwarded to the Division of Environmental Health Services.
98. Acoustical Study. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, 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 with noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the Division of Environmental Health Services (DEHS) for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.

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

99. Fire Protection Plans. Any required fire sprinklers, fire hydrant, fire main and fire alarm system installations necessitated by this construction must be made under separate detailed fire protection plans approved by the Fire Department prior to installation.
100. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacturer's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
101. Fire Alarm. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
102. Compliance. All construction must comply with all appropriate fire protection installation standards as adopted by the San Bernardino County Fire Department.
103. Fire Department Access. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
104. Single Story Road Access. All buildings or structures shall have access provided by approved roads, alleys and private drives with a minimum 26-foot unobstructed width and vertically to 14 feet 6 inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

LAND USE SERVICES - PLANNING DIVISION (760) 995-8140

105. Avigation Easement. The project site is within Airport Safety Overlay Area 3 (AR3). Per County Development Code Subsection 82.09.060 (f), the developer shall grant and record an Avigation Easement to the appropriate airport (Twentynine Palms Airport) before the issuance of a building permit for the uses proposed within an AR1, AR2, or AR3. A copy of the recorded easement shall be provided to the affected airport; and to the County Planning for its sign-off, prior to issuance of a building permit.
106. Underground Utilities. All new and existing on-site utility lines located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities.

Mitigation Measures are in BOLD.

107. Sign Plans. Monument signs, in compliance with County Development Code Section 83.13, and 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.
108. Other Structures. Other structures over four feet in height shall maintain setbacks as required for the Rural Living (RL) Land Use Zoning District.
109. Screening/Buffering. A minimum 6-foot high decorative, solid masonry wall (or other fencing as approved by the Planning Division) shall be installed along all interior property boundary lines that adjoin residentially developed parcels. A 10-foot wide opaque screening buffer, consisting of suitable plant material, shall be installed adjacent to the wall or fence.
110. Landscape Plans. The applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, in compliance with San Bernardino County Development Code Section 83.10 and the County General Plan. The planting plan shall utilize indigenous plant material and hardscape, wherever possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards-Desert Region (Section 83.10.080 [c]) and shall show the following:
- The 25-foot setback area along Godwin Road shall be landscaped using xeriscape landscaping techniques, combining drought tolerant plant and hardscape materials.
 - Location and elevation of all required walls. Suitable drought tolerant landscaping shall be installed adjacent to the wall or fence to enhance the desired physical separation.
 - Planting material and/or hardscape material, such as block walls, wood fencing, vinyl fencing, etc., shall be provided to screen storage areas, trash/recycling enclosures, parking areas, air conditioning units, and other such elements.
 - Any on-site electric utility features, water storage structures or treatment systems shall be provided with perimeter landscape screening to the extent possible.
 - Front yard and street side yard setback areas shall be landscaped using xeriscape type plantings and hardscape materials in any combination. Xeriscaping practices and methods shall be used in the landscaping design where possible (i.e. decorative boulders, berms, plantings that have a natural spreading growth habit, etc.).
 - The landscape plan shall include dust control measures for any areas not proposed for development and where landscaping is not provided. The dust control measures shall be deemed acceptable by the County Planning Division.
 - The landscape plan shall provide calculations demonstrating that total lot area covered by structures and impervious surfaces will not exceed a maximum of 35%, per the variance approved by this action.

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

LAND USE SERVICES - BUILDING AND SAFETY DIVISION (760) 995-8140

111. Lighting Plans. Submit an outdoor lighting plan and obtain permits prior to installation of lighting standards.
112. Sign Lighting. Sign lighting shall comply with California Energy regulations.
113. Final Occupancy. Prior to occupancy, all Planning Division requirements and sign-offs shall be completed.

PUBLIC WORKS - Land Development Division - Drainage Section (909) 387-8145

114. Drainage and WQMP Improvements Completed. All required drainage and WQMP improvements shall be completed by the applicant, and inspected and approved by County Public Works.
115. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

PUBLIC WORKS - Land Development Division - Roads Section (909) 387-8245

116. Road Improvements Installed. All required on-site and off-site improvements shall be completed by the applicant, and inspected and approved by County Public Works.
117. 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.
118. Phased Projects. Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant, inspected and approved for construction of that phase, prior to final inspection or occupancy for any buildings or other structures in that phase.

The term "phase" as used herein shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction which indicates blocks of construction of less than the whole project."

In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage runoff, a safe and drivable access for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

Mitigation Measures are in BOLD.

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

119. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type and cabinet design shall be approved by the Fire Department.

PUBLIC WORKS - Solid Waste Management (909) 387-8701

120. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2. This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume of all construction waste.

CODE ENFORCEMENT DIVISION (909) 387-4044

121. 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 - PLANNING DIVISION (760) 995-8140

122. Install On-site Improvements: Parking and on-site circulation requirements shall be installed per County Development Code Section 83.17, Parking and Loading Standards; including the following:
- All required off-street parking and loading areas, vehicular access drives and pedestrian walkways shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving to the satisfaction of the Building and Safety Division.
 - All primary vehicular access drives shall be twenty-six feet (26') wide or greater.
 - All parking lot vehicular aisle widths shall be twenty-four feet (24') wide or greater for two-way circulation, twelve feet (12') for one-way circulation and seventeen feet (17') for sixty-degree (60°) angled parking stalls.
 - All paved parking stalls shall be clearly striped and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained; including arrows painted to indicate direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum 3" white or yellow painted line. All pedestrian crossings in public right-of-way shall be delineated per County Standards.
 - Gravel treatment of non-parking and non-vehicular access areas may be permitted if adequate dust control is provided. If gravel does not provide sufficient dust control, permanent paving shall be required.
123. 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.

Mitigation Measures are in BOLD.

124. 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.
125. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
126. Trash/Recyclables Receptacles. A double-bin trash and recyclables receptacle area shall be enclosed by six-foot (6') 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 (6') shall be provided.
127. Landscaping Installed. All landscaping, irrigation and dust control measures and all walls/fences, pedestrian walkways, etc. as delineated on the approved landscape plan shall be installed.
128. Statement of Surety. When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation equipment, installation and maintenance shall be posted with the County for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of a site.
129. Fees Paid. Prior to final inspection by 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 P201100240 shall be paid in full.

END OF CONDITIONS

Mitigation Measures are in BOLD.

EXHIBIT C

INITIAL STUDY

**SAN BERNARDINO COUNTY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM /
MITIGATED NEGATIVE DECLARATION**

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

PROJECT LABEL:

APN:	0625-221-31
APPLICANT:	CHRISTIAN EVANGELISTIC ASSOCIATION, INC
PROPOSAL:	A CONDITIONAL USE PERMIT TO ESTABLISH A 6,000 SQUARE FOOT BUILDING FOR USE AS A CHURCH AND COMMUNITY CENTER AND A VARIANCE TO ALLOW 35% LOT COVERAGE IN LIEU OF 20%, ON A TOTAL OF 5 ACRES.
COMMUNITY:	TWENTYNINE PALMS/ THIRD SUPERVISORIAL DISTRICT
LOCATION:	EAST SIDE OF GODWIN ROAD, APPROXIMATELY 650 FEET NORTH OF TWENTYNINE PALMS HIGHWAY
PROJECT NO.:	P201100240/CUP
STAFF:	LORETTA MATHIEU
REP:	PAUL BERGER & ASSOCIATES

USGS Quad: Valley Mountain
T, R, Section: T01N R10E Sec. 27 SW ¼
Thomas Bros.: Page 4894 / GRID: A5

Community Plan / Sphere of Influence: City of Twentynine Palms
Land Use Zoning District: RL-5 (Rural Living, 5-acre minimum parcel size)

Overlays: Biological Resources
Airport Safety Review (AR3)

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department - Current Planning
15900 Smoke Tree Street
Hesperia, CA 92345

Contact person: Loretta Mathieu, Planner
Phone No: (760) 995-8140
E-mail: lmathieu@lusrd.sbcounty.gov

Fax No: (760) 995-8167

Project Sponsor: Christian Evangelical Association, Inc./ David Van Dyke
7446 Bonny Dunes Road
Twentynine Palms, CA 92277
(831) 234-592

PROJECT DESCRIPTION:

The proposed project is a Conditional Use Permit to develop a church and community center facility. The project will consist of a 6,000 square foot, single-story building to be used for a sanctuary, pastor's office and community center. Approximately one acre of the site will be landscaped and 85 parking spaces will be provided. The facility activities will consist of Sunday morning and evening services; weekday training and teaching services; community assembly and other events on an intermittent basis. The church office will be staffed by volunteer workers from 9:00 AM to 8:00 PM, Monday through Friday, and occasionally on Saturday. One or two paid staff may be considered in the future. Sunday attendance is anticipated to be between 15 and 20, which is the size of the current congregation. The church, which will relocate from its current location in Wonder Valley, has a congregation of 20 people. The proposed sanctuary can accommodate up to 80 congregants. The project also proposes the installation of a four-foot high monument sign.

The proposed project is located in the unincorporated portion of the County of San Bernardino in the community of Twentynine Palms and within the Sphere of Influence (SOI) of the City of Twentynine Palms. The project site is situated on the east side of Godwin Road, approximately 650 feet north of Twentynine Palms Highway (SR 62). See **Figure 1** for a Regional Location Map and **Figure 2** for a Site Location Map. Godwin Road, a County maintained road, provides legal access to the site. The County's General Plan designates the project area as Rural Living, 5-acre minimum lot size (RL-5). Water will be provided to the project by an approved private well. An onsite wastewater treatment system is proposed to serve the sewage disposal needs of the project. The site is regulated by Biological Resources (Desert Tortoise-Category 3) and Airport Safety Review (AR-3) Overlay Districts.

FIGURE 1

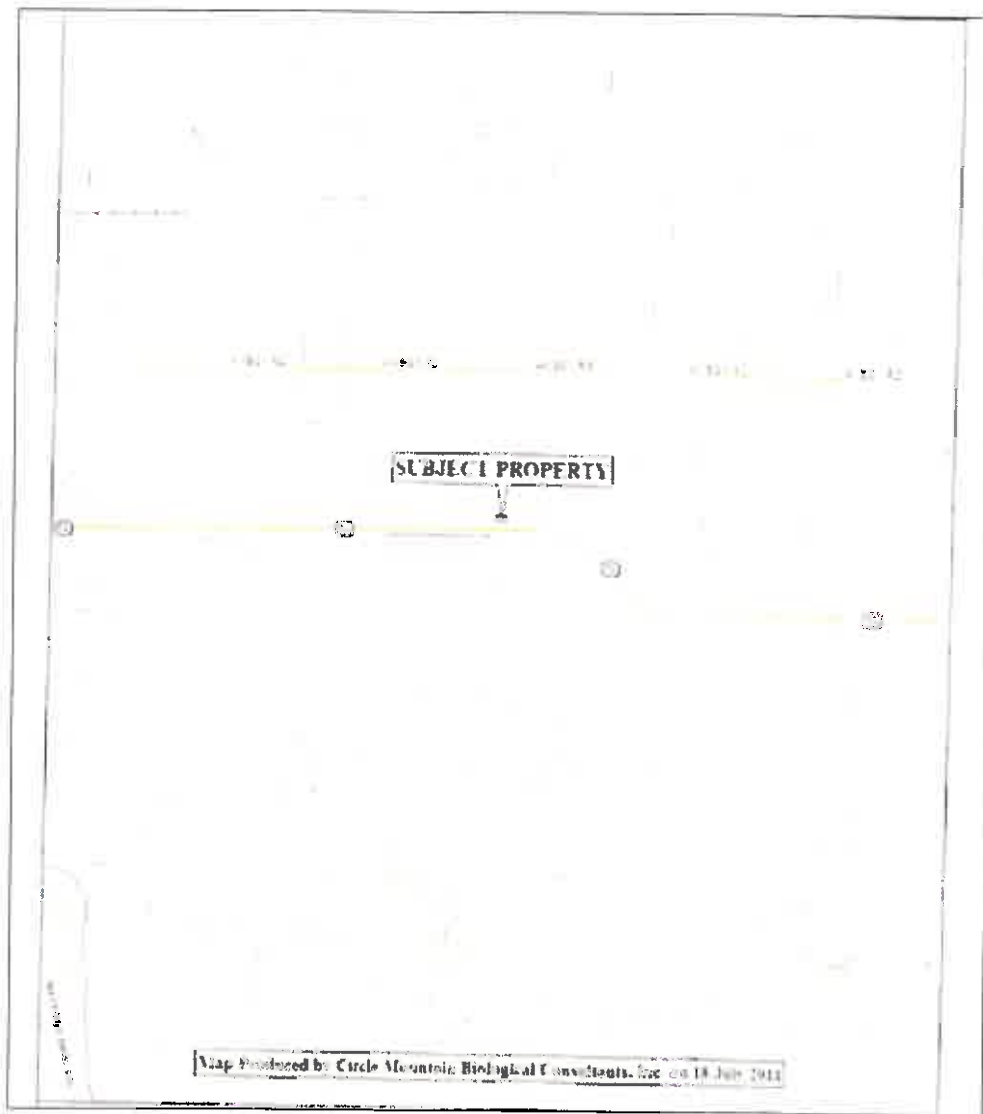


FIGURE 2



ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The proposed project site is a 5-acre, vacant parcel. Observable signs of human disturbance on the site or in adjacent areas include 220 off-road vehicle tracks, 27 roads, domestic dog signs, 6 dump sites and 5 shooting targets (old, rusted cans). The site terrain is relatively flat with no prominent ridges or hills and soils are gravelly with rocks in places. The site slopes minimally at less than 2% toward the east. Elevations range from 1,750 feet along the western boundary to 1,740 feet along the eastern boundary. Although a drainage course occurs north of the site, no USGS-designated blue line streams occur on the site. The on-site plant community is one common to the Mojave desert, best described as Mojavean creosote bush scrub. Five reptile, nine bird and nine mammal species were identified during a survey conducted on the site by Circle Mountain Biological Consultants. The surrounding area is characterized by vacant desert land and sparse residential development. The site is bordered on the north and west by single family dwellings, on the south by vacant land and recreational cabins and on the east by large vacant parcels.

AREA	EXISTING LAND USE	Land Use Zoning/Overlay Districts
Site	Vacant	RL-5, Biological Resources, Airport Safety (AR-3)
North	Single Family Residences	RL-5, Biological Resources, Airport Safety (AR-3)
South	Vacant/Recreational cabin	RL-5, Biological Resources, Airport Safety (AR-3)
East	Vacant	RL-5, Biological Resources, Airport Safety (AR-3)
West	Single Family Residence	RL-5, Biological Resources, Airport Safety (AR-3)

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Federal: United States Fish and Wildlife Services

State of California: Regional Water Quality Control Board, Colorado River Region; California Department of Fish and Game

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

Local: City of Twentynine Palms (water)

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on eighteen (18) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

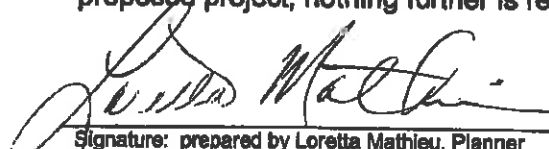
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

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



Signature: prepared by Loretta Mathieu, Planner

6/28/2012

Date



Signature: Heidi Duron, Supervising Planner

6/28/2012

Date

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
I. AESTHETICS - Would the project				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (Check if project is located within the view-shed of any Scenic Route listed in the General Plan):

- a) **Less Than Significant** The project site is located approximately 650 feet north of Twentynine Palms Highway (SR-62), a designated scenic highway in the County's General Plan. Because the General Plan defines a scenic corridor as being within 200 feet of a designated scenic highway, the proposed project is not bound by the requirements of this regulation due to its distance from the highway. No substantial adverse effect to a scenic vista is anticipated. Additionally, as a standard condition of approval, the project is required to provide landscaping along the perimeters of the property to serve as a visual buffer between the project and adjacent residential uses.
- b) **Less Than Significant** The proposed project will not substantially damage scenic resources, including but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway, because there are no rock outcroppings or historic buildings on the site.
- c) **Less Than Significant** The development of the proposed project would alter the existing visual character of currently vacant parcel. However, the visual change potential of the proposed church facility would be minimal as it would be consistent with development typically found in many rural communities. As a result, the scenic integrity of the areas surrounding this parcel would be affected slightly from its current state but would not be significantly impacted. As a condition of approval, the project is required to provide landscaping to screen the facility from neighboring properties. The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings, because, due to the scattered development in the surrounding area and the large expanses of vacant desert land, the proposed project site would not be visible from many areas normally accessed by the public.
- d) **Less Than Significant** The proposed project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. As a condition of project approval, any lighting proposed for the project will be hooded and downshielded to protect the road right-of-way and surrounding properties from any resultant glare as required by Section 83.07.040 – Glare and Outdoor Lighting – Mountain and Desert Regions

SIGNIFICANCE:

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

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

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

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

- a) **No Impact** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance on the maps prepared, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are currently no

agricultural uses on the site.

- b) **No Impact** The proposed use does not conflict with any agricultural land use or Williamson Act land conservation contract, as none exists for the site. The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The current General Plan land use designation for the proposed project area Rural Living (RL-5), which permits the development of Places of Worship/Public Assembly facilities with a CUP (Development Code Section 82.04). The proposed project site is not under a Williamson Act contract. There is no impact and no further analysis is warranted.
- c) **No Impact** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed project area is currently vacant land, which has never been designated as forest land or timberland. No rezoning of the project site would be required as the proposed use is compatible with the current zoning designation of RL-5. There is no impact and no further analysis is warranted.
- d) **No Impact** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed project site is vacant and covered with sparse desert vegetation. There is no impact and no further analysis is warranted.
- e) **No Impact** The subject property is designated Rural Living and the proposed use does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Prime Farmland to a non-agricultural use.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<p>III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a) **Less than Significant Impact** The Project site is located within the jurisdiction of the MDAQMP. The MDAQMD adopted the Mojave Desert Planning Area-Federal Particulate Matter Attainment Plan (Plan) in 1995 and the Ozone Attainment Plan in 2004. Air quality impacts would include construction exhaust emissions generated from construction equipment, vegetation clearing and earth movement activities, construction workers' commute and construction material hauling. These activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NOX), Reactive Organic Gases (ROG) or Volatile Organic Compounds (VOC), Sulfur Oxides (SOX), Particulate Matter less than 10 microns (PM10), and Particulate Matter less than 2.5 microns (PM2.5). The project construction activities also represent sources of vehicle re-entrained fugitive dust (which includes PM10), a potential concern because the proposed project is in a non-attainment area for ozone and PM-10. As a condition of approval, the project is required to provide paving (and/or dust-proof surfacing) and landscaping, which means that little or no wind-blown dust or particulate matter will leave the site. The County General Plan Land Use Zoning designation on the site is Rural Living. Since this project involves the development of a religious facility, it is consistent with the General Plan and is in compliance with the MDAQMP for development projects.
- b) **Less than Significant Impact with Mitigation Incorporated** The proposed project could violate an air quality standard or contribute substantially to an existing or projected air quality violation. However, construction-related increases in emissions of fugitive dust and exhaust from construction equipment and construction worker commute vehicles would be temporary and limited to the time required to construct the project. Additionally, operational activities associated with the project will

not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use(s) do not exceed established thresholds of concern as established by the MDAQMP. A dust control plan (DCP) is required as a mitigation measure to regulate construction or other activities that could create windblown dust. Construction painting activities will be restricted as a mitigation measure and additional design considerations are required where applicable to further reduce impacts. To reduce Reactive Organic Gas (ROG) emissions during construction, mitigation measures will be provided to reduce the project's impact in this regard to less than significant. As part of California Air Resources Board (CARB) requirements regarding emissions produced during the idling of diesel vehicles, standard requirements relating to this issue will also be included as part of operational emissions mitigation.

- c) **Less than Significant Impact** The proposed project would contribute criteria pollutants in the area during the short-term project construction period. None of the activities associated with the proposed religious facility would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). As discussed above, the project's contribution to criteria pollutants during the temporary construction period would be localized and mitigated to below a level of significance. As also indicated, operational activities would generate insubstantial quantities of air pollutants that are not deemed cumulatively considerable. Since no other sources of potential long-term air emissions would result, impacts would be less than significant with compliance with the conditions of approval and implementation of the required mitigation measures.
- d) **Less than Significant Impact** The MDAQMD defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities (MDAQMD 2007). Adjacent parcels are either vacant or contain uninhabited recreational cabins. The nearest schools, Twentynine Palms Middle School and Twentynine Palms Elementary, are approximately 6 miles away from the proposed project site. The project will not expose these sensitive receptors to substantial pollutant concentrations, because there are no identified concentrations of substantial pollutants associated with the project. No significant adverse impacts are identified or anticipated and no additional mitigation measures are required.
- e) **Less Than Significant Impact** The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors.

SIGNIFICANCE: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

AIR QUALITY MITIGATION MEASURES

AQ-1: AQ/Operational Mitigation. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)], including but not limited to:

- Equipment/vehicles shall not be left idling for periods in excess of five minutes.
- Engines shall be maintained in good working order to reduce emissions.
- Onsite electrical power connections shall be made available where feasible.
- Ultra low-sulfur diesel fuel shall be utilized.

- Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible.
- Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
- All transportation refrigeration units (TRUs) shall be provided electric connections.

AQ-2: Diesel Exhaust Control Measures. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:

- Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:
 - Idling when queuing
 - Idling to verify that the vehicle is in safe operating condition
 - Idling for testing, servicing, repairing, or diagnostic purposes
 - Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane)
 - Idling required to bring the machine system to operating temperature
 - Idling necessary to ensure safe operation of the vehicle
- Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U.S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.
- Maintain engines in good working order to reduce emissions.
- Signs shall be posted requiring vehicle drivers to turn off engines when parked.
- Any requirements or standards subsequently adopted by the South Coast Air Quality Management District, the Mojave Desert Air Quality Management District or the California Air Resources Board.
- Provide temporary traffic control during all phases of construction.
- On-site electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.
- Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.
- Contractors shall use ultra low-sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.

AQ-3: AQ-Dust Control Plan. The developer shall submit for review and obtain approval from County Planning of a Dust Control Plan consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include activities to reduce on-site and off-site dust production, including the following:

- Throughout grading/land disturbing and construction activities, exposed soil shall be kept moist through a minimum of twice daily watering to reduce fugitive dust.
- Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials.
- Site access driveways and adjacent streets will be washed, if there are visible signs of any dirt track-out at the conclusion of any workday.

- All trucks hauling dirt away from the site shall be covered to prevent the generation of fugitive dust.
- During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil will be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
- Storage piles that are to be left in place for more than three working days shall either be:
 - 1) Sprayed with a non-toxic soil binder, or
 - 2) Covered with plastic or
 - 3) Revegetated until placed in use.
- Tires of vehicles will be washed before leaving the site and entering a paved road.
- Dirt on paved surfaces shall be removed daily to minimize generation of fugitive dust.

AQ-4: Coating Restrictions. The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:

- Architectural coatings with Reactive Organic Compounds (ROC) shall not have a content greater than 100 g/l.
- Architectural coating volume shall not exceed the significance threshold for ROC, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
- High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings.
- Use precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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IV. **BIOLOGICAL RESOURCES** - Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

a) **Less Than Significant with Mitigation Incorporated** The project site is located in a semi-developed, residential area, in an area characterized as Category 3 habitat, the lowest priority management area for viable populations of the Agassiz's land tortoise. The site is not located within Desert Tortoise critical habitat, which was designated in 1994 (U.S. Fish and Wildlife Service 1994a), nor is it within a Desert Wildlife Management Area (DWMA) as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish And Wildlife Service 1994b). The nearest such areas are the Pinto Mountain Critical Habitat Unit and Desert Wildlife Management Area, which are located on the south side of Highway 62. Surveys for the proposed project were conducted by Ed LaRue of Circle Mountain Biological Consultants, Inc. (CMBC) on July 19 and 20,

2011 to determine the presence or absence of Desert Tortoise (see **Figure 3**). No tortoise sign was found either on site or in adjacent areas during this focused, protocol survey for the species. Based on the absence of tortoise sign, CMBC concluded that Desert Tortoise is absent from the subject property and adjacent survey areas. Additionally, there is little likelihood of wild tortoises entering the site from adjacent areas, either to pass through the site or to establish residency. To further reduce the potential for adverse impacts to the species, a preconstruction survey for tortoise will be incorporated into the conditions of project approval as a mitigation measure.

Although no other Special Status Species (U.S. Fish and Wildlife Service, 2002; California Department of Fish and Game, 2009a, 2010) were identified on site during the current survey and thus are not expected to be adversely affected by the project development, the feather of a burrowing owl was found approximately 500 meters north of the northwest corner of the site (see **Figure 4**). The only burrows found on site suitably large to accommodate burrowing owls were inhabited by round-tailed ground squirrels, but they were all active and no owl sign was observed. This feather indicates that burrow owls do occur in the vicinity, but the survey is sufficient to determine that they are absent from the site and that there are no suitable burrows present for use by burrowing owls in the immediate future. However, because burrowing owls are relatively mobile and have been seen in the general region, the project proponents will be required to have a preconstruction survey for burrowing owl completed prior to ground disturbance and/or grading permit issuance. This mitigation measure will reduce any potential adverse impact to a level below significant.

- b) **Less Than Significant with Mitigation Incorporated** The project's General Biological Resources Habitat Assessment (CMBC), which serves as a Desert Native Plant Assessment, identified 15 silver cholla (*opuntia echinocarpa*) on the subject property. The silver cholla is the only species found on site that may be subject to the California Native Desert Plant Act and compliance with the County Plant Protection Ordinance (see **Figure 4**). With implementation of the mitigation measures incorporated into the conditions of project approval, any potential adverse impact will be reduced to a level below significant.
- c) **Less Than Significant** The proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because no washes, California streambeds, federal waters or wetland features occur on the property.
- d) **No Impact** This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site.
- e) **Less Than Significant** Existing plant community on the site is one common to the Mojave desert and best described as Mojavean creosote bush scrub. Dominant perennials include creosote bush (*Larrea tridentate*), burrobush (*Ambrosia dumosa*) and white rhatany (*Krameria grayi*). As a standard condition of approval, the project will be required to comply with any local policies or ordinances protecting biological resources, such as those related to tree preservation. The removal or relocation of any trees or plants must comply with the County's Desert Native Plant Protection ordinance and the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.)

- f) **Less Than Significant** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site. The site is within the proposed boundary of the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert. This interagency habitat conservation plan remains under review.

FIGURE 3

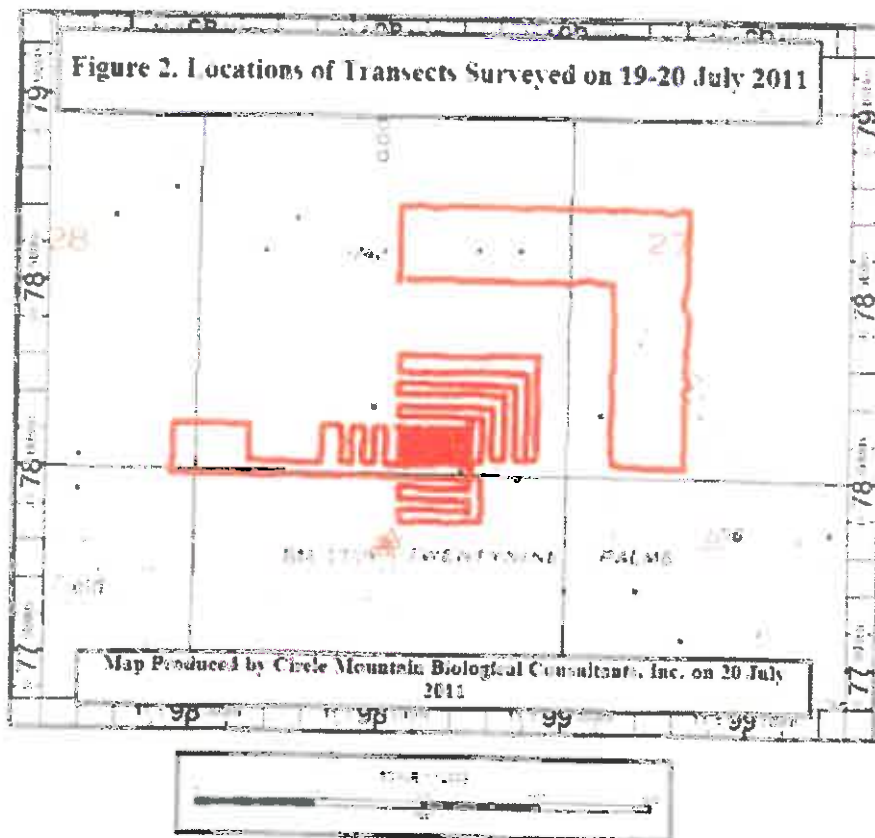
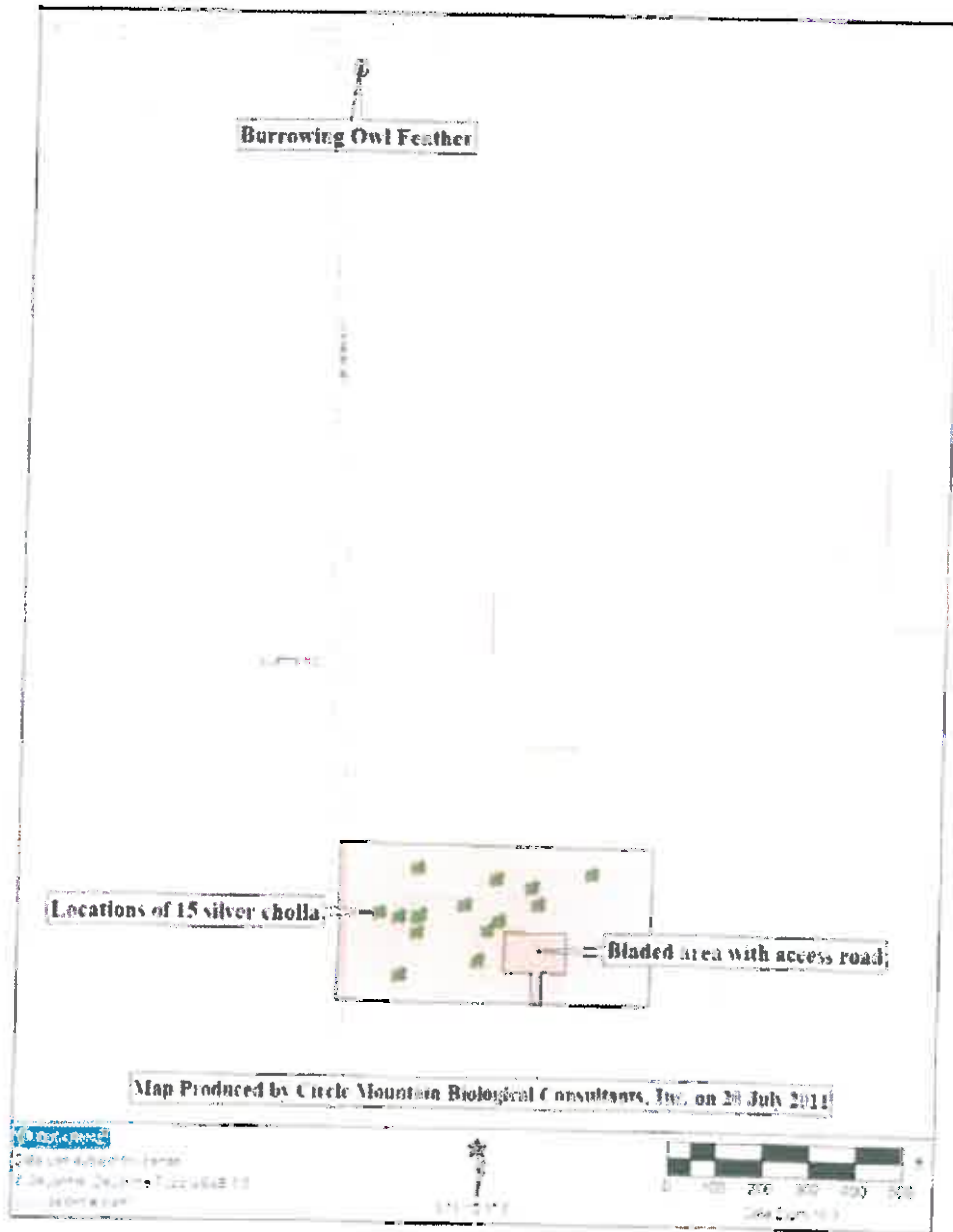


FIGURE 4



SIGNIFICANCE

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

BIOLOGICAL MITIGATION MEASURES:

BIO-1: Desert Tortoise. Although a General Biological Survey-Focused Survey for Desert Tortoise found no evidence of any special-status species on site, if a desert tortoise is observed during ground disturbance, all activities that could harm the animal shall be immediately halted. The U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted to determine appropriate action.

BIO-2: Burrowing Owl. Prior to and within thirty days of any ground disturbance, pre-construction surveys for Burrowing Owls and their active burrows shall be completed in accordance with California Department of Fish and Game protocol. A report evaluating the effects of the proposed project shall be submitted to the County Planning Division for review prior to ground disturbance and/or grading permit. The report shall include a discussion of survey methodology, results, conclusions, recommendations and a map showing the location of the site. Required mitigation measures must be adopted and approved by the County Planning Division in conjunction with the California Department of Fish & Game.

BIO-3: Native Plants. Prior to any land disturbance (e.g. grading or land clearance) the developer shall obtain a preconstruction inspection and approval from the Building and Safety Division that said land disturbance will not result in the removal of any regulated native tree or plant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a) **Less Than Significant** This project will not cause a substantial adverse change in the significance of a historical resource, because there are no such resources that have been identified in the vicinity of the project. To further reduce the potential for impacts, a precautionary condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- b) **Less Than Significant** This project will not cause a substantial adverse change to an archaeological resource, because there are no such resources that have been identified in the vicinity of the project. To further reduce the potential for impacts, a precautionary condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- c) **Less Than Significant** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because there are no such resources that have been identified in the vicinity of the project. To further reduce the potential for impacts, a precautionary condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- d) **Less Than Significant** This project will not disturb any human remains, including those interred outside of formal cemeteries, because there are no such burials grounds that have been identified in the vicinity of the project. If any human remains are discovered, during construction of this project, the developer is required to contact the County Coroner, County Museum for determination of appropriate mitigation measures and a Native American representative, if the remains are determined to be of Native American origin.

SIGNIFICANCE

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off- site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (Check if project is located in the Geologic Hazards Overlay District)

- a) **Less Than Significant** (i-iv) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) Seismic-related ground failure, including liquefaction or iv) Landslides, because there are no such geologic hazards identified in the immediate vicinity of the project site. Additionally, the project will be reviewed and approved by the County Building and Safety with appropriate seismic standards incorporated.
- b) **Less Than Significant** The project will not result in substantial soil erosion or the loss of topsoil, because the developed portion of the site will be paved and/or landscaped. Erosion control plans are required to be submitted, approved, and implemented.

- c) **Less Than Significant** The project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off- site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- d) **Less Than Significant** The project site is not located in an area that has been identified in Table 18-1-B of the California Building Code (2001) or by the County Building and Safety Geologist as having the potential for expansive soils.
- e) **Less Than Significant** The project has soils that are capable of supporting septic tanks. The proposed on-site septic system will require clearance from both Colorado River Basin Regional Water Quality Control Board and the County Division of Environmental Health Services.

SIGNIFICANCE:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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VII GREENHOUSE GAS EMISSIONS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- a) **Less Than Significant** The project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed project is consistent with the Greenhouse Gas (GHG) Emissions Reduction Plan, adopted by the County on December 6, 2011. The proposed use and size of the project is expected to produce far less than the threshold of 3,000 metric tons of carbon dioxide equivalent (CO₂e) [average amount of GHG produced annually by 60 to 75 residences]. GHG emissions from the project will be further reduced with implementation of the mitigation measures listed in the Air Quality section of this document.
- b) **Less Than Significant** Although it is recognized that small increases in GHG emissions associated with construction and operation of the proposed project would contribute to regional increases in GHG emissions, the project's anticipated GHG emissions will not exceed the County's established thresholds and standards for determining whether a project's GHG emissions are significant.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- a) **Less Than Significant** The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because the only hazardous materials anticipated to be used are petroleum products for construction equipment. Any use or activity that might use other hazardous materials will be subject to further permitting. Such permit would be subject to review and approval by the Hazardous Materials Division of the San Bernardino County Fire Department

Christian Evangelistic Assoc. Inc.
P201100240/CUP

- b) **Less Than Significant** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because no such hazards are anticipated to be located on the project site.
- c) **Less Than Significant** Twentynine Palms Elementary and Twentynine Palms Middle Schools are approximately 6 miles away from the proposed project site. However, emissions that might be generated from the dispensing of fuel are required to meet State and Federal emission standards for filtering and containment so as to have no adverse impact within the project area. The handling and storage of fuels on site is required to comply with County Fire Department Hazardous Materials Division requirements and other State and Federal regulations.
- d) **No Impact** The site is not on the CAL/EPA Facility Inventory Data Base Hazardous Waste and Substances Sites List dated April 18, 1998, as summarized by the County of San Bernardino Land Use Services Department. Therefore, the project would not create a significant hazard to the public or environment.
- e) **Less Than Significant** The proposed project area is located approximately ~~8 miles~~ 650 feet northeast of the Twentynine Palms Airport. Development near the airport is governed by the 1992 Twentynine Palms Airport ACLUP. The project site is within Safety Review Area 3 (AR3), the least restrictive of the County's three Safety Review Areas. The Airport Comprehensive Land Use Plan (ACLUP) does not allow development involving public assembly within the Transitional Surface area, one of the four imaginary surfaces for civil airports that ensures public safety and protection of airspace. The northern boundary line of the referenced Transitional Surface area runs through the project site, generally from southwest to northeast, bisecting the site diagonally. Development involving public assembly is allowed to the north of this line only. The proposed assembly and office building are located to the north of the Transitional Surface area. The proposal has been reviewed by the County Airports Department, which recommends approval of the project as designed. The ACLUP states that the development of a church facility is conditionally acceptable if a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the project design. Conventional construction with closed windows and fresh air supply systems or air conditioning will normally suffice. The project would not include housing or any permanent employees onsite. Therefore, with compliance with the standard conditions of approval, there would not be any significant impacts related to residents or workers located in the vicinity of an airport.
- f) **Less Than Significant** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The nearest private airstrip is Crosswinds Airport, which is approximately 4 miles west of the project site. Therefore, the project would not result in a safety hazard for the people residing or working within the project area.
- g) **Less Than Significant** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two access points, Twentynine Palms Hwy and Two Mile Road, via Godwin Road.
- h) **Less Than Significant** The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because the site is not adjacent to any major fuel source. The project proponents are required to meet requirements of the Fire Department and shall comply with the current Uniform Code requirements for fuel modification. All construction must meet the requirements of the Fire Department and shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards (such as use of specific building materials, fuel modification areas, building separations, etc.) of the Fire Department.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IX. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structure, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- a) **Less than Significant** The project will not violate any water quality standards or waste discharge requirements, because the project will be served by an established water purveyor, Twentynine Palms Water District, subject to independent regulation by local and state agencies that ensure compliance with water quality requirements or by a County approved private well. The proposed on-site septic system will be reviewed and approved by both the Colorado Basin Regional Water Quality Control Board and the County Division of Environmental Health Services (DEHS). Therefore, there will be no potentially significant impacts in this area.
- b) **Less than Significant** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the proposed private well is required to meet water quality and quantity standards as approved by DEHS. The project proponent is required to submit test results showing that the water source meets water quality and quantity standards to DEHS for review and approval.
- c) **No Impact** The project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off- site, because the project does not propose the substantial alteration to a drainage pattern, stream or river and the project is required to submit and implement an erosion control plan. Based on a review by County Public Works, natural drainage patterns on the site do not appear to present a potential flooding hazard and any such drainage courses must remain unoccupied and unobstructed. An additional condition will require that the project incorporate Low Impact Design (LID) concepts, such as pervious surfaces in the parking area and bio-swales in planting areas, to further facilitate drainage.
- d) **No Impact** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off- site, because the project does not propose any substantial alteration to a drainage pattern, stream or river. County Public Works has reviewed the proposed project's drainage and determined that additional drainage improvements are not needed as a result of the proposed project. Furthermore, the project will incorporate Low Impact Design (LID) concepts on the project site, including pervious surfaces in the parking area and/or bio-swales in planting areas. Therefore, there will be no potentially significant impacts in this area.
- e) **Less than Significant** The project will not create or contribute water runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, because County Public Works has reviewed the proposed project's drainage and has determined that the proposed systems are adequate to handle the anticipated flows. There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity, or direction of stormwater flows originating from or altered by the project.
- f) **Less than Significant** The project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including erosion control measures are required.

- g) **Less than Significant** The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, because no housing is proposed. County Public Works has reviewed the project and has determined that the project is not within a special flood hazard area. All future construction must meet the requirements of the County Public Works, Land Development Division.
- h) **Less than Significant** The project will not place within a 100-year flood hazard area structures that would impede or redirect flood flows, because County Public Works has reviewed the project and determined that the site is not located within a 100-year flood hazard. All future construction must meet the requirements from the County Public Works, Land Development Division.
- i) **No Impact** The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, because the site is not located within a 100-year flood hazard area. As stated in VIII g), County Public Works has reviewed the project and has determined that the site is not located within a 100-year flood hazard. All future construction must meet the requirements from the County Public Works, Land Development Division. Therefore, there will be no potentially significant impact in this area.
- j) **No Impact** The project will not be impacted by inundation by seiche, tsunami, or mudflow, because the project is not adjacent to any body of water that has the potential of seiche or tsunami nor is the project site in the path of any potential mudflow.

SIGNIFICANCE:

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

X. LAND USE AND PLANNING - Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- a) **No Impact** The project would not physically divide an established community, because the project is located in an unincorporated part of the County that is sparsely developed with single family residences and it would occupy a parcel that is currently vacant. The project would not require the abandonment or relocation of any public rights-of-way, nor would it create an impediment for residents in the project area. Therefore, there would be no impact related to the dividing of an established community.
- b) **Less than Significant** The current General Plan land use zoning designation for the proposed project area is RL, which allows development of a church and community center with a CUP; therefore, there is no impact associated with a conflict with the General Plan land use zoning designation for the site. The project site is also within a Safety Review Area 3 for the Twentynine Palms Airport ACLUP. The ACLUP states that the development of the church facility is "normally acceptable" within Safety Review Area 3; ~~therefore, there is no impact associated with a conflict with the ACLUP. There are no other applicable plans adopted for the purpose of avoiding or mitigating an environmental effect that govern land use at the site. There is no impact and no further analysis is warranted.~~ however, there are airspace hazard considerations discussed under section VIII Hazards.
- c) **No Impact** The project will not conflict with any applicable habitat conservation plan or natural community conservation plan, as there is no habitat conservation plan or natural community conservation plan within the area surrounding the project site and no habitat conservation lands are currently required to be purchased as mitigation for the proposed project. A West Mojave Habitat Conservation Plan (HCP) for private lands is in preparation, and has not yet been approved by local or State agencies. Should the West Mojave HCP for development on private lands be adopted prior to implementation of the project, any future development would have to be consistent with its conditions.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incomp.	Less than Significant	No Impact
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

XI a) **No Impact** The USGS Mineral Resources Spatial Data Mapper indicates that no metallic or nonmetallic mineral resources have been mapped on the proposed project area. In addition, no active mines or mining claims are located on or in the immediate vicinity of the project site. Implementation of the proposed project would not result in the loss of any known mineral resources on the proposed site. No further analysis is warranted.

XI b) **No Impact** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there is no such recovery site or any known important mineral resources on the project site.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XII. NOISE - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **Less Than Significant** Activities of the proposed church and community center will normally be conducted during weekdays from 9 am to 8 pm and on Sunday mornings and evenings, which may generate increases in noise from vehicles visiting the site. As a condition of project approval, County Division of Environmental Health Services (DEHS) will require the completion of a preliminary acoustical report that identifies the project's noise impacts. If the report identifies significant impacts, recommendations to attenuate or mitigate these impacts will be required. To further ensure that noise levels do not exceed County standards, the installation of landscape buffers and/or screening walls to help minimize the noise effects on adjacent residentially developed properties will be required as a condition of project approval.
- b) **No Impact** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels, because the project is required to comply with the vibration standards of the County Development Code and no vibration exceeding these standards is anticipated to be generated by the proposed use.

- c) **Less Than Significant** The project has the potential to generate a permanent increase in ambient noise levels in the project vicinity above levels existing or allowed without the project when church functions and services are in session or when community events take place. These activities will be conducted for relatively short periods of time on Sundays or intermittently during weekdays. However, as a condition of project approval, the project is required to comply with the noise standards of the County Development Code. Therefore, any increase in ambient noise levels generated by the project will be negligible.
- d) **Less Than Significant With Mitigation** Sensitive noise receptors in the vicinity include several residences sparsely scattered throughout the area surrounding the project site. Without mitigation, noise generated from the proposed project could temporarily exceed standards established in the General Plan or Noise Ordinance, or applicable standards of other agencies. Specifically, construction of the proposed project may potentially create some elevated short-term construction noise impacts from construction equipment between the hours of 7 a.m. and 7 p.m. Section 83.01.080(g)(3) specifically exempts "temporary construction, maintenance, repair, or demolition activities" from County noise standards, when such activities occur between 7 a.m. and 7 p.m., excluding Sundays and federal holidays." Additionally, with implementation of Mitigation Measure N-1, no significant impacts are anticipated. The mitigation measure ensures that noise generation from construction equipment/vehicle operation would be limited to daytime hours and would be localized, temporary, and transitory in nature.
- e) **Less Than Significant** The proposed project area is located approximately 8 miles 650 feet northeast of the Twentynine Palms Airport. Development near the airport is governed by the 1992 Twentynine Palms Airport ACLUP. The project site is within Airport Safety Review Area 3, the least restrictive of the airport's three Safety Review Areas. The Airport Comprehensive Land Use Plan (ACLUP) does not allow development involving public assembly within the Transitional Surface area, one of the four imaginary surfaces for civil airports that ensures public safety and protection of airspace. The northern boundary line of the referenced Transitional Surface area runs through the project site, generally from southwest to northeast, bisecting the site diagonally. Development involving public assembly is allowed to the north of this line only. The proposed assembly and office building are located to the north of the Transitional Surface area. The proposal has been reviewed by the County Airports Department, which recommends approval of the project as designed. The ACLUP states that the development of a church is "normally acceptable" within Safety Review Area 3. The project would not include housing or any permanent onsite employees. Therefore, because the site would not include residents or permanent employees, the project would not expose people residing or working in the project area to excessive noise levels.
- f) **No Impact** The project is not within the vicinity of a private airstrip. The nearest private airstrip is Crosswinds Airport, which is approximately 4 miles west of the project site. Therefore, the project will not expose people residing or working in the project area to excessive noise levels.

SIGNIFICANCE:

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

NOISE

Mitigation Measure N-1

Construction Impacts. 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 activities shall be limited to weekdays and Saturday between 7 a.m. and 7 p.m. No construction, other than interior finish work shall be conducted any time on Sundays or Federal holidays.**
- **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 nearest the project site.**

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIII. POPULATION AND HOUSING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

- a) **Less Than Significant** The project will not induce substantial population growth in an area either directly or indirectly. The membership of the proposed church is comprised of residents from the surrounding community. The construction and occupancy of the project may create a few new employment opportunities, which could generate a need for housing for new employees. However, when considering the unemployment rate for the area, the proposed project will likely draw from the local employment base for most of its workers. Therefore, the potential for substantial population growth in the area is less than significant and the existing and currently developing housing stock should accommodate the housing needs for those employed by the type of jobs generated by the project.
- b) **No Impact** The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing because no housing units will be removed as a result of the project
- c) **No Impact** The proposed use will not displace a substantial number of people necessitating the construction of replacement housing elsewhere, because the project will not displace any existing housing or existing residents. The project site is currently vacant.

SIGNIFICANCE:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIV. PUBLIC SERVICES

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

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

SUBSTANTIATION

- a) **Less Than Significant** The proposed project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities. These services are existing and available to accommodate the requirements of the proposed project. Therefore, there will be no potentially significant impact in this area.

SIGNIFICANCE:

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

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

SUBSTANTIATION

- a) **Less Than Significant** The proposed project will not increase the use of any existing parks and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the impacts generated by construction workers or the employees of this project will be minimal..
- b) **Less Than Significant** The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the type of project that is proposed will not result in an increased demand for recreational facilities.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- a) **Less Than Significant** The project will not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, because County Public Works-Traffic Division calculated the proposed church's traffic generation to be no more than 59 peak hour trips per day. This minimal increase in the number of vehicle trips, the volume to capacity ratio on roads, and the congestion level at intersections will remain below the planned thresholds of concern for those facilities. Therefore, there will be no potentially significant impacts in this area and no mitigation is required.
- b) **Less Than Significant.** The project will not exceed, either individually or cumulatively, a level of service (LOS) standard established by the county congestion management agency for designated roads or highways. County Public Works – Traffic Division has reviewed the traffic generation of the proposed project and the conclusion of that review is that traffic service will remain at an LOS of "C" or better, as required by the County General Plan.
- c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because the nearest airport, Twentynine Palms Airport, is approximately 8 miles away from the project site. The will have no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed use and no new traffic facilities are proposed.

- d) **No Impact** The project will not substantially increase hazards due to a design feature or incompatible uses. The project site is adjacent to an established road, Godwin Road, which is accessed at points with good sight distance properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses.
- e) **No Impact** The project will not result in inadequate emergency access, because there is access from a minimum of two directions, Twentynine Palms Hwy via Godwin Road.
- f) **No Impact** The project will not result in inadequate parking capacity, because the project is required to meet the parking standards established by the County Development Code for places of worship and public assembly.
- g) **No Impact** The project will not conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks), because, although the Morongo Basin Transit Authority (MBTA) provides bus service within the city of Twentynine Palms, it provides only limited service within the vicinity of the project. The proposed project will not affect this existing service.

SIGNIFICANCE:

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new, or expanded, entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- a) **No Impact** The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Colorado River Basin Region (RWQCB), as determined by the County Division of Environmental Health Services (EHS) because the project will utilize an onsite septic system for its wastewater needs. Clearance from EHS and the RWQCB will be required prior to the issuance of building permits. Therefore, there will be no potentially significant impact in this area.

- b) **No Impact** The proposed project will not require or result in the construction of new water or wastewater facilities, because an on-site septic system (which will be reviewed and approved by the County Division of Environmental Health Services based on requirements by the Colorado River Basin Region Water Quality Control Board) will provide the wastewater system for the proposed facility. Water will be provided by a DEHS approved onsite private well. Therefore, there will be no potentially significant impact in this area.
- c) **No Impact** The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that would cause significant environmental effects as County Public Works has determined that there is sufficient capacity in the existing storm water system to absorb any additional stormwater drainage caused by the development of this project. Additionally, to further reduce these impacts, the project will incorporate Low Impact Design (LID) concepts, including pervious surfaces in the parking area and/or bioswales in planting areas. Therefore, there will be no potentially significant impact in this area.
- d) **No Impact** The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources. The Twentynine Palms Water District has adequate water service capacity to serve the projected demand of the project, in addition to the provider's existing commitments. However, the project does not propose connection to or service from the district as it will utilize an on-site private well that will be approved and permitted by DEHS. Therefore, there will be no potentially significant impact in this area.
- e) **No Impact** The project proposes the use of an on-site septic system and project proponents will be required to obtain clearance from the County Environmental Health Services Division based on requirements by the Colorado River Basin Regional Water Quality Control Board. Therefore, there will be no potentially significant impact in this area.
- f) **No Impact** The project will be served by the 29 Palms Transfer Station and the Landers Landfill which, according to the County's Integrated Waste Management Plan and the Landers Landfill Solid Waste Facilities Permit, have sufficient permitted capacity to accommodate the project's solid waste disposal needs through 2018 and beyond.
- g) **No Impact** The proposed project will be required to comply with federal, state, and local statutes and regulations related to solid waste so there will be no significant impact in this area.

SIGNIFICANCE:

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

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

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

SUBSTANTIATION

- a) **Less Than Significant with Mitigation** Potentially significant impacts have been identified in the areas of Air Quality, Biological Resources and Noise. However, implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory with adherence to the required mitigation measures discussed within this Initial Study.
- b) **Less Than Significant** The project will not have impacts that are individually limited, but cumulatively considerable. Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The *CEQA Guidelines*, Section 15130 (a) and (b), states:
- a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

There are currently no significant projects identified in the vicinity of the proposed project. Compliance with the conditions of approval issued for the development will further assure that the potential for cumulative impacts will remain below the level of significant. The project can be adequately served by all existing services and infrastructure.

Potentially affected biological resources were categorized and addressed in accordance with their sensitivity (i.e., scarcity), significance (i.e., importance to habitat functions and values), and role in ecosystem sustainability (i.e., contribution to biological diversity). In this manner, all resources potentially affected are considered; however, focus is placed on those resources upon which cumulative impacts potentially have the greatest cause-and-effect implications. In summary, potentially significant cumulative impacts are anticipated for the same resource areas subject to project-specific effects (i.e., sensitive plant communities, desert tortoise and burrowing owl). However, the project mitigation measures and design features are sufficient to reduce the project's incremental contributions to levels that are less than significant.

- c) **Less Than Significant** Because the project site is adjacent to an improved roadway and the property has been previously cleared of all vegetation, potential new impacts to the already disturbed environment are negligible, and all impacts associated with traffic, parking and circulation will be conditioned so that potential impacts are less than significant. Although during the project's construction phase, noise and air emissions may constitute a nuisance, they will be short-term in nature and mitigated when the standard conditions set by County, State and/or Federal law are implemented. The incorporation of design features and compliance with County of San Bernardino policies, standards and guidelines will ensure that there would be no substantial adverse effects on human beings, either directly or indirectly.

Only minor increases in traffic, emissions and noise will be created by implementation of the proposed project. These potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse affects upon the region, the local community or its inhabitants. The County reviewed the project to address traffic and ingress/egress concerns and, at a minimum, the project will be required to meet the conditions of approval and implement the mitigation measures required for the project.

The analysis presented herein indicates that the project has the potential to result in environmental impacts that may cause direct or indirect adverse effects on humans or the environment in the following areas: air quality, biological resources and noise. Mitigation Measures have been identified to deal with these issues. Implementation of these measures can reduce the potential environmental impacts to a non-significant level.

SIGNIFICANCE:

Potentially significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

XVIII. MITIGATION MEASURES (Any mitigation measures which are not 'self-monitoring', shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition Compliance will be verified by existing procedure [CCRF].)

MITIGATION MEASURES:

AIR QUALITY

AQ-1: AQ/Operational Mitigation. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)], including but not limited to:

- Equipment/vehicles shall not be left idling for periods in excess of five minutes.
- Engines shall be maintained in good working order to reduce emissions.
- Onsite electrical power connections shall be made available where feasible.
- Ultra low-sulfur diesel fuel shall be utilized.
- Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible.
- Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
- All transportation refrigeration units (TRUs) shall be provided electric connections.

AQ-2: Diesel Exhaust Control Measures. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:

- Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:
 - Idling when queuing
 - Idling to verify that the vehicle is in safe operating condition
 - Idling for testing, servicing, repairing, or diagnostic purposes
 - Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane)
 - Idling required to bring the machine system to operating temperature
 - Idling necessary to ensure safe operation of the vehicle
- Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U.S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.
- Maintain engines in good working order to reduce emissions.
- Signs shall be posted requiring vehicle drivers to turn off engines when parked.
- Any requirements or standards subsequently adopted by the South Coast Air Quality Management District, the Mojave Desert Air Quality Management District or the California Air Resources Board.
- Provide temporary traffic control during all phases of construction.
- On-site electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.
- Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.
- Contractors shall use ultra low-sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.

AQ-3: AQ-Dust Control Plan. The developer shall submit for review and obtain approval from County Planning of a Dust Control Plan consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include activities to reduce on-site and off-site dust production, including the following:

- Throughout grading/land disturbing and construction activities, exposed soil shall be kept moist through a minimum of twice daily watering to reduce fugitive dust.
- Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials.
- Site access driveways and adjacent streets will be washed, if there are visible signs of any dirt track-out at the conclusion of any workday.
- All trucks hauling dirt away from the site shall be covered to prevent the generation of fugitive dust.
- During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil will be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
- Storage piles that are to be left in place for more than three working days shall either be:
 - 1) Sprayed with a non-toxic soil binder, or
 - 2) Covered with plastic or
 - 3) Revegetated until placed in use.
- Tires of vehicles will be washed before leaving the site and entering a paved road.
- Dirt on paved surfaces shall be removed daily to minimize generation of fugitive dust.

AQ-4: Coating Restrictions. The developer shall submit for review and obtain approval from County Planning of a Coating Restriction Plan (CRP), consistent with MDAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the CRP. The CRP measures shall be implemented to the satisfaction of County Building and Safety. These shall include, but are not be limited to:

- Architectural coatings with Reactive Organic Compounds (ROC) shall not have a content greater than 100 g/l.
- Architectural coating volume shall not exceed the significance threshold for ROC, which is 75 lbs. /day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day.
- High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings.
- Use precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coatings.

BIOLOGICAL

BIO-1: Desert Tortoise. Although a General Biological Survey-Focused Survey for Desert Tortoise found no evidence of any special-status species on site, if a desert tortoise is observed during ground disturbance, all activities that could harm the animal shall be immediately halted. The U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted to determine appropriate action.

BIO-2: Burrowing Owl. Prior to and within thirty days of any ground disturbance, pre-construction surveys for Burrowing Owls and their active burrows shall be completed in accordance with California Department of Fish and Game protocol. A report evaluating the effects of the proposed project shall be submitted to the County Planning Division for review prior to ground disturbance and/or grading permit. The report shall include a discussion of survey methodology, results, conclusions, recommendations and a map showing the location of the site. Required mitigation measures must be adopted and approved by the County Planning Division in conjunction with the California Department of Fish & Game.

BIO-3: Native Plants. Prior to any land disturbance (e.g. grading or land clearance) the developer shall obtain a preconstruction inspection and approval from the Building and Safety Division that said land disturbance will not result in the removal of any regulated native tree or plant.

NOISE

Mitigation Measure N-1

N-1: Construction Impacts. 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 activities shall be limited to weekdays and Saturday between 7 a.m. and 7 p.m. No construction, other than interior finish work shall be conducted any time on Sundays or Federal holidays.
- 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 nearest the project site.

GENERAL REFERENCES (List author or agency, date, title)

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)
California Department of Water Resources, California's Groundwater Bulletin #118 Update, 2003.
CEQA Guidelines, Appendix G
California Standard Specifications, July 1992
County Museum Archaeological Information Center
County of San Bernardino Development Code, 2007, amended 2008
County of San Bernardino General Plan, adopted 2007, revised 2008
County of San Bernardino Hazard Overlay Map: FJ17
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998
County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995
County of San Bernardino, June 2004, *San Bernardino County Stormwater Program, Model Water Quality Management Plan Guidance*.
County of San Bernardino Road Planning and Design Standards
Environmental Impact Report, San Bernardino County General Plan, 2007
Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995
Mojave Desert Air Quality Management District, 2004 Ozone Attainment Plan, June 2007
Mojave Desert Air Quality Management District, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, June 2007
Mojave Desert Air Quality Management District, Draft 8-hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area), June 2008
South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993

PROJECT SPECIFIC STUDIES

Circle Mountain Biological Consultants, Inc., Focused Survey for Agassiz's Land Tortoise, Habitat Assessment for Western Burrowing Owl, and General Biological Resource Assessment, prepared by Edward L. LaRue, Jr., July, 2011

EXHIBIT D

**GENERAL BIOLOGICAL
AND
DESERT TORTOISE REPORTS**

**Focused Survey for Agassiz's Land Tortoise,
Habitat Assessment for Western Burrowing Owl, and
General Biological Resource Assessment for a
5-acre± Site (APN 0625-221-31) in the Vicinity of Twentynine Palms,
San Bernardino County, California**

(U.S. Geological Survey 7.5' Valley Mountain quadrangle, Township 1 North, Range 10
East, a portion of the Southwest ¼ of Section 27, S.B.B.&M.)

Job#: 11-011

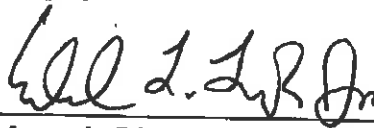
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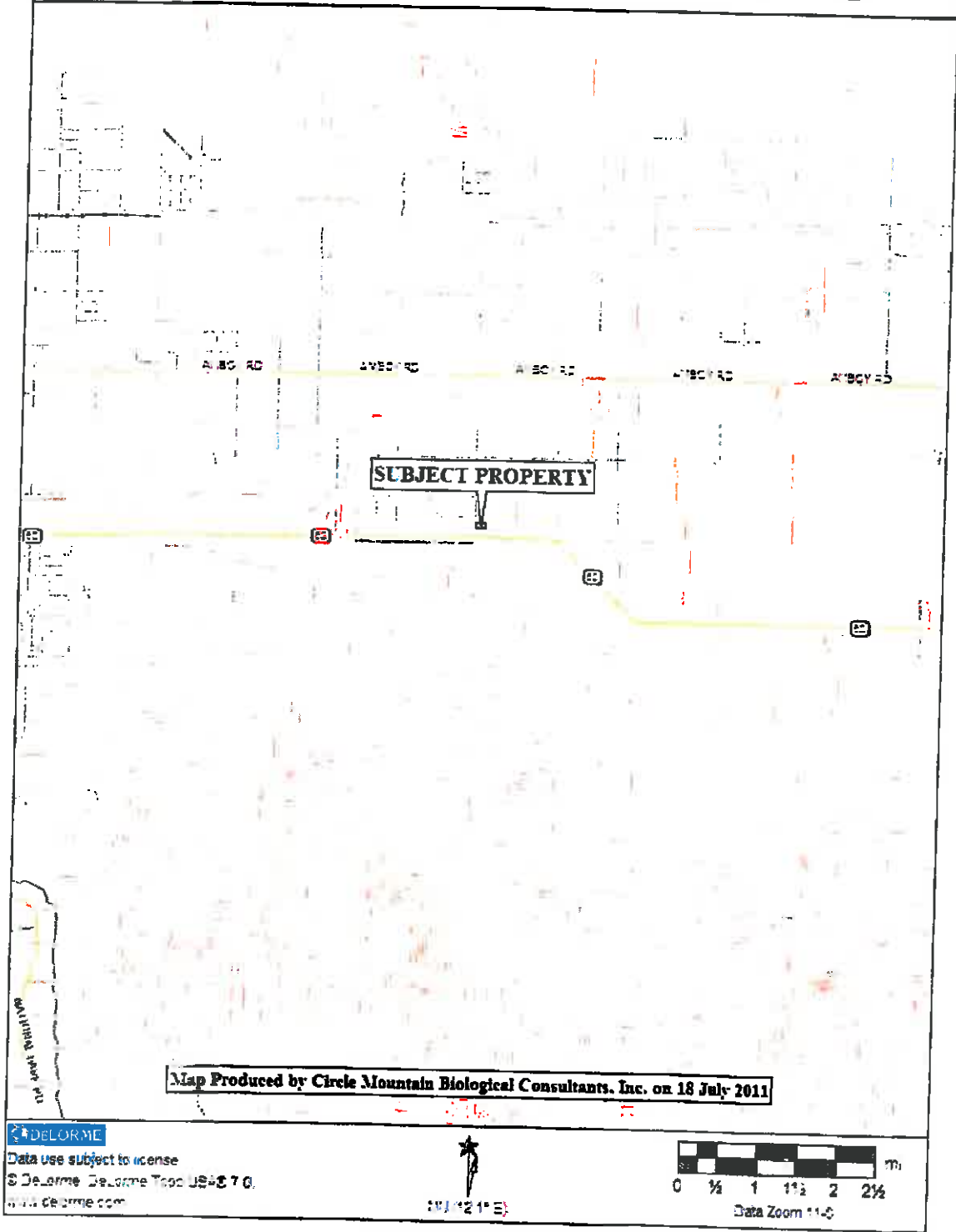
I hereby certify that the statements furnished herein, including attached exhibits, present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Field work conducted for this assessment was performed by me or under my direct supervision. I certify that I have not signed a nondisclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.



Circle Mountain Biological Consultants, Inc.
Author and Field Investigator: Edward L. LaRue, Jr.

July 2011

Figure 1. APN 0625-221-31: Vicinity Map



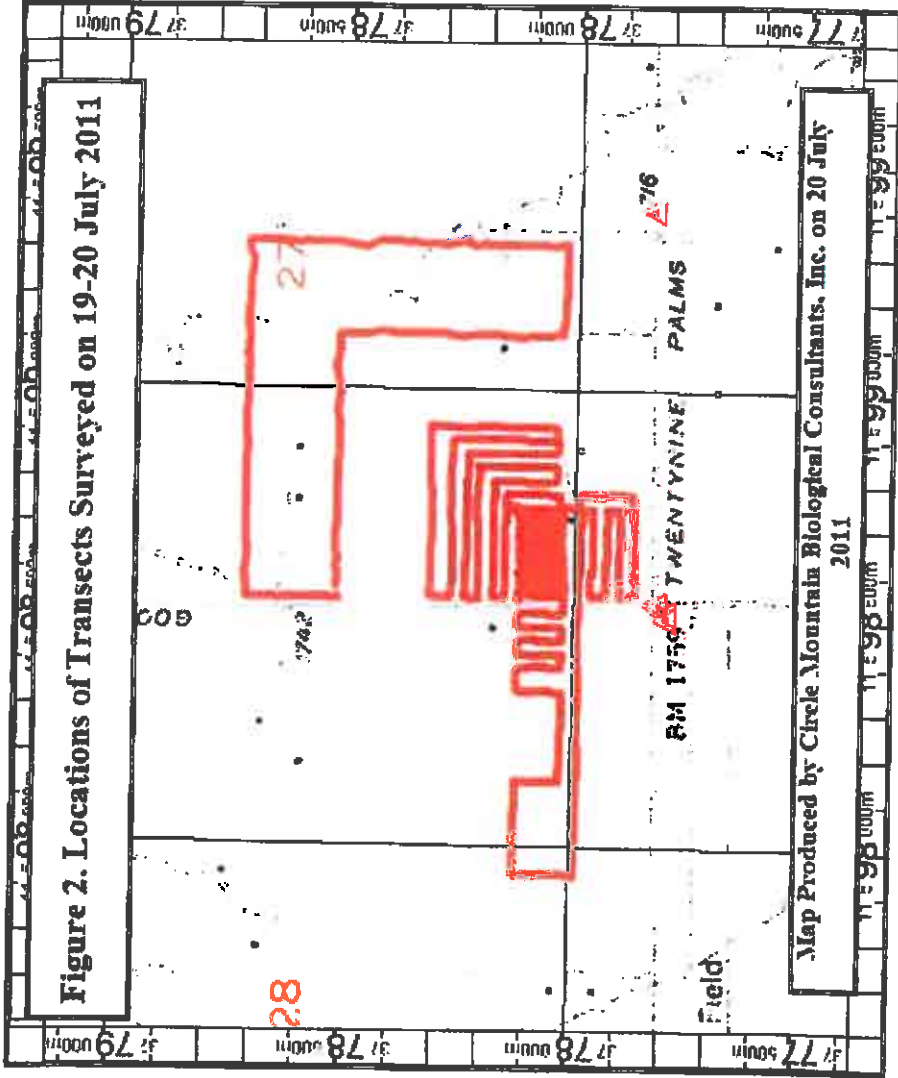


Figure 2. Locations of Transects Surveyed on 19-20 July 2011

Figure 3. APN 0625-221-31: Site Map

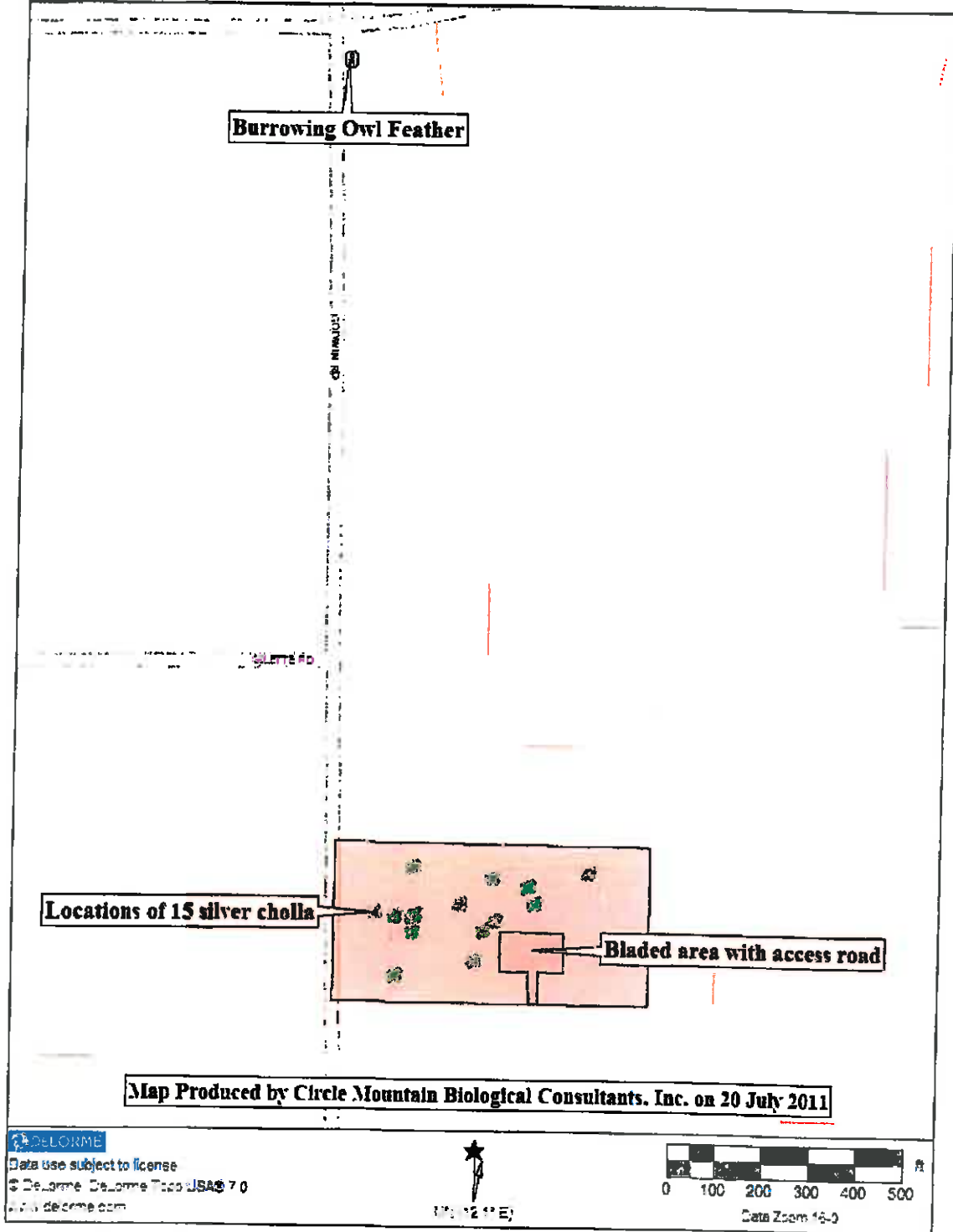
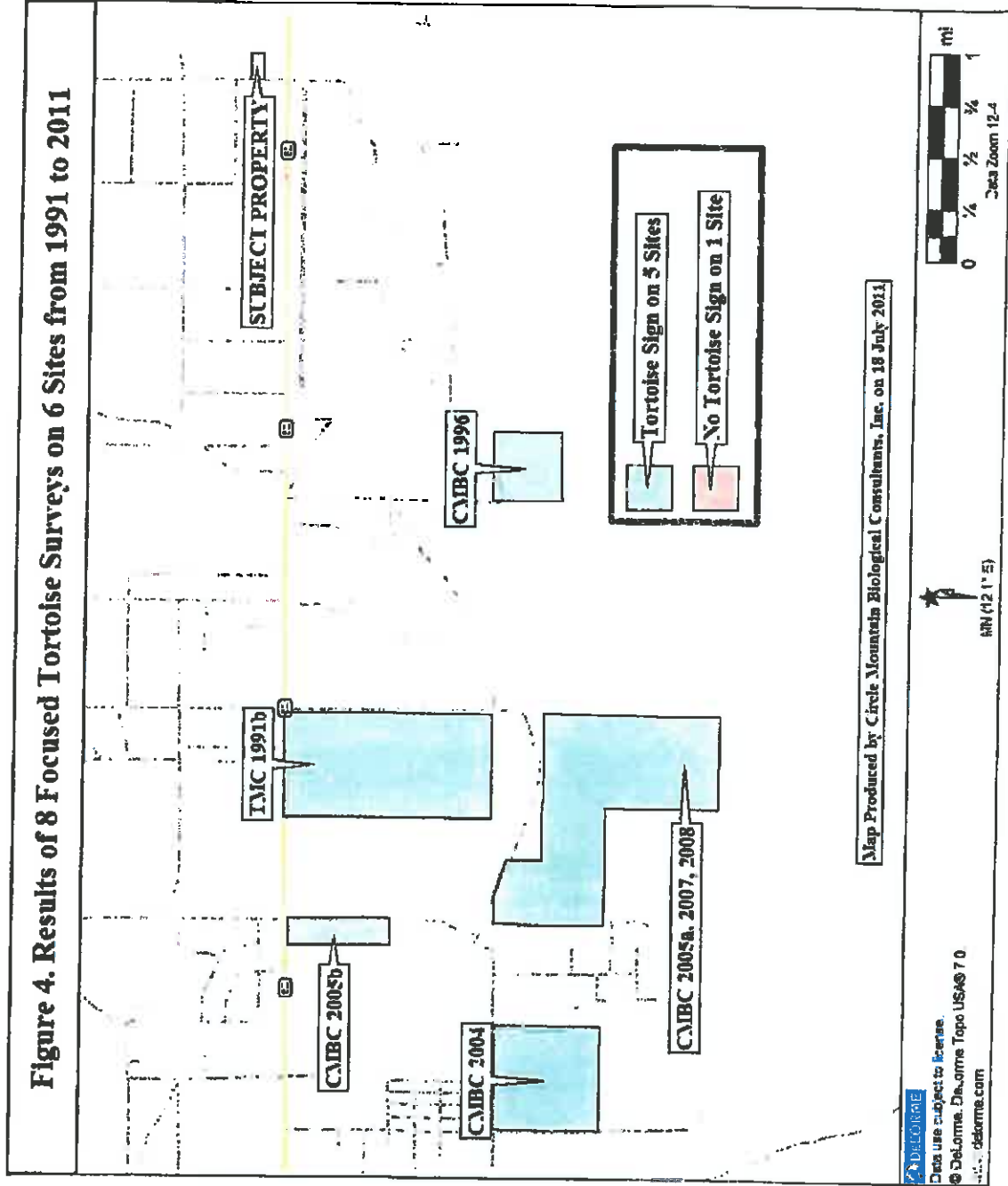
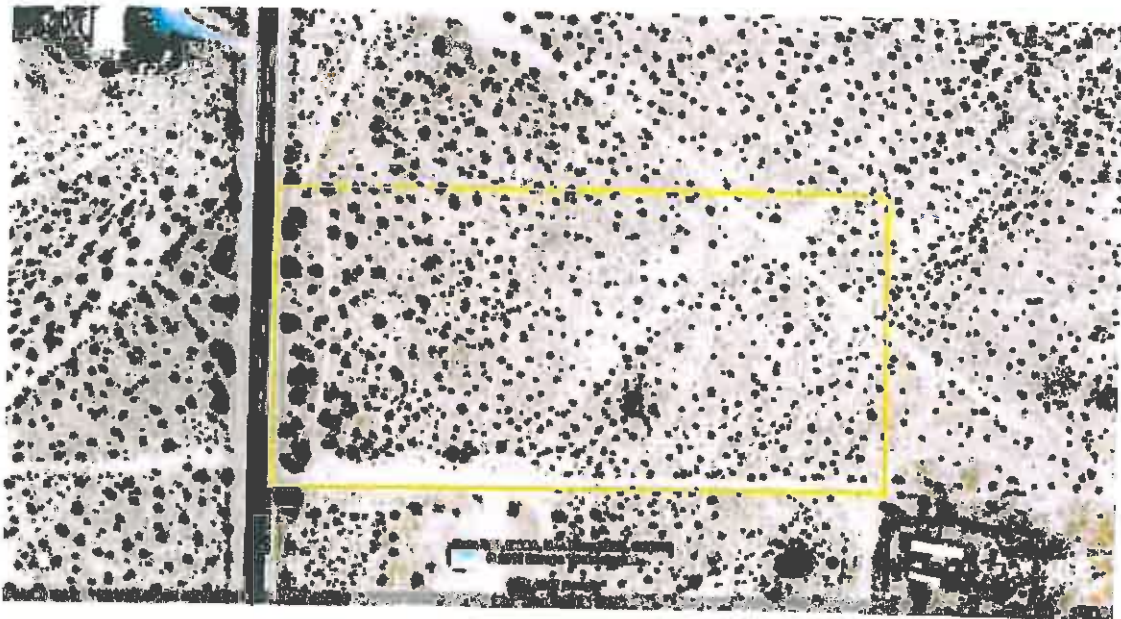


Figure 4. Results of 8 Focused Tortoise Surveys on 6 Sites from 1991 to 2011



**Figure 5. APN 0625-221-31:
Aerial Photograph, ©2007 Google™ Earth**



Executive Summary

Circle Mountain Biological Consultants, Inc. was contracted by Van Dyke Corporation to perform a focused survey for Agassiz's land tortoise, habitat assessment for western burrowing owl, and a general biological resource assessment on a 5-acre± site located east of the City of Twentynine Palms in the local community of Wonder Valley, San Bernardino County, California.

APN 0625-221-31 is a 5-acre± parcel located approximately 600 feet north of Twentynine Palms Highway, with Goodwin Road occurring along the west boundary. The proponents intend to build a church on the site. The legal description for the subject property is Township 1 North, Range 10 East, a portion of the Southwest ¼ of Section 27, S.B.B.&M.

For a total of 4.5 hours, between 1630 and 2000 on 19 July 2011 and 0930 to 1030 on 20 July 2011, Ed LaRue of CMBC surveyed the site and adjacent areas as described herein. This entailed a survey of 20 transects, spaced at 30-foot intervals and oriented in a north-south direction throughout the 5-acre± parcel. Figure 2 shows the locations of zone of influence transects for detection of tortoise sign and burrowing owls.

Based on DeLorme Topo USA® 7.0 software, elevations on the subject property range from approximately 1,750 feet (534 meters) along the west boundary down to 1,740 feet (530 meters) along the east boundary. As such, terrain is relatively flat and soils are gravelly with rocks in places. Although one occurs north of the site, which is visible in the upper portion of Figure 5, no USGS-designated blue-line streams occur on-site. The 32 plant species identified during the survey, including 23 on-site and 9 off-site, are listed in Appendix A. The plant community is one common to the Mojave desert, best described as Mojavean creosote bush scrub. The five reptile, nine bird, and nine mammal species identified during the survey are listed in Appendix B.

Based on the absence of tortoise sign on-site and in adjacent areas, and available information reviewed for this habitat assessment, CMBC concludes that tortoises are absent from the subject property. As such, no impacts are anticipated and no mitigation measures are recommended.

Based on the field survey and habitat assessment, CMBC concludes that none of the following special status species reported from the region will be adversely affected by site development: Alverson's foxtail cactus, northern harrier, Swainson's hawk, prairie falcon, burrowing owl and loggerhead shrike. As such, no adverse impacts have been identified and no mitigation measures are recommended.

This report is intended to serve as a Desert Native Plant Assessment that identifies the numbers and locations of protected plants to be in compliance with the County Plant Protection Ordinance and California Native Plant Protection Act (County of San Bernardino 2006). Silver cholla is the only species found on-site that may be subject to pertinent development codes.

Table of Contents

Figure 1. APN 0625-221-31: Vicinity Map	i
Figure 2. APN 0625-221-31: Locations of Transects Surveyed on 19-20 July 2011	ii
Figure 3. APN 0625-221-31: Site Map	iii
Figure 4. Results of 8 Focused Tortoise Surveys on 6 Sites from 1991 to 2011	iii
Figure 5. APN 0625-221-31: Aerial Photograph (©2007 Google™ Earth)	iv
Executive Summary	v
1.0. Introduction	1
1.1. Purpose and Need for Study	1
1.2. Project Description	1
2.0. Methods	2
2.1. Literature Review	2
2.2. Field Survey	2
3.0. Results	4
3.1. Common Biological Resources	4
3.1.1. Common Flora	4
3.1.2. Common Fauna	4
3.2. Uncommon Biological Resources	5
3.2.1. Agassiz's Land Tortoise	5
3.2.2. Other Special Status Species	6
3.3. Other Protected Biological Resources	6
4.0. Conclusions and Recommendations	7
4.1. Impacts to the Agassiz's Land Tortoise and Proposed Mitigation	7
4.2. Impacts to Other Biological Resources and Proposed Mitigation	8
5.0. Literature Cited	9
Appendix A. Plant Species Detected	13
Appendix B. Animal Species Detected	15
Appendix C. Field data sheets completed on 19-20 July 2011	17
Appendix D. Photographic Exhibits (see Figure 6 for Exhibit locations)	20

**Focused Survey for Agassiz's Land Tortoise,
Habitat Assessment for Western Burrowing Owl, and
General Biological Resource Assessment for a
5-acre± Site (APN 0625-221-31) in the Vicinity of Twentynine Palms,
San Bernardino County, California**

1.0. Introduction

1.1. Purpose and Need for Study. Circle Mountain Biological Consultants, Inc. (CMBC) was contacted by Mr. David Van Dyke on behalf of Van Dyke Corporation (Proponent) to perform a focused survey for Agassiz's land tortoise (*Gopherus agassizii*), habitat assessment for western burrowing owl (*Athene cunicularia*), and a general biological resource assessment on a 5-acre± site located east of the City of Twentynine Palms in the local community of Wonder Valley, San Bernardino County, California (see Figures 1, 3, and 5). Given that the site occurs in an unincorporated portion of San Bernardino County, this report has been prepared according to County of San Bernardino's *Report Protocol for Biological Assessment Reports* (County of San Bernardino 2006).

A significant paper was published in June 2011 (Murphy et al. 2011) whereby the "desert tortoise" of the Mojave Desert was split into two species, including *G. agassizii*, referred to as "Agassiz's land tortoise," and a newly described species, *G. morafkai*, referred to as "Morafka's desert tortoise," which occurs in the Sonoran Desert. According to Murphy et al. (2011), "...this action reduces the distribution of *G. agassizii* to only 30% of its former range. This reduction has important implications for the conservation and protection of *G. agassizii*, which may deserve a higher level of protection." Agassiz's land tortoise is the threatened species that occurs in the region including the subject property.

As the California Environmental Quality Act (CEQA) Lead Agency, the County of San Bernardino, Public and Support Services Group, Land Use Services Department, Advance Planning Division (County) is required to complete an initial study to determine if site development will result in any adverse impacts to rare biological resources. The information may also be useful to federal and State regulatory agencies, including U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), respectively, if the Lead Agency asks them to assess impacts associated with proposed development. Results of CMBC's focused survey for tortoise and burrowing owl, and general biological resource assessment are intended to provide sufficient baseline information to these agencies to determine if impacts will occur and to identify mitigation measures, if any, to offset those impacts.

1.2. Project Description. APN 0625-221-31 is a 5-acre± parcel located approximately 600 feet north of Twentynine Palms Highway, with Goodwin Road occurring along the west boundary (Figures 1, 3, and 5). Mr. Van Dyke indicated that the proponents intend to build a church on the site. The legal description for the subject property is Township 1 North, Range 10 East, a portion of the Southwest ¼ of Section 27, S.B.B.&M.

2.0. Methods

2.1. Literature Review. CMBC consulted materials included in our library to determine the nearest locations of special status plant and animal species that have been reported from the vicinity of the subject property. Between 1989 and 2011, CMBC has completed 257 focused tortoise surveys in the Morongo Basin area, between Morongo Valley to the west and Twentynine Palms to the east. Of particular relevance given their proximity to the site, are seven focused tortoise surveys completed on five sites within approximately three miles between 1991 and 2008, which, along with the subject property, are mapped in Figure 3. These and other materials used in the completion of this report are listed in Section 5.0, below.

2.2. Field Survey. For **Agassiz's land tortoise**, CMBC generally followed the survey protocol first identified by the USFWS (1992) and recently revised (USFWS 2010) for their detection. USFWS (2010) protocol recommends that if neither tortoises nor sign are encountered during *action area* surveys and the project, or any portion of project, is ≤ 0.8 km² (200 acres) or linear, three additional 30-foot (9 meters) belt transects at 655-foot (200 meters), 1,310-foot (400 meters), and 1,970-foot (600 meters) intervals parallel to and/or encircling the project perimeter should be surveyed. For this project, peripheral areas were surveyed as shown in Figure 2, and truncated to the south to avoid houses and private property.

The *action area* is defined by regulation as all areas to be affected directly or indirectly and not merely the immediate area involved in the action (50 CFR §402.02). For this site, the action area is considered to be the five acres, since the church would occupy only a portion of the site and portions of the adjacent areas are already developed.

Like the USFWS 1992 and 2009 protocols that recommended seasonal restrictions for completing tortoise surveys, the USFWS 2010 protocol recommends that tortoise surveys should occur in the April-to-May and September-to-October time frames, with a few exceptions. Importantly, the 2010 protocol revised the 2009 version to indicate that sites less than 40 acres may be surveyed for tortoises year-round. As such, since this site is five acres, this survey conforms to the current protocol.

For **western burrowing owl**, the CDFG (1995) survey protocol recommends transects be surveyed at 100-foot (30-meter) intervals throughout a given site with five transects spaced at 100-foot intervals surveyed in adjacent areas in potential habitat (i.e., excluding areas substantially developed for commercial, residential, industrial, etc. purposes). Importantly, this methodology is considered a formal *habitat assessment* for presence of burrowing owls, which can be conducted any time of the year. Had burrowing owl sign been found on-site, which it wasn't, it would then have been necessary to perform breeding owl surveys during the spring and summer as outlined in CDFG (2007). With its narrower transect intervals, the tortoise survey was sufficient to cover the site for burrowing owl.

For a total of 4.5 hours, between 1630 and 2000 on 19 July 2011 and 0930 to 1030 on 20 July 2011, Ed LaRue of CMBC surveyed the site and adjacent areas as described herein. This entailed a survey of 20 transects, spaced at 30-foot intervals and oriented in a north-south direction throughout the 5-acre± parcel. Figure 2 shows the locations of zone of influence transects for detection of tortoise sign and burrowing owls. Copies of CMBC's data sheet completed in the field and USFWS' (2010) pre-project survey data sheet are included in this report (see Appendix C).

As transects were surveyed, LaRue kept tallies of observable human disturbances encountered on each of the 20 transects. The results of this method provide *encounter rates* for observable human disturbances. For example, two roads observed on each of 20 transects would yield a tally of 40 roads (i.e., two roads encountered 20 times). Habitat quality, adjacent land uses, and this disturbance information are discussed below in Section 3.2 relative to the potential occurrence of Agassiz's land tortoise and other special status species on and adjacent to the subject property.

San Bernardino County (2006) also requires that any survey limitations be identified. The survey was sufficiently late in the season that fewer annual plants and reptile species were detected than would have been observed during the same amount of effort in the spring. This limitation did not significantly affect the results and conclusions given herein.

Weather conditions at the beginning of the survey on 19 July 2011 included a temperature [measured approximately 2.5 inches (5 centimeters) above the ground] of 113°F, with 2% cloud cover, and average winds of 4 miles per hour and gusts up to 13 miles per hour out of the southwest, as measured by a hand-held Kestrel® weather and wind speed meter. Weather conditions at the end of the survey on 19 July 2011 included a temperature of 105°F, with 0% cloud cover, and average winds of 3 miles per hour and gusts up to 10 miles per hour out of the southwest. Weather conditions on 20 July 2011 included a temperature of 94°F, with 0% cloud cover, and average winds of 2 miles per hour and gusts up to 6 miles per hour out of the southwest.

All plant and animal species identified during the survey were recorded in field notes and are listed in Appendices A and B, respectively. A Garmin® hand-held, global positioning system (GPS) unit was used to survey straight transects and record Universal Transverse Mercator (UTM) coordinates (North American Datum – NAD 83) for property boundaries and other pertinent information (Appendix C). A digital camera was used to take representative photographs (Appendix D), with locations and directions of exhibits shown in Figure 6. ©2007 Google™ Earth was accessed via the internet to provide recent aerial photographs of the subject property and surrounding areas (Figure 5).

3.0. Results

3.1. Common Biological Resources. The common plant and animal species identified during the surveys are influenced by multiple factors such as elevation, topography, soil substrates, and adjacent land uses. Based on DeLorme Topo USA® 7.0 software, elevations on the subject property range from approximately 1,750 feet (534 meters) along the west boundary down to 1,740 feet (530 meters) along the east boundary. As such, terrain is relatively flat and soils are gravelly with rocks in places. Although one occurs north of the site, which is visible in the upper portion of Figure 5, no USGS-designated blue-line streams occur on-site.

3.1.1. *Common Flora.* The 32 plant species identified during the survey, including 23 on-site and 9 off-site, are listed in Appendix A. The plant community is one common to the Mojave desert, best described as Mojavean creosote bush scrub. Dominant perennials include creosote bush (*Larrea tridentata*), burrobrush (*Ambrosia dumosa*), and white rhatany (*Krameria grayi*).

3.1.2. *Common Fauna.* The five reptile, nine bird, and nine mammal species identified during the survey are listed in Appendix B. Side-blotched lizard (*Uta stansburiana*), western whiptail (*Cnemidophorus tigris*), zebra-tailed lizard (*Callisaurus draconoides*), and desert iguana (*Dipsosaurus dorsalis*) were the common species detected. Other locally common reptile species that may occur include long-nosed leopard lizard (*Gambelia wislizenii*), red racer (*Masticophis flagellum*), glossy snake (*Arizona elegans*), gopher snake (*Pituophis melanoleucus*), long-nosed snake (*Rhinocheilus lecontei*), and various rattlesnake species (*Crotalus* spp.).

All the bird species are those common in the region, particularly in urbanizing areas. Common raven (*Corvus corax*), house finch (*Carpodacus mexicanus*), and rock dove (*Columba livia*) are species mostly found in urbanizing areas experiencing residential and commercial development. Mourning dove (*Zenaida macroura*), greater roadrunner (*Geococcyx californianus*), and Gambel's quail (*Callipepla gambelii*) are species tolerant of such development. Black-throated sparrows (*Amphispiza bilineata*) are common in both pristine and disturbed areas and verdins (*Auriparus flavipes*) are typically associated with washes like the one located north of the site, where several were observed.

Mammals observed or detected on-site are all common to the region. Small, burrowing mammals include antelope ground squirrel (*Ammospermophilus leucurus*), round-tailed ground squirrel (*Spermophilus tereticaudis*), and kangaroo rat (*Dipodomys* sp.). Medium-sized mammals include black-tailed hare (*Lepus californicus*) and Audubon cottontail (*Sylvilagus audubonii*). Coyotes (*Canis latrans*) and bobcats (*Lynx rufus*) were the two predators detected on-site, and active kit fox (*Vulpes macrotis*) burrows were found several hundred meters to the northeast.

3.2. Uncommon Biological Resources.

3.2.1. *Agassiz's land tortoise.* No tortoise sign was found either on-site or in adjacent areas during this focused, protocol survey (U.S. Fish and Wildlife Service 1992, 2010) for the species. Based on the absence of tortoise sign on the subject property and in adjacent areas, CMBC concludes that the Agassiz's land tortoise is absent from the subject property and adjacent survey areas. Also, there is little likelihood of wild tortoises entering the site from adjacent areas, either to pass through the site or establish residency.

Encounter rates for observable human disturbances included (in descending order of prevalence) 220 cross-country vehicle tracks, 27 roads, 54 domestic dog signs, 6 dump sites, and 5 targets. Collectively, these types of disturbances are capable of eliminating tortoises from native habitats. The proximity of the site to surrounding occupied and unoccupied residences is responsible for the observed disturbances. Cross-country vehicle tracks are most prevalent in the recently bladed area mapped in Figures 3 and 6 and shown in Exhibit 6. All shooting targets consisted of old, rusty cans (see Exhibit 5), which are common on-site and in adjacent areas.

Since 1989, CMBC has performed approximately 250 focused tortoise surveys, on more than 200 sites, encompassing more than 10,000 acres located in the Morongo Basin, between Yucca Valley and Twentynine Palms. As depicted in Figure 4, five of these sites have been surveyed within approximately three miles of the subject property. Interestingly, the subject property is the only one where tortoise sign was not found. There is a very good reason for this; the subject property is the only site depicted in Figure 4 in a semi-developed, residential area. All of the other sites are in rural areas with no residential development. It is not surprising, then, that the subject property is the first one in the area with no tortoise sign.

The County (2004) requires that habitat categories designated by the U.S. Bureau of Land Management (1989) be identified in all tortoise technical reports. Although habitat categories apply only to public lands administered by the BLM, regulatory agencies typically determine habitat compensation ratios based on the nearest BLM habitat categories (Desert Tortoise Compensation Team 1991). With the adoption of the West Mojave Plan (U.S. Bureau of Land Management 2005), all lands that are outside Desert Wildlife Management Areas, including the subject property, are characterized as Category 3 Habitat, which is the lowest priority management area for viable populations of the Agassiz's land tortoise.

The site is not found within tortoise critical habitat, which was designated in 1994 (U.S. Fish and Wildlife Service 1994a) nor is it within a Desert Wildlife Management Area as recommended in the Desert Tortoise (Mojave Population) Recovery Plan (U.S. Fish and Wildlife Service 1994b) and formally adopted in March 2006 as a result of the West Mojave Plan (U.S. Bureau of Land Management 2005). The nearest such areas are the Pinto Mountain Critical Habitat Unit and Desert Wildlife Management Area, which are located on the south side of Highway 62.

3.2.2. Other Special Status Species. U.S. Fish and Wildlife Service (2002), California Department of Fish and Game (2009a, 2010), and California Native Plant Society (CNPS 2010) maintain lists of animals and/or plants considered rare, threatened, or endangered, which are collectively referred to as “special status species.” Although no special status species were identified on-site during the current survey, those that have been identified on the sites depicted in Figure 4 include Alverson’s foxtail cactus (CMBC 2004, 2005a, 2005b, 2007), northern harrier (2005a), Swainson’s hawk (2005a), prairie falcon (2004, 2005a), burrowing owl (2005a, 2005b, 2007) and loggerhead shrike (2004, 2005a). Each of the bird species is considered a Bird of Conservation Concern by the USFWS (2002) and a Bird Species of Special Concern by the CDFG (2009a). None of these species is expected to be adversely affected by site development.

Although none of these species was observed on-site, nor is any expected to be impacted, the feather of a burrowing owl *was* found approximately 500 meters north of the northwest corner (as mapped in Figures 3 and 6 and depicted in Exhibit 7). The only burrows found on-site suitably large to accommodate burrowing owls belong to round-tailed ground squirrels, but they were all active and no owl sign was observed. In fact, the only ideal burrows were those of kit foxes located several hundred meters northeast. This feather indicates that burrowing owls do occur in the vicinity, but the survey is sufficient to determine that they are absent from the site and that there are no suitable burrows present that burrowing owls would use in the immediate future.

3.3. Other Protected Biological Resources. Stream courses provide relatively important resources to animals and plants. In dry years, and particularly during prolonged drought, annual plants may only germinate in the vicinity of washes where the water table is relatively near the surface. Perennial shrubs adjacent to washes are often the only plants that produce flowers and fruit, which in turn are important to insects and the avian predators that feed on them. Shrubs also tend to be somewhat taller and denser alongside washes, which provides cover for medium and larger sized animals that may use them as travel corridors. Biodiversity is generally enhanced by washes, and there are often both annual and perennial plants that are either restricted to or mostly associated with wash margins. There are both anecdotal accounts and published literature on washes being important to tortoises, which use them as travel corridors and access to nearby annual forage. There is a well-developed wash located north of the site, but this wash does not enter the site, nor would it be directly or indirectly affected by site development.

At the State level, the 1998 Food and Agricultural Code, Division 23: California Desert Native Plants, Chapter 3: Regulated Native Plants, Section 80073 states: The following native plants, or any parts thereof, may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing:

- (a) All species of the family Agavaceae (century plants, nolin, yuccas).
- (b) All species of the family Cactaceae (cacti), except for the plants listed in subdivisions (b) and (c) of Section 80072 (i.e., saguaro and barrel cacti), which may be harvested under a permit obtained pursuant to that section.
- (c) All species of the family Fouquieriaceae (ocotillo, candlewood).
- (d) All species of the genus *Prosopis* (mesquites).

- (e) All species of the genus *Cercidium* (palo verdes).
- (f) *Acacia greggii* (catclaw acacia).
- (g) *Atriplex hymenelytra* (desert holly).
- (h) *Dalea (Psoralea) spinosa* (smoke tree).
- (i) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood.

Additionally, Chapter 4: Desert Native Plant Protection, Section 811.0405: Scope states:
 (a) The provisions of this Chapter shall apply to all desert native plants growing on private land within the unincorporated areas of San Bernardino County...

Section 811.0420: Subject Desert Native Plants states: The following desert native plants are subject to the regulations specified by this Division. In all cases the botanical names shall govern the interpretation of this Chapter.

(a) Regulated Desert Native Plants. The following desert native plants, or any part thereof except the fruit, shall not be harvested or removed except under a permit issued by the Agricultural Commissioner or other applicable County Reviewing Authority:

(1) The following desert native plants with stems two (2) inches or greater in diameter or six (6) feet or greater in height: (A) *Dalea (Psoralea) spinosa* (smoke tree). (B) All species of the family Agavaceae (century plants, nolin, yuccas). (C) All species of the genus *Prosopis* (mesquites).

(2) Creosote rings, ten feet or greater in diameter.

(3) All Joshua trees (mature and immature).

Silver cholla is the only plant species included in one or both of the above lists that was observed on the subject property. The 15 plants observed are mapped in Figure 3.

4.0. Conclusions and Recommendations

4.1. Impacts to the Agassiz's Land Tortoise and Proposed Mitigation. Based on the absence of tortoise sign on-site and in adjacent areas, and available information reviewed for this habitat assessment, CMBC concludes that tortoises are absent from the subject property. As such, no impacts are anticipated and no mitigation measures are recommended.

According to USFWS (2010) pre-project survey protocol the results of this survey will remain valid for the period of one year, or until 20 July 2012, after which time, if the site has not been developed in the interim, another survey may be required to determine the presence or absence of tortoises on-site.

Regardless of survey results and conclusions given herein, tortoises are protected by applicable State and federal laws, including the California Endangered Species Act and Federal Endangered Species Act, respectively. As such, if a tortoise is found on-site at the time of construction, all activities likely to affect that animal(s) should cease and the County contacted to determine appropriate steps.

Importantly, nothing given in this report, including recommended mitigation measures, is intended to authorize the incidental take of tortoises during site development. Such authorization must come from the appropriate regulatory agencies, including California Department of Fish and Game (i.e., authorization under section 2081 of the Fish and Game Code) and U.S. Fish and Wildlife Service [i.e., authorization under section 10(a)(1)(B) of the Federal Endangered Species Act].

Finally, it has been CMBC's policy since 1994 to NOT submit technical reports to either the USFWS or the CDFG unless asked to do so by the Proponent. However, the Proponent is advised of the following two conditions identified in January 2010 in the USFWS' revised pre-project survey protocol and assumes responsibility for implementing (or not) these recommendations:

- Occurrence of either live tortoises or tortoise sign (burrows, scats, and carcasses) in the action area indicated tortoise presence and therefore requires formal consultation with USFWS.
- If neither tortoises nor tortoise sign are encountered during the action area surveys, as well as project perimeter surveys where appropriate, please contact your local [Ventura] USFWS office. Informal consultation with the USFWS may be required even though no tortoises or sign are found during surveys.

4.2. Impacts to Other Biological Resources and Proposed Mitigation.

4.2.1 Other Special Status Species. Based on the field survey and habitat assessment, CMBC concludes that none of the following special status species reported from the region will be adversely affected by site development: Alverson's foxtail cactus, northern harrier, Swainson's hawk, prairie falcon, burrowing owl and loggerhead shrike. As such, no adverse impacts have been identified and no mitigation measures are recommended.

4.2.2. Other Protected Biological Resources. This report is intended to serve as a Desert Native Plant Assessment that identifies the numbers and locations of protected plants to be in compliance with the County Plant Protection Ordinance and California Native Plant Protection Act (County of San Bernardino 2006). Silver cholla is the only species found on-site that may be subject to pertinent development codes.

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Appendix A. Plant Species Detected

The following plant species were identified on-site or in adjacent areas (i.e., signified by "+") during the general biological inventory described in this report. Those plant species that are protected by pertinent County and/or State ordinances are signified by "(SC)" following the common name.

ANGIOSPERMAE: DICOTYLEDONES	DICOT FLOWERING PLANTS
Asteraceae	Sunflower family
+ <i>Ambrosia acanthicarpa</i>	Annual bur-sage
<i>Ambrosia dumosa</i>	Burrobush
<i>Coreopsis</i> sp.	Coreopsis
<i>Encelia actoni</i>	Acton encelia
+ <i>Encelia frutescens</i>	Rayless encelia
+ <i>Hymenoclea salsola</i>	Cheesebush
+ <i>Palafoxia linearis</i>	Desert Spanish-needles
<i>Stephanomeria pauciflora</i>	Desert milk aster
Boraginaceae	Borage family
<i>Cryptantha angustifolia</i>	Narrow-leaved forget-me-not
Brassicaceae	Mustard family
* <i>Brassica tournefortii</i>	Saharan mustard
<i>Lepidium flavum</i>	Peppergrass
Buxaceae	Jojoba family
<i>Simmondsia chinensis</i>	Jojoba
Cactaceae	Cactus family
<i>Opuntia echinocarpa</i>	Silver cholla (SC)
Euphorbiaceae	Spurge family
<i>Chamaesyce (Euphorbia) polycarpa</i>	Sandmat
Fabaceae	Pea family
+ <i>Psoralemmus spinosus</i>	Smoke tree (SC)
+ <i>Senna (Cassia) armata</i>	Senna
Krameriaceae	Krameria family
<i>Krameria grayi</i>	White rhatany
Onagraceae	Evening-primrose family
<i>Camissonia boothii</i>	Red primrose
+ <i>Camissonia claviformis</i>	Brown-eyed primrose
+ <i>Oenothera deltooides</i>	Devil's lantern

Plantaginaceae

Plantago ovata

Plantain family

Plantain

Polemoniaceae

Loeseliastrum c.f. *schottii*

Phlox family

Loeseliastrum

Polygonaceae

Chorizanthe rigida

Eriogonum inflatum

Eriogonum trichopes

Eriogonum viridescens

Buckwheat family

Rigid spineflower

Desert trumpet

Little trumpet

Buckwheat

Solanaceae

Datura wrightii (*meteloides*)

Nightshade family

Jimsonweed

Tamaricaceae

+ *Tamarix aphylla*

**Tamarix ramosissima*

Tamarisk family

Athel

Tamarisk

Zygophyllaceae

Larrea tridentata

Caltrop family

Creosote bush

ANGIOSPERMAE: MONOCOTYLEDONES

MONOCOT FLOWERING PLANTS

Poaceae

Pleuraphis (*Hilaria*) *rigida*

**Schismus* sp.

Grass family

Big galleta

Split-grass

* - indicates a non-native (introduced) species.

c.f. - compares favorably to a given species when the actual species is unknown.

Some species may not have been detected because of the seasonal nature of their occurrence. Common names are taken from Beauchamp (1986), Hickman (1993), Jaeger (1969), and Munz (1974).

Appendix B. Animal Species Detected

The following animal species were identified on-site or in adjacent areas (i.e., signified by "+") during the general biological inventory described in this report. Special status animal species are signified by "(SC)" following the common names.

REPTILIA

Iguanidae

Dipsosaurus dorsalis

Callisaurus draconoides

+*Uta stansburiana*

+*Phrynosoma platyrhinos*

Teiidae

Cnemidophorus tigris

AVES

Phasianidae

Callipepla gambelii

Columbidae

Columba livia

+*Zenaida asiatica*

Zenaida macroura

Cuculidae

Geococcyx californianus

Corvidae

Corvus corax

Remizidae

+*Auriparus flavipes*

Emberizidae

+*Amphispiza bilineata*

Fringillidae

Carpodacus mexicanus

REPTILES

Iguanids

Desert iguana

Zebra-tailed lizard

Side-blotched lizard

Desert horned lizard

Whiptails

Western whiptail

BIRDS

Grouse and quail

Gambel's quail

Pigeons and doves

Rock dove

White-winged dove

Mourning dove

Cuckoos

Greater roadrunner

Crows and jays

Common raven

Verdins

Verdin

Sparrows, warblers, tanagers

Black-throated sparrow

Finches

House finch

MAMMALIA

Leporidae

Lepus californicus
Sylvilagus audubonii

Sciuridae

Spermophilus tereticaudis
Ammospermophilus leucurus

Geomyidae

Thomomys bottae

Heteromyidae

Dipodomys sp.

Canidae

Canis latrans
+*Vulpes macrotis*

Felidae

Lynx rufus

MAMMALS

Hares and rabbits

Black-tailed hare
Audubon cottontail

Squirrels

Round-tailed ground squirrel
Antelope ground squirrel

Pocket gophers

Botta pocket gopher

Pocket mice

Kangaroo rat

Foxes, wolves and coyotes

Coyote
Kit fox

Cats

Bobcat

Nomenclature follows Stebbins, *A Field Guide to Western Reptiles and Amphibians* (2003), third edition; Sibley, National Audubon Society, the Sibley Guide to Birds (2000), first edition; and Ingles, *Mammals of the Pacific States* (1965), second edition.

Appendix C. Field Data Sheets Completed on 19-20 July 2011

The USFWS and County have recently required consultants to include copies of the data collected in the field from which the results and conclusions given in this report are derived. As such, following this page are copies of the data sheets completed by Ed LaRue on 19-20 July 2011.

USFWS 2010 DESERT TORTOISE PRE-PROJECT SURVEY DATA SHEET

Please submit a completed copy to the action agency and local USFWS office within 30-days of survey completion

Date of survey: 19-20 July 2011 Survey biologist(s): Ed LaRue
(day, month, year) (name, email, and phone number)

Site description: 5-acre church site in Wonder Valley
(project name and site; general location)

County: San Bernardino Quad: Valley Mountain Location: 598740/3778020
(UTM coordinates, lat-long, and/or TRS; map datum)

Circle one: 100% coverage or Sampling Area size to be surveyed: 5 Transect #: 20 Transect length: 320'

GPS Start-point: 598740/3778020 Start time: 1630 am/pm 0930
(easting, northing, elevation in meters)

GPS End-point: 598540/3778020 End time: 2000 am/pm 1030
(easting, northing, elevation in meters)

Start Temp: 113 °F End Temp: 105 °F

Live Tortoises

Detection number	GPS location Easting Northing		Time	Tortoise location <small>(in burrow, all of tortoise beneath plane of burrow opening, or not in burrow)</small>	Approx MCL >180-mm? <small>(Yes, No or Unknown)</small>	Existing tag # and color, if present
1						
2						
3						
4						
5						
6						
7						
8						

Tortoise Sign (burrows, scats, carcasses, etc)

Detection number	GPS location Easting Northing		Type of sign <small>(burrows, scats, carcass, etc)</small>	Description and comments
1				
2				
3				
4				
5				
6				
7				
8				

Page: _____ of _____

Transect number: _____

20 July 2011 0930-1030

T=94, W=2↑6SW, C=0

JOB #/NAME	DATE	DRIVE TIME		MILES	FIELD TIME		SURVEYORS
		TO	FROM		BEGIN	END	
Van Dyke, 1110	19 July 2011	1400		300	1630	2000	Eol Lafree
WEATHER CONDITIONS (Start/End)				UTM (NAD 27) (circle starting corner)			
TEMP: 113°F WIND X: 4 ↑ 13 NSE(W) CLOUD: 2%				NE → NW → SE → SW →			
TEMP: 105°F WIND X: 3 ↑ 10 NSE(W) CLOUD: 0%				8740 8540 568740 8540			
				8120 8120 3778010 8020			

PERENNIAL PLANTS			ANNUAL PLANTS			BIRDS		HERP	MAM
La Tri			Placa			MOSS	(W) DEIG	RES	944/814
Ambr Am			Sonop			CORA	(S) WUDA	KRAI	8701/810
Combo			Er. Pau			ROPS	(W) ETLI	BTHA	8667/808
Kraas			Cry Am			HOFI		BP60	8603/809
Opulch			Chok			GRIR (trk)		ABG	8635/806
Eni Dk			Ch (S)			GAQU (trk)		Auco	8642/807
Timber			Eni Tri					Coat	8640/809
Enc Av			Lepplg					Stocvt	8629/804
Auric			La (Sch)						8640/808
Stefort									8590/811
Photographs									
						1	SE → NW		8592/807
						2	NE → SW		8590/813
						Bladed	SW →	8075	8600/806
						3	NW → SE		8580/808
						4	SW → NE		8579/807
						5	Target		866/875
						67	Brown feather		

OBSERVABLE HUMAN DISTURBANCES

T#	East	North	OHV	Road	Dog	Dump	S Gun	Rifle	Target
1	8740	8020	18	1	1				
2	8730	8120	13	2	1				
3	8720	8020	8	2	2				
4	8710	8120	6	2	0				
5	8700	8020	3	2	2	1			2
6	8690	8120	16	1	2				
7	8680	8020	20	1	2				
8	8670	8120	38	1	2				
9	8660	8020	46	2	4				1
10	8650	8120	38	1	3				
11	8640	8020	8	1	3				
12	8630	8120	4	1	3				
13	8620	8020	2	1	4				1
14	8610	8120	0	1	2	1			
15	8600	8020	0	1	1				
16	8590	8120		1	3				
17	8580	8020		1	2				1
18	8570	8120		1	4	1			
19	8560	8020		2	4	2			
20	8550	8120		1	9				

read: 8686/8065, 8686/8000, 8646/8045, 8646/8065



Exhibit 1. APN 0625-221-31: View from the southeast corner of the parcel, facing northwest (see Figure 5 for locations and directions of photographs).



Exhibit 2. APN 0625-221-31: View from the northeast corner of the parcel, facing southwest.



Exhibit 3. APN 0625-221-31: View from the northwest corner of the parcel, facing southeast.



Exhibit 4. APN 0625-221-31: View from the southwest corner of the parcel, facing northeast.



Exhibit 5. APN 0625-221-31: One of shooting targets found during survey.



Exhibit 6. APN 0625-221-31: View from north-to-south, showing bladed area.



Exhibit 7. APN 0625-221-31: Burrowing owl feather found +/- 500 meters north of site.