



# NOTICE OF HEARING

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE  
SAN BERNARDINO COUNTY ZONING ADMINISTRATOR  
TO CONSIDER THE FOLLOWING APPLICATION

**APN:** 0326-091-01  
**APPLICANT:** PLANCOM INC. FOR VERIZON WIRELESS  
**COMMUNITY:** GREEN VALLEY LAKE/3RD SUPERVISORIAL DISTRICT  
**LOCATION:** SOUTH SIDE OF GREEN VALLY LAKE ROAD;  
BETWEEN LAKESIDE AND CANYON DRIVES  
**PROJECT NO.:** P201200058  
**STAFF:** OXSO SHAHRIARI, PLANNER  
**REP('S):** SAME AS APPLICANT  
**PROPOSAL:** A) MINOR USE PERMIT FOR A TELECOMMUNICATIONS FACILITY TO COLLOCATE 3 WHIP ANTENNAS TO THE ROOFLINE OF AN EXISTING GREEN VALLEY MUTUAL WATER COMPANY BUILDING AND TO ADD A 155-SQUARE FOOT EQUIPMENT SHELTER ON A PORTION OF 22.81 ACRES; AND B) VARIANCE TO ALLOW THE EQUIPMENT SHELTER TO ENCROACH 20 FEET INTO A 25-FOOT BUILDING SETBACK.

VICINITY MAP

N ↑



**AGENDA ITEM NUMBER:** 1  
**DATE AND TIME OF HEARING:** July 12, 2012; 9:00 A.M., or thereafter

**PLACE OF HEARING:** SAN BERNARDINO COUNTY GOVERNMENT CENTER  
Yucca Room on First Floor  
385 North Arrowhead Avenue - [Between 3rd and 5th Streets]  
San Bernardino, CA 92415

Any person affected by this application may submit their concerns in writing prior to the hearing or appear in person and be heard in support of or opposition to the proposal at the time of the hearing.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing. Due to time constraints and the number of persons wishing to give oral testimony, time restrictions may be placed on oral testimony at the public hearing regarding this proposal. You may wish to make your comments in writing to assure that you are able to express yourself adequately.

The proposed project application and environmental finding may be viewed at the Planning Division at: 15900 Smoke Tree Street, First Floor; Hesperia, CA from 8:00 a.m. until 5:00 p.m., except for 12 to 1:00 p.m., Monday Thru Friday. To assure that someone will be available to assist you; staff requests that you call the Division at (760) 995-8140 to set a time to review the documents. NOTE: The Zoning Administrator in its deliberation could approve an alternative proposal for the above project.



**LAND USE SERVICES DEPARTMENT  
PLANNING DIVISION  
ZONING ADMINISTRATOR STAFF REPORT**



**HEARING DATE: July 12, 2012**

**AGENDA ITEM NO: TBD**

**PROJECT DESCRIPTION**

**APN: 0326-091-01**  
**APPLICANT:** PLANCOM INC. FOR VERIZON WIRELESS  
**COMMUNITY:** GREEN VALLEY LAKE/2ND SUPERVISORIAL DISTRICT  
**LOCATION:** SOUTH SIDE OF GREEN VALLY LAKE ROAD; BETWEEN LAKESIDE AND CANYON DRIVES  
**PROJECT NO.:** P201200058  
**STAFF:** OXSO SHAHRIARI, PLANNER  
**REP('S):** SAME AS APPLICANT  
**PROPOSAL:** A) MINOR USE PERMIT FOR A TELECOMMUNICATIONS FACILITY TO COLOCATE 3 WHIP ANTENNAS TO THE ROOFLINE OF AN EXISTING GREEN VALLEY MUTUAL WATER COMPANY BUILDING AND TO ADD A 155-SQUARE FOOT EQUIPMENT SHELTER ON A PORTION OF 22.81 ACRES; AND B) VARIANCE TO ALLOW THE EQUIPMENT SHELTER TO ENCROACH 20 FEET INTO A 25-FOOT BUILDING SETBACK.

**VICINITY MAP N ↑**



**586 Hearing Notices Sent On: June 27, 2012**

**Report Prepared By: Oxso Shahriari**

**SITE INFORMATION:**

**Parcel Size:** 22.81 Acres  
**Terrain:** Nearly Flat  
**Vegetation:** Portion of the Green Valley Lake site that is being used for Green Valley Mutual Water Company and this co-location proposal is cleared of any vegetation due to previous disturbance.

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE DISTRICT
Site	Green Valley Lake / Mutual Water Company	Flood Way (FW)
North	Single & Multiple Family Residences	Single Residential (RS) & Multiple Residential (RM)
South	Legal, Non-Conforming Single Family Residences and Retail	Neighborhood Commercial (CN)
East	Single & Multiple Family Residences	Single Residential (RS) & Multiple Residential (RM)
West	Single Family Residences	Single Residential (RS)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence/MAC/CAP:	N/A	N/A
Water Service:	N/A	Not Needed.
Sewer/Septic Service:	N/A	Not Needed.

**STAFF RECOMMENDATION:** That the Zoning Administrator **approve** a) MINOR USE PERMIT for a telecommunications facility to colocate 3 whip antennas to the roofline of an existing Green Valley Mutual Water Company (the Water Company) building and to add a 155-square foot equipment shelter on a portion of 22.81 acres; and b) VARIANCE to allow the equipment shelter to encroach 20 feet into a 25-foot building setback.

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

## **BACKGROUND:**

The proposed project (the Project) is for a telecommunications facility to collocate 3 whip antennas to the roofline of an existing building within the Water Company yard, including a 155-square foot equipment shelter. The project includes a request for a variance to allow the equipment shelter to encroach 20 feet into a 25-foot building setback.

The Project's 22.81-acre site is comprised of the Green Valley Lake itself and the Water Company yard to the east-southeast corner of the site. The Water Company yard is relatively flat and includes fenced-off maintenance/storage areas with existing structures, equipment cabinets, and a propane tank, located onsite. The site is in the Mountain Region and in the Second Supervisorial District. The County General Plan Designation of the property is Floodway in the Hill Top Community Plan (HT/FW), which allows telecommunications facilities with towers up to 70 feet in height. The proposed whip antennas, when wall mounted, shall not exceed the height of 24 feet.

## **ANALYSIS:**

**PUBLIC INPUT.** The Project has been noticed on February 22, 2012 to 586 property owners, as required by Development Code Section 84.27.070. Staff has received numerous calls from concerned citizens, requesting further clarification and or project information. Staff has received 3 written inquiries, not to support or object to the project, but only to inquire about project approval. These property owners will receive the Notice of Decision when an action is taken by the Zoning Administrator.

**COMPLIANCE WITH DEVELOPMENT STANDARDS.** The Project is in full compliance with the County Development Code, as the proposed collocation is consistent with the Code's specific goal of minimizing impacts (Section 84.27.050) by using existing "developed telecommunications facilities or other public or quasi-public uses". The proposal avoids imposition on surrounding properties by wall mounting the additional 3 whip antennas on an existing structure, on the project site. The combined height of antenna and structure shall not exceed 24 feet and as such, the proposal is consistent with height limitations set forth in Section 84.27.030: Structure Height. The proposed tower also complies with the minimum 300-foot separation requirement from all off-site residences.

A variance approval is being requested for the equipment shelter associated with this proposal to encroach 20 feet into a 25-foot building set back. The property is surrounded by roads and local highways; and does not share boundaries with any residential parcels; therefore, the grant of the variance will not be materially detrimental to nearby properties or land uses in the area. The grant of variance also allows the best utilization of the available areas on the project site, not currently used to accommodate operational needs of the Water Company. The location of existing buildings, entry gate, generators, meter pedestals and supporting equipment, coupled with the limited available areas left to accommodate the equipment shelter, render the proposed encroachment unavoidable. Also, the existing operation of the Water Company demands clear path of travel to the rear portion of the Water company's maintenance yard, therefore making the proposed location of the equipment shelter the most logical location.

**ENVIRONMENTAL SETTTING.** The broader project site is the 22.81-acre Green Valley Lake. That portion of the site which is dedicated to the Water Company is located to the east-southeast corner of the Lake site. The project area portion of the site contains an existing 4,706 square feet structure which includes Water Company offices and attached garages as well as a maintenance and storage yard. The project area also includes one propane tank, an existing attached Verizon equipment shelter—to be abandoned but left in place, existing chain link access gate, and several smaller, wall or ground mounted equipment boxes. The project area is substantially disturbed by grading, construction of several concrete stoops and meter pedestals, trenching, and installation of underground coax cable and PVC conduits.

The Project site is nearly flat; void of any significant topography. No watercourses are identified in the project area. Native trees include evergreens typical of the mountain area. No significant or sensitive species of concern has been identified on the project site. The Project does not require water or sewage disposal services. The unmanned facility will require only occasional vehicle trips for maintenance purposes.

CEQA COMPLIANCE. The proposed collocation meets the Categorical Exemptions guidelines and has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA). The project has been found categorically exempt per Section 15301: "Existing Facilities", and Section 15303: "New Construction or Conversion of Small Structures" because the exemption applies to commercial buildings not exceeding 10,000 square feet in floor area. Therefore, Planning Staff has prepared and will file a Notice of Exemption with the San Bernardino County Clerk of the Board when a final action is taken by the Zoning Administrator. This categorical exemption determination reflects the independent judgment of the County of San Bernardino.

**RECOMMENDATION:**

That the Zoning Administrator:

1. **APPROVE** a) MINOR USE PERMIT for a telecommunications facility to colocate 3 whip antennas to the roofline of an existing Green Valley Mutual Water Company (the Water Company) building and to add a 155-square foot equipment shelter on a portion of 22.81 acres; and b) VARIANCE to allow the equipment shelter to encroach 20 feet into a 25-foot building setback; and
2. **ADOPT** the Findings as contained in the Staff Report; and
3. **File** a Notice of Exemption.

Attachments:      EXHIBIT A: Findings  
                         EXHIBIT B: Conditions of Approval  
                         EXHIBIT C: Notice of Exemption  
                         EXHIBIT D: Assessor Parcel Map  
                         EXHIBIT E: Land Use District Map  
                         EXHIBIT F: Vicinity Map  
                         EXHIBIT G: Aerial Map  
                         EXHIBIT H: Site Plan  
                         EXHIBIT I: Site Photos & Photo Simulations

**RE: FINDINGS for a Minor Use Permit – Wireless Facility/Collocation**

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** because this collocation proposal and the related equipment are in conformance with County Development Standards, and as such shall remain subject to inspection and verification by the County Land Use Services. The proposed facility complies with the requirements established by County Code to minimize or eliminate the visual obtrusiveness of the telecommunications facility. This collocation will also prevent unnecessary proliferation of such Wireless Communication Facilities because the facility can be further modified to permit additional future collocation. A variance to allow a 155 SQ FT equipment shelter to encroach 20 feet into a 25-foot building set back has been applied for; and a separate set of Findings has been prepared for granting such variance.
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 project site is sufficiently served by the Green Valley Lake Road. Therefore, the site will have adequate access for periodic inspection, repair and maintenance vehicle trips to support the proposed unmanned facility.
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, or other disturbances** because the proposed collocation is located on an existing maintenance/operational yard which is already developed for the Green Valley Mutual Water. The proposed collocation use, jointly using the subject site, will not generate excessive disturbances unusual to its intended use and/or zoning. The entire 22.81 acres site is surrounded by roads, thus isolating the lake from its immediate surroundings. The project is consistent with the collocation/stealth requirement of the code and it uses a site used by another public or quasi-public agency; therefore minimizing unnecessary proliferation of wireless telecommunication facilities. **In addition, the 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 significantly long, 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, maps, policies, and standards of the General Plan and any applicable community or Specific plan** because the project specifically implements the following San Bernardino County General Plan goals and policies: Goal D-35; an intent to “maximize the use of telecommunications to reduce transportation and land use demands” and Policy ET-11 (e); an intent to “recognize and promote the increased use of telecommunication facilities, which can reduce the demand for transportation and vehicle trips”, thus reducing dependency on non-renewable energy resources.

Project #: P201000506

Conditional Use Permit; Monopalm Cell Tower

Royal Street Communication for Metro PCS

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 unmanned nature of the proposed project and its limited scope of activities will minimally increase service demands. Due to the occasional nature of inspection, repair and maintenance trips created by this proposal, no significant adverse impact is anticipated.
6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare** because this facility has been reviewed and conditioned by various County agencies including Planning to ensure compliance with public health and safety. Conditions and requirements such as dust and noise control plans and coating restrictions have been put in place to safeguard against any potential harmful impact to the general public welfare.
7. **The design of the site has considered the use of solar energy systems and passive or natural heating and cooling opportunities**, however there is no practical manner by which this can be implemented to power the proposed facility.
8. **In compliance with the California Environmental Quality Act (CEQA), this project is found to be categorically exempt from the provisions of CEQA.** Per Sections 15301 and 15303 of CEQA, the project is exempt as an existing facility, as well as new construction not to exceed 10,000 square feet, and has been determined not to have a significant effect on the environment. Therefore, if the project is approved, a Notice of Exemption will be filed. This categorical exemption determination reflects the independent judgment of the County of San Bernardino.

**RE: FINDINGS for a Minor Use Permit – Wireless Facility/ Collocation**

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 falls within the County Development Code's guidelines. Adequate separation exists between the equipment shelter and the area to the south of this parcel, where encroachment variance is being granted. Additionally, the County Public Works has reviewed this project proposal and has found no potential impact to the road located to the southern portion of the site. 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 significantly long, 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 location of existing buildings, entry gate, generators, meter pedestals and supporting equipment, coupled with the limited available areas left to accommodate the new proposal, render the proposed encroachment unavoidable. Also, the existing operation of the Water Company demands clear path of travel to the rear portion of the Water company's maintenance yard, therefore making the proposed location of the equipment shelter the most logical location.
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 prevent the subject property owner/landlord (The water company) and the applicant (Verizon) from utilizing the entire project sight as deemed operationally appropriate. Exceptions to standards have been made previously and several small structures continue to be allowed in the setback.
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 variances are available to address unusual circumstances such as exist with the subject parcel. The use of a variance in this instance is compatible with the reasons variance procedures were created—to provide exceptions to standards, in special circumstances—to ensure that each property owner is afforded the same privileges commonly enjoyed by other properties in the same vicinity. The grant of this variance by extension enables the developer to provide broader coverage and ultimately meeting a County policy to promote the increased use of telecommunication technology in order to reduce the demand for transportation and vehicle trips and ultimately, dependency on fossil fuel resources.

# Notice of Exemption

To:  Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

From: San Bernardino County Land Use Services Department  
 385 North Arrowhead Avenue, Third Floor  
 San Bernardino, CA 92415-0182

Clerk of the Board of Supervisors  
 County of San Bernardino  
 385 North Arrowhead Avenue, Second Floor  
 San Bernardino, CA 92415-0130

## Project Description

## Applicant

<b>APN:</b>	<b>0326-091-01</b>
APPLICANT:	PLANCOM INC. FOR VERIZON WIRELESS
COMMUNITY:	GREEN VALLEY LAKE/3RD SUPERVISORIAL DISTRICT
LOCATION:	SOUTH SIDE OF GREEN VALLY LAKE ROAD; BETWEEN LAKESIDE AND CANYON DRIVES
PROJECT NO.:	P201200058
STAFF:	OXSO SHAHRIARI, PLANNER
REP(S):	SAME AS APPLICANT
PROPOSAL:	A) MINOR USE PERMIT FOR A TELECOMMUNICATIONS FACILITY TO COLLOCATE 3 WHIP ANTENNAS TO THE ROOFLINE OF AN EXISTING GREEN VALLEY MUTUAL WATER COMPANY BUILDING AND TO ADD A 155-SQUARE FOOT EQUIPMENT SHELTER ON A PORTION OF 22.81 ACRES; AND B) VARIANCE TO ALLOW THE EQUIPMENT SHELTER TO ENCROACH 20 FEET INTO A 25-FOOT BUILDING SETBACK.

Plancom for Verizon Wireless

Name

250 El Camino Real; #117

Address

Tustin, CA 92780

(949) 370-5939

Phone

## Representative

SAA

Name

SAA

Address

Oxso Shahriari, Planner

Lead Agency Contact Person

(760) 995-8140

Area Code/Telephone Number

SAA

Phone

Exempt Status: (check one)

- Ministerial [Sec. 21080(b)(1); 15268];
- Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- Emergency Project [Sec. 21080(b)(4); 15269(b)(c)];

Categorical Exemption. State type and section number: Existing Facilities, Section 15301 & New Construction or Conversion of Small Structures, Section 15303.

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt: The proposed collocation meets the Categorical Exemptions guidelines and has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA). The project has been found categorically exempt per Section 15301: Existing Facilities", and Section 15303: New Construction or Conversion of Small Structures" because the exemption applies to commercial buildings not exceeding 10,000 square feet in floor area.

Oxso Shahriari, Planner

Signature (Public Agency)

Date

Name & Title

Signed by Lead Agency       Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_

Land Use Services Department - Revised November 1997

## CONDITIONS OF APPROVAL

### GENERAL REQUIREMENTS

#### PROCEDURAL OR OPERATIONAL CONDITIONS OF APPROVAL

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

1. Project Description. This Minor Use Permit is approved subject to these Conditions of Approval for a telecommunications facility to collocate 3 whip antennas to the roofline of an existing Green Valley Mutual Water Company (the Water Company) building and to add a 155-square foot equipment shelter on a portion of 22.81 acres; and b) VARIANCE to allow the equipment shelter to encroach 20 feet into a 25-foot building setback. APN: 0326-091-01; Project Number: P201200058. The project shall be in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, a complete signed and approved Telecom Facility Agreement (TFA), the approved site plan and any other required and approved reports and/or displays (e.g. site plan, elevations).
2. Telecom Facility Agreement (TFA). The developer shall sign and adhere to terms of a required Telecom Facility Agreement, to be completed to the satisfaction of County Counsel and in coordination with County Planning, before this approval is deemed vested for continuous effect and operation.
3. Project Location. The project site is the Green Valley Lake itself, in the community of Hill Top/Green Valley. This colocation proposal will be located in the south/southeast corner of the lake site, on the south side of Green Valley Lake Road; between Lakeside and Canyon Drives. The project is located in the Mountain Region, within the Second Supervisorial District.
4. Development Standards. The project site is zoned is Hill Top Floodway (HT/FW) and is subject to the Mountain Region FW Zoning District Development Standards. The County Code Development Standards is available at: <http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DC.pdf>.
5. Developer Defined. The term developer (the Developer) as used in these conditions of approval for this project and for any development of this project site shall mean all of the following: the applicant, the property owner 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.
6. Revisions. Any proposed change to the approved use/activity on the site (e.g. from a stealth cell tower to a lattice or radio tower); or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to components or structures, building locations, elevations, signs, parking allocations, landscaping, lighting, allowable number of occupants shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
7. Continuous Effect. These conditions of approval are continuously in effect throughout the operative life of the project for the use approved. Failure of the Developer to comply with any or all of the conditions at any time may result in a public hearing and revocation of the MUP, provided adequate notice, time and opportunity is provided to the developer or other party to correct the non-complying situation.
8. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the applicant and/or developer shall be charged for such enforcement activities in accordance with the San Bernardino County Schedule of Fees.

9. Condition Compliance. In order to obtain grading, building and occupancy permits, the Developer shall process a Condition Compliance Review with all relevant County agencies, in accordance with the directions stated in the Conditional Approval letter. A minimum of \$1,000 must be in the project account P201200058 at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review.
10. Indemnification. In compliance with SBCC §81.01.070, the Developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the Developer may agree to relinquish such approval.

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

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

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

11. Expiration. This project conditional approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. This conditional approval is deemed "exercised" when either:
- a. The developer has commenced actual construction or alteration under a validly issued building permit, or
  - b. The developer has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit per SBCC §86.06.060, or
  - c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
    - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
    - The land use is determined by the County to be abandoned or non-conforming.
    - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: THIS WILL BE THE ONLY NOTICE GIVEN OF THIS APPROVAL'S EXPIRATION DATE. THE DEVELOPER IS RESPONSIBLE TO INITIATE AN EXTENSION OF TIME APPLICATION.

12. Continuous Maintenance. The project developer shall enforce architectural controls to ensure on-going compatibility of colors, materials and theme. The property will be maintained so that it is visually attractive and not dangerous to the health and welfare of its own occupants & the surrounding properties. The Developer shall ensure that all facets of the development are regularly maintained and inspected so that they are kept in continual good repair. The following shall be met:
  - a. All structures, fencing, walks, parking lots, driveways, signs, water features, outside furniture and fixtures shall be kept in good repair and condition.
  - b. All trash, storage and loading areas shall be kept neatly and in orderly manner.
  - c. All graffiti and debris shall be removed daily.
  - d. There shall be no metal storage containers allowed unless specifically approved by this or subsequent land use approvals.
  - e. Landscaping shall be kept in thriving condition. Drought-resistant, fire retardant vegetation shall be used where applicable for any replacement landscaping and erosion control to reduce water consumption and promote slope stability.
  - f. All landscaped areas shall be irrigated in a manner designed to conserve water.
  - g. Annual maintenance inspections shall be conducted for proper structural, electrical and mechanical safety, and properly operating irrigation system.
  - h. Annual maintenance shall include repainting faded or stained surfaces and re-glazing windows.
  - i. Mechanical equipment and roof top mechanical equipment shall be screened from public view. Such screens shall be maintained to be visually attractive and in good repair.
  - j. The Developer shall ensure that all traffic circulation surfaces and markings shall be clearly defined, regularly repainted and maintained in good operating conditions at all times. These markings include but are not limited to painted parking spaces, curb painting directional designations, "No Parking" designations and "Fire Lane" designations.
13. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian Thistle (tumbleweeds).
14. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
15. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
  - a. Grading Permits: A copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - b. 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.
  - c. Final Inspection: A copy of the signed CCRF for final inspection, after an on-site compliance inspection by County Planning.

16. Follow-on Permits. The developer shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as are applicable to the proposed use and the project area. These may include but not limited to FEDERAL (such as FCC and FAA.), STATE (such as Fish and Game, Caltrans, South Coast Air Quality Management District [AQMD], Regional Water Quality Control Boards [RWQMBs]), COUNTY (such as Land Use Services Department [Planning, Building and Safety, and Code Enforcement], Environmental Health Services, Public Works [Surveyor's Office, Land Development, & Traffic Divisions], County Fire Department, and Information Services Department[ISD]), and LOCAL agencies as applicable.
17. Continuous Maintenance. The developer shall maintain the property in good appearance and not dangerous to the health, safety and general welfare of both on- and off-site users (e.g. wireless company employees and visiting public to this tourism destination) and surrounding properties and residences. The developer shall ensure that all facets of the development are regularly inspected, maintained and repaired in a timely fashion. Elements to be maintained are but are not limited to:
- a. Annual Maintenance and Repair: Inspections shall be conducted for all structures, fencing/walls, walks, parking area, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
  - b. Graffiti and Debris: Graffiti and all other nuances shall be consistently removed.
  - c. Landscaping: 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.
  - d. Erosion Control: Measures shall be put in place to reduce water runoff, siltation, and promote slope stability.
  - e. External Storage: External storage, loading, recycling and trash storage are NOT allowed.
  - f. Metal Storage Containers: Containers are NOT allowed as part of this approval.
  - g. Screening: The wireless facility and its components shall be screened to ensure it is visually attractive from the public right of way and surrounding streets.
  - h. Signage: All signage including posted area signs (e.g. "No Trespassing") and all other on-site signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed on a regular basis.
  - i. Parking: Onsite parking shall be for wireless company employees ONLY while servicing the site limited to the designated area per approved site plan.
18. 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. Additionally, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- a. Odors: No offensive or objectionable odor
  - b. Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
  - c. Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
  - d. Radiation: No dangerous amount of radioactive emissions.
  - e. Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
  - f. Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.

19. Telecommunication Facility Time Limit. The occupancy and use of the telecommunication facility is limited to a renewable 10 year period. The facility is subject to evaluation, renewal and extension in 10 year increments. Planning staff shall evaluate the applicability of current technology to determine if the facility should be required to be upgraded, continue as approved or be terminated. Planning staff will also evaluate whether the facility remains compatible with adjacent land uses and if any additional buffering and screening measures are appropriate. If planning staff determines that the use should be terminated then a public hearing before the Planning Commission shall be scheduled to validate the staff determination and to determine a reasonable amortization period. Should the Planning Commission act to terminate the telecommunication facility use, then it shall no longer be considered a valid legal use of the land after the established termination date. The wireless service provider will be granted a minimum of one year from the date of the Planning Commission action to terminate operations. Any unapproved use of the telecommunication facility beyond the termination date shall be an enforceable violation.
20. FCC Conformance. The developer of the telecommunication facility shall operate the proposed radio/telephone equipment in strict conformance with Federal Communications Commission (FCC) regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to nearby properties and their radio and television reception. If, in the future, the FCC adopts more stringent Radio Frequency (RF) emission regulations, the developer shall submit an application to the County of San Bernardino to modify the Conditional Use Permit (CUP) in order to demonstrate compliance with the revised FCC regulations. Failure by the developer to apply for such a review of the subject CUP to conform to the FCC approval of revised RF emission regulations, shall subject this approval to possible revocation of the approval.
21. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
22. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or into adjacent native vegetated areas that may disturb nocturnal wildlife. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
23. Underground Utilities. There shall be no new above ground power or communication lines extended to the site. All new utilities shall be placed underground in a manner, which avoids disturbing any existing/natural vegetation or the site appearance. Existing utilities around the site perimeter shall also be placed underground, where possible in coordination with the utility provider.

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

24. Weed Abatement. The developer 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).

#### PUBLIC WORKS – Land Development – Drainage (909) 387- 8149

25. 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.

26. FEMA Flood Zone. The project is located within Flood Zone A & X-Unshaded according to FEMA Panel Number 8800 H dated 08/28/2008. In compliance with FEMA and/or SBC regulations, the following shall apply: the building pad is to be elevated a minimum of 2 feet above the highest adjacent ground if the project lies in flood zone A (Elevation Certificate is required). There are no elevation requirements for building in flood zone X-Unshaded area.
27. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
28. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
29. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
30. Fish & Game Notification. California Department of Fish and game must be notified if the drainage course of any streambed on this property is to be altered or encroached.

COUNTY FIRE – Community Safety (760) 363-6211

31. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
32. FS-1. The County General Plan designates this property as being within the Fire Safety Review Area 1 (one) and all future construction shall adhere to all applicable standards and requirements of this overlay district.

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

The Following Shall Be Completed

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

33. Erosion and Sediment. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
34. 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.
35. Grading Plan. If grading exceeds fifty (50) cubic yards, approved plans will be required.

LAND USE SERVICES – Planning (760) 995-8140

36. Air Quality – Dust Control Plan. The developer shall submit to County Planning a Dust Control Plan (DCP) consistent with SCAQMD 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 these elements to reduce dust production:
  - a. Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities
  - b. Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
  - c. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
  - d. Tires of vehicles servicing the construction site shall be washed entering and leaving the site.
  - e. All trucks hauling dirt away from the site shall be covered
  - f. During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
  - g. Storage piles that are to be left in place for more than three working days shall either be: Sprayed with a non-toxic soil binder, or covered with plastic or revegetated.
38. Air Quality – Construction Mitigation. The Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality: During construction, each contractor and subcontractor shall implement the following, whenever feasible:
  - a. Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367-4710 (San Bernardino & Riverside counties).
  - b. Trucks/equipment shall not be left idling on site for periods in excess of 10 minutes.
  - c. Provide temporary traffic control during all phases of construction.
  - d. Substitute electric and gasoline-powered equipment for diesel-powered equipment.
  - e. Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.
  - f. Install storm water control systems to prevent mud deposition during construction.
  - g. Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.

39. Air Quality – Coating Restrictions. The developer shall submit a letter agreeing to these Coating Restrictions and to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to these requirements. These shall include, but are not be limited to:
- Architectural coatings with Reactive Organic Compounds (ROC) shall not have 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
  - High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings.
40. Cultural Resources. The developer shall prepare, submit for review and obtain approval of a letter agreeing to adhere to the following requirements and to include in any construction contracts/subcontracts a requirement that project contractors adhere to the following requirements: If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. 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. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.
41. Noise Mitigation. The developer shall submit for review and obtain approval of an agreement letter that stipulates that all construction contracts/subcontracts contain as a requirement that the following noise attenuation measures be implemented:
- Exterior construction activities shall be limited between 7 a.m. and 7 p.m. There shall be no exterior construction activities on Sundays or National Holidays.
  - Interior construction activities may occur on any day and any time provided they comply with the County noise standards. (SBCC 83.01.080).
  - Construction equipment shall be muffled per manufacturer's specifications.
  - 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 – Land Development – Drainage (909) 387- 8149

42. Drainage Facility Design. The 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, which will not adversely affect adjacent or downstream properties.
43. FEMA Flood Zone. The project is located within Flood Zone A & X–Un-shaded according to FEMA Panel Number 8800 H dated 08/28/2008. In compliance with FEMA and/or SBC regulations, the following shall apply: the building pad is to be elevated a minimum of 2 feet above the highest adjacent ground if the project lies in flood zone A (Elevation Certificate is required). There are no elevation requirements for building in flood zone X–Un-shaded area.
44. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
45. Fish & Game Notification. California Department of Fish and game must be notified if the drainage course of any streambed on this property is to be altered or encroached.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

## The Following Shall Be Completed

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

46. Runoff Control. All runoff must be held to pre-development levels per Section 82.13.080 of the San Bernardino County Development Code.
47. Signage. Any building, sign, or structure to be constructed or located on site will require professional prepared plans approved by the Building and Safety Division.

LAND USE SERVICES – Planning (760) 995-8140

48. Concealment Painting. The developer shall submit project site photographs taken from various perspectives during a sunny day to establish the 'Predominant Viewing Background'. Support facilities and equipment shall be painted in non-reflective paint to provide concealment and to blend in with the 'predominant viewing background'. Suitable color palette and 'paint chips' shall be proposed and approved to ensure concealment is accomplished.
49. Telecommunication Co-location Agreement. The developer shall sign an agreement with the County that clearly establishes a commitment both in design and policy to allow for future joint use or co-location of other telecommunication facilities at this same Telecom/Cell Tower site. The document shall be reviewed and approved by County Planning Staff enforced through the required SUP and retained for future reference to allow coordination with future telecommunication providers/networks in this region.
50. Termination Agreement. The developer of the telecommunication facility and the developer shall sign an agreement with the County which states that they:
  - a. Agree to terminate the described land use within ten (10) years from its approval, OR as extended, OR before any termination date established through a public hearing before the Planning Commission.
  - b. Agree that no vested right to such land use shall exist after such termination date is established.
  - c. Agree not to transfer ownership of the described property or operation rights of this telecommunication facility without first notifying the prospective purchaser(s) of the provisions, limitations and these "Conditions of Approval" and the "Telecom Facility Agreement" signed to the satisfaction of County Counsel and Planning; and
  - d. Agree that this agreement shall be enforced through a required Special Use Permit.

COUNTY FIRE – Community Safety (760) 363-6211

51. Cell Site Building Plan Review. The applicant shall submit two (2) sets of building plans to the Fire Department for review and approval. When the proposed cell site equipment storage buildings include a fire suppression system four (4) sets of plans shall be submitted for approval. (Add to plan when applicable) This site is within the FS1 Overlay District and all such buildings shall have a fire suppression system. These plans shall indicate that all such exterior camouflaged covering shall be of an approved fire resistive material.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

COUNTY FIRE – Hazardous Material (909) 386-8401

52. Business Emergency Plan. The developer/operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
53. Underground Storage Tanks. The developer/operator shall obtain permits for installing, upgrading or removing existing underground storage tanks. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
54. Hazardous Material Permits. The developer shall be required to apply for one or more of the following: A Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

LAND USE SERVICES – Planning (760) 995-8140

55. Screen Wall Installation. All approved and required enclosing screen walls shall be completely installed.
56. Complete Installation. All approved and required improvements including the monopole cell tower as shown on the approved site plan shall be completely installed.

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

57. Special Use Permit. The developer shall submit for review and gain approval for a Special Use Permit (SUP). Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the developer. Such actions may cause a hearing or an action that could result in revocation of this approval and imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection.
58. Telecommunication Facility Maintenance. All required landscaping, screening, buffering, painting, and project camouflaging shall be maintained in good standing.
59. Telecommunication Facility Time Limit. Ten (10) years from the effective date of this approval, County Code Enforcement shall review and consider granting of a land use approval renewal for another 10-year term based on available technology and land use compatibility at the time of the review.
60. Continued Compliance. Special Use Permit shall authorize and ensure continued compliance in areas of telecommunication facility FCC-RF regulation reevaluation, site restoration upon project abandonment, termination and co-location agreements.

61. Telecom Tower/Facility Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the complete removal of the telecommunication tower and/or other elements of the facility. The developer shall either:
- a. Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the complete removal of the telecommunication tower and/or other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
  - b. Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the complete removal of the telecommunication tower and/or other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.

PUBLIC WORKS – Land Development – Drainage (909) 387- 8149

62. Drainage Improvements. The required drainage improvements shall be completed by the applicant, inspected and approved by County Public Works.

**End of Conditions**