



LARRY WALKER
Auditor/Controller – Recorder

R Regular Mail

Recording requested by
and when recorded mail to:

City Clerk
City of Redlands
P. O. Box 3005
Redlands, CA 92373

Doc#: **2004-0090801**



Titles: 1 Pages: 36

Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

AGREEMENT FOR ANNEXATION AND PROVISION FOR CITY UTILITY SERVICES

**FEES NOT REQUIRED
PER GOVERNMENT CODE
SECTION 6103**

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 3rd day of February, 2004, by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and the Miller Family Trust, ("Developer"). The City and Developer are sometimes collectively referred to herein as the "Parties."

RECITALS

WHEREAS, to provide for orderly planning, the City (1) has the authority pursuant to Government Code Sections 65300 and 65301 to include in its General Plan property outside its boundaries which is in the City's sphere of influence or which in the City's judgment bears a relation to its strategic planning, and (2) also has the authority pursuant to Government Code Section 65859 to pre-zone property within its sphere of influence for the purpose of determining the zoning designation that will apply to such property in the event of a subsequent annexation of the property to the City; and

WHEREAS, Developer has provided evidence, satisfactory to the City, that Developer is the fee owner of the property comprising San Bernardino County Tentative Tract No. 16292, which is located in an unincorporated area within the City's sphere of influence (the "Property") and which the Developer intends to develop as a single family residential development; and

WHEREAS, Government Code Section 56133 authorizes the City to provide new or extended services by contract outside its jurisdictional boundaries if it first receives written approval from the Local Agency Formation Commission for San Bernardino County ("LAFCO"), and provides that LAFCO may authorize the City to provide such services within the City's sphere of influence in anticipation of a later change of organization; and

WHEREAS, the City's General Plan and Chapter 13.60 of the Redlands Municipal Code establish policies and procedures for the approval of City utility services to development located within the City's sphere of influence and require, among other things, the owner of the property to be served to enter into an agreement and record the same in the official records of the County requiring the owner to annex the property to the City upon certain conditions; and

WHEREAS, the City has prepared a General Plan for the unincorporated area in which the Property is located to provide for the orderly planning of such area and has determined that the Property is consistent with the goals and policies of the City's General Plan and the development standards of the Redlands Municipal Code; and

WHEREAS, it is the policy and goal of the City to discourage and not facilitate development in the City's sphere of influence which is unwilling and/or fails to comply with the City's General Plan and the City's development standards by refusing to extend utility services in such instances; and

WHEREAS, pursuant to the requirements of Chapter 13.60 of the Redlands Municipal Code and in consideration for the City's agreement to extend utility services outside its jurisdictional boundaries to the Property, Developer has entered into this Agreement to provide assurances to the City that development of the Property will occur in accordance with the Redlands General Plan and the Development Standards of the Redlands Municipal Code, and that the Property shall be annexed to the City in accordance with this Agreement's terms, provisions and conditions;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of Redlands and the Miller Family Trust agree as follows:

AGREEMENT

1. Recitals. The foregoing recitals are true and correct.
2. Definitions. The following terms when used in this Agreement shall have the meanings ascribed to them:
 - a. "Agreement" means this Agreement for Annexation and Provision of Utility Services.
 - b. "Annexation" means the procedure for a change of organization or reorganization set forth in the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (Government Code sections 56000 et seq.).
 - c. "Developer" means the Miller Family Trust and there successors-in-interest to all or any part of the Property.
 - d. "Project" means the improvement of the Property for the purposes of constructing a maximum of sixty-nine (69) single family residential dwellings, pursuant to existing project approvals.
 - e. "Existing Project Approvals" means Tentative Tract No. 16292, its conditions of approval issued by the County of San Bernardino as of the effective date of this Agreement and as described in Exhibit "A" attached hereto and incorporated herein by reference, and those certain project approvals in effect as of the effective date of this Agreement with respect to this Property.

f. "Property" means the real property owned by Developer which is more particularly described in Exhibit "B", attached hereto and incorporated by this reference.

3. Provision of Utility Services. The City agrees to provide utility services to the Property consistent with the terms and conditions of this Agreement, provided that the Project complies with all rules and regulations of the City governing the extension and provision of utility services to properties located outside the City's boundaries at the time a request by Developer for application for a water and sewer connection is approved by the City's Municipal Utilities Department. Nothing herein represents a commitment by the City to provide such services unless and until Developer complies with all such rules and regulations. In accordance with the voter-approved General Plan amendment known as Measure "U," Developer agrees to pay, as a condition of approval of an application for water and sewer connection and prior to receiving any services, the full cost of such services as established by the City for the extension of utility services to the property.

4. Agreement to Develop by City Standards. In consideration of the City's agreement to provide City water and sewer services to the Property, Developer shall develop the Property in accordance with the Redlands General Plan, the Development Standards of the R-1, Single Family Residential District of the Redlands Municipal Code, and all other applicable provisions of the Redlands Municipal Code.

5. Agreement to Annex. In consideration of the City's agreement to provide City water and sewer services to the Property, Developer hereby irrevocably consents to annexation of the Property to City and agrees it shall take any and all reasonable and necessary actions, and fully and in good faith cooperate with City, to cause the annexation of the Property to the City. Developer and the City agree that in the event City initiates an annexation of the Property, the City shall be responsible for the costs of such annexation. In all other instances where the annexation of the Property is proposed to the City, Developer shall be responsible for such costs.

6. Monetary Consideration for Service Extension. Concurrent with the City's extension of services to the Property, Developer shall pay to the City, as a condition of receiving such services in accordance with the voter approved amendment to the City's General Plan known as Measure "U", a sum equivalent to all capital improvement and other development fees which would be applicable to the Property if the property was within the City limits at the time of extension of the services.

7. Taxes and Assessments. Developer hereby consents to the imposition of, and agrees Developer shall pay, all taxes and assessments imposed and/or levied by the City which may be applicable to the Property at the time the Property is annexed to the City.

8. Recordation. By entering into this Agreement, Developer and the City acknowledge and agree that, among other things, it is the express intention of the Parties that any and all successors in interest, assigns, heirs and executors of Developer shall have actual and constructive notice of Developer's obligations under, and the benefits and burdens of, this Agreement. Therefore, this Agreement and any amendments hereof, shall be recorded in the official records of the County of San Bernardino. Developer further agrees that City shall, at the sole cost of Developer, have the right to cause the recordation of this Agreement.

9. Breach/Failure to Annex In the event Developer fails to comply with its obligations under this Agreement or takes any action to protest, challenge, contravene or otherwise breach any of its obligations or representations under this Agreement, the City shall have the right to, without any liability whatsoever, cease the provision of City utility services to the Property. This right shall be in addition to any other legal or equitable relief available to the City.

10. Not a Partnership. The Parties specifically acknowledge that the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint-venture or other association of any kind is formed by this Agreement. The only relationship between the City and Developer is that of a governmental entity regulating the development of private property and the owner of such property.

11. Indemnity and Cost of Litigation.

a. Hold Harmless - Project. Developer agrees to and shall hold the City, its elected officials, officers, agents and employees free and harmless from any and all liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the operations, errors, or omissions of Developer or those of its contractors, subcontractors, agents, employees or any other persons acting on Developer's behalf which relate to the Project. Developer agrees to and shall defend, indemnify and hold harmless the City, its elected officials, officers, agents, employees and representatives from all actions for damages caused or alleged to have been caused by reason of Developer's acts, errors or omissions in connection with the Project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of Developer's or its representatives' acts, errors or omissions regardless of whether or not the City supplied, prepared or approved plans or specifications relating to the Project and regardless of whether or not any insurance policies of Developer relating to the Project are applicable.

b. Third Party Litigation Concerning Agreement. Developer shall defend, at its expense, including attorneys' fees, indemnify and hold harmless the City, its elected officials, officers, agents and employees from any claim, action or proceeding against any of them to attack, set aside, void or annul the approval of this Agreement or the approval of any permit or entitlement granted in furtherance of this Agreement. The City may, in its sole discretion, participate in the defense of any such claim, action or proceeding.

12. Liquidated Damages In the event that the property is not annexed to the City in accordance with the terms of the Agreement, the owner of the property shall pay each year to the City, as liquidated damages, a sum equal to the property taxes and any sales taxes the City would have received had the property been annexed. Failure to make such liquidated damages payments shall be cause for the City to cease water and/or sewer service to the Project.

13. Section Headings. All section headings and sub-headings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

14. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and construed in accordance with the laws of the State of California.

15. Attorneys' Fees. In the event any action is commenced to enforce or interpret the terms or conditions of this Agreement the prevailing party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees.

16. Binding Effect. The burdens of this Agreement bind and the benefits of this Agreement inure to the successors in interest of the Parties hereto.

17. Authority to Execute. The person or persons executing this Agreement in behalf of Developer warrant and represent that they have the authority to execute this Agreement on behalf of the legal, fee title owner of the Property.

18. Waiver and Release. Developer hereby waives and releases any and all claims it may have against City, its elected officials, officers, employees and agents with respect to any City actions or omissions relating to the Project and Developer's and City's entry into and execution of this Agreement. Developer makes such waiver and release with full knowledge of Civil Code Section 1542, and hereby waives any and all rights thereunder to the extent of this waiver and release, of such Section 1542 is applicable. Civil Code Section 1542 provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

19. Construction. The Parties agree that each party and its counsel have reviewed this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement. The Parties further agree that this Agreement represents an "arms-length" transaction agreed to by and between the Parties and that each party has had the opportunity to consult with legal counsel regarding the terms, conditions and effect of this Agreement.

20. Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the Parties as to the matters contained herein, and there are no oral or written representations, understandings or ancillary covenants or agreements which are not contained or expressly referenced herein, and no testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

DEVELOPER


Mary Brown Miller, Trustee
Miller Family Trust

Date: 

Catherine M. Reed, Trustee

Catherine M. Reed, Trustee
Mary B. Miller Charitable Remainder Unitrust

Date: 1/9/04

Susanne Brown Hills, Trustee

Susanne Brown Hills, Trustee
Susanne Brown Hills Family Trust

Date: 1/8/04

CITY OF REDLANDS

Susan Pepler
Susan Pepler, Mayor

Date: Feb. 3, 2004

ATTEST:

Dan O'Connell
City Clerk

Date: Feb. 3, 2004

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) SS
CITY OF REDLANDS)

By the authority granted under Chapter 4, Article 3, Section 1181, of the California Civil Code, and Chapter 2, Division 3, Section 40814, of the California Government Code, on February 3, 2004, before me, Beatrice Sanchez, Deputy City Clerk, on behalf of Lorrie Poyzer, City Clerk of the City of Redlands, California, personally appeared Susan Pepler and Lorrie Poyzer { X } personally known to me - or - { } proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.



WITNESS my hand and official seal.

LORRIE POYZER, CITY CLERK

By: *Beatrice Sanchez*
Beatrice Sanchez, Deputy City Clerk
(909)798-7531

~~~~~  
CAPACITY CLAIMED BY SIGNER(S)

{ } Individual(s) signing for oneself/themselves

{ } Corporate Officer(s)

Title(s) \_\_\_\_\_

Company \_\_\_\_\_

{ } Partner(s)

Partnership \_\_\_\_\_

{ } Attorney-In-Fact

Principal(s) \_\_\_\_\_

{ } Trustee(s)

Trust \_\_\_\_\_

{ x } Other

Title(s): Mayor and City Clerk

Entity Represented: City of Redlands, a municipal corporation

~~~~~  
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW:

Title or Type of Document: Pre-Annexation Agreement

Date of Document: February 3, 2004

Signers Other Than Named Above:

Mary Brown Miller, Susanne Brown Hills and Catherine M. Reed

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

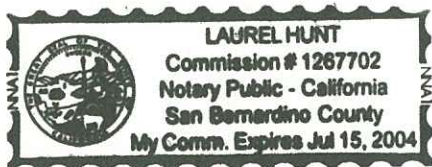
County of San Bernardino

} ss.

On January 8, 2004, before me, Laurel Hunt,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mary Brown Miller,
Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Laurel Hunt
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Annexation & Provision for City Utility Services

Document Date: January 20, 2004 Number of Pages: 6

Signer(s) Other Than Named Above: Catherine M. Reed & Susanne Brown Hills

Capacity(ies) Claimed by Signer

Signer's Name: Mary Brown Miller, Trustee

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Miller Family Trust

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

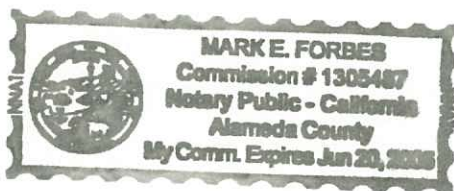
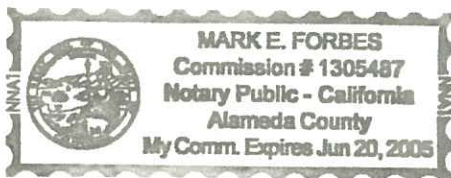
County of Alameda

} ss.

On January 9, 2004, before me, MARK E. FORBES,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared **** CATHERINE M. REED ****,
Name(s) of Signer(s)

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



Place Notary Seal Above

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Bernardino

} ss.

On January 8, 2004, before me, Laurel Hunt,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Susanne Brown Hills,
Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Laurel Hunt
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Annexation & Provision for City
Utility Services

Document Date: January 20, 2004 Number of Pages: 6

Signer(s) Other Than Named Above: Mary Brown Miller & Catherine M. Reed

Capacity(ies) Claimed by Signer

Signer's Name: Susanne Brown Hills, Trustee

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Miller Family Trust

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT "A"

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO
ECONOMIC DEVELOPMENT
AND PUBLIC SERVICES GROUP

PLANNING DIVISION

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 • (909) 387-4131
Current Planning Fax (909) 387-3249 • Advance Planning Fax (909) 387-3223
15505 Civic Drive • Victorville, CA 92392 • (760) 243-8245 • Fax (760) 243-8212
<http://www.sbcounty.gov/landuseservices>

MICHAEL E. HAYS
Director of Land Use Services

November 13, 2003

Effective Date: November 23, 2003

EXPIRATION DATE: November 23, 2006

Mary Miller Family Trust
1273 W. Crescent Avenue
Redlands, CA 92373

Pat Meyer/Urban Environs
133 E. Vine Street
Redlands, CA 92373

RE: TT 16292/E312-105/03; Tentative Tract 16292 to create 69 lots on 16.17 acres;
APN: 0298-192-03, 20; Redlands Sphere of Influence (Mentone Area)

Dear Applicants:

The Land Use Services Department/Current Planning Division has completed review of the above-referenced Tentative Tract and has approved the application subject to the conditions of approval set forth on attached pages 1 through 14.

The lots proposed by your Tentative Tract Map cannot be legally divided, recorded, or sold until the requirements listed on the attached pages have been completed and your final map has recorded.

The conditions attached are listed under various categories that indicate when the conditions must be met. To assist you in obtaining departmental clearances of the conditions, we are enclosing a Condition Compliance Release Form listing the conditions that are required to be met prior to recordation, prior to land disturbance, prior to issuance of building permits and prior to occupancy. After you have obtained all necessary signatures, return the applicable Condition Compliance Release Form, containing the original signatures) to the Planning Division.

Allow at least ten (10) working days after submission of the Condition Compliance Release Form for review by the project planner. When all conditions listed under "Prior to Recordation have been met, Planning will release your project for recordation. When all conditions listed under the "Prior to Issuance of Permits" heading have been met/satisfied, the Planning Division will release your project for permit issuance to the Building & Safety Division.

NOTE: The Planning Department considers your conditions of approval and Tentative Tract your final development criteria/design. This is not considered a conceptual design. Therefore, any modifications and/or alterations will require the submittal of a Revisions application and approval "Prior to Issuance of Permits".

WALLY HILL
County Administrative Officer
JOHN MOOS
Assistant County Administrator

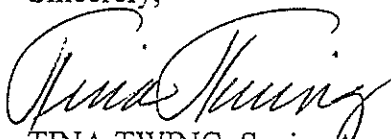
Board of Supervisors
BILL POSTMUS First District
PAUL BIANE Second District
DENNIS HANSEERGER Third District
FRED AGUIAR Fourth District

All conditions shown on the attached sheets must be met prior to FINAL approval and occupancy of your project. After the Building & Safety Division finalizes your project and notifies the Planning Division, a Conditional Use Permit will be issued and any remaining funds on deposit will be authorized for release.

This approval shall become null and void if all conditions have not been complied with and the occupancy or use of the land has not taken place within thirty-six (36) months of the date of conditional approval. Extension(s) of time may be granted upon written application and the payment of the required fee to the County Planning Division not less than thirty (30) days prior to the date of expiration. PLEASE NOTE: THIS WILL BE THE ONLY NOTICE GIVEN FOR THE ABOVE SPECIFIED EXPIRATION DATE. The applicant is responsible for initiation of extension requests.

If we may be of further assistance, please feel free to contact this department at (909) 387-4112.

Sincerely,



TINA TWING, Senior Associate Planner
Land Use Services Department/Current Planning Division

cc: Chidi Onumonu, Public Works Department/Traffic Division
Dan Moye, County Surveyor/Public Works Department
Walter Allison, Land Development Roads, Drainage/Public Works
Steve Hamer, Land Development Roads, Drainage/Public Works
Ray Britain, Environmental Health Services
Rod Foscett, Building and Safety - SB
Doug Crawford, County Fire Department
Gerald Stafford, Chief Appraiser/County Assessor's Office
John Jaquess, City of Redlands Planning Department
Hicks and Hartwick, Inc.

Attachments: Conditions of Approval
Condition Compliance Release Forms
Approved Tentative Tract Map

FINDINGS: TENTATIVE TRACT 16292

1. The proposed subdivision together with the provisions for its design and improvements is consistent with the San Bernardino County General Plan because the design and improvements conform with the provisions of the Single Family Residential land use district including the location criteria and building density standards. The project is consistent with General Plan goals and policies as follows:

Policy LU-2 –that requires the design and siting of new residential development that meets locational and development standards that ensure compatibility with adjacent land use and community character and encourages the fostering of a variety of housing types and densities and more efficient use of the land;

Policy LU-9 – that requires that new development be coordinated with cities' spheres of influence and encourages the consideration of the nature and intensity of the development and consistency with the cities' pre-zoning in their spheres of influence.

Policy LU-11 – that encourages the promotion of urban infill projects to allow a more efficient use of existing infrastructure and decrease the need for extension of new services.

3. The site is physically suitable for the proposed type and density of development, as the land is adequate in size, shape and topography to accommodate the proposed land use, setbacks, walls, fences and other requirements. There are no variances being requested.
4. The proposed subdivision design and improvements are not likely to cause substantial and environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.
5. The design of the subdivision and any related type of proposed improvements are not likely to cause serious public health problems or cause threat to life and property from a conflagration, because the design and density proposed are such that hazards from flood, fire, noise and other potential public health hazards are minimized.
6. The design of the subdivision and improvements associated with it will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.
7. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.
8. The proposed subdivision, its design, density, and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
9. The proposed subdivision is not a land project.
10. The proposed project will not have a significant effect on the environment. On May 4, 2003, it was advertised that a Mitigative Negative Declaration is proposed for this project.



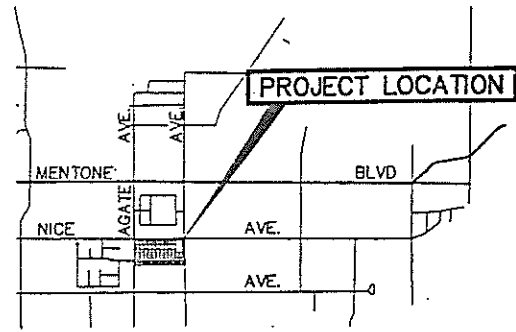
NEGATIVE DECLARATION

Staff Action

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

Project Description

APN: 0298-192-03*
APPLICANT: MILLER, MARY
PROPOSAL: TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON 16.17 ACRES
COMMUNITY: REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION: SOUTH SIDE OF NICE AVENUE, EXTENDING BETWEEN AGATE AVENUE AND CRAFTON AVENUE, EXCLUDING 1.10 ACRES OF THE SOUTHWEST CORNER
JCS/INDEX: 11655TT1/E312-105
STAFF: Tina Twing
REP(S): URBAN ENVIRONS (PATRICK J. MEYER)



November 23, 2003

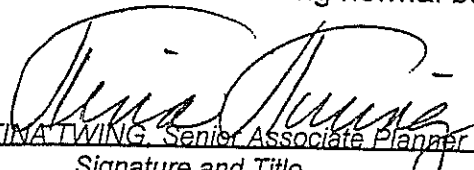
Effective date of Negative Declaration
(after 10-day appeal period)

Plans and specifications for the referenced project are available for public inspection in the Land Use Services Department, Planning Division.

Pursuant to provisions of the California Environmental Quality Act and the San Bernardino County Environmental Review Guidelines, the above referenced project has been determined not to have a significant effect upon the environment. An Environmental Impact Report will not be required.

Reasons to support this finding are included in the written Initial Study prepared by the San Bernardino County Planning Director.

The decision may be appealed by any aggrieved person, organization or agency to the County Planning Commission. Appeals shall be filed before the effective date of the Negative Declaration listed above. The Notice of Appeal shall be in writing and shall be filed with the appropriate fee at the San Bernardino County Government Center Public Information Counter during normal business hours.


TINA TWING, Senior Associate Planner
Signature and Title
For Judy Tatman, AICP, Supervising Planner

November 13, 2003
Date of Determination

Notice of Determination

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

From: San Bernardino Co. Land Use Services Dept.
385 North Arrowhead Avenue, Third Floor
San Bernardino, CA 92415-0182

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

Documentary Handling Fee (\$35.00)

Receipt Number _____

SUBJECT:

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.

Project Description

APN: 0298-192-03*
APPLICANT: MILLER, MARY
PROPOSAL: TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON
16.17 ACRES
COMMUNITY: REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION: SOUTH SIDE OF NICE AVENUE, EXTENDING
BETWEEN AGATE AVENUE AND CRAFTON
AVENUE, EXCLUDING 1.10 ACRES OF THE
SOUTHWEST CORNER
JCS/INDEX: 11655TT1/E312-105
REP(S): URBAN ENVIRONS (PATRICK J. MEYER)
STAFF: Tina Twing

State Clearing House Number N/A

Tina Twing, Senior Associate Planner
Lead Agency Contact Person

(909) 387-4112

Area Code/Telephone Number

Applicant

Mary Miller Family Trust

Name

1273 W. Crescent Avenue

Redlands, CA 92373

((909) 792-2218

Representative

Pat Meyer/Urban Environs

Name

133 E. Vine Street

Address

Redlands, CA 92373

(909) 798-4446

Phone

This is to advise that the San Bernardino County Planning Division Approved the above-described
x Lead Agency ☐ Responsible Agency
project on November 13, 2003 with an effective date of November 23, 2003 and has made
Date Date
the following determinations regarding the above project:

1. The project ☐ will ☒ will not have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

This is to certify that the Final Environmental Documents with comments and responses and record of project approval is available to the General Public at 385 N. Arrowhead Avenue, First Floor Government Center, San Bernardino, CA 92415-0182

TINA TWING

Signature (Public Agency)

November 13, 2003

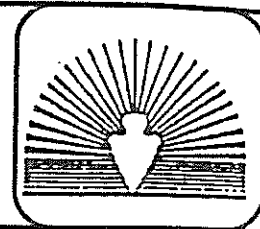
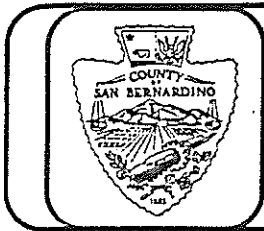
Date

Senior Associate Planner

Title

Date received for filing at OPR:

Planning Department - Revised August 1994



DRC REVIEW

PROJECT: Mary Miller Trust 16292 - MontroseI am in agreement with all conditions of approval recommended for this project at the 11-10-03
Meeting of the Development Review Committee. Those in attendance at the meeting are representatives from:

LAND USE SERVICES

- ☒ Current Planning Jim
☐ Advance Planning
☒ Building & Safety Slo
☒ Planning Commissioner Shua

PUBLIC WORKS

- ☒ Surveyor (maps only) Joan
☒ Land Dev. Eng. (Rds/Drainage) Walt Allison / Steve Hawn
☒ Traffic Chidi Onomone

FIRE

- ☒ County Fire Doug Crawford
☐ County Fire/Haz. Mat.
☐ Other Fire _____

PUBLIC HEALTH

- ☒ Env. Health Svcs.
Scott Rose

SPECIAL DISTRICTS (if applicable)

☒ 2 KCR

OTHER

☒ LAFCO - Kathleen McDon

I understand that the following conditions will be modified or deleted as indicated below:

AGENCY

BIS -
Land Dev.
Jim
Land Dev - Drainage

CONDITION

Resolve V-drain issues (off or on-site)
Modify cond #65 - burn acceptable - see #
Delete 74 (FRI requirement) & 22 (26
Delete 1st sentence! prior to grading

I am in disagreement with the following conditions

AGENCY

CONDITION

RECOMMENDATION: ☒ APPROVED AS CONDITIONED ☐ CONTINUE TO _____ DRC.
☒ STAFF ACTION ☐ RECOMMENDED TO PLANNING COMMISSION ☐ DISAPPROVE BASED ON _____

COUNTY:

DATE: 11-10-03ATTEST: Tina Tui
DEVELOPMENT REVIEW COMMITTEE

DEVELOPER:

DATE: 11-10-03SIGNED: P. RayTITLE: APPLICANT

SIGN IN SHEET

DRC HEARING DATE:

14/10/03

PROJECT:

Mary Miller TT 16292

[illegible]



CONDITION COMPLIANCE RELEASE FOR LAND DISTURBANCE



This project may require land to be disturbed and/or grading to be conducted as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to land disturbance and/or prior to grading. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pregrading/land disturbance requirements to your project.

A release must be obtained from the agencies circled below:

- | | |
|--|--|
| 1. Environmental Health Services #17 | 5. Land Development Engineering/Roads #18-2 |
| 2. Fire Department/Hazardous Materials | 6. Land Development Engineering/Drainage #21- |
| 3. Fire Department/Community Safety | 7. Building and Safety Division/Land Use Svcs. Dept. #8-16 |
| 4. Planning Division/Land Use Svcs. Dept. #24-27 | 8. _____ |

Coordinate the completion of all pregrading/land disturbance conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the disturbance of land and/or issuance of grading permits. If the pregrading/land disturbance conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

APN:	0298-192-03*
APPLICANT:	MILLER, MARY
PROPOSAL:	TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON 16.17 ACRES
COMMUNITY:	REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION:	SOUTH SIDE OF NICE AVENUE, EXTENDING BETWEEN AGATE AVENUE AND CRAFTON AVENUE, EXCLUDING 1.10 ACRES OF THE SOUTHWEST CORNER
JCS/INDEX:	11655TT1/E312-105
REP(S):	URBAN ENVIRONS (PATRICK J. MEYER)
STAFF:	Tina Twing

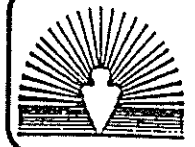
To Building and Safety:
Planning Department verifies all land disturbance conditions and requirements are complete. Grading permit may be issued.

Signature _____

Date _____



CONDITION COMPLIANCE RELEASE FOR MAP RECORDATION



This project requires a map to be recorded as part of the development process. In many instances, reviewing agencies have imposed certain requirements on your project that must be completed prior to map recordation. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned prerecordation requirements to your project.

A release must be obtained from the agencies circled below:

- ① Environmental Health Services #43-48
- ② Fire Department — Hazardous Materials
- ③ Fire Department — Fire Protection Planning #28-33
- ④ Planning Department #35-42
- ⑤ Land Development Engineering — Roads #54
- ⑥ Land Development Engineering — Drainage #
- ⑦ Building and Safety #34-
- ⑧ Surveyor #50-53
- ⑨ Special Districts #75
- ⑩ LAFCD #76

Coordinate the completion of all prerecordation conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for recordation.

FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the recordation of a map. If the prerecordation conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____			_____		
_____			_____		
_____			_____		
_____			_____		

APN: 0298-192-03*
APPLICANT: MILLER, MARY
PROPOSAL: TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON 16.17 ACRES
COMMUNITY: REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION: SOUTH SIDE OF NICE AVENUE, EXTENDING BETWEEN AGATE AVENUE AND CRAFTON AVENUE, EXCLUDING 1.10 ACRES OF THE SOUTHWEST CORNER
JCS/INDEX: 11655TT1/E312-105
STAFF: Tina Twing
REP('S): URBAN ENVIRONS (PATRICK J. MEYER)



CONDITION COMPLIANCE RELEASE FOR BUILDING PERMITS



This project requires building permits as part of the development process. In many instances reviewing agencies have imposed certain requirements on your project that must be completed prior to issuance of those permits. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned prebuilding permit requirements to your project.

A release must be obtained from the agencies circled below:

- | | |
|--|--|
| 1. Environmental Health Services | 5. Land Development Engineering/Roads #7 |
| 2. Fire Department/Hazardous Materials | 6. Land Development Engineering/Drainage |
| 3. Fire Department/Fire Protection Planning | 7. Building & Safety Div./Land Use Svcs. Dept. |
| 4. Planning Division/Land Use Svcs. Dept. #77-78 | 8. Traffic Div. #80 |

Coordinate the completion of all prebuilding permit conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the issuance of building permits. If the prebuilding permit conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
-----------	------	-------	-----------	------	-------

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

APN:	0298-192-03*
APPLICANT:	MILLER, MARY
PROPOSAL:	TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON 16.17 ACRES
COMMUNITY:	REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION:	SOUTH SIDE OF NICE AVENUE, EXTENDING BETWEEN AGATE AVENUE AND CRAFTON AVENUE, EXCLUDING 1.10 ACRES OF THE SOUTHWEST CORNER
JCS/INDEX:	11655TT1/E312-105
STAFF:	Tina Twing
REP(S):	URBAN ENVIRONS (PATRICK J. MEYER)

To Building and Safety:
Planning Department verifies all conditions and requirements are complete. Building permits may be issued.

Signature _____

Date _____



CONDITION COMPLIANCE RELEASE FOR OCCUPANCY/USE



This project requires authorization to occupy and/or use the project. In addition to the final clearance granted by Building and Safety, other reviewing agencies may have imposed certain requirements on your project that must be completed prior to issuance of said clearance. In order to ensure compliance with these conditions, you are asked to obtain a release from the agencies that have assigned pre-occupancy/pre-use requirements to your project.

A release must be obtained from the agencies circled below:

1. Environmental Health Services
2. Fire Department/Hazardous Materials
3. Fire Department/Fire Protection Planning *#81-83*
4. Planning Division/Land Use Svcs. Dept.
5. Land Development Engineering/Roads *#84*
6. Land Development Engineering/Drainage
7. Building & Safety Div./Land Use Svcs. Dept.
8. _____

Coordinate the completion of all pre-occupancy/pre-use conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.

FOR STAFF USE ONLY

The project referenced below is being reviewed to authorize the occupancy/use of the proposal. If the pre-occupancy/pre-use conditions and requirements have been completed, please release the project with your signature.

Signature	Date	Dept.	Signature	Date	Dept.
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

APN: 0298-192-03*
APPLICANT: MILLER, MARY
PROPOSAL: TENTATIVE TRACT 16292 TO CREATE 69 LOTS ON 16.17 ACRES
COMMUNITY: REDLANDS/THIRD SUPERVISORIAL DISTRICT
LOCATION: SOUTH SIDE OF NICE AVENUE, EXTENDING BETWEEN AGATE AVENUE AND CRAFTON AVENUE, EXCLUDING 1.10 ACRES OF THE SOUTHWEST CORNER
JCS/INDEX: 11655TT1/E312-105
STAFF: Tina Twing
REP(S): URBAN ENVIRONS (PATRICK J. MEYER)

To Building and Safety:
Planning Department verifies all conditions and requirements are complete. Project may be finalized. Return Conditional Use Permit to project planner.

Signature _____

Date _____

Pursuant to California State Assembly Bill 3158, this project is subject to a \$1,250 California State Department of Fish and Game fee. This fee, set by the State Fish and Game Code Section 711.4, along with a \$35.00 administrative handling fee required by the Clerk of the Board of Supervisors, must be submitted to the Planning Department prior to issuance of conditional approval. Section 21089(b) of the Public Resources Code provides that any project approved under the California Environmental Qualities Act (CEQA) is not operative, vested, or final until the required fee is paid.

GENERAL/ON-GOING CONDITIONS

LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION (909) 387-4115

1. This project is subdivision (Tentative Tract Map 16292) to create sixty-nine (69) lots on 16.17 acres for the development of single-family residences.
2. The applicant shall agree to defend at his sole expense any action brought against the County, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval in compliance with the San Bernardino County Development Code Section 81.0150 (a-c). The applicant shall reimburse the County, its agents, officers, or employees, for any court costs and attorney's fees which the County, its agents, officers, or employees 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 applicant of his obligation under this condition.
3. All conditions must be completed and the Final Map must be recorded within thirty-six (36) months of the date of approval; or this Tentative Tract Map shall become null and void. Where circumstances cause delays that do not permit compliance with the 36 month time limitation, the Planning Director may grant an extension of time for a period not to exceed an additional thirty-six (36) months. Applications for such extension of time must set forth in writing the reasons for this extension and be submitted with the appropriate fee to the Land Use Services Department thirty (30) calendar days before the date of expiration. NOTE: There will be no reminder sent. The applicant is responsible to submit such a request at least thirty (30) days prior to the expiration date.
4. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.
5. Utility lines shall be placed underground in accordance with the requirements of County Ordinance.

6. All landscaping, fencing, and structures shall be maintained regularly by the developer, or the property owner, as appropriate, so that all facets of the development are kept in continual good repair, including but not limited to the removal of graffiti and the continued provision of healthy thriving landscaping. The property will be maintained so that it is visually attractive and not dangerous to health and welfare of the surrounding properties.

PUBLIC WORKS DEPARTMENT/LAND DEVELOPMENT – ROADS (760) 243-8183

7. Roads within this development shall be entered into the County Maintained Road System.

PRIOR TO ISSUANCE OF GRADING PERMITS OR ANY LAND DISTURBING ACTIVITY, THE FOLLOWING SHALL BE COMPLETED:

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4246

8. Tentative Map shows off-site grading. A notarized letter of permission from the property owner of the "not a part" lot shall be submitted to the Division of Building and Safety prior to land disturbance or issuance of grading permits.
9. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
10. A demolition permit shall be obtained for any building(s) or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
11. The developer shall submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.
12. An engineering geology report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
13. 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 acre of land total.
14. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
15. All erosion control planting, landscaping and devices shall be installed upon completion of rough grading.

16. The developer shall submit professionally prepared plans for approval and obtain permits prior to any construction.

DIVISION OF ENVIRONMENTAL HEALTH SERVICES (909) 387-4666

17. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. Prior to land disturbance/issuance of grading permits, a vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (909) 388-4600.

PUBLIC WORKS DEPARTMENT/LAND DEVELOPMENT/ROADS (760) 243-8183

18. Grading plans shall be submitted to this office for review.
19. An encroachment permit, or authorized clearance, shall be obtained from the County Department of Public Works, prior to the issuance of a grading permit by the Land Use Services/Building & Safety Division.
20. 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 the issuance of a 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.

LAND DEVELOPMENT/ENGINEERING, DRAINAGE (909) 387-8218 OR (760) 243-8183

21. All lots should drain to streets. If lots do not drain to streets, the cross-lot drainage shall be reviewed and approved by the Building and Safety Division under provisions of the Uniform Building Code, Chapter 70, and the County Development Code.
22. The project site is located in FEMA Zone X (shaded), according to FEMA Panel Number 8730F and will require a Flood Hazard Review to be submitted to Land Development Section/Drainage, for review prior to issuance of grading or building permits.
23. *Adequate rolls shall be provided on the entrance roads to the site at Moss Street, to minimize the possibility of street flow entering the site.*

LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION (909) 387-4115

24. A copy of the grading plan shall be submitted to Planning for review of landscaping requirements when graded cut slopes exceed five (5) feet in height and fill slopes exceed three (3) feet in height.
25. Erosion control and hydroseeding shall be installed on all slopes exceeding three (3) feet of fill and five (5) feet of cut upon completion of grading.
26. Water spraying or other methods shall be used during grading operation to control fugitive dust.
27. Dust Control Plan The developer shall submit a Dust Control Plan (DCP) to County Building and Safety consistent with SCAQMD guidelines. The DCP shall include activities to reduce on-site and on-site dust production. This measure shall be implemented to the satisfaction of County Building and Safety. Such activities shall include, but are not limited to, the following:
 - Throughout grading 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 sprayed with a non-toxic soil binder or covered with plastic or revegetated until placed in use.
 - Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.
 - Dirt on paved surfaces shall be removed daily to minimize generation of fugitive dust.

**PRIOR TO RECORDATION OF THE FINAL MAP FOR TENTATIVE TRACT 16292,
THE FOLLOWING CONDITIONS SHALL BE MET:**

COUNTY FIRE DEPARTMENT (909) 386-8400

28. Water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. The fire flow for this project shall be 1, 250 GPM for a 2-Hour duration at 20 psi residual operating pressure.
29. The developer shall submit four (4) copies of the water system improvement plans to the Fire Department for review and approval. New water systems shall have minimum eight (8) inch mains, six (6) inch laterals, six (6) inch risers and an approved six (6) inch fire hydrant.
30. Plans shall be submitted to the Fire Department for review and approval, containing the following items:
31. Access: The development, and each phase thereof, shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
32. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and shall have a minimum of forty (40) foot radius for all turns.
33. Access – 150+ feet: Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of, and shall give reasonable access to, all portions of the exterior walls of the first story of any building. Written documentation for private road maintenance including, but not limited to, grading and snow removal shall be submitted to the Fire Department for review and approval.

LAND USE SERVICES DEPARTMENT/BUILDING AND SAFETY DIVISION (909) 387-4246

34. A Geotechnical (soils) report shall be submitted to the Building and Safety Division for review and approval by the County Geologist together with the appropriate review fees, prior to recordation of the final map.

LAND USE SERVICES DEPARTMENT/ CURRENT PLANNING DIVISION (909) 387-4115

35. Prior to approval for recordation, all fees required under actual cost job number 11655TT1 shall be paid in full.
36. Composite Development Plan: A Composite Development Plan complying with Sections 83.040501 and 84.0325 of the County Development Code shall be filed with and approved by Transportation/Flood Control, Surveyor Division. The following shall be delineated on the Composite Development Plan:
- All lots shall have a minimum area of 7,200 square feet, a minimum depth of 100 feet, and a minimum width of 60 feet, with 70 feet on corner lots. In addition, each lot on a cul-de-sac or on a curved street, where the side lot lines thereof are diverging from the front to the rear of the lot, shall have a width of not less than 40 feet, when measured at the building setback lines delineated on the Composite Development Plan.
 - A variable front yard setback of at least 22 feet (average of 25') from internal edge of sidewalk. Delineate variable setbacks and footprints where no three adjacent units shall have their closest façade to the street within the same plane.
 - Street side yard setback of at least twenty-five (25) feet.
 - Side yard setbacks shall be five (5) feet and ten (10) feet minimums on alternate side yards. A ten (10) foot side yard setback is required adjacent to the garage.
 - Rear yard setback of 25 feet.
 - Lot coverage shall not exceed 30%.
 - All notes required by other departments/divisions, as stated in these conditions, shall also be placed on the Composite Development Plan.
37. Landscaping Plan: Four (4) copies of a landscaping plan shall be submitted to the Current Planning Division for review and approval. Said landscape plan shall include the following:

Required Slope Planting: Slope planting shall be required for the surface of all cut slopes more than five (5) feet in height and fill slopes more than (3) feet in height. Said slopes shall be protected against damage from erosion by planting with grass or ground cover plants. Slopes including crib walls, exceeding ten (10) feet in vertical height shall be planted with shrubs, spaced not to exceed ten (10) feet on centers; and trees, spaced not to exceed thirty (30) feet on centers. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site. Drought tolerant and fire resistive plantings shall be used to the maximum extent possible. The following plant material ratios shall be utilized for all required plantings:

Trees:	50% - 15 gal; 50% - 5 gal.
Shrubs:	50% - 5 gal; 50% - 1 gal.
Groundcovers/Hardscape:	100% coverage

Required Street Trees: One (1) inch caliper/15 gallon, multi-branched trees shall be planted on the lot adjacent to the street right-of-way no closer than fifteen (15) feet from the curb line as follows:

Cul-de-sac lot	1 tree
Interior lot	2 trees
Corner lot	3 trees

Required Walls: *A six-foot block wall is required along the rear perimeter property lines of Lots 50-67, and 19, 20, 68 and 69, and along the east property line of Lot 16, excluding the front yard setbacks. The wall shall be constructed with decorative block and be appropriately capped.*

38. Irrigation Plan: Four (4) copies of an irrigation plan shall be submitted to the Current Planning Division for review and approval when slope planting and/or any other planting is required. Areas required to be planted shall be provided with an approved system of irrigation designed to cover all portions of the landscaped areas. A functional test of systems may be required. The maintenance of landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by a County Service Area or other appropriate entity.

39. Irrigation shall be primarily provided by drip, bubbler or other non-aerial water serving method or system. The system shall include timers for controlled application. Suitable temporary irrigation methods may be substituted upon written approval by the Current Planning Division when used to establish native or drought/fire resistant plantings. All irrigation systems, where required, shall be designed on an individual lot basis.
40. The developer shall submit to the Land Use Services Department/Current Planning Division for review and approval a copy of the Conditions, Covenants, and Restriction for the tract, if applicable. The CC&R's shall include requirements for no vehicular parking or overhang on the sidewalk and no visible roof mounted equipment.
41. Drought-resistant, fire retardant vegetation should be used for any replacement landscaping to reduce water consumption and promote slope stability (where applicable). All landscaped areas shall be irrigated in a manner designed to conserve water. This requirement shall be included in any recorded Conditions, Covenants, and Restrictions (CC&R's) for this project.

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

42. The water purveyor shall be the City of Redlands. Applicant shall procure a verification letter from the City of Redlands. This letter shall state whether or not connection and service can be made available to the project by the water agency. This letter shall reference File Index Number E312-105/TT16292 and Assessor's Parcel Number 0298-192-03, 20.
43. Method of sewage disposal shall be the City of Redlands. Applicant shall procure a verification letter from the City of Redlands. This letter shall state whether or not sewer connection and service can be made available to the project by the sewer agency. This letter shall reference File/Index Number E312-105/TT 16292 and Assessor's Parcel Numbers 0298-192-03, 20.
44. The following are the steps that must be completed to meet the requirements for installation and/or finance of the on-site/off-site water system and/or sewer system:
45. Where the water and/or sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the PUBLIC WORKS DEPARTMENT, OFFICE OF THE SURVEYOR a copy of the approved plan and a signed statement from the utility of jurisdiction confirming that the improvement has been installed and accepted.

46. Where a bond is to be posted in lieu of installation of the improvement, the developer shall submit the approved plans and determined amount or a signed statement from an acceptable governmental entity, that financial arrangements have been completed and submitted to the PUBLIC WORKS DEPARTMENT, OFFICE OF THE SURVEYOR.
47. Submit preliminary acoustical information, demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.
48. Evidence shall be provided that all wells are (1) properly destroyed under permit from the County OR (2) constructed to DEHS standards, properly sealed and certified to the County as inactivated OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS/Water Section for approval. Contact DEHS/Water Section for approval. Contact or for more information at (909) 387-4666.

LAND USE SERVICES DEPARTMENT/SURVEYOR DIVISION (909) 387-8145

49. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, that cannot be relinquished or relocated, shall be redesigned.
50. Subdivider shall present evidence that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
51. Final monumentation, not set prior to recordation, shall be bonded with a cash amount deposited with the Office of the County Surveyor, as established per the County Fee Schedule 16.0215B(c)(6).
52. *The tentative map shows improvements with the "not a part". Any easements required for off-site improvements shall be recorded prior to, or concurrently with, the final map recordation.*

LAND DEVELOPMENT/ENGINEERING, ROADS (909) 387-8218 OR (760) 243-8183

53. Road sections within and/or bordering the tract shall be designed and constructed with curbs, gutters, and sidewalks to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works in accordance with the Master Plan of Highways.

54. Final plans and profiles shall indicate the location of any existing utility facility that would affect construction.
55. All road names shall be coordinated with the County Department of Public Works/Traffic Division.
56. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and the County Fire Department.
57. Existing utility poles shall be shown on the improvement plans and relocated as necessary without cost to the County.
58. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
59. A thirty-five (35) foot radius-of-return grant-of-easement is required for rounding the corner of intersecting roads when the half-width right-of-way or any intersecting road is forty-four (44) feet or greater. A twenty (20) foot radius-of-return grant-of-easement is required for rounding the corners of intersecting roads if the half-width right-of-way of all intersecting roads is less than forty-four (44) feet.
60. 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.
61. Trees, irrigation systems, and landscaping required to be installed on public right-of-way within this tract area shall be maintained by other than the County Department of Public Works, and shall be as specified in County Transportation/Flood Control standards for tree planting or any subsequent ordinance. Maintenance procedures, acceptable to the Department of Public Works, shall be instituted prior to recordation.
62. Dedication/right-of-way reservation shall be granted on Agate, Nice, Crafton, Moss, "A", "B" and "C", as necessary to concur with the Master Plan of Highways.
63. All required public road and drainage improvements for subdivisions shall be bonded in accordance with the County Development Code unless constructed and approved prior to recordation.
64. Improvement plans shall be submitted by the applicant to the Land Development Section for review and approval prior to installation of road and drainage improvements.

65. The Geometric Design of the roads shall conform to the guidelines of the "San Bernardino County Transportation Road Planning and Design Standards Manual."
66. Prior to recordation, all signing and striping shall be shown on the improvement plans as determined necessary by the County Department of Public Works.
67. Any proposed walls and cut and fill slopes shall be designed and constructed in such a manner so as to ensure that the intersections, curves, and driveways' sight distance is adequate for the minimum design speeds.
68. Non-vehicular access shall be dedicated along Crafton Avenue.

LAND DEVELOPMENT/ENGINEERING. DRAINAGE (909) 387-8218 OR (760) 243-8183

69. Project applicant shall submit plans to the Land Development Division, for review and approval, providing half-width improvements, including a minimum of a standard berm, along Nice Avenue from Agate to Opal, to convey drainage flows entering the project area and from the project area to Opal Avenue. Plans shall include storm drain improvements from Opal Avenue to the existing ditch at the Nice Avenue railroad crossing west of Opal Avenue.
70. Adequate provisions shall be made to intercept and conduct the offsite tributary drainage flow around or through the site in a manner which will not adversely affect adjacent or downstream properties.
71. Adequate San Bernardino County Drainage Easements (SBCDE), a minimum of fifteen (15) feet wide, shall be provided over the natural drainage courses and/or drainage facilities. The easements shall be designed to contain 100-year frequency storm flow plus bulking and freeboard per County Standard Criteria.
72. Drainage improvements required by the conditions of project approval shall be delineated on the Composite Development Plan.
73. In addition to the drainage requirements stated herein, other onsite or offsite improvements maybe 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.

SPECIAL DISTRICTS DEPARTMENT (909) 387-9612

74. Streetlighting Plans and Plan Check Fees must be submitted to Special Districts Department for review and approval. Submit plans to Gale Glen, Special Districts Department, 157 W. 5th St., 2nd Floor, San Bernardino, CA 92415-0450, Telephone (909) 387-9612.

LOCAL AGENCY FORMATION COMMISSION (LAFCO) (909) 387-5869

75. *The extension of water and sewer service to this project will require a contract with the City of Redlands for service outside its service boundaries. Such a contract is required to be reviewed and approved by the Local Agency Formation Commission (LAFCO), pursuant to the provisions of Government Code Section 56133. LAFCO approval is required before a will-serve letter or other contractual relationship can be finalized. For additional information, contact Kathleen Rollings-McDonald at (909) 387-5869.*

PRIOR TO ISSUANCE OF BUILDING PERMITS, THE FOLLOWING CONDITIONS SHALL BE MET:

COUNTY FIRE DEPARTMENT (909) 386-8400

76. This project (Tract 16292) is under the jurisdiction of the San Bernardino County Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements, and all applicable statutes, codes, ordinances, and standards of the Fire Department including, but not limited to, the following requirement:
77. Combustible Protection: Prior to combustibles being placed on the project site, an approved paved road with curb and gutter and fire hydrants, with an acceptable water system, shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

PUBLIC WORKS DEPARTMENT/LAND DEVELOPMENT/ROADS (760) 243-8183

78. Projects subject to a building permit shall have all required on-site and off-site improvements, required for each phase, completed and approved prior to final inspection of any buildings or structures. The term "phase", as used here, shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction that indicates blocks of construction of less than the whole project." In each phase, the installation of any on-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run-off, a safe and drivable access for fire and safety, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Section may approve any plan or approve a change to an approved plan, that complies with the intent of this policy.

PUBLIC WORKS DEPARTMENT/TRAFFIC DIVISION (909) 387-8192

79. A fair-share contribution of \$11,742.00 for the future signalization and construction of improvements on King Avenue at Colton Avenue is required. A fair-share contribution of \$ 3,024.00 for future signalization and installation of a left turn lane on Crafton Avenue at Colton Avenue is required. The amount of \$14,766.00 is, therefore, to be deposited with the Public Works Department prior to the issuance of any building permit.

SUBJECT PROPERTY SHALL NOT BE OCCUPIED AND/OR USED FOR THE PURPOSES APPLIED FOR UNTIL THE FOLLOWING CONDITIONS HAVE BEEN MET:

COUNTY FIRE DEPARTMENT (909) 386-8400

80. Hydrant Marking: Blue reflective pavement markers, indicating fire hydrant locations, shall be installed as specified by the Fire Department.
81. Residential Addressing: The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one-half (1/2) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances.

82. Spark Arrestor: An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the Uniform Fire Code.

PUBLIC WORKS DEPARTMENT/LAND DEVELOPMENT/ROADS (760) 243-8183

83. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the Department of Public Works, Land Development Division/Roads Section.
84. Agate and Nice Avenues shall be constructed half-width to Collector Road Standards along the project frontage(s). Curb, gutter and sidewalks are required. Crafton Avenue shall be constructed half-width to Major Highway Road Standards along the project frontage(s). Curb, gutter and sidewalks are required.
85. *Half-width paving and asphalt berm improvements shall be constructed along the south side of Nice Avenue from Agate to Opal Avenue and shall coordinate with the drainage requirements.*

End of Conditions

EXHIBIT "B"

Page 1
Order No. 12015136

DESCRIPTION**PARCEL 1:**

LOT 2 IN BLOCK 30 AS SHOWN BY THE MAP OF CRAFTON TRACT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ON FILE IN BOOK 3, PAGE 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

THOSE PORTIONS OF LOTS 1 AND 6 IN BLOCK 30 AS SHOWN BY THE MAP OF CRAFTON TRACT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ON FILE IN BOOK 3, PAGE 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF CRAFTON AVENUE AND NICE AVENUE AS SHOWN ON SAID CRAFTON TRACT, THENCE ALONG THE CENTERLINE OF SAID CRAFTON AVENUE SOUTH 01° 38' 32" EAST 347.14 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 01° 38' 32" EAST 313.34 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 6;
THENCE ALONG THE SOUTH LINE OF SAID LOT 6 SOUTH 89° 48' 33" WEST 660.51 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 6;
THENCE NORTHERLY ALONG THE WEST LINES OF SAID LOTS 6 AND 1, 660.00 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT LYING ON THE CENTERLINE OF SAID NICE AVENUE;
THENCE ALONG THE CENTERLINE OF SAID NICE AVENUE NORTH 89° 57' 46" EAST 451.83 FEET, MORE OR LESS, TO A POINT WHICH LIES SOUTH 89° 57' 46" WEST 208.17 FEET FROM THE CENTERLINE INTERSECTION OF SAID NICE AVENUE AND CRAFTON AVENUE;
THENCE SOUTH 00° 02' 14" EAST 347.00 FEET;
THENCE NORTH 89° 57' 46" EAST 217.89 FEET TO THE POINT OF BEGINNING.

SAID DIVISION OF LAND IS PURSUANT TO CERTIFICATE OF COMPLIANCE NO. E0019-02 RECORDED APRIL 11, 2002 AS INSTRUMENT NO. 2002-180542 OF OFFICIAL RECORDS.

NOTE: THIS PRELIMINARY REPORT DOES NOT INCLUDE ANY INTEREST, INCLUDING FEE OWNERSHIP AND OTHER MATTERS, PERTAINING TO AGATE STREET, NICE AVENUE AND CRAFTON AVENUE, OR PORTIONS THEREOF, SHOWN AS BEING PART OF THE LAND DESCRIBED HEREIN AS PARCELS 1 AND 2 ABOVE.

AN EXAMINATION OF THE OFFICIAL RECORDS PERTAINING TO SAID STREETS WILL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE.