

**RESOLUTION NO. 2024-184**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT REVISION 23-11 AMENDING CONDITIONAL USE PERMIT 91-31/RECLAMATION PLAN GOVERNING MINING DEPTHS AND AREAS ALLOWING THE CONSOLIDATION OF THE CITY’S RECLAMATION PLAN WITH AN UPDATED AMENDED RECLAMATION PLAN ALLOWING FOR THE CONTINUATION OF AN AGGREGATE MINING OPERATION WITHIN THE SAN BERNARDINO COUNTY AREA Q AND CITY OF SAN BERNARDINO AREAS K, L, M, AND N ON A PROJECT SITE CONTAINING APPROXIMATELY 530.5 ACRES LOCATED SOUTHWEST OF CAJON BOULEVARD BETWEEN INSTITUTION ROAD TO THE NORTH AND DEVILS CREEK DIVERSION CHANNEL TO THE SOUTH WITHIN SPECIFIC PLAN – CALMAT/CAJON CREEK INDUSTRIAL EXTRACTIVE AND INDUSTRIAL LIGHT, PURSUANT TO AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT.**

**WHEREAS**, on May 10, 1993, the City of San Bernardino approved the CalMat/Cajon Creek Specific Plan 90-01 that is a comprehensive planning and zoning document encompassing approximately 1,392 acres that authorized aggregate (sand and gravel) mining and related uses, industrial uses and open space; and Conditional Use Permit 91-31/Reclamation Plan that authorized mining and processing operations at the Cajon Creek Quarry on approximately 298 acres comprised of Areas L, M, and N, certified an Environmental Impact Report (California State Clearinghouse No. 1990020908/1993104312) for the CalMat/Cajon Creek Specific Plan and adopted the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on January 22, 1998, the City of San Bernardino approved the sequential development of the aggregate plant and the hot-mix asphalt plant under Development Permit Type II 97-24; and

**WHEREAS**, on September 3, 2020, the County of San Bernardino approved a zone change, conditional use permit and reclamation plan (PROJ-2019-00073) for mineral extraction in the area immediately south of the Cajon Creek Quarry known as Area Q to provide additional materials for ongoing operations at the Cajon Creek Quarry, certified an Environmental Impact Report (California State Clearinghouse No. 2020010528) for Area Q and adopted the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, together, Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 constitute the Cajon Creek Consolidated Quarry Mine Reclamation Plan (“Project”); and

**WHEREAS**, Conditional Use Permit Revision 23-11 amending Conditional Use Permit 91-31/Reclamation Plan governing mining depths and areas allowing the consolidation of the City's Reclamation Plan with an updated amended Reclamation Plan allowing for the continuation of an aggregate mining operation within the San Bernardino County Area Q and City of San Bernardino Areas K, L, M, and N; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code, § 21000 et seq.), Section 21069, and State CEQA Guidelines (California Code of Regulations, § 15000 et seq.), Section 15381, the City of San Bernardino is the Responsible Agency for the Project; and

**WHEREAS**, pursuant to requirements of Section 15164(b) (Addendum to an EIR) of the California Environmental Quality Act, the Planning Division of the Community Development and Housing Department accepted the Addendum to the Final EIR prepared by Sespe Consulting on behalf of and submitted by the applicant for Project; and

**WHEREAS**, On June 12, 2024, the Development and Environment Review Committee of the City of San Bernardino recommended that Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 move to the Planning Commission for consideration.

**WHEREAS**, on July 9, 2024, the Planning Commission of the City of San Bernardino held a duly-noticed public hearing to consider public testimony and the staff report, and, by a vote of 9-0, adopted Resolution No. 2024-024 forwarding a recommendation that the Mayor and City Council recommending approval of Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 amending Conditional Use Permit 91-31/Reclamation Plan and the CalMat/Cajon Creek Specific Plan's Design Guidelines governing mining depths and areas; and, allow the consolidation of the City's Reclamation Plan with an updated Amended Reclamation Plan allowing for the continuation of an aggregate mining operation within the San Bernardino County Area Q and City of San Bernardino Areas K, L, M, and N on a project site containing approximately 530.5 acres located southwest of Cajon Boulevard between Institution Road to the north and Devils Creek Diversion channel to the south within Specific Plan – Calmat/Cajon Creek Industrial Extractive And Industrial Light; and consider the Addendum to the final Environmental Impact Report under the California Environmental Quality Act; and

**WHEREAS**, notice of the August 21, 2024, public hearing for the Mayor and City Council's consideration of this proposed Ordinance was published in The Sun newspaper on August 10, 2024, and was mailed to property owners and occupants of property within a 1,000-foot radius of the project site and interested parties in accordance with Development Code Chapter 19.52 (Hearings and Appeals); and

**WHEREAS**, no comments made in the public hearing conducted by the Mayor and City Council, and no additional information submitted to the City Council, has produced substantial new information requiring substantial revisions that would trigger recirculation of the Addendum to the Final Environmental Impact Report or additional environmental review under State CEQA Guidelines Section 15164; and

**WHEREAS**, pursuant to the requirements of Chapter 19.64 (Specific Plans) and Chapter 19.68 (Surface Mining and Land Reclamation) of the City of San Bernardino Development Code, the Mayor and City Council has the authority to take action on Conditional Use Permit Revision 23-11 would be considered.

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Compliance with the California Environmental Quality Act. Based on the Addendum, the EIRs, Environmental Findings, Mitigation Monitoring and Reporting Programs, the Statement of Overriding Considerations, and all related information presented to the City Council, the City Council finds that the preparation of a subsequent or supplemental EIR is not required because the modification specified in the Addendum: (1) does not constitute substantial changes to the Project that will require major revisions of the 1993 EIR or 2020 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) does not constitute substantial changes with respect to the circumstances under which the Project is administered that will require major revisions of the 1993 EIR or 2020 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and (3) does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 1993 EIR or 2020 EIR was certified, that shows any of the following: (a) the modification will have one or more significant effects not discussed in the 1993 EIR or 2020 EIR; (b) significant effects previously examined will be substantially more severe than shown in the 1993 EIR or 2020 EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City Council declined to adopt such measures; or (d) mitigation measures or alternatives considerably different from those analyzed in the 1993 EIR or 2020 EIR would substantially reduce one or more significant effects on the environment, but which the City Council declined to adopt.

**SECTION 3.** Findings of Fact – Conditional Use Permit Revision 23-11

Section 19.36.050 (Findings) of the City of San Bernardino Development Code requires that Conditional Use Permit applications meet certain findings prior to the approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Mayor and City Council for the approval of Conditional Use Permit Revision 23-11:

**Finding No. 1:** The proposed use is conditionally permitted within, and would not impair the integrity or character of, the subject land use district and complies with all of the applicable provisions of the Development Code.

**Finding of Fact:** With the concurrent approval of the Specific Plan Amendment 23-02, the proposed project to amend Conditional Use Permit 91-31/Reclamation Plan allowing for the continuation of mining activity is a permitted use within the CalMat/Cajon Creek Specific Plan, subject to the approval of a Conditional Use Permit within appropriate Conditions of Approval and Mitigation Measures. The proposal under Conditional Use Permit Revision 23-11 will be developed in compliance with all of the Conditions of Approval and Mitigation Measures.

**Finding No. 2:** The proposed use is consistent with the General Plan.

**Finding of Fact:** *General Plan Goal 12.4 - Properly manage designated areas for mineral extraction to meet the needs of the area.*

*General Plan Policies 12.4.1 - Continue to document current extraction sites, including sand and gravel quarries, including the status and duration of existing permits and approvals.*

*General Plan Policies 12.4.5 - Require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and the Development Code.*

The proposed project will maintain the existing mining operation and utilize the significant amount of on-site mineral resources that have been designated by the State, in such a manner as to be compatible with adjacent land uses. Through the incorporation of mitigation measures and conditions of approval that will protect the existing operation and surrounding land uses, mineral extraction and processing activities will continue to be regulated and maintained in accordance with SMARA. Therefore, the proposed project is in compliance with the Specific Plan and Development Code requirements, and the City's General Plan goals and policies.

Additionally, the proposed project is a permitted use within the proposed CalMat/Cajon Creek Specific Plan, subject to the approval of a Conditional Use Permit with appropriate Conditions of Approval and Mitigation Measures, in which with the concurrent approval of Specific Plan Amendment 23-02, in consistent within the Industrial Extractive and Industrial Light zone designation set forth by the Specific Plan Land Use Map.

**Finding No. 3:** Approval of the Conditional Use Permit for the proposed use complies with the requirements of the CEQA and §19.20.030(6) of the Development Code.

**Finding of Fact:** In accordance with Section 15164 (Addendum to an EIR), an Addendum was prepared for the previously analyzed and certified 1993 and 2020 Final

EIRs in conjunction with the approval of the City of San Bernardino's CalMat/Cajon Creek Specific Plan (1993 EIR) and the County of San Bernardino's Area Q (2020 EIR). The potential impact to adjacent properties was thoroughly reviewed as part of the Addendum to both the 1993 and 2020 Final EIRs and the proposed project will introduce no new significant environmental impact beyond those previously analyzed, and all mitigation measures previously adopted, the Mitigation Monitoring and Reporting Program, and the Addendum are included for this project.

**Finding No. 4:** There will be no potentially significant negative impacts on environmental quality or natural resources that could not be properly mitigated and monitored.

**Finding of Fact:** In accordance with Section 15063 of the California Environmental Quality Act (CEQA), the environmental impacts were previously analyzed and certified by the 1993 and 2020 Final EIRs in conjunction with the approval of the City of San Bernardino's CalMat/Cajon Creek Specific Plan (1993 EIR) and the County of San Bernardino's Area Q (2020 EIR). The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the certified 1993 and 2020 Final EIRs, and all mitigation measures previously adopted with the certified Final 1993 and 2020 EIRs and the Addendum are incorporated herein by this reference. Furthermore, the project will continue operations consistent with the projects that were previously analyzed in the 1993 and 2020 Final EIRs, with some minor variations. Therefore, the Addendum is appropriate and in compliance with CEQA to account for the minor technical changes or additions to previously analyzed projects.

**Finding No. 5:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

**Finding of Fact:** With the approval of Specific Plan Amendment 23-02, the Conditional Use Permit Revision 23-11 to allow for the continuation of the mining operation on the existing site will continue to conform to all applicable development standard and land use regulations as outlined in the CalMat/Cajon Creek Specific Plan. Therefore, the design of the project, in conjunction with the recommended Conditions of Approval and Mitigation Measures, will ensure that the proposal will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity of the site, nor will it be averse to the public interest, health, safety, convenience or welfare of the City. The location, size, design and character of the proposed development will enhance the

neighborhood to the benefit of the public interest and general welfare of the City.

**Finding No. 6:** The subject site is physically suitable for the type and density/intensity of use being proposed.

**Finding of Fact:** With the concurrent approval of Specific Plan Amendment 23-02, Conditional Use Permit Revision 23-11 to allow for the continuation of the mining operation on the existing site is permitted within the CalMat/Cajon Creek Specific Plan Industrial Extractive and Industrial Light zone designations with appropriate Conditions of Approval and CEQA determination. The existing project area is sufficient in size to accommodate the existing mining operation as proposed. Therefore, the subject site is physically suitable for the proposal.

**Finding No. 7:** There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

**Finding of Fact:** There are adequate provisions for public access, public utilities, and public services for the proposed truck and trailer storage facility. The existing site is located adjacent to and already served by existing public streets and a full range of public utilities and services. All applicable Codes will apply to the proposed development. Therefore, subject to the Conditions of Approval and Mitigation Measures, the proposed mining operation will not be detrimental to public services or public health and safety.

#### **SECTION 4. Findings of Fact – Reclamation Plan.**

Section 19.68.110 (Findings) of the City of San Bernardino Development Code requires that Reclamation Plans meet certain findings prior to the approval by the Mayor and City Council. Accordingly, the following findings are provided in support of the recommendation by the Mayor and City Council for the approval of the Amended Reclamation Plan:

**Finding No. 1:** That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions.

**Finding of Fact:** The Cajon Creek Consolidated Quarry Reclamation Plan was reviewed and conditioned for compliance with SMARA. The Cajon Creek Consolidated Quarry Reclamation Plan was reviewed and accepted by the California Department of Conservation Division of Mine Reclamation as being compliant with SMARA.

**Finding No. 2:** That the Reclamation Plan complies with applicable requirements of State regulations (CCR §3500-3505 and §3700-3713).

- Finding of Fact:** The Cajon Creek Consolidated Quarry Reclamation Plan was reviewed and conditioned for compliance with State mining regulations. The Cajon Creek Consolidated Quarry Reclamation Plan was also reviewed and accepted by the California Department of Conservation Division of Mine Reclamation as being compliant with SMARA Mining Regulations.
- Finding No. 3:** That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the City's General Plan and any applicable resource plan or element.
- Finding of Fact:** The Cajon Creek Consolidated Quarry Reclamation Plan and potential end use of lands disturbed and reclaimed in compliance with the Cajon Creek Consolidated Quarry Reclamation Plan, as conditioned, are consistent with the Development Code and General Plan.
- Finding No. 4:** That the Reclamation Plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
- Finding of Fact:** In accordance with Section 15063 of the California Environmental Quality Act (CEQA), the environmental impacts were previously analyzed and certified by the 1993 and 2020 Final EIRs in conjunction with the approval of the City of San Bernardino's CalMat/Cajon Creek Specific Plan (1993 EIR) and the County of San Bernardino's Area Q (2020 EIR). The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the certified 1993 and 2020 Final EIRs, and all mitigation measures previously adopted with the certified Final 1993 and 2020 EIRs and the Addendum are incorporated herein by this reference. Furthermore, the project will continue operations consistent with the projects that were previously analyzed in the 1993 and 2020 EIRs, with some minor variations. Therefore, the Addendum is appropriate and in compliance with CEQA to account for the minor technical changes or additions to previously analyzed projects. All significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible as provided in the Addendum
- Finding No. 5:** That the land and/or resources such as water to be reclaimed will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource value.
- Finding of Fact:** Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other

open space resources as identified in the Cajon Creek Consolidated Quarry Reclamation Plan. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure this occurs. Groundwater resources will also be monitored and mitigated should related disturbance to this resource occur.

**Finding No. 6:** That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

**Finding of Fact:** The Cajon Creek Consolidated Quarry Reclamation Plan, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition that is readily adaptable for alternative land uses consistent with the County and City's General Plan.

**Finding No. 7:** That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

**Finding of Fact:** The Cajon Creek Consolidated Quarry Reclamation Plan is a combined project between the City and County of San Bernardino and has been reviewed and accepted by both jurisdictions. Acting as Lead Agency for SMARA, the County of San Bernardino sent a letter to the Department of Conservation on July 21, 2023. To date no response has been received in objection of the Reclamation Plan.

**SECTION 5. – Conditions of Approval.** The Project is hereby approved, subject to the following Conditions of Approval:

1. This is a request and approval to amend Conditional Use Permit 91-31/Reclamation Plan and the CalMat/Cajon Creek Specific Plan's Design Guidelines governing mining depths and areas; and, allow the consolidation of the City's Reclamation Plan with the County of San Bernardino's Reclamation Plan to establish a combined and updated Amended Reclamation Plan allowing for the continuation of an aggregate mining operation within the San Bernardino County Area Q and City of San Bernardino Areas K, L, M, and N on a property comprise of thirty-three (33) parcels containing approximately 530.5 acres within the Specific Plan – CalMat/Cajon Creek (SP-CC) Industrial Extractive and Industrial Light zone. The project site is located on the Southwest of Cajon Boulevard between Institution Road to the north and Devils Creek Diversion Channel to the south.
2. The surface mining and processing operations shall be conducted in accordance with the Specific Plan – CalMat/Cajon Creek (SP-CC) 90-01 approved under Specific Plan



Amendment 23-02 and Conditional Use Permit Revision 23-11/Reclamation Plan. The Reclamation approval shall be effective from the time of approval for 70 years. Final reclamation and monitoring will require an additional 5 years to complete. At the conclusion of all mining activities, the site will be reclaimed to vacant open space and support wildlife habitat.

3. The project shall be subject to all mitigation measures contained within the Mitigation Monitoring and Reporting Program and incorporated by reference as conditions of approval.
4. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed for operations in Area K by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation’s Cultural Resources Department (YSMN). Once all parties review the plan, it shall be adopted by the Lead Agency. The plan must be adopted prior to disturbance in Area K. Any and all findings in Area K will be subject to the protocol detailed within the Monitoring and Treatment Plan.
5. Within two (2) years of the approval of the Conditional Use Permit, commencement of mining and/or mining related activities shall have occurred or the permit/approval shall become null and void. In addition, if after commencement of mining related activities, any one of the surface mining operations becomes idle, the owner/applicant shall file and interim management plan with the City within 90 days.
6. Vesting of mining and processing rights within the area covered by Conditional Use Permit (CUP) Revision 23-11 to Conditional Use Permit 91-31 will occur upon initiation of work (site preparation, mining, landscaping, construction for windbreaks, etc.).
7. The review authority may grant a time extension, for good cause, not to exceed twelve (12) months. The applicant must file an application, the processing fees, and all required submittal items, thirty (30) days prior to the expiration date. The review authority shall ensure that the project complies with the provisions of the Specific Plan – CalMat/Cajon Creek (SP-CC) 90-01 area.
8. As may be required, within two (2) years of the effective date of approval of Conditional Use Permit (CUP) Revision 23-11 to Conditional Use Permit 91-31, the applicant shall apply for other applicable agency permits/approvals. The applicant shall either submit copies of all applicable agency permits or approvals or provide written verification that applicable agency permits or approval have been issued or granted.
9. In the event this approval is legally challenged, the City will promptly notify the applicant of any claim, action or proceeding and will cooperate fully in the defense of this matter. Once notified, the applicant agrees to defend, indemnify and hold harmless the City of San Bernardino (“City”), any departments, agencies, divisions, boards and/or commissions of the City, and any predecessors, successors, assigns, agents, directors, elected officials,

officers, employees, representatives and attorneys of the City from any claim, action or proceeding against any of the foregoing persons or entities. The applicant further agrees to reimburse the City for any costs or attorneys' fees which the City may be required by a court to pay as a result of such action, but such participation shall no relieve applicant of his or her obligations under this condition.

The applicant further agrees to reimburse the City for any costs and attorneys' fees, which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition. The costs, salaries, and expenses of the City Attorney and employees of his office shall be considered as "Attorney's fees" for the purpose of this condition.

10. The applicant/operator shall ascertain and comply with the requirements of all County, City, State, and Federal agencies as may be applicable to the project. These include, but are not limited to the following: San Bernardino County Departments of Land Use Services, Public Health, Environmental Health Services, Public Works, Fire Department, South Coast Air Quality Management District (SCAQMD), Santa Ana Regional Water Quality Control Board (RWQCB) Region 4, State Fire Marshal, Environmental Health Services, California Department of Fish and Wildlife (CDFW) Region 6, U.S Fish and Wildlife, Army Corp of Engineers, State Mining and Geology Board, California Department of Conservation, California Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration (MSHA).
11. This approval and all subsequent permit(s) shall be subject to the provisions of the CalMat Cajon Creek Specific Plan (SP 90-01) as revised under Specific Plan Amendment 23-02 and to all provisions of the Development Code in effect at the time of approval.
12. A new application for development permits for mining and mining relates activities, future tentative maps or parcel maps, or other land use entitlements that are not part of this approval (Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 to Conditional Use Permit 91-31) shall be required and shall not be approved unless consistent with the adopted Specific Plan – CalMat/Cajon Creek (SP-CC) 90-01
13. New proposals for surface mining activities, related land uses and/or aggregate processing operation not otherwise addressed in the adopted CalMat Cajon Creek Specific Plan (SP-CC) 90-01 as revised and approved under Conditional Use Permit (CUP) Revision 23-11 to Conditional Use Permit 91-31 shall require the filing and approval of a new Conditional Use Permit.
14. Commencement of any new surface mining operation or mining related activity not proposed under Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 to Conditional Use Permit 91-31 shall require the owner/applicant to submit an application for a Development Permit for site plan review to ensure consistency with the Specific Plan and Conditional Use Permit/Reclamation Plan and compliance with applicable Planning Area Regulations and Design Guidelines and EIR Mitigation Measures pursuant to the Mitigation Monitoring and Reporting Program. The Development Permit

may be subject to any additional Conditions of Approval and Standard Requirement of the City, as applicable.

15. Aggregate Processing Plants. The following processing facilities are permitted at Areas N and M under Conditional Use Permit Revision 23-11 to Conditional Use Permit 91-31 consistent with previously issued Development Permits:
  - a. Aggregate Processing Plant
  - b. Asphaltic Batch Plant
  - c. Ready-Mix Concrete Plant
  - d. Recycled Asphalt and Concrete Plant.
16. This owner/applicant shall ensure there is a visual barrier in accordance with the CalMat Cajon Creek Specific Plan (SP-CC) 90-01 guidelines along the north sides of Areas L and M and the east side of Area K between the aggregate processing plant and the surrounding land uses.
17. All structures subject to the provisions of the CalMat Cajon Creek Specific Plan (SP-CC) 90-01 shall be designed to accommodate a 100-foot setback from the CalNev Pipeline or any other pipeline as defined in Section 19.20.030(12)(E) of the Development Code. This setback may be reduced, where the Director finds that:
  - a. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
  - b. 100-foot setback would be impractical or unnecessary because of existing topography, streets, lot lines, or easements; and,
  - c. There shall be construction of a hazardous liquid containment system or other mitigating facility where the City Engineer finds that a leak would accumulate within the reduced setback area. The design shall be approved by the City Engineer and a surety instrument shall be approved by the City Attorney to ensure the construction of the system.
18. The current and future owner(s)/applicant(s) of property located in the CalMat Cajon Creek Specific Plan (SP-CC) 90-01 area that is within the 500 feet of the CalNev Pipeline or any other pipeline, as defined in Section 19.20.030(12)(E) of the Development Code, shall notify a new owner(s) at the time of purchase agreement and at the close of escrow of the location, size, and type of pipeline.
19. Pursuant to the Alquist-Priolo Special Study Zone requirements, no structure for human occupancy shall be permitted within 50 feet of an active or potentially active fault trace. Sensitive and High occupancy structures as defined in the General Plan shall maintain a minimum of 100-foot setback.

20. The surface mining operator or landowner shall maintain a bond or other financial assurance with the Lead Agency pursuant to the requirements of the SMARA. The amount of each bond or other financial assurance shall be adequate to ensure that the City or the State and/or Lead Agency can reclaim the mined lands, pursuant to the approved reclamation plan. Bond or financial assurance amounts shall be reviewed annually and, if necessary, adjusted to reflect changes in the cost of reclamation (as reflected in the Construction Cost Index or other generally used index), decreased for lands reclaimed in the previous year to the satisfaction of the City, and increased for lands to be disturbed in the next year.
21. The owner/applicant shall timely submit an annual report (MMRC-2) to the Lead Agency with the appropriate fees and a request for an annual inspection pursuant to the SMARA.
22. Annually, the applicant shall submit a written report to the City demonstrating compliance with all the Conditions of Approval for Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 to Conditional Use Permit 91-31 and with the Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program, as applicable. This shall be completed in conjunction with the actions required by Condition of Approval No. 21.
23. A permit may be required from the San Bernardino County Flood Control District for any encroachment onto Flood Control District right-of-way.
24. All active mining areas within the CalMat Cajon Creek Specific Plan (SP-CC) 90-01 area shall be posted with “No Trespassing” signs placed no further than 100 feet apart. Said “No Trespassing” signs shall be maintained to the completion of the surface mining operation and reclamation.
25. Six (6) foot high fences shall be erected around the perimeter of active aggregate mining operations, processing plant sites and related mining activities as required by the applicable Planning Area Regulations in the CalMat Cajon Creek Specific Plan (SP-CC) 90-01 and with the addition of a barbed wire in accordance with Section 19.20.030 (8)(E) of the City’s Development Code; however, fencing in Area K may be erected to the west of the existing vegetated berm. The fences shall be always maintained until such operations cease or are completed.
26. Mining operations shall comply with the safety requirements of MSHA, OSHA, the State of California Department of Industrial Relations Mine Safety Orders.
27. Extraction activities and aggregate processing may occur anytime between 6:00 a.m. and 10:00 p.m., Monday through Saturday; however, extraction activities shall not exceed a total of 12 hours per day. An allowable exception to these hours would be operations in response to an emergency to protect life or property, or in response to the requirements of government agencies beyond the control of the operator.

Maintenance activities may be conducted anytime.

28. No mining or processing operations shall be conducted on Sundays or holidays, although maintenance activities may occur any time.
29. At no time shall there be any blasting, dynamiting or use of explosives of any kind whatsoever on the premises.
30. No open burning of the premises shall occur at any time.
31. The owner/applicant shall continue to maintain the installed well in Planning Area M and conduct periodic testing for water quality and depth.
32. When average hourly wind speeds equal or exceed 25 miles per hour (mph), surface mining and processing operations shall be conducted in accordance with the High Wind Response Plan (HWRP). A minimum of two (2) anemometers shall be installed in the excavation and processing plant areas (one each) to monitor and determine wind speeds. This shall be completed in conjunction with the actions required by Condition of Approval No. 21 and 22.
33. The owner/applicant or operator shall comply with the requirements of the South Coast Air Quality Management District (SCAQMD) air quality permits, which must be secured prior to commencement of mining or processing activities.
34. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of ground-disturbing activities.
35. Minor Modifications to the plans shall be subject to approval by the Director through the Minor Modification Permit process. Any modification that exceeds 10% of the allowable measurable design/site considerations shall require the re-filing of the original application. This may include any substantial deviation of these facilities or an increase in the developed area of the site from that shown on the final approved Mining and Reclamation Plan will require submission of an additional application for review and approval.
36. If construction of inhabited structures is proposed, a geology report shall be submitted to the Building and Safety Division for review fees paid for the review prior to issuance of grading permits or land disturbance.
37. If construction of inhabited structures is proposed, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.
38. The property owner/applicant shall ensure that the use, transport, management, storage and disposal of fuels (i.e. diesel and gasoline) and other hazardous materials used for mining operations (i.e. motor oil, transmission fluids, hydraulic fluids, lubricating greases, brake fluids and/or antifreeze) are in accordance with federal, state and local hazardous materials and waste management regulations and BMPs.

39. The property owner/applicant shall implement quarry and overburden slope designs and procedures recommendations identified in approved slope stability investigations and per SMARA requirements. Furthermore, slope inspections and monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. A qualified independent California Certified Professional Civil Engineer and/or Engineering Geologist shall complete a stability assessment of existing and new quarry development areas when deemed necessary by the County inspector. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.
40. All exterior lighting shall be contained within property lines and be energy efficient, with the option to lower or reduce usage when the facility is closed.
41. The facility operator and property owner shall be responsible for regular maintenance of the project site. The site shall be maintained in a clean condition and free of litter or any other undesirable material(s). Vandalism, graffiti, trash, and other debris must be removed and cleaned up within twenty-four (24) hours of being reported.
42. If the future development requires City of San Bernardino water service. The San Bernardino Municipal Water Department Standard Requirements shall apply.

#### **County of San Bernardino Fire Department**

43. 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
44. Access. The development shall have a minimum of 1 point of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
45. 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.
46. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
  - a. If buildings are to be constructed at a later date a plan shall be submitted to Fire.
47. Combustible Vegetation. Combustible vegetation shall be evaluated in accordance with the approved Reclamation Plan and for removal as follows:

- a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.
  - b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
48. Standard A-1 Fire Apparatus Access Road Design, Construction and Maintenance. This standard shall apply to the design, construction and maintenance of all new fire apparatus access roads within the jurisdiction, as well as fire apparatus access roads at existing facilities when applied at the discretion of the fire code official, as applicable.
49. Standard A-3 Gates and Other Obstructions to Fire Department Access. This standard shall apply to all obstructions, access control devices, traffic-calming devices, or other similar systems within any roadways that serve as fire access in all new or existing residential, commercial, and industrial development. This standard does not apply to obstructions within parking aisles that do not serve as fire apparatus access roads, as applicable.
50. Street Sign. This project requires an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

**SECTION 6. Notice of Determination.** The Planning Division of the Community Development and Housing Department is hereby directed to file a Notice of Determination with the Clerk of the Board of San Bernardino County and the Office of Planning and Research within five (5) working days of final project approval certifying the City's compliance with the California Environmental Quality Act in approving the Project.

**SECTION 7. Severability:** If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**APPROVED** and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 21<sup>st</sup> day of August 2024.

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Helen Tran, Mayor  
City of San Bernardino

Attest:

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Genoveva Rocha, CMC, Acting City Clerk

Approved as to form:

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Sonia Carvalho, City Attorney



CERTIFICATION

STATE OF CALIFORNIA)  
COUNTY OF SAN BERNARDINO) ss  
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-184, adopted at a regular meeting held on the 21<sup>st</sup> day of August 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this \_\_\_\_ day of \_\_\_\_ 2024.

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk