

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

**SAN BERNARDINO CITY COUNCIL CHAMBERS
300 NORTH D STREET, FIRST FLOOR, SAN BERNARDINO**

REGULAR MEETING OF NOVEMBER 18, 2015

9:00 A.M. – CALL TO ORDER – FLAG SALUTE

ANNOUNCEMENT: Anyone present at the hearing who is involved with any of the changes of organization to be considered and who has made a contribution of more than \$250 in the past twelve (12) months to any member of the Commission will be asked to state for the record the Commission member to whom the contribution has been made and the matter of consideration with which they are involved.

CONSENT ITEMS:

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

1. Approval of Minutes for Regular Meeting of October 21, 2015
2. Approval of Executive Officer's Expense Report
3. Ratify Payments as Reconciled for Month of October 2015 and Note Cash Receipts
4. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3191; and (2) LAFCO 3191 – Reorganization to include Annexations to the City of Rialto and West Valley Water District and Detachments from San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 (Boral Roofing)

PUBLIC HEARING ITEMS:

5. Consent Items Deferred for Discussion
6. Consideration of Request for Exemption from Government Code Section 56133 for LAFCO SC#401 – Outside Service Agreement for Potable Water Service between the City of Big Bear Lake's Department of Water and Power and County Service Area 53 Zone C
7. Consideration of: (1) Review of Negative Declaration Prepared by County of San Bernardino for Planned Development, General Plan Amendment to Change the Land Use from Single Residential 20,000 Sq. Ft. Minimum to Special Development-Planned Residential Development, and Tentative Tract 18902 to Create 36 Lots on 6.86 Acres, as CEQA Responsible Agency for LAFCO SC#400; and (2) LAFCO SC#400 – City of Chino Irrevocable Agreement to Annex for Water and Sewer Service (Tentative Tract 18902 -- APNs 1016-521-03, -04, and -05)

DISCUSSION ITEMS:

8. Presentation Required Pursuant to Policy and Procedure Manual Section IV- Application Processing, Chapter 1 – Proposals, Policy 11 –Island Annexation Pursuant to Government Code Section 56375.3 -- Proposed Annexation to the City of Rialto and West Valley Water District of the Lytle Creek Ranch Specific Plan Anticipating the Development of more than 500 Units

INFORMATION ITEMS:

9. Legislative Update Report
10. Executive Officer's Report
11. Commissioner Comments
(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.)
12. Comments from the Public
(By Commission policy, the public comment period is limited to five minutes per person for comments related to items under the jurisdiction of LAFCO.)

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed For Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 215 N. D St., Suite 204, San Bernardino, during normal business hours, on the LAFCO website at www.sbclafco.org, and at the hearing.

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE LOCAL AGENCY FORMATION COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at www.fppc.ca.gov or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

Prepared 10/07/15

**DRAFT - ACTION MINUTES OF THE - DRAFT
LOCAL AGENCY FORMATION COMMISSION
HEARING OF OCTOBER 21, 2015**

REGULAR MEETING

9:00 A.M.

OCTOBER 21, 2015

PRESENT:

COMMISSIONERS:	Jim Bagley	Larry McCallon
	Kimberly Cox, Vice-Chair	James Ramos
	James Curatalo, Chair	Acquanetta Warren, Alternate
	Steve Farrell, Alternate	Diane Williams
	Robert Lovingood	

STAFF:

Kathleen Rollings-McDonald, Executive Officer
Paula C P de Sousa Mills, LAFCO Legal Counsel
Samuel Martinez, Assistant Executive Officer
Michael Tuerpe, Project Manager
Bob Aldrich, Consultant
Rebecca Lowery, Clerk to the Commission

ABSENT:

COMMISSIONERS:	Janice Rutherford, Alternate	Sunil Sethi, Alternate
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STAFF	Clark Alsop, Legal Counsel
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9:03 A.M. – CALL TO ORDER – FLAG SALUTE

CONSENT ITEMS – APPROVE STAFF RECOMMENDATION:

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

1. Approval of Minutes for Regular Meeting of September 16, 2015
2. Approval of Executive Officer's Expense Report
3. Ratify Payments as Reconciled for Month of September 2015 and Note Cash Receipts
4. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3196; and (2) LAFCO 3196 – Reorganization to include City of Big Bear Lake Annexations and Detachments from County Service Area 53 and its Zones B and C, County Service Area 54, and County Service Area 70 and its Zones R-3 and R-5 (Department of Water and Power non-contiguous municipally owned parcels)

LAFCO considered the items listed under its consent calendar, which includes a Visa Justification, the Executive Officer's amended expense report, ratification of payments as reconciled for the month of September, and the consideration of LAFCO 3196: Reorganization to include Annexations to the City of Big Bear Lake and Detachments from CSA 53, CSA 54 and CSA 70 and their respective zones and its required environmental determination. Copies of each report are on file in the LAFCO office and are made part of the record by their reference herein.

Executive Officer Kathleen Rollings-McDonald states that an amended expense report has been provided to the Commission.

Commissioner Bagley moves approval of the consent calendar, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: Lovingood.

PUBLIC HEARING ITEMS:

ITEM 5. CONSENT ITEMS DEFERRED FOR DISCUSSION

No items deferred for discussion.

ITEM 6. CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3173; AND (2) LAFCO 3173 – SPHERE OF INFLUENCE REVIEW FOR THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Commissioner Curatalo opens the public hearing for LAFCO 3173.

Executive Officer Kathleen Rollings-McDonald presents the staff report for LAFCO 3173, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. Notice of the Commission's consideration of this application was published in a newspaper of general circulation within the area, *The Sun*, through a 1/8th page legal ad in-lieu of individual notice as authorized by statute.

Executive Officer Kathleen Rollings-McDonald provides a background of the proposal; stating that in November 2013, the San Bernardino Valley Water Conservation District (hereafter "SBVWCD" or "District") initiated an application requesting expansion of its sphere of influence from a "zero" sphere designation to one that returned its previous sphere of influence, which included the District area and extended beyond its boundary. She states that in March 2006, when the Commission designated a "zero" sphere of influence for SBVWCD, its position was that a single water conservation entity should address the water conservation services in the Bunker Hill Groundwater Basin and that ultimately SBVWCD should be consolidated with the San Bernardino Valley Municipal Water District (hereafter "Muni") for regional service provision. She states that the "zero" sphere was determined by LAFCO to be "...subject to review and change in the event a future significant change of circumstances so warrants," and that following that determination in July 2009, a proposed consolidation of SBVWCD and MUNI (LAFCO 3076) was considered and ultimately denied by LAFCO.

(It is noted that Commissioner Warren arrives at the dais at 9:10 a.m.)

Ms. McDonald states that in 2013, with the consent of the District, the sphere amendment application was placed on hold to allow for the completion of the required service review for water conservation in the valley region, the first in the second cycle.

(It is noted that Commissioner Lovingood arrives at the dais at 9:15 a.m.)

Ms. McDonald gives an overview of the four options staff has evaluated for Commission consideration for the sphere of influence amendment for the SBVWCD and states that Option 1 (District proposal) would expand the sphere of influence to include the existing District boundary and wash area of the Santa Ana River. Ms. McDonald states that staff does not support this option; Option 2 would expand the sphere of influence to be coterminous with Muni's sphere of influence in San Bernardino County, which staff does not support because it extends far beyond a basin configuration; Option 3 would expand the sphere of influence to encompass the Bunker Hill Groundwater Basin only, which staff does not support as it does not reflect parcel boundaries or underlying service providers. Ms. McDonald states that after analyzing the three options, LAFCO staff recommends a hybrid option (or Option 4) for the Commission's consideration which is to expand the sphere of influence for the District to encompass the Muni boundary roughly along the Bunker Hill Groundwater Basin including additional areas to align with parcel boundaries. She states this option would allow the District to participate with other agencies for storm water capture activities outside of its boundary but within its sphere of influence.

Michael Tuerpe, Project Manager, reviews the Factors of Determination for the proposal using the staff's proposed Hybrid Option and states that the present and planned land uses in the area are varied and includes densely developed residential uses, industrial, San Bernardino International Airport and its airport land use plan, open space uses within the floodway of the Santa Ana River and the San Bernardino National Forest.

Mr. Tuerpe addresses the present and probable need for public facilities and services in the area and states that the population within the Muni and District's sphere increased 14% and 8% respectively from 1990 to 2000, and projections identify the areas to grow at a lesser rate of 0.5% annually through 2020. Mr. Tuerpe states that the need for water conservation resources has intensified due to the severe drought gripping the state. He addresses the present capacity of public facilities and adequacy of public services and states that the primary agencies are San Bernardino Valley Municipal Water District, San Bernardino Valley Water Conservation District, and the San Bernardino County Flood Control District, and that the secondary agencies are Beaumont-Cherry Valley Water District, City of San Bernardino Municipal Water Department, East Valley Water District, West Valley Water District and Yucaipa Valley Water District. He states that the economies of interest are vast and varied.

Mr. Tuerpe states that the current authorized power is water conservation with service descriptions of: 1) water conservation and 2) survey of water supply and resources and that staff is not recommending any change at this time.

Ms. McDonald states that according to the application, the District has identified habitat management and enhancement as an opportunity for the District. However, habitat

management or similar services are not authorized by LAFCO or the District's principal act. She states that as an alternative to the District providing habitat management and enhancement, the Inland Empire Resource Conservation District could perform this service as its parent act and LAFCO recognize it as an active function.

Mr. Tuerpe states that for environmental considerations, the Commissioner's Environmental Consultant Tom Dodson has indicated the review of LAFCO 3173 is statutorily exempt from CEQA as outlined in the State CEQA Guidelines, Section 15061 (b) (3).

Ms. McDonald states that given the determinations made in the May 2015 service review, staff's analysis of the options presented for this sphere amendment, and the determinations required for a sphere amendment which are discussed in the report, staff recommends that the Commission approve the hybrid option which is a sphere expansion to generally encompass the service territory of Muni and additional surrounding area.

Commissioner Cox asks if the District is viable. Ms. McDonald states that detailed information in the Service Review demonstrates that the District has made great strides in improving their finances, however the District did need to cut staff. Commissioner Cox commends the District for their improvements and asks if there are any additional revenues. Ms. McDonald states that there are no new revenues through a sphere of influence designation, but that the District has the authority to contract. Ms. Cox states that she is open to the District pursuing contracts to enhance revenues.

Mark Bulot, President, San Bernardino Valley Municipal Water District, states that he supports the District's request for expansion to include its existing boundary and wash area of the Santa Ana River. He states that he is against staff's recommendation and is concerned about the rational of staff recommendation and lack of discussion with the affected agencies. Ms. McDonald states that the rational and information is clearly noted in the service review and that the service review report was shared and discussed with the affected agencies prior to its publication.

James Morales, Chairman, East Valley Water District, states that the agencies are fortunate to have forged relationships with the water groups and is in support of option 1.

John Mura, General Manager, East Valley Water District, states that the he is in support of option 1.

Daniel Cozad, General Manager, San Bernardino Valley Water Conservation District, states that he is available to answer any questions the Commission may have.

Chairman Curatalo closes the public hearing.

Commissioner Cox moves approval of staff recommendations for LAFCO 3173, second by Commissioner Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None.

DISCUSSION ITEMS:

ITEM 7. PRESENTATION OF PRELIMINARY FEASIBILITY STUDY ON THE RIM OF THE WORLD INCORPORATION

Executive Officer Kathleen Rollings-McDonald presents the staff report for the Preliminary Feasibility Study on the Rim of the World Incorporation, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

(It is noted that Commissioner Lovingood and Commissioner Ramos leave the dais at 9:55 a.m.)

Ms. McDonald states that at the July 15, 2014 hearing, the Commission agreed to a contract with the Second Supervisorial District to prepare a preliminary feasibility study for incorporation of the area generally defined by the Rim of the World Unified School District (USD) boundary. LAFCO staff in turn contracted with the firm of Rosenow Spevacek Group (hereafter RSG) to prepare an Incorporation Feasibility Analysis (IFA) that addressed state law and the specific policies that San Bernardino LAFCO has adopted. She states that LAFCO staff also requested that an alternative be evaluated in the report excluding the LAFCO defined Hilltop Community (Running Springs, Arrowbear, and Green Valley Lake).

She states that the request from the Second District was to utilize the boundary of the Rim of the World School District for incorporation, but that LAFCO staff modified the request to address the LAFCO-defined communities of Crest Forest, Lake Arrowhead and Hilltop which includes the populated, service driven areas associated with Rim of the World and excludes the larger consolidated publicly-owned lands. Ms. McDonald reviews the area on the overhead map.

Ms. McDonald states that for population, the inclusion of the three communities clearly meets the Commission's adopted policy requirement for incorporation of having at least 10,000 residents and that the alternative, which excludes the Hilltop community from the feasibility study, would also meet the Commission's policy.

(It is noted that Commissioner Lovingood returns to the dais at 10:01 a.m.)

Ms. McDonald states the Commission's adopted policy related to an incorporation states that all special districts within the area of consideration are to be addressed. She states that based on this directive, the preliminary study has included all special districts, independent and board-governed, with the exception of the San Bernardino Mountains Community Healthcare District.

(It is noted that Commissioner Ramos returns to the dais at 10:03 a.m.)

Ms. McDonald states that for the determination of feasibility, San Bernardino LAFCO has adopted specific policies to determine "financial feasibility" as outlined in the Commission's Policy and Procedure Manual. She reviews a synopsis of the policy language and states that for financial feasibility the IFA has utilized the City of Big Bear Lake as a comparable city, and its contract with the County Sheriff as the means to project law enforcement costs based upon population. She states that the City of Big Bear Lake has one of the lowest ratios of sheriff personnel to population in the County. She states that staff believes that the use of this contract as the basis for projection

its financial feasibility meets the criteria of the policy.

Ms. McDonald states that in determining feasibility, only those revenues available to a general law city will be considered and that no new taxes or hypothetical revenues will be considered. She states that in determining feasibility, salary costs shall be based upon an average of similar-sized cities within San Bernardino and Riverside Counties. She states that a reasonable reserve shall be projected as equal to 10% of the general and special funds of the city, and that the preliminary feasibility report has identified a 10% contingency for each year in the forecast as well as a 25% reserve of the City's proposed total expenditures.

Ms. McDonald states that there are questions which would still need to be answered for an incorporation, which neither staff nor RSG can answer at this time, including the future of the Cedar Glen redevelopment project area which would be included in the Lake Arrowhead area. She states that to date, San Bernardino LAFCO has not had to address the transfer of such an operation. She states that public funded retirement systems would need to be addressed as well as the mechanism to consolidate CALPers and SBCERA contributions. She states that the incorporation's impacts upon the County Special Districts Department through the elimination of the road districts, park districts, and dam operations within this area, and the equipment and equipment replacement reserve transfer for the long-term sustainability of the agency also require further study.

Ms. McDonald states that as noted in the RSG assumptions summary memo, the information presented is to provide a preliminary service model and benchmark to allow the community to decide if it wishes to look into incorporation further. She states that the report was presented to the Rim of the World community at a community meeting hosted by the 2nd Supervisorial District. She states that in the last 30 years there have been three attempts to look at incorporation for the Lake Arrowhead area, but none have made it past the petition stage for political not financial reasons. She states that in staff's view, the IFA identified that incorporation may be possible depending on the service shifts and the level of service and operations the proponents would propose. She states that the 2nd District also requested that RSG provide an IFA Sensitivity Analysis that would provide further advice on the viability of incorporation for the study area, and that the analysis has been provided to the Commission for their information.

She states that there are many other questions that would need to be addressed in the event an incorporation is proposed, and that it is up to the community to decide if they wish to move forward. LAFCO staff will work with the community not as an advocate but as a support to help them in evaluating a potential incorporation.

Commissioner Cox asks about the transferring of property tax and if it would be problematic. Ms. McDonald states that the process is laid out in state law. Commissioner Bagley states that the property tax is the issue, and that once the school receives its share of the property tax, the residual monies left to provide for municipal, fire and policies service in the mountain area does not seem to be viable. Commissioner Cox states that the county's tax share seems very small, and that he would like to know where the county's tax monies are being used.

Commissioner Lovingood asks if this is the same as a consolidation. Ms. McDonald states that for this report, the discussion is incorporation which is different from a consolidation and that at this

time it is only discussion. She states there is no current application to move the incorporation forward.

Commissioner Ramos states that for clarification, the discussion is regarding a report that has been provided, and that currently no decision on an application is being determined. Ms. McDonald responds in the affirmative.

Commissioner Bagley states that he believes that Lake Arrowhead could use the transient tax to help with the issue of sustainability, if the area should want to incorporate.

Commissioner Farrell states many members of the mountain communities attended the community meeting, and that the potential is there, but that one of the big mystery questions is who is pushing the issue of incorporation. Commissioner Warren asks if there was an organized committee for the incorporation of the area. Commissioner Farrell states that he is not aware of an existing committee at this time. He also states that there is an outstanding question regarding park service. Ms. McDonald states that CSA 18 provides park service.

Ms. McDonald states that this report is for information only, and that there is no action needed from the Commission at this time.

ITEM 8. FIRST QUARTER FINANCIAL REVIEW FOR PERIOD JULY 1 THROUGH SEPTEMBER 30, 2015: A. FINANCIAL REVIEW; B. RECOGNIZE INCREASED REVENUES OF \$45,864 IN PROPOSAL REVENUE (ACCOUNT 9800) AND CARRYOVER (ACCOUNT 9970) OF \$29,163; C. INCREASE OTHER PROFESSIONAL SERVICES (ACCOUNT 2445) BY \$75,000 FOR CONTRACT STAFFING; D. AUTHORIZATION FOR REINSTATEMENT OF SICK LEAVE BALANCE WITH PAYMENT TO RETIREMENT MEDICAL TRUST FOR JOE SERRANO; E. TRANSFER FROM COMPENSATED ABSENCE RESERVE TO ACCOUNTS 1010 AND 1045 TO FUND TERMINATION PAYMENTS FOR SEPARATION OF EMPLOYEE

Executive Officer Kathleen Rollings-McDonald presents the First Quarter Financial Review, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

She states that the report includes a review of the financial activities and the presentation of a spreadsheet showing the line item expenditures and receipts during the first quarter. She states that Salaries and Benefits are at 25% of the Adopted Budget, which includes the payout of accumulated leave balance for the former LAFCO Analyst. Service and Supplies are at 30% of the Adopted Budget. She states that the second quarter will see significant expenditures such as the full-year payment for the annual financial audit and subscription to the County Street Network for maintenance of digital mapping, consultant contract for supplemental staffing and others.

Ms. McDonald gives an update on expenditures and progress on projects and proposals approved by the Commission and special studies initiated by the Commission. These include the installation of a fiber optic line, the feasibility study for incorporation of the Rim of the World Communities, the educational training program for special districts, the special study of the Morongo Valley Community Services District, and the Sphere of Influence amendment for the Chino Basin Water Conservation District.

Ms. McDonald states that for the Contingency and Reserves series, as part of the preparation of the First-Quarter review, staff discovered that for former employee Joe Serrano, the transfer of 75% of the sick leave balance to the Retirement Medical Trust had not taken place. It was learned that as a part of the PEPRA implementation occurring at the time of Mr. Serrano's original hiring, a form was not included in the processing. In order to rectify this oversight, the staff is recommending that the Commission direct the Executive Officer to request that the County EMACS reinstate the sick leave time eliminated (146.84 hours at a value of \$3,471.46), convert it to the Retirement Medical Trust (RMT) pursuant to LAFCO Benefit Plan Policies (75% of sick leave balance or \$2,604) and provide notification to the employee of the payment of this benefit.

Ms. McDonald states that for revenues, the Commission has received 108% of Adopted Budget revenues through the first quarter and states that the activity includes interest, 100% apportionment from the cities and special districts, and fees and deposits. She states that for the carryover from the Prior Year, the unrecognized and unassigned carryover from FY 2014-15, staff recommends that the Commission increase Account 9970 in the amount of \$29,136.

Ms. McDonald reviews the proposal activities chart and states that the remainder of the year anticipates the completion of the second cycle service review for water, sewer and streetlights, plus the Commission has directed staff to prioritize its activities to address the fire proposals submitted as the top priority, other jurisdictional changes next and then service reviews.

Ms. McDonald states that staff recommends the Commission take the recommended actions, as listed in the staff report.

Commissioner Cox asks how much longer the lease at the current office location is in effect. Ms. McDonald states that there are 18 months left in the current lease and also states that SANBAG is working with staff on the opportunity of preparing the Harvey House for use by LAFCO as its next office space. Ms. Cox states her support of the relocation and also states her concern over the safety of staff in its current office location.

Commissioner Lovingood moves to approve staff recommendations, second by Commissioner Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None

(It is noted that Commissioner Lovingood and Commissioner Ramos leave the dais at 10:49 a.m.)

INFORMATION ITEMS:

ITEM 9 LEGISLATIVE UPDATE REPORT

Executive Officer Kathleen Rollings-McDonald presents the Legislative report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. Ms. McDonald states that she has provided for the Commission a copy of the CALAFCO Legislative Update which includes information regarding the current status of bills determined to be of importance to LAFCO. She states that the legislative session has ended, and that there are two

bills of interest for the Commission, the first is SB 239 (Hertzberg) which relates to Fire Protection District contracts which will be effective January 1, 2016. She states that staff will be putting together policies related to the new requirements of this bill for the Commission's review and adoption in the months to come.

Ms. McDonald states that AB 402 is the pilot program for San Bernardino and Napa Counties that will permit the Commission to authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances. It too will require updates to the Commission's policies and procedures for the Commission's consideration.

Ms. McDonald states that SB 272 relates to the California Public Records Act and would require the creation of an inventory of all of enterprise systems, as defined, and make it available to the public. She states that staff will be evaluating this in detail to determine what actions staff will need to take to fulfill the new requirements.

Ms. McDonald also states that she has put in her request to remain on the CALAFCO Legislative Committee.

ITEM 10 EXECUTIVE OFFICER'S ORAL REPORT:

Executive Officer Kathleen Rollings-McDonald states that the Commission may need to hold a hearing in December due to the request of the City of San Bernardino that the Commission review the exemption related to the contractual transfer of fire operations from the City to the San Bernardino County Fire Protection District. She states that the City has a deadline of mid-November to submit the contract for Commission review and that if the city is able to meet that deadline, a hearing will be scheduled on the normal date of December 16.

Ms. McDonald states that regarding the special study for the Morongo Community Meeting, staff did conduct a community meeting on September 30th, and that the study was well received.

Ms. McDonald states that for the Daggett CSD, discussion regarding a community park building has been resolved and that the County took action to establish a method to transfer ownership to the CSD.

Ms. McDonald states that she has provided the Commission with the fact sheet from the State Water Resources Control Board on the operation of SB 88 for mandated water system consolidations and the updates provided by Best Best and Krieger related to the Brown Act and Conflict of Interest Requirements.

ITEM 11 COMMISSIONER COMMENTS

Commissioner Cox wishes a staff member well in their upcoming procedure.

ITEM 12 COMMENTS FROM THE PUBLIC

No comments.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION THE HEARING IS ADJOURNED AT 11:02 A.M.

ATTEST:

REBECCA LOWERY
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JAMES CURATALO, Chairman

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 9, 2015

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICER’S
EXPENSE REPORT**

RECOMMENDATION:

Approve the Executive Officer’s Expense Report for Procurement Card Purchases and expense claim for October 2015 as presented.

BACKGROUND INFORMATION:

The Commission participates in the County of San Bernardino’s Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing period of September 23, 2015 through October 22, 2015.

It is recommended that the Commission approve the Executive Officer’s expense report as shown on the attachments.

KRM/rcl

Attachments



COUNTY OF SAN BERNARDINO
PROCUREMENT CARD PROGRAM

Page 1 of 1

MONTHLY PROCUREMENT CARD PURCHASE REPORT

Card Number [REDACTED]	Cardholder Kathleen Rollings-McDonald	Billing Period 9/23/15 to 10/22/15
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Date	Vendor Name	Receipt/ Invoice No.	Item Description	Purpose	\$ Amount	Reconciled (R) Disputed (D)	Sales Tax Included on invoice (Yes or No)
9-29	Starbucks – Apple Valley	1	Coffee and Supplies	CSDA Training Session	59.80	R	N
9-30	Round Table Pizza	2	Lunch/ Rollings-McDonald, Tuerpe, Lowery	CSDA Training Session	31.36	R	Y
10-2	Verizon	3	Payment – Phone Bill	Phone Line for Alarm	67.02	R	Y
10-2	Thomson West	4	Monthly Payment	Law Library Updates	178.42	R	Y
10-2	Sand to Snow	5	Lunch/Rollings-McDonald, Tuerpe	Morongo Community Meeting	34.50	R	
10-5	Storetrieve	6	Monthly Payment	Records Storage and Maintenance	49.30	R	N
10-5	Assoc of CA Water Agencies	7	Registration – Martinez	ACWA 2015 Regulatory Summit	375.00	R	N
10-5	Advance Copy Systems	8	Monthly Payment	Sharp Copier	470.90	R	Y
10-7	Bella's Kitchen Inc	9	Refreshments	CCL Quarterly Meeting	62.64	R	Y

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign) Kathleen Rollings-McDonald	Date 11-9-15
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Approving Official (Print & Sign) James Curatalo, Chairman	Date 11/18/15
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LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : NOVEMBER 9, 2015

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR
MONTH OF OCTOBER 2015 AND NOTE REVENUE RECEIPTS**

RECOMMENDATION:

Ratify payments as reconciled for the month of October 2015 and note revenue receipts for the same period.

BACKGROUND INFORMATION:

Staff has prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of October 1, 2015 through October 31, 2015.

Staff is recommending that the Commission ratify the payments for October 2015 outlined on the attached listings and note the revenues received.

KRM/rci

Attachment


MONTHLY RECONCILIATION OF PAYMENTS

MONTH OF OCTOBER 2015 PAYMENTS PROCESSED					
VOUCHER DOCUMENT ID	ACCOUNT	NAME	WARRANT NUMBER	WARRANT DATE	AMOUNT
PV8908428	2405	SBCERA	3259385	10/01/15	\$ 5,757.77
PV8908429-37		ALREADY PROCESSED			
PV8908438	2424	TOM DODSON & ASSOCIATES	3259395	10/01/15	\$ 510.00
PV8908439	2449	COLANTUONO & LEVIN, PC	8727687	10/01/15	\$ 1,997.16
PV8908440	2905	INLAND EMPIRE PROPERTIES	3259404	10/01/15	\$ 4,353.41
PV8908441	1235	SPECIAL DISTRICTS RISK MGMT	8728404	10/02/15	\$ 322.41
PV8908442		ALREADY PROCESSED			
PV8908443	2400	BEST BEST & KRIEGER	3259305	10/01/15	\$ 1,162.68
PV8908444		ALREADY PROCESSED			
PV8908445	2445/2940	JIM BAGLEY	8736815	10/22/15	\$ 657.15
PV8908446	2445/2940	KIMBERLY COX	8727729	10/01/15	\$ 262.10
PV8908447	2445/2940	JAMES V CURATALO	8727722	10/01/15	\$ 228.75
PV8908448	2445/2940	STEVEN FARRELL	8727799	10/01/15	\$ 218.98
PV8908449		ALREADY PROCESSED			
PV8908450	2445/2940	DIANE WILLIAMS	8727699	10/01/15	\$ 229.90
PV8908451	2305	CROWN PRINTERS	8731776	10/09/15	\$ 340.99
PV8908452	2085	DAILY JOURNAL	8731778	10/09/15	\$ 962.88
PV8908453	2445	ROBERT J ALDRICH	3260586	10/19/15	\$ 1,950.00
PV8908454	2445	CITY OF SAN BERNARDINO	8735786	10/20/15	\$ 600.00
PV8908455	2305	CITY OF SAN BERNARDINO FIRE	8735785	10/20/15	\$ 25.00
PV8908456	2905	INLAND EMPIRE PROPERTIES	3260697	10/20/15	\$ 4,353.41
PV8908457-58		NOT YET PROCESSED			
PV8908459	2041	VERIZON	8740202	10/29/15	\$ 925.79
PV8908460		NOT YET PROCESSED			
PV8908461	2941	CALAFCO	8740068	10/29/15	\$ 75.00
TOTAL					\$ 24,933.38
MONTH OF OCTOBER 2015 INTERNAL TRANSFERS PROCESSED					
JVIB 03062037D	2037	SEPTEMBER 2015 PHONE		10/7/2015	\$ 213.01
JVIB 03062080B	2080	SEPTEMBER 2015 INTERNET PHONE SERVICE INSTALLATION		10/7/2015	\$ 3,990.82
JVATXRT04726	2308	CAL-CARD PAYMENT - OCTOBER		10/5/2015	\$ 2,371.81
JVPURRT05190	2310	BULK MAIL		10/9/2015	\$ 355.86
JVPURRT05193	2310	1ST CLASS PRESORT- MAIL		10/13/2015	\$ 1.08
JVPURRT05197	2310	1ST CLASS PRESORT- MAIL		10/13/2015	\$ 151.53
JVPURRT05210	2310	INTER-OFFICE MAIL		10/13/2015	\$ 176.40
JVPURRT05211	2310	PACKAGING - MAIL		10/13/2015	\$ 945.54
JVPURRT05216	2310	PRESORT FLATS - MAIL		10/13/2015	\$ 134.52
JVIB 03062410AB	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 2.04
JVIB 03062410AE	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 144.76
JVIB 03062410AJ	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 0.36
JVIB 03062410E	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 48.40
JVIB 03062410P	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 132.41
JVIB 03062410T	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 51.56
JVIB 03062410X	2410	SEPT 2015 DATA PROC		10/7/2015	\$ 146.52
JVIB 03062420J	2420	SEPTEMBER 2015 ISD OTHER IT SERVICES		10/7/2015	\$ 58.44
JVIB 03062421D	2421	SEPTEMBER 2015 ISD DIRECT		10/7/2015	\$ 708.93
JV890RT06136	2424	NOE FOR LAFCO 3173 & 3196		10/28/2015	\$ 100.00
JV890RT05453	9545	FUND CORRECTION		10/19/2015	\$ (25,000.00)
JV890RT05453	9800	FUND CORRECTION		10/19/2015	\$ 25,000.00
JV890RT05453	2400	FUND CORRECTION		10/19/2015	\$ (2,500.00)
JV890RT05453	2445	FUND CORRECTION		10/19/2015	\$ 2,500.00
TOTAL					\$ 9,733.99

MONTHLY RECONCILIATION OF PAYMENTS

MONTH OF OCTOBER 2015 CASH RECEIPTS					
DEPOSIT DOCUMENT ID	ACCOUNT	DESCRIPTION		DEPOSIT DATE	AMOUNT
CR890A04141	9545	INDIVIDUAL NOTICE		10/5/2015	\$ 700.00
CR890A04141	9555	LEGAL		10/5/2015	\$ 575.00
CR890A04141	9660	ENVIRONMENTAL		10/5/2015	\$ 450.00
CR890A04141	9800	LAFCO FEES		10/5/2015	\$ 4,000.00
CR890A04241	9800	LAFCO FEES		10/7/2015	\$ 2,250.00
CR890A05248	9545	INDIVIDUAL NOTICE		10/29/2015	\$ 700.00
CR890A05248	9555	LEGAL		10/29/2015	\$ 575.00
CR890A05248	9660	ENVIRONMENTAL		10/29/2015	\$ 450.00
CR890A05248	9800	LAFCO FEES		10/29/2015	\$ 750.00
CR890A05248	9930	MISCELLANEOUS		10/29/2015	\$ 200.00
TOTAL					\$ 10,650.00

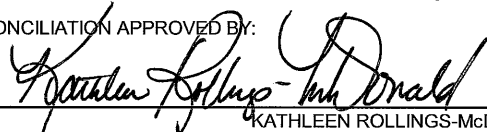
MONTH OF OCTOBER 2015 INTERNAL TRANSFERS RECEIVED					
TRANSFER DOCUMENT ID	ACCOUNT	NAME		TRANSFER DATE	AMOUNT
JVTZ RT151014052	8500	APPORTIONMENT INTEREST		10/23/2015	\$ 1,277.50
TOTAL					\$ 1,277.50



REBECCA LOWERY, Clerk to the Commission

11/9/2015
DATE

RECONCILIATION APPROVED BY:



KATHLEEN ROLLINGS-McDONALD, Executive Officer

11/9/2015
DATE

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: NOVEMBER 9, 2015

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #4: LAFCO 3191 – Reorganization to include Annexations to the City of Rialto and West Valley Water District and Detachments from San Bernardino County Fire Protection District and its Valley Service Zone, and County Service Area 70 (Boral Roofing)

INITIATED BY:

Landowner Petition, Boral Roofing, Inc.

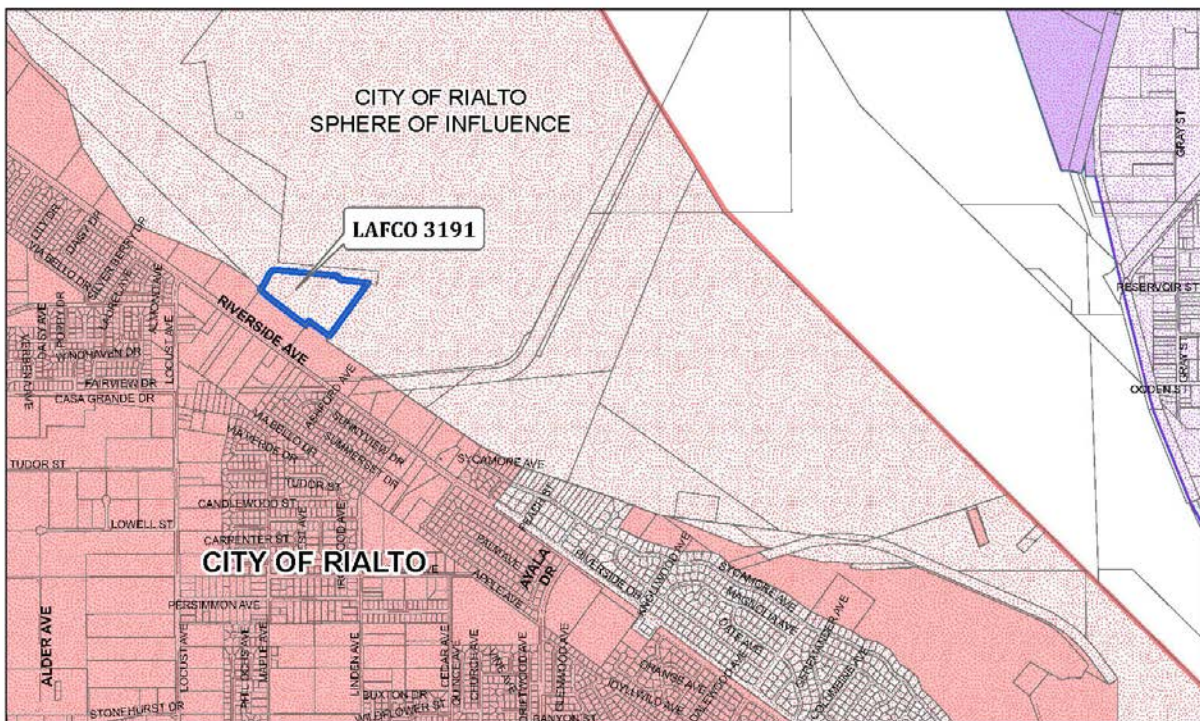
RECOMMENDATION:

Staff recommends that the Commission approve LAFCO 3191 by taking the following actions:

1. Adopt the Statutory Exemption that has been recommended for this proposal, and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO 3191, as modified, to include the concurrent annexation to the West Valley Water District, with the standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution #3207, setting forth the Commission’s determinations and conditions of approval concerning this proposal.

BACKGROUND:

LAFCO 3191 is a reorganization proposal to annex 19+/- acres to the City of Rialto (City) and the West Valley Water District, which includes the detachment from the San Bernardino County Fire Protection District (SBCFPD), its Valley Service Zone, and County Service Area 70. The reorganization area includes a single parcel, Assessor Parcel Number 0239-121-20, generally located northeast of Riverside Avenue between Locust and Linden Avenues. Location and vicinity maps are included as Attachment #1 to this report.



The proposal was initiated by landowner petition with 100% landowner consent. The primary reason for submitting this reorganization proposal, as outlined in the application materials submitted by the applicant (which is included as part of Attachment #2 to this report), is to consolidate the property owner's landholdings within a single jurisdiction. The parcel is currently being used in conjunction with an adjacent parcel already within the City of Rialto for manufacturing roofing materials. This historic use has been in existence since at least the 1980s. By annexing the unincorporated parcel into the City, future expansions and/or renovations being proposed on both parcels can be consolidated and accomplished within a single jurisdiction, the City.

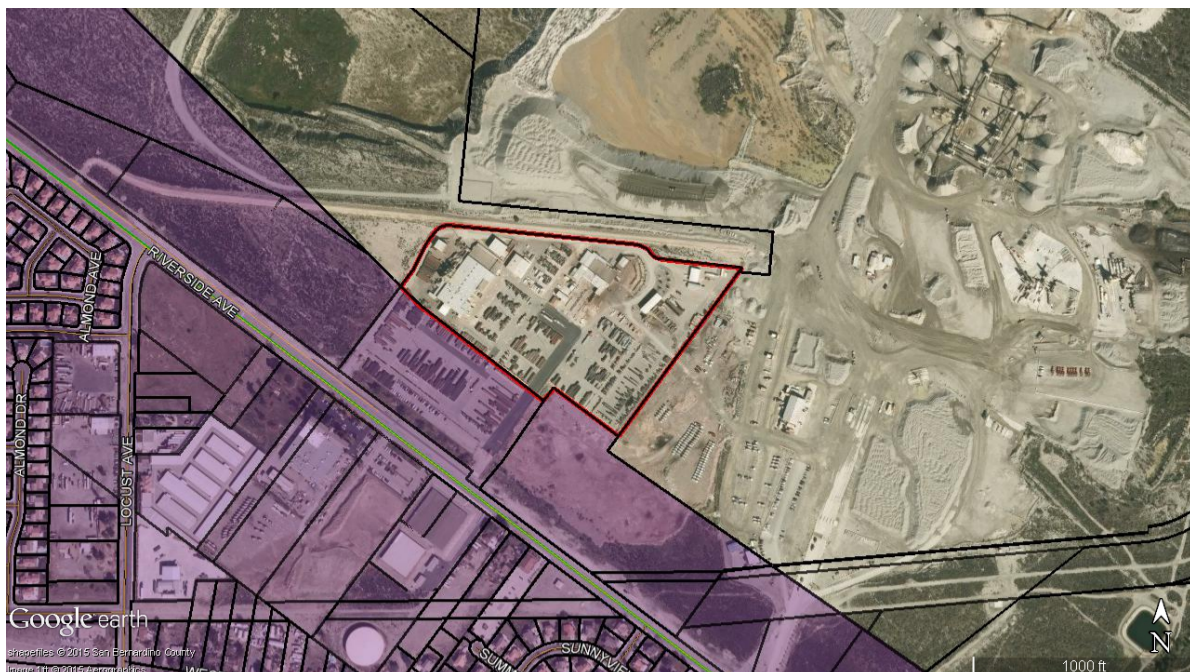
In processing this application, LAFCO staff expanded the consideration to include the annexation to West Valley Water District (District) as part of the overall proposal pursuant to Commission policy. That policy states: *"For any annexation within a community served by a variety of community-based local agencies, the Commission*

shall require concurrent annexation to all of the local agencies serving the community (concurrent city/district annexations)”. Although the existing facilities on the site already receive water service from the District, said parcel is not currently within the District’s boundaries. LAFCO staff notified the District regarding the proposal expansion, and the District has responded by providing its consent and submission of its own Plan for Service.

With the required materials provided by the applicant, the City, and the West Valley Water District, the Commission can turn its attention to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations. Staff’s responses to each of these areas are as follows:

BOUNDARIES:

The reorganization area encompasses approximately 19 acres generally located northeast of Riverside Avenue between Locust and Linden Avenues. Again, the reorganization proposal has been submitted in order to consolidate the property owner’s landholdings within a single jurisdiction. While the configuration may appear to be a saw-toothed expansion of the City, the aerial map shown below depicts that it provides for the consolidation of a single use under the jurisdiction of the City. In addition, a larger annexation, LAFCO 3201 (Lytle Creek Ranch), will seek the Commission’s consideration of a much larger area for inclusion within the City. Therefore, it is LAFCO staff’s position that LAFCO 3191 is a logical extension of the City as access to the parcel is only available through the City through the property owner’s other parcel fronting Riverside Avenue.



LAND USE:

The reorganization area is developed with the property owner's facilities for the manufacture of roofing materials. Existing uses include manufacturing and industrial. The existing uses directly surrounding the reorganization area include: generally vacant lands to the northwest, industrial use (cement production) to the northeast and southeast, and manufacturing and industrial uses (remainder of Boral Roofing, Inc. facilities) to the southwest.

County Land Use Designations:

The County's current land use designations for the reorganization area include both Floodway (FW) and Single Residential – 20,000 sq. ft. minimum (RS-20M). The Land Use Services Department has identified that there was some concern regarding the continuation of the use under the County General Plan adopted in 2007 and thereafter as it no longer allows for industrial use in a Floodway Zoning. The information received outlined issues which had previously arisen regarding an expansion of the existing Conditional Use Permit (CUP) for manufacturing. Annexation to the City for the processing of all future land use permits will alleviate this issue.

City's General Plan:

The reorganization area has a Specific Plan designation under the City's General Plan. In 2010, the City adopted the Lytle Creek Ranch Specific Plan, which includes the reorganization area as part of the overall Specific Plan.

City's Pre-Zone Designations:

The City of Rialto has pre-zoned the area as Village Center Commercial through its Lytle Creek Ranch Specific Plan. The property also has a Specific Plan Overlay of M-2 Zoning, which would allow the continuation of the existing manufacturing and industrial use on the property. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for a period of two (2) years following annexation. The law allows for a change in designation if the City Council makes the finding, at a public hearing, that a substantial change has occurred in circumstance that necessitates a departure from the pre-zoning outlined in the application made to the Commission.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization area include the San Bernardino County Fire

Protection District and its Valley Service Zone, and County Service Area 70 (multi-function entity). In addition, the regional independent special districts, Inland Empire Resource Conservation District and the San Bernardino Valley Municipal Water District (State Water Contractor), overlay the reorganization area.

The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #2 to this report) from both the City of Rialto and the West Valley Water District. The Plan for Service, which was certified by the City, includes a Fiscal Impact Analysis indicating that the project will have a positive financial effect for the City. In general, the Plan identifies the following:

- Sewage collection services will be provided by the City of Rialto. Sewer mains currently exist in Riverside Avenue. Upon annexation and need, sewer service will be extended to the existing development.
- Fire protection services are currently provided by the San Bernardino County Fire Protection District. The responsibilities for structural fire protection and paramedic services will be transferred to the City of Rialto upon completion of the reorganization. The Rialto Fire Department maintains mutual aid and joint response agreements with San Bernardino County Fire Protection District.
- Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of Rialto.

The West Valley Water District has provided its support for the modification to the proposal to include its annexation. The letter identifies that although the proposal includes the annexation to the West Valley Water District, water service is already provided by the District to the existing development.

As required by Commission policy and State law, the Plans for Service show that the extension of services will maintain, and/or exceed, current service levels provided through the County and others.

ENVIRONMENTAL:

As the CEQA lead agency for the proposed project, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3191 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause an adverse effect on the environment as the territory is fully developed. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3).

Waiver of Protest Proceedings:

The Registrar of Voters has certified that the reorganization area is legally uninhabited. In addition, LAFCO staff has verified that the reorganization area possesses 100% landowner support for the annexation. Therefore, if the Commission approves LAFCO 3191 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that further protest proceedings be waived and that the Executive Officer be directed to complete the action following the conclusion of the mandatory reconsideration period of 30 days.

CONCLUSION:

The primary purpose for submitting this proposal is to consolidate the property owner's landholdings within a single jurisdiction to allow for the expansion/renovation of its existing roofing material manufacturing facility. As the report outlines the parcel under consideration is currently being used in conjunction with an adjacent parcel already within the City of Rialto for the manufacture of roofing materials. By annexing the unincorporated parcel into the City, future expansions being proposed on both (adjacent) parcels can be consolidated and accomplished within a single jurisdiction. For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3191.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization proposal.

1. The Registrar of Voters Office has certified that the reorganization area is legally uninhabited, containing 0 registered voter as of September 10, 2015.
2. The County Assessor's Office has determined that the total assessed valuation of land and improvements within the reorganization area is \$6,820,342 (land - \$5,713,578 -- improvements - \$1,106,764).
3. The reorganization area is within the spheres of influence assigned the City of Rialto and the West Valley Water District.
4. Commission review of this proposal has been advertised in *The Sun*, newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.

5. LAFCO staff has provided individual notices to landowners (15) and registered voters (6) surrounding the reorganization area (totaling 21 notices) in accordance with State law and adopted Commission policies. To date, no written comments in support or opposition have been received regarding the consideration of this proposal.
6. The City of Rialto has pre-zoned the reorganization area to Village Center Commercial through the approval of the Lytle Creek Ranch Specific Plan. The property also has a specific plan overlay of M-2 Zoning which permits the continuation of its existing industrial use. This zoning designation is consistent with the City's General Plan designation for the area. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. As the CEQA lead agency for the proposed project, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated that the review of LAFCO 3191 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause an adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b) (3). A copy of Mr. Dodson's report is included for the Commission's review as Attachment #4.
8. The area in question is presently served by the following local agencies:
 - County of San Bernardino
 - San Bernardino Valley Municipal Water District
 - Inland Empire Resource Conservation District
 - San Bernardino County Fire Protection District and its Valley Service Zone (fire protection)
 - County Service Area 70 (multi-function unincorporated area Countywide)

The proposal will detach the territory from the San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70 as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

9. Plans for Service were prepared for the extension of services to the reorganization area, as required by law. The Plan for Service, which was certified by the City of Rialto, indicates that the City can maintain and/or improve the level and range of services currently available in the area. The Plan for Service submitted by the West Valley Water District identifies that the District has historically served the property with water service and will continue to do so.

10. The reorganization area can benefit from the availability and extension of municipal services from the City of Rialto and has benefited from water service being provided by the West Valley Water District.
11. This proposal will not assist in the City's ability to achieve its fair share of the regional housing needs since the reorganization area is currently developed with manufacturing and industrial facilities and will continue to be used as such.
12. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino and the City of Rialto have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

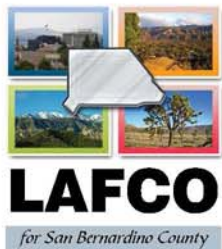
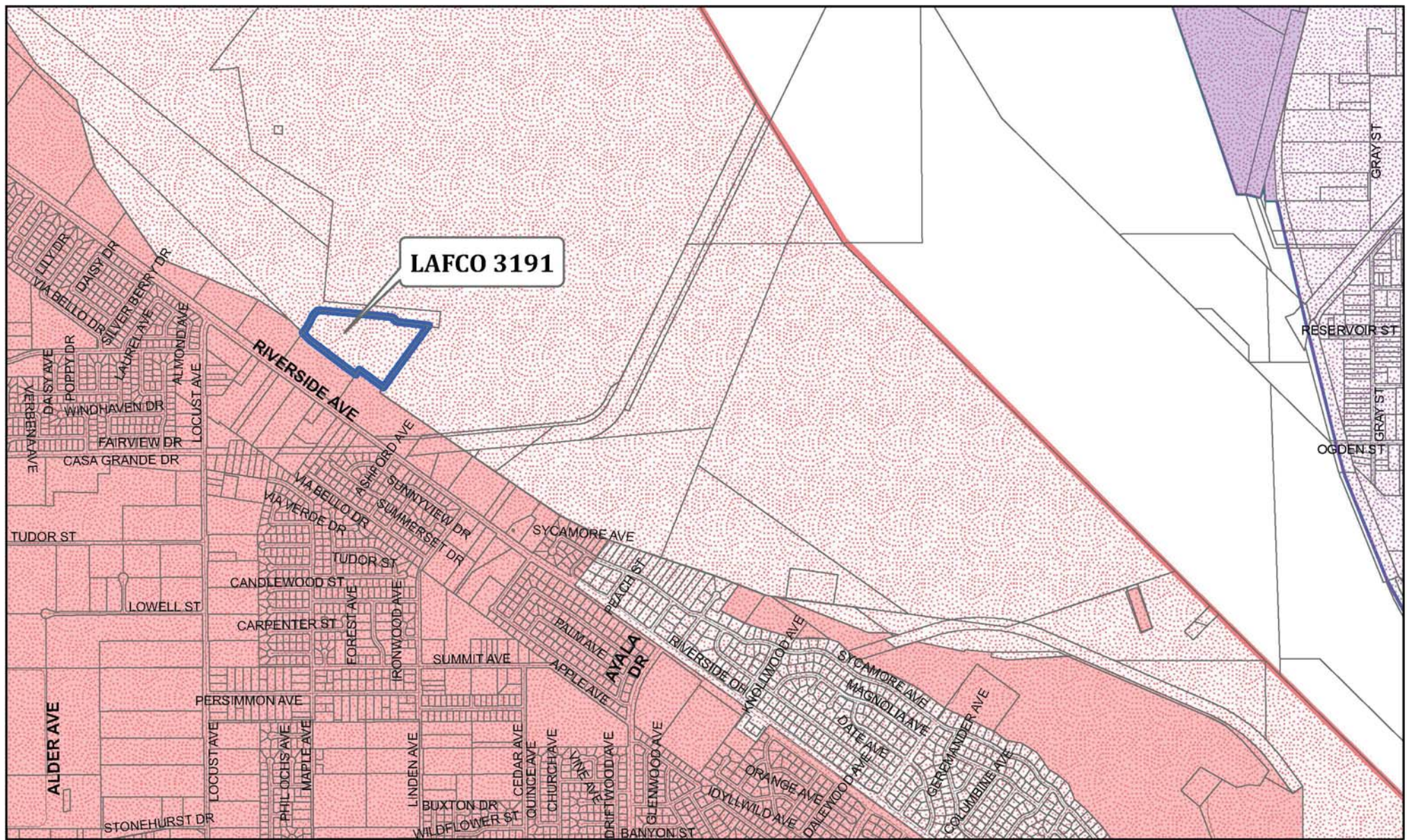
KRM/SM/

Attachments:

1. Vicinity Map and Reorganization Area Map
2. Application and Plan for Service
3. West Valley Water District Consent and Plan for Service
4. Response from Tom Dodson and Associates
5. Draft Resolution No. 3207

Vicinity Maps and Reorganization Area Map

Attachment 1



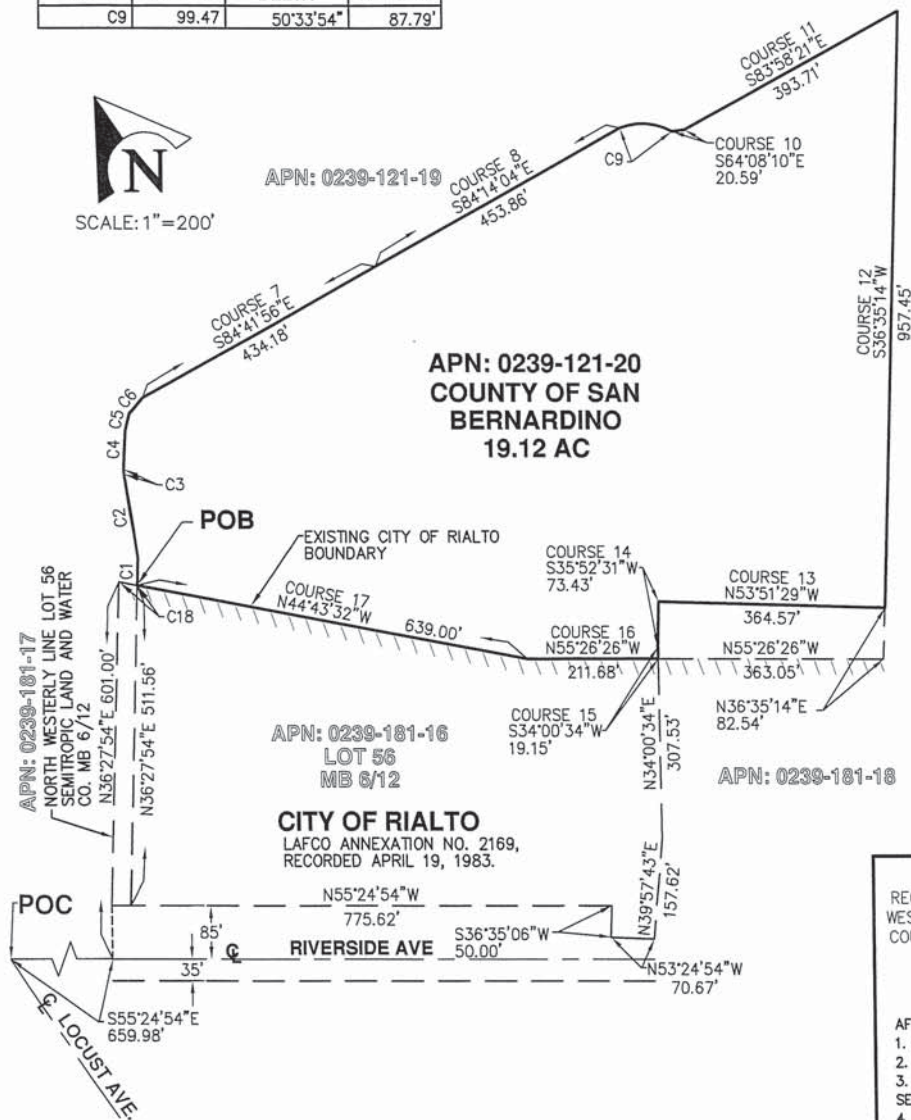
LAFCO 3191 – Reorganization to include Annexation to the City of Rialto and the West Valley Water District and Detachment from San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C9	99.47	50°33'54"	87.79'



SCALE: 1"=200'

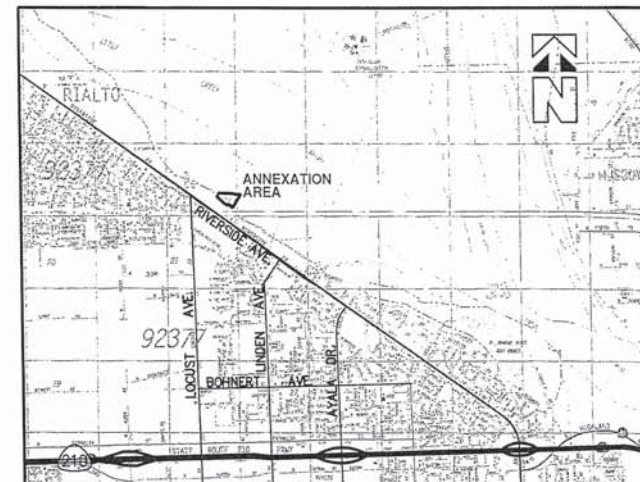


LEGEND:

— INDICATES EXISTING CITY BOUNDARY

LINE TABLE

LINE	LENGTH	BEARING
C1	44.50	N36°27'54"E
C2	137.29	N26°05'25"E
C3	8.31'	N15°59'28"E
C4	63.44	N37°35'38"E
C5	28.04	N47°26'20"E
C6	32.64	N75°15'43"E
C18	29.39	S44°43'32"E



VICINITY MAP



DATE PREPARED 10-16-15

LAFCO 3191

REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF RIALTO AND THE WEST VALLEY WATER DISTRICT AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND COUNTY SERVICE AREA 70.

A PORTION OF THE NE 1/4 SEC 21 & NW 1/4 SEC 22 T 11R 5W S.B.M.

AFFECTED AGENCIES

1. CITY OF RIALTO.
2. WEST VALLEY WATER DISTRICT.
3. SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, VALLEY SERVICE ZONE.
4. COUNTY OF SERVICE AREA 70.



W.J. McKEEVER, INC.

CIVIL ENGINEERING

900 E. WASHINGTON STREET, SUITE 208
COLTON, CALIFORNIA 92324
PH.: (909) 825-8048
FAX: (909) 825-8639

Application and Plan for Service

Attachment 2

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the proposed project site to allow the San Bernardino LAFCO, its staff and others to adequately assess the project. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your project. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

- 1 NAME OF PROPOSAL Boral Roofing LLC Annexation
- 2 NAME OF APPLICANT Boral Roofing LLC
MAILING ADDRESS c/o Marie Joseph
200 Mansell Court East, Suite 310
Roswell, GA 30076
PHONE (770) 552-3362
FAX (770) 552-3370
E-MAIL ADDRESS marie.joseph@boral.com
- 3 GENERAL LOCATION OF PROPOSAL North Side of Riverside Ave.
Between Locust + Linden Avenues
- 4 Does the application possess 100% written consent of each landowner in the subject territory?
YES ☒ NO ☐ If YES, provide written authorization for change
- 5 Indicate the reasons that the proposed action has been requested Request
annexation into the City of Rialto. There are two(2)
parcels for the Boral Roofing LLC Project; one plat is in the County and
the other plat is in the City. Annexation into the City will allow
for expansion of the project.
- 6 Would the proposal create a totally or substantially surrounded island of unincorporated territory?
YES ☐ NO ☒ If YES, please provide a written justification for the proposed boundary configuration
N/A

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area (defined in acres): 28.02
2. Current dwelling units in area classified by type (Single Family detached, multi-family (duplex, fourplex, 10-unit), apartments) N/A
3. Approximate current population in area: N/A
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s): Specific Plan with Specific Plan Overlay

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):

- Industrial
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory.
No special land use concerns. The property is consistent with the S.B. County General Plan and the City of Rialto General Plan. Both of these plans have been reviewed by SCAG for consistency with the adopted RTP. The annexation will not alter any of the prior consistency conclusions.
6. Indicate the existing land use. Industrial

What is the proposed land use?

Industrial

7. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:
- a. Has pre-zoning been completed? YES X NO
- b. If the response to "a" is NO, is the area in the process of pre-zoning? YES NO

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

M-2 Pre-Zoning. M-2 is a general Manufacturing zone. Uses are contained in Chapter 18.42.020 of the City's Municipal Code (zoning). Chapter 18.42.020 contains height, bulk, and space requirements.

- 8 Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ___ NO X If YES, please explain

N/A

- 9 On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: | <u>N/A</u> |

- 10 If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract

N/A

- 11 Provide a narrative response to the following factor of consideration as identified in §56668(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services

The annexation will not result in the hindering of environmental justice. With the annexation, Borat Roofing LLC will be allowed to expand, thereby promoting environmental justice.

ENVIRONMENTAL INFORMATION

- 1 Provide general description of topography General topography is flat and disturbed land - no hilly terrain.

2. Describe any existing improvements on the site as % of total area.

Residential	<u>0</u>	%	Agricultural	<u>0</u>	%
Commercial	<u>0</u>	%	Vacant	<u>0</u>	%
Industrial	<u>100</u>	%	Other	<u>0</u>	%

3. Describe the surrounding land uses:

NORTH Vacant / Lytle Creek Wash

EAST Vacant

SOUTH Single-family residential

WEST Vacant / Single-family residential

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

N/A

5. Will service extensions accomplished by this proposal induce growth on this site? YES ___ NO X Adjacent sites? YES ___ NO X Unincorporated ___ Incorporated X

N/A

6. Are there any existing out-of-agency service contracts/agreements within the area? YES X NO ___ If YES, please identify.

Please see Figure 4 - Service Provider Changes
of the Plan of Services and Fiscal Impact
Analysis

7. Is this project a part of a larger project or series of projects? YES X NO ___ If YES, please explain.

Lytle Creek Specific Plan - this project is
processing a parallel annexation application.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report

NAME Peter Shills TELEPHONE NO 909.428.4460

ADDRESS 3511 N. Riverside Ave., Rialto, CA 92377

NAME Matthew Fagan Consulting Services TELEPHONE NO 957.265.5428

ADDRESS 42011 Avenida Vista Ladera, Temecula, CA 92591

NAME Julie Peccorini TELEPHONE NO 909.888.5731

ADDRESS 323 West Court Street # 301, San Bernardino, CA 92401

CERTIFICATION

As a part of this application, the city of N/A or the N/A district, N/A (the applicant) and/or the Boral Roofing LLC (real party in interest subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I/We acknowledge that annexation to the city of N/A or the N/A district may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented herein are true and correct to the best of my knowledge and belief.

DATE April 9, 2015

Boral Roofing LLC

By: F. Scott Dines

SIGNATURE OF APPLICANT

PRINTED NAME OF APPLICANT

VP - Finance

TITLE

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ **ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT**
- ☐ **SPHERE OF INFLUENCE CHANGE SUPPLEMENT**
- ☐ **CITY INCORPORATION SUPPLEMENT**
- ☐ **FORMATION OF A SPECIAL DISTRICT SUPPLEMENT**
- ☐ **ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT**

KRM-Rev. 8/15/2012

**SUPPLEMENT
ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS**

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the project. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO
City of Rialto
150 S. Palm Ave.
Rialto, CA 92376

DETACHED FROM
County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92415

2. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

With the exception of Fire Protection, which will be transferred to the
County, no other changes are expected such that the property
would be subject to any new or additional special taxes, new assessment
districts, or fees. See Figure 5 - Current and Projected General
Recipients of the Plan of Services and Fiscal Impact Analysis.

3. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

Yes. Please refer to the Plan of Services and Fiscal
Impact Analysis.

4. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

N/A

5. PLAN FOR SERVICES

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies

1. A description of the level and range of each service to be provided to the affected territory.
2. An indication of when the service can be feasibly extended to the affected territory.
3. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
4. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.
5. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
6. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

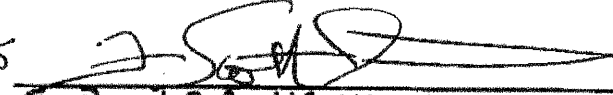
As a part of this application, the city of N/A or the N/A district, N/A (the applicant) and/or the Boral Roofing LLC (real party in interest, subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I/We acknowledge that annexation to the city of N/A or the N/A district may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

(FOR LAFCO USE ONLY)

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE April 9 2015


for Boral Rating LLC SIGNATURE OF APPLICANT

Title: VP Finance

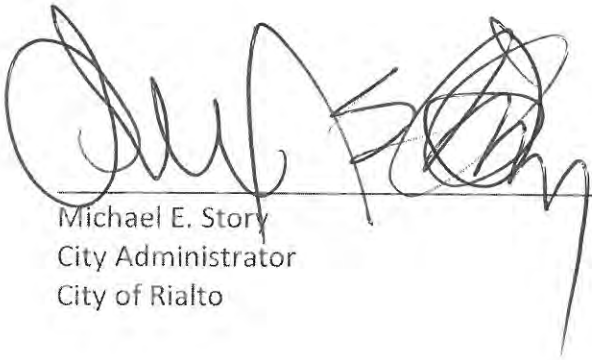
/REVISED km - 8/15/2012

Certification for

**BORAL ROOFING LLC
DRAFT PLAN OF SERVICES AND
FISCAL IMPACT ANALYSIS**

Dated February 4, 2015

I hereby certify that the statements furnished within the Plan for Service and Fiscal Impact analysis present the data and information required to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Michael E. Story', is written over a horizontal line. The signature is stylized with large loops and a long trailing stroke.

Michael E. Story
City Administrator
City of Rialto



**DRAFT PLAN OF SERVICES AND
FISCAL IMPACT ANALYSIS**

Boral Roofing LLC

February 4, 2015

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EXECUTIVE SUMMARY

The purpose of this report is to support the annexation of a single parcel to the City of Rialto ("City") from unincorporated San Bernardino County. The proposed parcel annexation is for Assessor Parcel Number ("APN") 0239-121-20-0000, which is owned by Boral Roofing LLC ("Boral Roofing LLC Site" or "Subject Site"). The Boral Roofing LLC Site is located within the City's sphere of influence. The parcel is currently used in conjunction with an adjacent parcel that is within the City's incorporated boundary. Both parcels have the same owner and are in use as a production site for roofing tile. This report provides a brief assessment of public service delivery capabilities of the City and other agencies or special districts affected by the proposed annexation. All impacts are expected to be negligible or non-existent, given the nature and scope of the proposed annexation.

This report is being submitted to the County of San Bernardino Local Agency Formation Commission ("LAFCo") as a Plan for Service required by California Government Code Section 56653. After annexation, local municipal service provision is expected to transfer from the County of San Bernardino ("County") to the City. These services will include general government, police protection, community development, fire protection, local parks and recreation, community services, and public works. The County will continue to provide regional, countywide services such as flood control, court systems, and health and welfare.

Based on an analysis of current service delivery capabilities, the City is equipped to handle additional demand from the proposed annexation of the Boral Roofing LLC Site at no additional, ongoing costs. This report explains the transfer of service requirements upon annexation, and discusses the lack of appreciable, recurring fiscal impacts to the City.

As shown in Table 1, a recurring annual surplus of approximately \$49,000 per year, two years after annexation of the Boral Roofing LLC Site is expected if no further improvements are made, based on certain assumptions described in the body of this report. Table 2 identifies an alternative scenario, where an additional 17,155 square feet of manufacturing space is constructed to accommodate additional production, increasing the assessed value of the Subject Site. Using Marshall and Swift Valuation Service, RSG estimated a conservative assessed value of \$129 per square foot of new construction¹ for a total of \$2.2 million in new assessed value.

¹ Assumes Class C Average industrial construction, adjusted for San Bernardino County costs.

Figure 1 - Fiscal Impact Summary No Expansion

APN: 0239-121-20-0000

	2015-16	2016-17	2017-18	2018-19	2018-19
Assessed Value	\$ 6,820,476	\$ 6,956,885	\$ 7,096,023	\$ 7,237,944	\$ 7,382,702
1% General Levy	68,205	69,569	70,960	72,379	73,827
City Share From County Property Tax Levy	-	-	-	-	-
City Share From Fire District Share Tax Levy	10,249	10,454	10,663	10,876	11,094
VLF In Lieu	-	8,318	8,485	8,654	8,827
Utility User Tax (8%)	38,600	38,600	38,600	38,600	38,600
Total City Revenues	\$ 48,849	\$ 57,372	\$ 57,748	\$ 58,131	\$ 58,521

Notes:

Tax shares estimated net of Educational Revenue Augmentation Fund (ERAF) shift.

Assessed value assumes no additional improvements to site and 2% annual increase.

Utility User Tax estimated based upon Boral Roofing historical utility bills.

Figure 2 - Fiscal Impact Summary with 17,155 SF Expansion

	2015-16	2016-17	2017-18	2018-19	2018-19
Assessed Value	\$ 9,079,457	\$ 9,261,046	\$ 9,446,267	\$ 9,635,192	\$ 9,827,896
1% General Levy	90,795	92,610	94,463	96,352	98,279
City Share From County Property Tax Levy	-	-	-	-	-
City Share From Fire District Share Tax Levy	13,643	13,916	14,195	14,478	14,768
VLF In Lieu	-	11,073	11,295	11,521	11,751
Utility User Tax (8%)	38,600	38,600	38,600	38,600	38,600
Total City Revenues	\$ 52,243	\$ 63,590	\$ 64,089	\$ 64,599	\$ 65,119

Notes:

Tax shares estimated net of Educational Revenue Augmentation Fund (ERAF) shift.

Assessed value assumes additional improvements of \$2.2M to site and 2% annual increase.

Utility User Tax estimated based upon Boral Roofing historical utility bills.



INTRODUCTION

This report presents the plan for service and fiscal analysis for the proposed annexation of the Boral Roofing LLC Site to the City. The Boral Roofing LLC Site is located in unincorporated San Bernardino County, immediately adjacent to the incorporated boundary of the City, and within the City's sphere of influence. As shown in Figure 3, the Boral Roofing LLC Site is set back from the eastern side of North Riverside Avenue between North Locust Avenue and North Linden Avenue, with regional access via nearby Interstate 15 and State Route 210. The Boral Roofing LLC Site is adjacent to a parcel that is currently owned by Boral Roofing LLC, is used for the same roofing tile manufacturing business, and is within the City's incorporated boundary already. Direct access to the Boral Roofing LLC Site is through this adjacent Boral Roofing LLC parcel. The Subject Site does not have independent access to North Riverside Avenue, nor any other public right of way.

Purpose of the Study

The San Bernardino LAFCo requires a Plan for Service and Fiscal Impact Analysis be prepared and certified when a jurisdiction is affected by a proposed change of organization or reorganization (e.g., annexation, formation). Per the LAFCO August 2012 Policy and Procedure Manual, the Plan for Service must include the following components:

- A description of the level and range of each service to be provided to the affected territory.
- An indication of when those services can feasibly be extended to the affected territory.
- An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- A Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.
- An indication of whether the affected territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- If retail water service is to be provided through this change of organization, provide a description of the timely availability of water for projected needs within the area based upon the factors identified in Government Code Ch3 65352.5

As a single parcel, this particular annexation is extremely small in nature, and service transition is expected to be a matter of procedure. No service impacts are anticipated for the following reasons.

- The annexation does not propose the addition of residents.
- The annexation does not propose a change of land use. The current manufacturing operations at the site will continue, albeit with opportunity for increased capacity in the future.
- The Subject Site is already tied, for all practical purposes, to the City as it is operated in conjunction with a parcel within the City's boundary.
- The location of the Subject Site, which can only be accessed through its adjacent parcel in the City, means that all traffic flow and access is already occurring within the City.

PROJECT DESCRIPTION

The Subject Site location is generally along the north/northeastern border of the City and is about 19.31 acres in size. The commonly used address is 3511 North Riverside Avenue. The immediate area surrounding, and to the northeast of the site has a small amount of industrial uses, but is generally undeveloped due to a natural drainage channel, the Lower Cajon Creek Floodway. The area immediately across the street and southwest of North Riverside Avenue is also developed with light industrial and storage uses.

Figure 3 - Map of Site



The two parcels owned by Boral Roofing LLC (one already within the City, the other as the proposed Subject Site) are currently in operation for tile production and storage. The parcel within the City is currently used as a storage area, while all structures are currently located on the Subject Site.

In 2012, the City adopted the Lytle Creek Ranch Specific Plan ("Specific Plan"), which applies to an area of land both in and adjacent to the City's incorporated boundary, including the Subject Site. An Industrial/Warehousing overlay zone applies to the Boral Roofing LLC Site in the Specific Plan, which is consistent with the existing use. Furthermore, the existing use is consistent with the City's General Plan.

A pre-annexation agreement was entered into in 2010 between the City and Lytle Development Joint Venture III and Lytle Development Company, through City Ordinance 1462. The agreement

allowed for the continued operation of the manufacturing, distribution, and storage facility that currently exists on the site. All rights and obligations of Lytle Development Joint Venture III and Lytle Development Company were later transferred to Boral Roofing LLC. The pre-annexation agreement originally expired on May 1, 2014, but was extended until May 1, 2016 following a public hearing. The agreement essentially provides support for the annexation of the Boral Roofing LLC Site, but does not include any specific provisions, particularly related to sharing of property tax revenues, as discussed in the next section.

Boral Roofing LLC has submitted a Precise Plan of Design ("PPD") to the City to facilitate a future expansion of the manufacturing facility by approximately 17,155 square feet. No environmental changes are anticipated, according to the PPD, which specifically identifies that there will be no substantial change in the demand for municipal services as a part of the expansion. The City has responded with a series of requirements associated with the expansion to comply with City standards and building codes.

SERVICE PROVIDER CHANGE

Upon annexation, certain service provisions will switch from the County to the City, and others will remain the same. Service providers, both before and after annexation, are shown in Figure 4.

Figure 4 - Service Provider Changes

Service	Provider Pre-Annexation	Provider Post-Annexation
General Government	County	City
Fire and Paramedic	County Fire	City Fire Department
Police Services	County Sheriff	City Police Department
Library	County Library	County Library
Parks and Recreation	County	City
Animal Control	County	City (Contracts with County)
Street Lighting and Traffic Signals	County	City (Includes a Community Facilities District)
Landscape Maintenance	County	City (Includes a Community Facilities District)
Roads	County (Current access to site is via a City road)	City
Flood Control and Drainage	County Flood Control	County Flood Control
Water Importation	San Bernardino Valley Municipal Water District	San Bernardino Valley Municipal Water District
Water Retail	West Valley Water District	West Valley Water District
Sewer	None on site	None on site
Other Utilities	Various private providers	Various private providers
Solid Waste Management	County of San Bernardino Solid Waste Management	County of San Bernardino Solid Waste Management

REVENUES

Certain revenues are generated by the Boral Roofing LLC Site, which currently accrue to the County, but would transfer to the City following annexation to support services. The following section describes these revenues.

Assessed Valuation and Property Tax Based Revenues

Property tax revenue is based upon the assessed value of a parcel, as established by the San Bernardino County Assessor ("Assessor"). The Assessor determines the value of a property through a variety of analyses, which includes considerations for construction costs, comparable sales, and in commercial products, revenue produced. Value is established whenever an "assessable event" occurs, such as the sale of a property, or property improvements. Annexation alone is not an assessable event, therefore, the current assessed value of the parcel remains the same, inclusive of any adjustments based on the Proposition 13 annual inflationary factor, or any property tax appeals that may be filed (none are anticipated at this time). Assessed valuation for the Boral Roofing LLC Site is currently \$6,656,620, according to County Assessor records.

According to the submitted PPD, Boral Roofing LLC is likely to seek development of an additional production building, currently expected to be 17,155 square feet in size. Based on a conservative estimate utilizing Marshall and Swift Valuation Service, the assessed value of the Boral Roofing LLC Site may increase by approximately \$2.2 million after construction completion.

Projected Property Tax

It is estimated that the City General Fund will receive property tax at 15.0267% of the one percent general property tax levy on assessed valuation. The City and County do not have a Master Property Tax Exchange Agreement, therefore this estimate is generally based on the tax rate levy in the adjacent Tax Rate Area, where the other Boral Roofing LLC parcel is located, and previous annexation documents provided by LAFCo. The property tax rate share assumes that the City will receive 0% of the County's general levy share, and 100% of the San Bernardino County Fire Protection District's share. Note that any property tax exchange must be approved by the City and County before the annexation can be completed.

Figure 5 - Current and Projected General Levy Recipients

Agency	% Share	Annexation Impact
County General Fund	0.15113154	No Change
ERAF	0.22886376	No Change
Flood Control Zone 2	0.02685919	No Change
Flood Control Zone 1 and 2 Admin	0.00188702	No Change
County Free Library	0.01470179	No Change
Superintendent of Schools	0.00518932	No Change
Superintendent of Schools	0.00089711	No Change
Superintendent of Schools	0.00203397	No Change
Superintendent of Schools	0.00163955	No Change
Superintendent of Schools	0.00053362	No Change
San Bernardino Community College	0.05323888	No Change
Rialto Unified School District	0.33321475	No Change
CSA 70	0	N/A
San Bernardino County Fire Protection District	0.12305884	Expected to Transfer to City
San Bernardino County Fire Protection District	0.02720788	Expected to Transfer to City
Inland Empire Joint Resource Conservation District	0.00216544	No Change
San Bernardino Valley Municipal Water	0.02737734	No Change
Total General Levy	1.00	

At a total general levy rate of 15.0267%, the City would receive approximately \$10,000 in property taxes annually, following annexation, based on current assessed value and an assumed 2% increase in assessed value each year.

Projected Vehicle License Fees (VLF) - Property Tax In Lieu

Established in 1935, the Motor Vehicle License Fee ("VLF") was essentially a tax on the ownership of a vehicle. It is collected by the State annually when vehicles are registered, and was historically allocated to cities and counties based upon a statutory formula. In 2004, during the State's budget crisis, about 90 percent of a city's VLF revenue was replaced with property tax revenue, and cities in particular began to receive an allocation of property tax from the State's Educational Revenue Augmentation Fund in an amount equal to what they would have received in VLF under an older VLF allocation formula. Under current law, the property tax in-lieu of VLF revenue increases based on assessed value growth instead of population growth in a jurisdiction, so this Study estimates revenues based on changes in assessed value that can be allocated to the Boral Roofing LLC Site. The Project will generate approximately \$8,300 per year in annual In-Lieu VLF revenues, as shown in Figure 6 with no further improvements to the Subject Site. It is important to note this calculation merely assigns a "fair share" to the Boral Roofing LLC Site. As revenues are allocated based on citywide assessed value, a decline in assessed value elsewhere in the city may negate any net additional revenue associated with the Boral Roofing LLC Site.

Figure 6 - VLF In-Lieu Calculation

2013-14 Assessed Value	5,840,693,000
2004-05 Assessed Value	3,985,693,000
Change in Assessed Value	\$ 1,855,000,000
2013-14 VLF In-Lieu	8,561,000
2004-05 VLF In-Lieu True Up	6,343,000
Change in VLF In-Lieu	\$ 2,218,000
VLF Increase/Assessed Value Increase	0.0011956873
Net Change VLF Per \$1,000,000 Assessed Value	\$ 1,196
VLF In-Lieu for Boral Roofing Site (\$6.9M in 2016-17)	\$ 8,318

Property Transfer Tax

The County currently receives \$1.10 for every \$1,000 of property value transferred within the unincorporated area. If annexed, the revenue would be split equally between the County and the City, resulting in both entities collecting property transfer tax revenue of \$0.55 for every \$1,000 of property value transferred, typical of most incorporated communities. However, as the current owner has no plans to sell the property at this time, and is in fact planning to expand operations, no property transfer tax revenues are projected.

Sales and Use Tax

One percent of all taxable sales² taking place within Rialto goes to the City's General Fund. However, the Boral Roofing LLC Site is used for manufacturing and storage purposes. It does not contain a point of sale, therefore no sales tax is anticipated to be associated with this site.

Utility User Tax

The City levies an 8% utility user tax on electric, gas, phone, cable, wireless, sewer, and water services on businesses and residences in Rialto. The County does not levy a utility user tax. Upon annexation, the business operator at the Subject Site, currently Boral Roofing LLC, will pay an additional fee on all applicable utilities. Boral Roofing LLC estimates annual utility costs to be \$483,000 per year. The resulting utility tax at 8% would be approximately 38,600 per year. It is unknown how these expenses could vary with the proposed expansion, changes in efficiency levels, etc., so revenues were left flat for all projections. These revenues are collected by the City's General Fund.

² Including triple flip revenues

SERVICE PROVISION AND EXPENDITURES

The following section describes the existing and anticipated future service providers for the proposed Boral Roofing LLC Site as well as the anticipated costs associated with the City providing those services. Please note that no additional City expenditures are expected to result from the proposed annexation as discussed earlier.

General Government

General government costs include costs associated with the legislation and administration of municipal services. Based on the nature of this annexation, no impact upon general government services is anticipated. One-time, additional expenditures may be associated with this annexation, as well as any future development activities. City fees charged for these services will offset some costs, and City departments will be able to support functions with existing staff and supplies.

Fire and Paramedic Service

Fire protection services will transfer from the County to the City upon annexation. The City maintains its own fire department, and the nearest fire station (Station 202) is located at Riverside and Walnut, approximately 1.5 miles from the Boral Roofing LLC Site. At this time, the City and the County have a mutual aid agreement, which supports their ability to ensure the fastest and most effective service delivery. As the nearest County fire station (Station 7) is 3.8 miles away, a call for service from the Boral Roofing LLC Site today may result in the dispatch of the Rialto Fire Department, as allowed under the mutual aid agreement.

As no change of use is anticipated, and the Boral Roofing LLC Site experiences minimal need for fire services, no cost impacts are associated with this proposed annexation. As noted in the City's response to Boral Roofing LLC's Precise Plan of Design submittal, a water system capable of providing adequate fire flow must be installed for any future construction to be approved.

Police Services

The County Sheriff currently provides public safety services to the unincorporated Boral Roofing LLC Site. After the annexation, the City will provide police services. The immediate adjacency to the City boundaries, in addition to half the uses of Boral Roofing LLC actually being in the incorporated City, may already result in responses from the Rialto Police Department were a call placed today. Annexation will essentially formalize this service arrangement. The City's Area 1 Command covers the Boral parcel within the City's boundary. It is assumed this Command would be expanded to serve the entire Boral Roofing LLC production site with no service impacts. A search of crimemapper.com did not reveal any crimes at or adjacent to the Boral Roofing LLC Site during the June 2014 to December 2014 period.

As no change of use at the site is anticipated and minimal police service is required, no impacts are anticipated for police services.

Library

The City does not operate its own library system, but instead the San Bernardino County Free Library system offers these services. The San Bernardino County Free Library system receives a share of the general property tax levy to fund these services. Annexation will have no impact on the service provider, nor the City.

Development Services

The County provides community development services including land use planning, building and safety, and code enforcement. Upon annexation, the City would provide these services. One-time costs associated with this annexation, and with the proposed development of the 17,155 SF building would be incurred by the City's Development Services Department. However, one-time fees are expected to offset portions of these costs. No ongoing, recurring service impacts are expected to be associated with the annexation, therefore no costs are included.

Parks and Recreation

The County provides for a regional park system, and the City operates local parks and recreation programs. While employees at the Boral Roofing LLC Site may choose to recreate at any public park, annexation is not expected to impact parks services in any way.

Animal Control

Currently, the County Animal Care and Control provides services the Boral Roofing LLC Site. The City contracts with the County for these services within City boundaries. As the land use is not residential, no impacts are anticipated, and no adjustment to the contract for services with the County will be needed.

Public Works

Street Lighting and Traffic Signals

The County is responsible for street lighting and traffic signals on local streets within the unincorporated area. However, the Boral Roofing LLC Site does not have direct access to a public road at this time.

Upon annexation, the City will assume responsibility for street lighting and traffic signals. Some of this maintenance is funded through the General Fund, but costs are also offset by the City's Street Light Maintenance District Number 1 ("SLD 1"), which was formed pursuant to the Landscaping and Lighting Act of 1972 as codified in the Streets and Highways Code. According to the 2014-15 Engineer's Annual Levy Report, most costs associated with SLD 1 are for annual maintenance, operations, and servicing of street lighting. The Boral Roofing LLC pays an annual fee as a part of the SLD 1 for the parcel already within the City. The 2014-15 SLD 1 fee for that parcel was \$73.45 according to County property tax records. Assessments are established annually, based on anticipated costs, and assigned based on the benefit received as determined by the City Council when the SLD 1 was formed. Assessments are calculated using two factors, a land benefit factor (charged on all property), and a development factor (charged only if the property is developed). In 2014-15, the non-residential land benefit factor is \$8.18 per acre, and the development factor is \$52.09 per acre. At 19.31 acres, the Boral Roofing LLC Site would be assessed \$1,164 in 2014-15 if it were within the City boundary.

Landscape Maintenance

The County is responsible for maintaining landscaping in public right of ways in the unincorporated area, however, the Boral Roofing LLC Site does not border a public right of way or otherwise landscaped area. Upon annexation, any public landscaping related to the site would become the responsibility of the City, though annexation the Boral Roofing LLC Site will have no effect upon this duty. Please note, however, that some SLD-1 funds are used for citywide street tree maintenance according to the City's Adopted Budget.

Roads and Transportation

Local roads are serviced by the Public Works Department. At this time, there is no direct access to the Boral Roofing LLC Site through a public right of way, only through the adjacent Boral parcel which is located on Riverside Avenue. Annexation will not impact the City's service of Riverside Avenue.

Water

Annexation will not directly impact water provision to the Boral Roofing LLC Site, which is currently within the service boundary of the San Bernardino Valley Water District for water sourcing and importation, and the West Valley Water District for retail service. Annexation alone is not expected to impact water demand, though if plans proceed to expand the manufacturing operations at the site, the demand for water may increase. All improvements necessary to extend water lines as a result of the proposed expansion would be performed on-site by the developer or property owner at their expense. Existing water resources are anticipated to be satisfactory to accommodate increase in demand.

Sewer

The Boral Roofing LLC Site currently utilizes a septic system for wastewater disposal, and is not serviced by a municipal sewer system. The City's Sewer Master Plan does identify the greater Lytle Creek Ranch as an opportunity area for future expansion of sewer service. This effort is largely driven by the significant development proposed for the Lytle Creek Ranch in the future, and not this single parcel annexation. Implementation of sewer service in the future may be tied to a number of finance mechanisms including assessments, which Boral Roofing LLC may be party to at that time. No service impacts will result from annexation.

Flood Control and Drainage

The San Bernardino County Flood Control District services the entire county as the local and regional flood control and drainage facilities provider. The County Flood Control District is responsible for flood protection on major streams, water conservation, and storm drain construction. The City and the County act as co-permittees in the National Pollutant Discharge Elimination System ("NPDES") permit program for the Santa Ana River Watershed. In accordance City policy, the site owner will need to impose erosion control and stormwater pollution prevention plans during any construction. No services impacts will result from annexation.

Vector Control

Vector Control is provided by San Bernardino Vector Control both in Rialto and in the unincorporated area where the Boral Roofing LLC Site is located. A parcel assessment of \$10.26 was levied in 2014-15 on each parcel according to County property tax records. The annexation will not impact service.

Other Utilities

No change in service providers for other utilities is anticipated following annexation. Any additional service required due to the expansion of manufacturing activities will be funded by the developer or property owner as needed. No service impacts are associated with the annexation.

Service	Pre-Annexation	Post Annexation
Cable/Internet/Telephone	AT&T	AT&T; Time Warner; Exide
Electricity	Southern California Edison	Southern California Edison
Natural Gas	The Gas Company	The Gas Company
Waste Hauling	Burrtec	Burrtec

CONCLUSIONS

Based on the size, scope, and location of the Subject Site, no recurring costs to the City are expected following annexation. The City will incur annual revenues related to property taxes and utility taxes, in sufficient amounts to offset any occasional service demands that may occur from time to time.

West Valley Water District Consent and Plan for Service

Attachment 3



Board of Directors

Betty J. Gosney
President
Earl Tilman, Jr.
Vice President
Alan G. Dyer
Linda Gonzalez
Dr. Clifford O. Young, Sr.

Administrative Staff

Anthony W. Araiza
General Manager
Thomas J. Crowley P.E.
Assistant General Manager
Deborah L. Sousa
CFO/Treasurer
Peggy S. Asche
Executive Assistant/
District Secretary
Shanae Smith
Executive Assistant

June 4, 2015

Ms. Kathleen Rollings-McDonald, Executive Officer
Local Agency Formation Commission
for San Bernardino County
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

Subject: LAFCO 3191- Reorganization to include Annexation to the City of Rialto and the West Valley Water District and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70.

Dear Ms. Rollings-McDonald,

This letter is in response to your letter to Mr. Anthony Araiza, General Manager of West Valley Water District (District) dated April 21, 2015 regarding the annexation of APN 0239-121-20 into the District's service area.

The Boral Roofing LLC property located at 3511 North Riverside Avenue, Rialto CA between Locust and Linden Avenues is comprised of two parcels, one (APN 0239-181-16) which is currently located within the District's service area and the other (APN 0239-121-20) which is outside of the District's current service area boundary but within the District's sphere of influence. The existing fire and domestic service for this business, which is primarily provided to the facilities located in APN 0239-121-20, is supplied by the District from a transmission line in Riverside Avenue. The annexation would not change the water service already being provided by the District to the property.

With regard to the District's official position, the District has no objection to this annexation.

Should you require additional information, please do not hesitate to contact me at (909) 820-3702.

Sincerely,

WEST VALLEY WATER DISTRICT

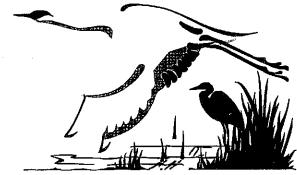
Thomas J. Crowley, P.E.
Assistant General Manager

**Response from Tom Dodson
and Associates**

Attachment 4

TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



October 31, 2015

Ms. Kathleen Rollings-McDonald
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

RECEIVED
NOV 02 2015

LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3191 consists of a request by a landowner (Boral Roofing) to annex a single parcel of land, approximately 19 acres, to the City of Rialto in order to place all of its property and operations under one jurisdiction. The actual title of the proposed action is "Reorganization to include Annexation to the City of Rialto and the West Valley Water District and Detachment from San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70." The property proposed for annexation is generally located northeast of Riverside Avenue between Locust and Linden Avenues (APN 0239-121-20). Boral Roofing owns two adjacent parcels at this location, with one in the City and the other in unincorporated County territory. If LAFCO 3191 is approved by the Commission the property would be annexed into the incorporated City of Rialto.

Based on the above proposal, it appears that the proposed reorganization would allow the City to assume land use and planning responsibilities and the existing connection to West Valley Water District could be extended to the parcel proposed for annexation. Boral Roofing currently manufactures roofing materials and will continue its existing operations. Any future changes in operations would require a separate review and approval by the City, including full compliance with the California Environmental Quality Act. The approval of LAFCO 3191 does not appear to have any potential to significantly alter the existing physical environment in any manner different from the existing environmental circumstance.

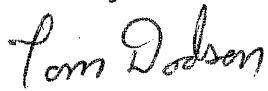
Therefore, I recommend that the Commission find that a Statutory Exemption (General Rule), as defined in CEQA under Section 15061 (b) (3) of the State CEQA Guidelines, applies to LAFCO 3178. This Section states: *"A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* It is my opinion and recommendation to the Commission that this circumstance applies to LAFCO 3191.

Based on this review of LAFCO 3191 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the proposed LAFCO action does not constitute a project

under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3191 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming LAFCO 3191 is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson". The signature is written in dark ink and is positioned below the word "Sincerely,".

Tom Dodson

Draft Resolution No. 3207

Attachment 5

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO 3191

HEARING DATE: NOVEMBER 18, 2015

RESOLUTION NO. 3207

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3191 - REORGANIZATION TO INCLUDE ANNEXATIONS TO THE CITY OF RIALTO AND WEST VALLEY WATER DISTRICT AND DETACHMENTS FROM SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND COUNTY SERVICE AREA 70. The reorganization area encompasses 19 +/- acres comprising a single parcel APN 0239-12-20, general located northeast of Riverside Avenue between Locust and Linden Avenues, within the City of Rialto's northern sphere of influence.

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was called for November 18, 2015, at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons

RESOLUTION NO. 3207

present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits "A" and "A-1" attached;

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3191;

Condition No. 3. The date of issuance of the Certification of Completion shall be the effective date of the reorganization;

Condition No. 4. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Rialto and the West Valley Water District (annexing agencies) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 5. The applicant, Boral Roofing LLC, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission; and,

Condition No. 6. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100% landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56663(c).

RESOLUTION NO. 3207

SECTION 3. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited, containing zero registered voters as of September 10, 2015, as certified by the County Registrar of Voters Office.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area is \$6,820,342 (land - \$5,713,578 -- improvements - \$1,106,764).
3. The reorganization area is within the spheres of influence assigned the City of Rialto and the West Valley Water District.
4. Notice of this hearing has been advertised as required by Law through publication in *The Sun*, a newspaper of general circulation within the reorganization area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to landowners and registered voters surrounding the reorganization area within approximately 700 feet of the exterior boundary of the reorganization area (totaling 21 notices: 15 landowner—6 registered voter). Comments from landowners and registered voters have been considered by the Commission in making its determination. No expression of support or opposition to this reorganization has been received by the Commission.
6. The City of Rialto has pre-zoned the reorganization area to Village Center Commercial through the approval of the Lytle Creek Ranch Specific Plan. The specific plan also has an overlay of M-2 zoning which permits the continuation of its existing industrial use. This zoning designation is consistent with the City's General Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.
7. The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3191 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the proposal has no potential to cause an adverse effect on the environment since no development and/or physical modification is proposed on any of the parcels being annexed. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, without any identifiable physical changes,

RESOLUTION NO. 3207

this proposal does not constitute a project and is not subject to environmental review under the provisions of the State CEQA Guidelines Section 15061(b)(3).

The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

9. The areas within the reorganization are served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino County Fire Protection District and its Valley Service Zone, San Bernardino Valley Municipal Water District and County Service Area 70.

San Bernardino County Fire Protection District, its Valley Service Zone, and County Service Area 70 will be detached as a function of this reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

10. The City of Rialto and the West Valley Water District submitted plans for service as required by law. The Plans for Service have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plans for Service submitted conform to those adopted standards and requirements and show that the level of service will be maintained following annexation.
11. The reorganization proposal is in compliance with Commission policies and would be for the benefit of the property owner by placing its land holdings under a single jurisdiction to address service levels and land use requirements.
12. This proposal will not affect the ability of the City of Rialto to achieve its fair share of the regional housing needs since the reorganization area is fully developed as an industrial use for manufacture of roofing materials.
13. With respect to environmental justice, the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino (on behalf of itself and the West Valley Water District) and City of Rialto have successfully negotiated a transfer of ad valorem taxes as required by State law. Copies of the resolutions adopted by the San Bernardino County Board of Supervisors and the City Council of the City of Rialto are on file in the LAFCO office outlining the exchange of revenues.
15. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 4. The reason for this reorganization is to consolidate the landowner's holdings under a single jurisdiction for the future delivery of service and the processing of land use approvals.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of Rialto or the West Valley Water District through completion

RESOLUTION NO. 3207

of the reorganization. The regular County assessment rolls are utilized by the City of Rialto and the West Valley Water District.

SECTION 6. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 7. The Commission hereby orders the territory described in Exhibits “A” and “A-1” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

* * * * *

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

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 18, 2015.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: NOVEMBER 9, 2015

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6 LAFCO SC #401 – Consideration of Exemption from Government Code Section 56133 for LAFCO SC#401 – Agreement between City of Big Bear Lake Department of Water and Power and County Service Area 53 Zone C for Water Service

INITIATED BY:

City of Big Bear Lake Department of Water

RECOMMENDATION:

Determine that LAFCO SC#401 complies with the exemption criteria listed within Government Code Section 56133 Subsection (e) and, therefore, does not require Commission approval to proceed.

BACKGROUND:

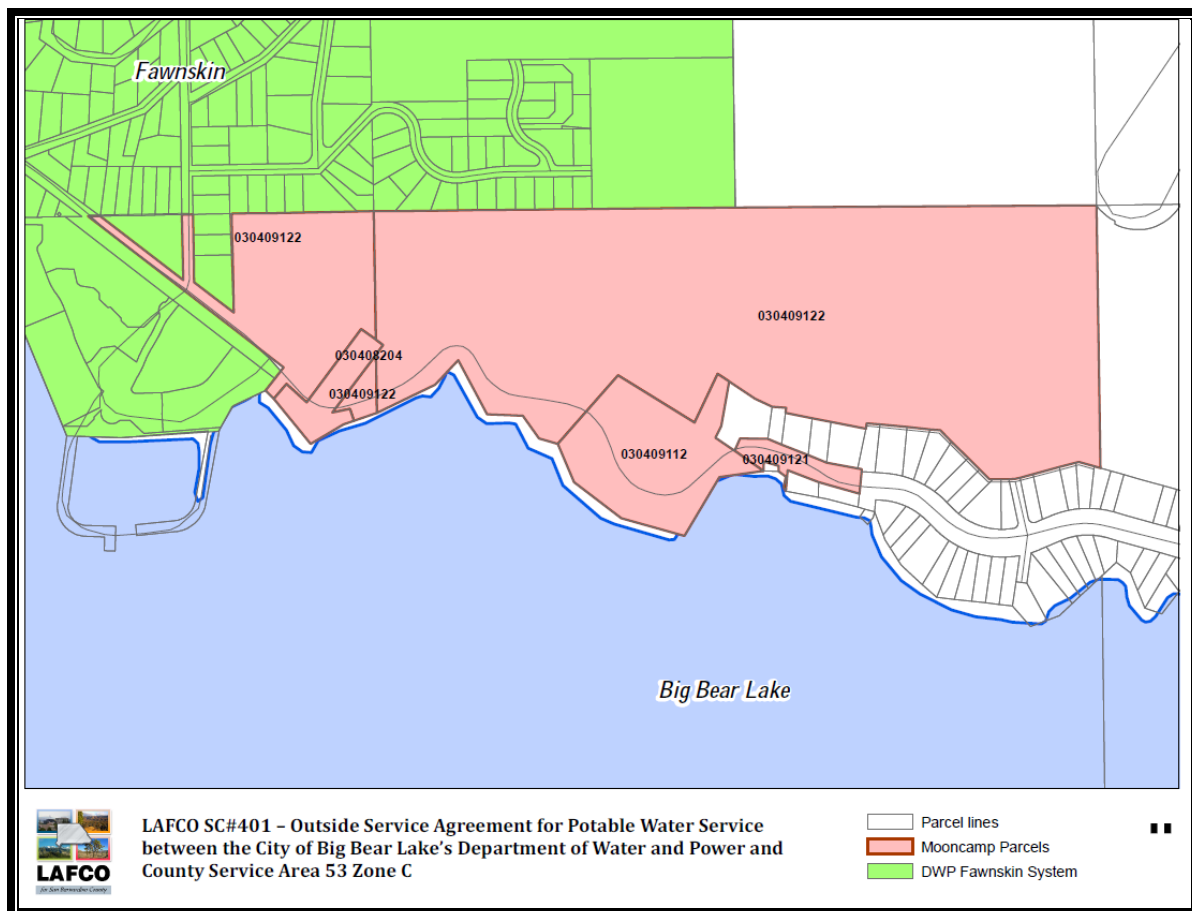
Beginning January 1, 2002, contracts between two or more public agencies were required to be reviewed and approved by the Commission pursuant to the provisions of Government Code Section 56133. However, when the Legislature amended these provisions to require LAFCO review of contracts between public agencies, they also noted that there could be instances where an exemption would remain appropriate. Included in this legislative amendment was specific exemption language contained in Subsection (e) which reads in part:

"This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be

provided is consistent with the level of service contemplated by the existing service provider...”

On October 6, 2015, the City of Big Bear Lake Department of Water and Power (hereafter “DWP”) submitted its request that the Commission determine that the proposed Water Services Agreement between DWP and County Service Area 53 Zone C (hereafter CSA 53 C or the “District”) is exempt from the provisions of Government Code Section 56133 as authorized by Subsection (e). The proposed contract would allow the DWP to provide water service to the development commonly known as “Moon Camp” to the same extent that CSA 53C would contemplate to provide if its water functions were currently active. A copy of the exemption request letter (Attachment #1) and draft agreement (Attachment #2) are included as a part of this report.

The Moon Camp project proposes the development of 50 residential units and 7 lettered lots on 62 acres of land along the north shore of Big Bear Lake, a part of the larger Fawnskin community. Through the 2010 revision to the project’s development plan all residential development will be north of SR-38. The graphic below depicts the parcel configuration of the area to be served by this contract and the area adjacent within the existing Fawnskin system of the DWP.



Over the last fourteen or so years, LAFCO staff has commented on the EIR and the several recirculated EIRs for the development application known as the Moon Camp project. In all of these environmental documents, the question of water service provision for the project has included a discussion of service delivery through the DWP. The Commission is well aware of the issues regarding the delivery of water service by the DWP following the condemnation of the former Golden State Water system by the City of Big Bear Lake. The service review completed in 2012 (Resolution No. 3141 included as Attachment #3) delineated the service area for the DWP outside the City's boundary and sphere of influence based upon existing service at the time of condemnation. The parcels included in the Moon Camp project, while adjacent, were not recognized as part of the DWP service boundary at that time. However, it has been acknowledged throughout the development process that the system to provide potable water would be under a contractual relationship between CSA 53C and the DWP, and sewer service would be provided by the existing sewer authority, CSA 53B.

The exemption determination is required to move forward with the completion of this agreement since the territory of the Moon Camp project is not within the sphere of influence of the City of Big Bear Lake. After reviewing the materials presented for SC#401, it is the staff's position that the findings identified in Subsection (e) of Section 56133 are applicable; therefore, the agreement between the DWP and CSA 53C should be exempted from further LAFCO review. The findings are as follows:

1. The Outside Service Agreement for Potable Water Services is between the City of Big Bear Lake DWP and CSA 53C, both of which are legally defined public agencies.
2. The public service to be provided is potable water service to the proposed Moon Camp development project, service authorized to be provided by CSA 53C but not actively provided. The services to be provided by DWP are in-lieu of CSA 53C developing the infrastructure to serve the tract, a cost prohibitive duplication of system improvements.
3. CSA 53C is contracting to authorize the delivery of potable water service by DWP and allowing it to require the payment of infrastructure development by the property owner to serve the 50 residential units proposed.
4. The level of service to be provided through this contract is consistent with the level of service contemplated by the formation of CSA 53C.

CONCLUSION:

On the basis of the findings outlined above, staff recommends that the Commission determine that pursuant to Government Code Section 56133 Subsection (e), the

Outside Service Agreement for Potable Water Services to be entered into by the City of Big Bear Lake Department of Water and Power and County Service Area 53C is exempt from further review and approval by the Commission. This determination is made with the understanding that contract finalization is ongoing between the two agencies with their expressed desire to achieve final approval by the County at its November 17 meeting. It is the staff's understanding that the outstanding issues related to language in the contract do not affect the determinations required of the Commission. .

/krm

Attachments:

1. Department of Water and Power Letter Requesting Exemption dated September 23, 2015 with Application and Excerpts from Revised and Recirculated EIR No. 2 for TT 16136 and Appendix B Water Feasibility Study
2. Proposed Outside Service Agreement for Potable Water Services
3. LAFCO Resolution No. 3141 for the Service Review for the City of Big Bear Lake

**Department of Water and Power Letter
Requesting Exemption dated
September 23, 2015 with
Application and Excerpts from
Revised and Recirculated EIR No. 2 for
TT 16136 and Appendix B Water
Feasibility Study**

Attachment 1

DEPARTMENT OF WATER



Service, Quality, Community

LAFCO SC # 401

RECEIVED
OCT 06 2015

LAFCO
San Bernardino County

September 23, 2015

Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission – San Bernardino
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

Re: Agreement between the City of Big Bear Lake, Department of Water and Power and the County Service Area 53C

Dear Ms. Rollings-McDonald:

The San Bernardino County Service Area 53C (CSA 53C) has the authority to provide water services to the proposed Mooncamp development, located east of Fawnskin. CSA53C does not currently have potable water facilities in the Bear Valley and are not able to economically provide potable water services to the proposed development. City of Big Bear Lake, Department of Water and Power (DWP) currently provides potable water service to about 700 customers in the Fawnskin area and could economically provide potable water service to the proposed development. On September 22, 2015, DWP's Board of Commissioners approved an agreement (attached), pending County Board of Supervisors approval (scheduled for the October 20, 2015 meeting), which would allow DWP to provide potable water services to the proposed Mooncamp development. Since DWP will be providing service outside of their jurisdictional boundaries, DWP is respectfully requesting that the Local Agency Formation Commission consider an exemption from the provisions of Government Code Section 56133 as authorized by subsection (e) because the attached agreement for potable water services between CSA 53C and DWP is solely between two public agencies.

If you have any questions, please contact me at 909-866-5050, Ext. 201.

Sincerely,

Reginald A. Lamson PE LS
General Manager

Cc: Jeff Mathieu, City of Big Bear Lake
Jeff Rigney, San Bernardino County Special Districts

**SAN BERNARDINO LAFCO
APPLICATION FOR
EXTENSION OF SERVICE BY CONTRACT**

(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Big Bear Lake, Department of Water & Power

CONTACT PERSON: Reggie Lamson

ADDRESS: P O Box 1929
Big Bear Lake, CA 92315

PHONE: 909-866-5050

EMAIL: rlamson@bbldwp.com

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: County Special District - County Service Area 53C

CONTACT PERSON: Jeff Rigney

MAILING ADDRESS: 157 W. 5th Street
San Bernardino, CA 92415

PHONE: 909-387-5940

EMAIL: jrigney@sdd.sbcounty.gov

ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT: Attached as Exhibit "A"

CONTRACT NUMBER/IDENTIFICATION: Moon Camp Development

PARCEL NUMBER(S): Attached as Exhibit "A"

ACREAGE: 62.0

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.

Potable Water Services

- (b) Are any of the services identified above "new" services to be offered by the agency? ☐ YES ☒ NO. If yes, please provide explanation on how the agency is able to provide the service.

2. Is the property to be served within the agency's sphere of influence? ☐ YES ☒ NO

3. Please provide a description of the service agreement/contract.

The City of Big Bear Lake, Department of Water and Power will provide Potable Water Services to the proposed Moon Camp Development, in lieu of CSA 53C providing these services.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☐ YES ☒ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.

It is cost prohibitive for CSA 53C to construct and maintain potable water facilities for the proposed development.

- (b) Is the property to be served contiguous to the agency's boundary?
☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

CSA 53C does not have potable water facilities near the proposed development.

It would be cost prohibitive for CSA 53C to provide potable water services to the proposed development.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?
☐ YES ☒ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

6. (a) What is the existing use of the property?

Vacant land.

- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change.

Fifty residential home sites.

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

The proposed development will develop 62 acres of native land into fifty residential home sites, including grading, road construction and all utilities. Once this Extension of Service Agreement is approved, the developer will submit the subdivision to the County Planning Commission for final approval.

8. Are there any land use entitlements/permits involved in the agreement/contract?
☐ YES ☒ NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

Tentative Tract Map / Parcel Map	<input type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

9. Has the agency proposing to extend service conducted any CEQA review for this contract? ☐ YES ☒ NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

The DWP has recently constructed several water system improvements in the area of the proposed development and now has sufficient capacity to serve the existing Fawnskin area, including build out, and the proposed development. The developer will need to construct 3,700 linear feet of 12-inch pipeline from the existing Upper Fawnskin Pressure Zone System, to the proposed development's border. The Upper Fawnskin Pressure Zone System is located Northeast of the proposed development. The developer will also construct all on-site water system improvements, including 8-inch pipelines, hydrants and valves. The developer

will acquire all permits required to construct the water facilities.

- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
6,000 LF 8-inch piping & facilities (on-site), Developer Paid	\$160.00/LF	\$ 960,000
3,700 LF 12-inch piping & facilities (off-site), Developer Paid	\$180.00/LF	\$ 666,000
Estimated annual operating costs (Homeowner paid through Bi-monthly water bill)		\$ 23,000
Estimated annual depreciation expense (Homeowner paid through Bi-monthly water bill)		\$ 32,000
Capacity Charges vary based on the number of fixture units constructed in each home using the same fee schedule that applies to all DWP residential customers. Currently the DWP charges \$8,928 per EDU. Homeowner Paid		
Meter / Service Fees vary based on the size of meter according to the same rate table that applies to all DWP residential customers. Currently the average installation fee is \$2,225 Homeowner Paid		
Bi-monthly water bill will vary based on usage according to the same rate table that applies to all DWP residential customers. Homeowner Paid		
Construction Costs Total		\$ 1,626,000
Annual Cost Total		\$ \$55,000
Total Costs		\$ 1,681,000

- (c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3rd-party user fees and charges (i.e. fees/charges attributable to other agencies).

N/A

- (d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

N/A

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☐ YES ☒ NO. If yes, has a copy been provided to LAFCO? If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

A copy of the agreement with CSA 53C is attached.

CERTIFICATION

As a part of this application, the City of Big Bear Lake, Department of Water and Power agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED

Reginald A. Lamson

NAME:

REGINALD A. LAMSON

POSITION TITLE:

GM

DATE:

9-23-15

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County
215 North D Street, Suite 204
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 885-8170

Rev: krm – 8/19/2015

Bear Valley
Unified School District
Tax Rate Area
57018, 57019

0304-08

ASSESSED ON PAGE 09

0304-091-22

CENTER SEC. 13

Assessor's Map
Book 0304 Page 08
San Bernardino County

REVISED
11/09/04 BK

7.13.15

EXHIBIT A

DATED SE #

401

Tract No. 12217, M.B. 280/42-47
Parcel Map No. 7492, P.M. 89/80-81
Parcel Map No. 855, P.M. 8/15

December 2003

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.

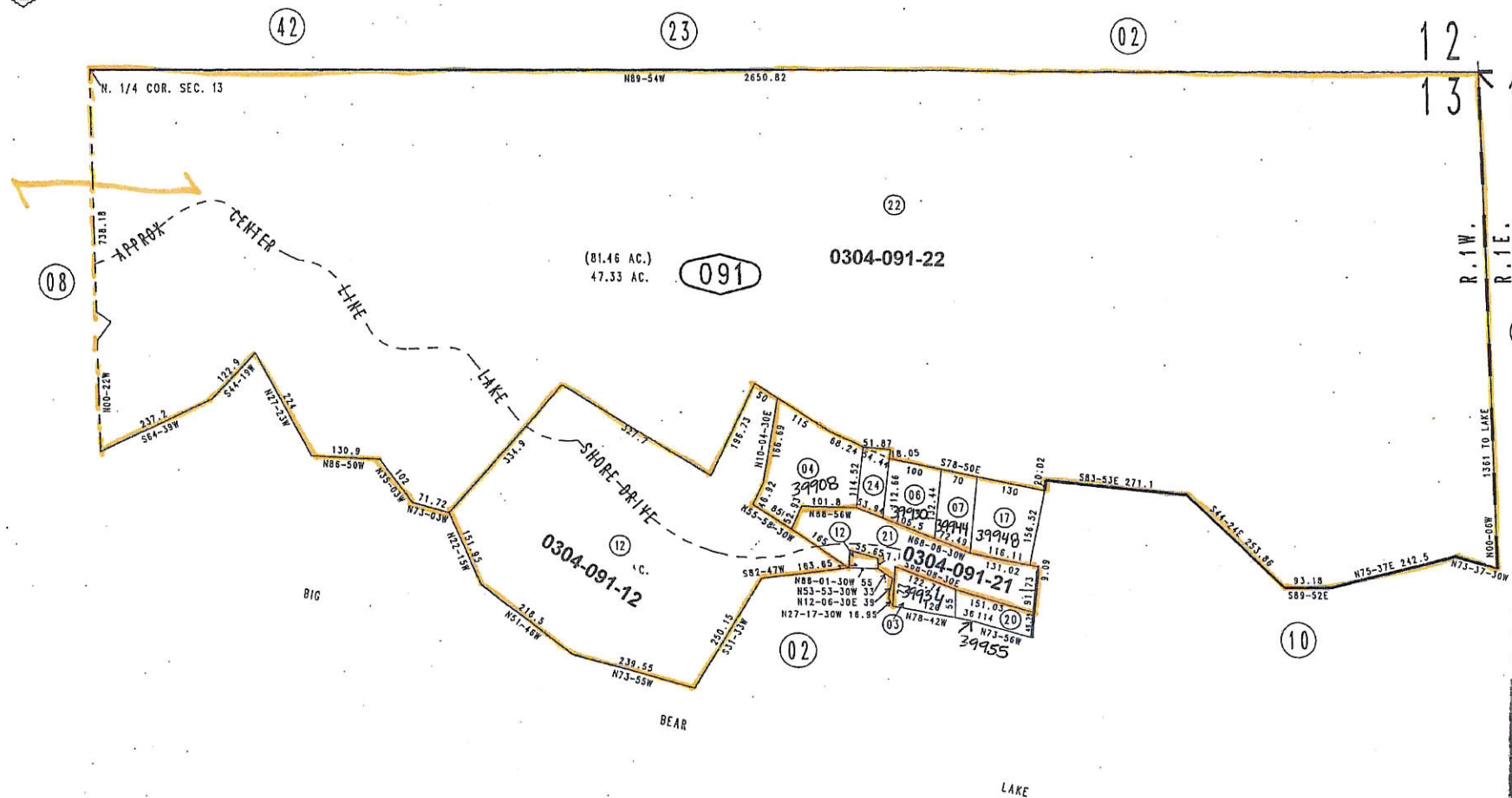


Ptn. N.E.1/4, Sec.13, T.2N.,R.1W., S.B.B.&M.

Bear Valley
Unified School District
Tax Rate Area
57018

0304-09

1"=200'



December 2003

Assessor's Map
Book 0304 Page 09
San Bernardino County

REVISED
06/09/04 KMP
06/10/04 KMP

**Revised and Recirculated
Draft Environmental Impact Report No. 2
Moon Camp 50-lot Residential Subdivision, TT No. 16136
(Based on the Revised Site Plan)
Big Bear Lake, San Bernardino County, California
SCH No. 2002021105**

Prepared for:

County of San Bernardino
Advance Planning Division
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Contact: Mr. Matthew Slowik, MURP, MPA, Senior Planner

Prepared by:

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621 E. Carnegie Drive, Suite 100
San Bernardino, CA 92408
909-884-2255

Contact: Bob Prasse, Branch Manager



Revised: November, 2011

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EXECUTIVE SUMMARY

Purpose and Use of this Revised and Recirculated Draft EIR No. 2

Background and History

Three separate public circulations of the Draft Environmental Impact Report (EIR) for this project have occurred since 2004 (including this 2011 Recirculation). In order to provide context for this current recirculation of limited portions of the EIR, a description of project evolution and environmental review process is provided below.

Original Project - 2004

In 2004, the County circulated a Draft EIR evaluating the Original Project - a 92-lot residential subdivision on 62.43 acres with a minimum lot size of 7,200 square feet. Significant adverse and unavoidable impacts resulting from development of the Original Project included Aesthetics (loss of views of the lake and surrounding mountains due to the development of the 31 lakefront lots), Air Quality (short-term during construction and long-term), Biological Resources (noise and perch tree impacts on the bald eagle), and Water Supply (inconclusive groundwater supply). Partially in response to public comments received on the Original Project-2004 and accompanying EIR, the Applicant revised the tentative tract map (see discussion of Alternative Project 2010, below) to avoid or substantially reduce the identified significant impacts. Although numerous comments were received on the 2004 Draft EIR, the County did not prepare a Response to Comments/Final EIR document and the Project was not considered for approval at a public hearing.

Alternative Project - 2010

Partially in response to comments received on the 2004 Draft EIR, the Applicant proposed an alternative to the Original Project - 2004 that substantially reduced and in some cases completely avoided the significant environmental impacts that were identified in the 2004 EIR. The revised project design/description (2010 Alternative Project) reduced the number of residential lots from 92 to 50 and also seven lettered lots. The residential lots would have a minimum lot size of 20,000 square feet and be sold individually and developed into individual custom homes. In addition, the 2010 Alternative project eliminated realignment of SR-38 and eliminated all lakefront residential lots. All 50 residential lots would be located to the north of SR-38. Of the seven lettered lots, one would be designated Open Space/Conservation (4.91 acres), one would be designated as Open Space/Neighborhood Lake Access (0.82 acre with 891 lineal feet of lakefront access), one would be developed as the marina parking lot for a 55-slip private boat marina (2.90 acres), three include the existing well sites, and the final lettered lot is a potential reservoir site. The marina parking lot is designed for the preservation of existing trees and eagle perch trees; however, because of the development of the parking lot, the lot would not be considered Open Space. A 10-acre off-site pebble plain habitat will also be purchased and preserved in perpetuity through a Conservation Easement.

In response to the development of the 2010 Alternative Project, the County prepared revisions to the 2004 EIR. (Revised and Recirculated Draft EIR No. 1) The following sections were revised:

1. **Aesthetics** - views of the site from adjacent residential uses and the state highway, and from the lake.
2. **Air Quality** - update air quality analysis to include consistency with 2007 Air Quality Management Plan (AQMP) and to address global climate change.
3. **Biological Resources** - conduct new surveys for sensitive species and to assess the pebble plain habitat on-site.
4. **Hydrology and Water Quality** - address potential water quality impacts to Big Bear Lake from runoff from the site.
5. **Land Use and Planning** - evaluate the 2010 Alternative Project using the 2007 General Plan and Development Code.
6. **Noise** - address construction noise and long-term residential noise from the 2010 Alternative Project site.
7. **Public Services and Utilities** - address emergency evacuation of the site, provide an analysis of water supply and wastewater treatment.
8. **Traffic and Circulation** - update the traffic study to address revisions to the 2010 Alternative Project's circulation plan and to capture the most recent cumulative projects in the vicinity.
9. **Cumulative Impacts** - evaluate potential environmental effects of the 2010 Alternative Project, in conjunction with other proposed or recently approved projects in the vicinity that together could result in significant and unavoidable cumulative impacts.
10. **Alternatives** - evaluate the 2010 Alternative Project, comparing the potential environmental effects to the Original Project-2004 and other alternatives identified in the 2005 Final EIR.

The Revised and Recirculated Draft EIR No. 1 also included certain updated technical reports analyzing the impacts of the 2010 Alternative Project. These reports included an updated Traffic analysis, Biological Resources analysis, Hydrology and Water Supply analysis and Noise analysis. The Revised and Recirculated Draft EIR No. 1 was circulated for public review from April 5, 2010 to June 3, 2010. The County received 109 comments on the Revised and Recirculated Draft EIR No. 1.

Significant Impacts that Cannot Be Mitigated

The Revised and Recirculated Draft EIR No. 1 concluded that the 2010 Alternative Project would have significant and unavoidable impacts related to Biological Resources. The unavoidable impacts were to the bald eagle. No additional significant impacts related to the 2010 Alternative Project were identified following implementation of mitigation measures and/or compliance with applicable standards, requirements and/or policies by the County of San Bernardino. See Table ES-4 within the Revised and Recirculated Draft EIR No. 1 for the 2010 Alternative Project mitigation measures and impacts.

2011 Alternative Project

Based on concerns raised in comments received on the Revised and Recirculated Draft EIR No. 1, a Supplemental Focused Special Status Plant Species Survey, dated August 2010, was conducted to confirm the conclusion in the Revised and Recirculated Draft EIR No. 1 that impacts to the Ashy-Gray Indian Paintbrush (a Federally-Listed Threatened Species) are less than significant. The survey analyzed the density of Ashy-Gray Indian Paintbrush within the Project site and whether project implementation would result in potential off-site impacts on the U.S. Forest Service pebble plain habitat near the northeast portion of the Project site. The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) showed the presence of high densities of Ashy-Gray Indian Paintbrush plants on the western most Lots (Lots 1, 2 and 3) in the area west of “Street A”—the public roadway through the Project site.

In addition, the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) determined that the area thought to be pebble plain habitat located within Lot A (as identified within the Supplemental Special Status Plant Species Survey, 2008), is not a true pebble plain habitat due to the lack of two key indicator species (*Arenaria ursina* and *Eriogonum kennedyi austromontanum*). The Supplemental Focused Special Status Plant Species Survey (August 29, 2010) findings augment the Supplemental Focused Special Status Plant Species Survey conducted by Dr. Krantz, dated June 29, 2008, providing an above-average precipitation year for observation.

Based on the new finding regarding the presence of high densities of Ashy-Gray Indian Paintbrush in areas occupied by significant Ashy-Gray Indian Paintbrush occurrences, the applicant redesigned the subdivision layout to minimize impacts to this species. The redesigned subdivision, which is depicted in Exhibit 1-4 (see Section 1, Project Description, for Exhibit 1-4) creates a new Lot “H” Open Space Conservation Easement over the area with the highest concentration of plants (Lots 1-3), with three replacement residential lots proposed to be created along the south side of Street “A”, an area with significantly lower concentrations of Ashy-Gray Indian Paintbrush.

The redesign of the subdivision and the conclusions of the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) revealing the presence of high densities of Ashy-Gray Indian Paintbrush on Lots 1-3 of the Project site constitutes “significant new information” as defined by Section 15088.5 of the CEQA Guidelines, and therefore requires a partial recirculation of the Revised and Recirculated Draft EIR No. 1 to fully disclose and analyze the potential impacts of the redesigned subdivision. See Table ES-1 for a comparison of the changes in project design between the three (3) iterations of the Draft EIR.

Table ES-1: Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Project Design	Original Project - 2004	2010 Alternative Project	2011 Alternative Project
Circulated for Public Review	Draft EIR - March 30, 2004 to May 13, 2004	Revised and Recirculated Draft EIR No. 1 - April 5, 2010 to June 3, 2010	Revised and Recirculated Draft EIR No. 2
Site Size	62.43 acres	62.43 acres	62.43 acres
Proposed General Plan Designation*	BV/RS-1 (residential-minimum 7,200 sf lots)	BV/RS-20M (residential-minimum 20,000 sf lots)	BV/RS-20M (residential-minimum 20,000 sf lots)
Number of Lots	95	57	58
Residential Lots	92	50	50
Lettered Lots	3	7	8
	Lot A – proposed private street designed to provide access to the southernmost lots (lakefront sites)	Lot A – a 4.91-acre Open Space/Conservation (OS/C) easement to preserve pebble plain habitat and eagle perch trees	Lot A – a 3.4-acre Open Space/Conservation (OS/C) easement to preserve Ashy Gray Indian Paintbrush, pebble plain soil conditions and eagle perch trees
	Lot B – a 1.4-acre strip of land between State Route 38 and the private street south of the highway	Lot B – a 0.82 acre/891 lineal feet strip of land to remain OS/C between State Route 38 and the lakefront for open space and Neighborhood Lake Access	Lot B – a 0.82 acre/891 lineal feet strip of land to remain OS/C between State Route 38 and the lakefront for open space and Neighborhood Lake Access
	Lot C – a gated entrance, south of State Route 38, a parking lot and access to the marina	Lot C – a 2.90-acre strip of land to be used as a parking lot and boat launch and open space	Lot C – a 2.90-acre strip of land to be used as a parking lot and boat launch and open space
	—	Lots D, E and F – well sites	Lots D, E and F – well sites
	—	Lot G – reservoir site	Lot G – reservoir site
Common Areas	Common areas within lettered lots would be maintained by a homeowner's association	Conservation Easements would be maintained by a Conservation Group and Common areas within lettered lots would be maintained by a homeowner's association	Lot H – a 1.9-acre Open Space Conservation Easement over the area with the highest concentration of Ashy-Gray Indian Paintbrush.
			Conservation Easements would be maintained by a Conservation Group and Common areas within lettered lots would be maintained by a homeowner's association

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Project Design	Original Project - 2004	2010 Alternative Project	2011 Alternative Project
Marina/Boat Dock	103 boat slips on west side of the site	55 boat slips on the east side of the site	55 boat slips on the east side of the site
Lakefront Lots	31 lakefront lots	No lakefront lots	No lakefront lots
State Route 38	Realignment of State Route 38 to provide a straighter alignment and to provided lakefront residential lots	No change in the alignment of State Route 38	No change in the alignment of State Route 38
Development Scenario	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners	Lots would be sold individually and custom homes would be constructed by the individual property owners
* Current General Plan Designation is BV/RL-40 – Bear Valley Community Plan, Rural Living, minimum 40-acre residential lot size.			

Partial recirculation of this EIR for the 2011 Alternative Project will further the basic purpose of CEQA to inform decision makers and the public about the potential significant environmental effects of proposed activities.

CEQA requires the preparation of an objective, full disclosure document to inform agency decision makers and the general public of the direct and indirect environmental effects of the proposed action; provide mitigation measures to greatly reduce or eliminate significant adverse effects; and identify and evaluate reasonable project alternatives that could avoid or substantially lessen one or more of such effects to the 2011 Alternative Project. The subject of this Revised and Recirculated Draft EIR No. 2 is such a project alternative.

This Revised and Recirculated Draft EIR No. 2 evaluates the potential environmental effects of the 2011 Alternative Project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the State CEQA Guidelines. The sections included in the Revised and Recirculated Draft EIR No. 2 comprise the following:

Executive Summary. This section includes a summary of the revisions to the 2011 Alternative Project and alternatives addressed in the Draft EIR No. 2. Also included are descriptions of the issues to be resolved, areas of controversy and a table that summarizes the impacts, mitigation measures, and level of significance after mitigation.

Section 1: Project Description. This section includes a detailed description of the 2011 Alternative Project, including its location, site, and project characteristics. A discussion of the 2011 Alternative

Project objectives, intended uses of the Revised and Recirculated Draft EIR No. 2, responsible agencies, and approvals that are needed for the 2011 Alternative Project are also provided.

Section 2: Biological Resources. This section analyzes the potential for the 2011 Alternative Project to result in significant impacts to biological resources and discusses the conclusions and analysis included in the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) prepared by Dr. Timothy Krantz..

The analysis considers the actions associated with the 2011 Alternative Project to determine the short-term and long-term effects of their implementation. This Revised and Recirculated EIR No. 2 discusses both the direct and indirect impacts of the revisions to the 2011 Alternative Project.

This Revised and Recirculated Draft EIR No. 2 will be circulated for public review for a period of 45 days. Upon completion of the public review period, comments received on this Revised and Recirculated Draft EIR No. 2 will be considered and responses will be prepared. In releasing this Revised and Recirculated Draft EIR No. 2, the County, pursuant to CEQA Guidelines § 15088.5, request that reviewers limit their comments to the revised portions of this Recirculated EIR.

The County of San Bernardino (County) has prepared this Revised and Recirculated Draft EIR No.2 to provide responsible and trustee agencies, interested parties, and the public with information about the potential environmental effects associated with the Revised Moon Camp 50-lot Residential Subdivision Project (Alternative Project - 2011) on 62.43 acres located in the Community of Fawnskin in San Bernardino County, California.

Project (2011 Alternative Project) Characteristics

The 2011 Alternative Project that is the subject of this Revised and Recirculated Draft EIR No. 2, represents very minor changes from the 2010 Alternative Project, consisting entirely of reconfiguration of residential lots and Open Space Conservation Areas. The changes are summarized below:

- Redesigned Residential Lot Layout. The 2011 Alternative Project still reflects development of 50 residential lots on approximately 62.43 acres. The 2011 Alternate Project does not increase development intensity but merely proposes a revised lot configuration. However, Lots 1-3, which were located north of Street A on the western-most portion of the Project site have been shifted east and will be located in an area previously occupied by a portion of Lot A which was designated as Open Space Conservation Easement. (Please see Exhibit 1-4).
- Creation of Open Space Lot H. To compensate for the loss of a portion of Lot A, previously designated as Open Space Conservation Easement, and in response to the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) which identified significant occurrences of Ashy-Gray Indian Paintbrush in the area previously designated for

development, a 1.98 acre portion of the Project site previously occupied by Lots 1-3 will now become lettered Lot H which, like Lot A, is designated Open Space/Conservation Easement.

The revisions to the 2011 Alternative Project do not increase or alter development type or intensity but merely redistribute the developable lots in order to minimize impacts to the Federally Threatened Ashy-Gray Indian Paintbrush plant species and the discovery that the prior portion of Lot A characterized as pebble plain habitat was mischaracterized. Aside from the redesign of three developable lots and creation of an additional Open Space lettered lot, nothing about the 2011 Alternative Project changed.

Summary of this Revised and Recirculated Draft EIR No. 2

Issues Addressed in this Revised and Recirculated Draft EIR No. 2

The following issues are addressed in this Revised and Recirculated Draft EIR No. 2:

Section ES: Executive Summary. This section includes a summary of the 2011 Alternative Project and alternatives addressed in the Revised and Recirculated Draft EIR No. 2. Also included are descriptions of the issues to be resolved, areas of controversy and a table that summarizes the impacts, mitigation measures, and level of significance after mitigation.

Section 1: Project Description. This section includes a detailed description of the 2011 Alternative Project, including its location, site, and project characteristics. A discussion of the Project objectives, intended uses of the Revised and Recirculated Draft EIR No. 2, responsible agencies, and approvals that are needed for the 2011 Alternative Project is also provided.

Section 2: Biological Resources. This section analyzes new surveys for sensitive species and assesses the sensitive species habitat on-site.

Please note that sections have been modified only related to the revised biological resources and to reflect the minor changes to the site plan that have been made to accommodate the mitigation provided for the Ashy-Gray Indian Paintbrush.

Due to the limited scope of revisions to the 2010 Alternative Project, the analysis included in the original EIR, as modified by Revised and Recirculated Draft EIR No. 1, for all other impact areas is still applicable to the 2011 Alternative project and, therefore, those sections will not be recirculated.

Table ES-2, Executive Summary Matrix, provides a summary of the Alternative Project's - 2011 environmental impacts, mitigation measures and the level of significance after implementation of mitigation. This Executive Summary Matrix only addresses the Biological Resources section.

Table ES-2: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 2 - Biological Resources		
Special Status Biological Resources	<p><i>Special Status Plants and Plant Communities</i></p> <p>MM BR-1a. Prior to the initiation of clearing or grading activities on the Project site, a conservation easement shall be placed upon the 10-acre Dixie Lee Lane property. The conservation easement shall be in favor of a qualified conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the quality of pebble plain soils and other valuable biological habitat, including the occurrences of the Federally Threatened Ashy-Gray Indian Paintbrush. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the California Department of Fish and Game (CDFG).</p> <p>MM BR-1b. Prior to the initiation of clearing or grading activities on the Project site, the 5.38-acre on-site conservation easements (including Lot-A and Lot-H) shall be established. The conservation easement shall be in favor of a qualified conservation entity and shall be recorded in the San Bernardino County Recorder's Office. The easement shall provide for the continued protection and preservation of the property. The easement shall, at a minimum, restrict all use of the property that has the potential to impact the occurrences of the Federally Threatened Ashy-Gray Indian Paintbrush. Project proponent shall also create a perpetual, non-wasting endowment for the management and preservation of the mitigation property. The management entity will be approved by the California Department of Fish and Game (CDFG).</p> <p>MM BR-1c. Project Applicant shall take the following actions to further ensure the permanent preservation of the Conservation Areas (Lots A and H):</p>	Significant and unavoidable impacts related to Biological Resources have been identified for impacts to Bald Eagle.

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • Restrict access by pedestrians and motor vehicles to the Conservation Areas. The Conservation Areas shall be secured through installation of fencing or other barriers to prevent access to Conservation Areas. Barriers shall be installed prior to commencement of any construction activities on site. Applicant shall also include provisions in the CC&Rs for the Project instituting penalties to residents who violate the restrictions and cause any damage to the protected plant habitat. • Include enforcement provisions in the CC&Rs allowing the Homeowners Association, individual residents within the Project and/or County of San Bernardino to enforce any violation of provisions intended for the protection of sensitive plant species located within Lot A and Lot H. • Install appropriate signage identifying Conservation Areas and the sensitive nature of such areas on the project site and that access is prohibited. • Prohibit use of invasive plant species in landscaping. Each lot owner shall be given a list of prohibited invasive plant species upon purchase of lot with the parcel. Landscape plans for individual parcels shall be approved by the County prior to development to ensure no inappropriate plant material is incorporated into the design of any individual lot or common area which may compromise the quality of the Conservation Areas. • Development may not change the natural hydrologic conditions of the Conservation Areas. All grading plans shall be reviewed by the County to ensure hydrologic conditions of the conservation lands are not adversely changed by development • Applicant or appointed conservation entity shall monitor Conservation Areas on a periodic basis to ensure invasive, non-native species are not present. All non-nature invasive plant species shall be removed from Conservation Areas. 	

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>MM BR-1d. Construction to the rear portions of Lots 47, 48, 49, and 50 shall be restricted by means of building envelopes or building setback lines to prevent construction in the occupied Ashy-Gray Paintbrush habitat, wherever feasible.</p> <p><i>Special Status Wildlife</i></p> <p>MM BR-2. Trees and downed logs shall remain in place, to the extent that clearing is not required by the development process, and a 50-foot setback (measured on each side of the centerline) must be maintained along the deepest ravine at the eastern edge of the property. This measure will serve to preserve habitat for potential special status wildlife species.</p> <p>MM BR-3. The project proponent shall have a biologist qualified with San Bernardino flying squirrel (SBFS) as a monitor during tree removal. Minimize the number of trees, snags, and downed wood removed for project implementation. Compensating the removal of snags containing cavities; this would be achieved by constructing and erecting two nest boxes and one aggregate box per snag removed. Appendix A of this Revised and Recirculated Draft EIR No. 2 provides the specifications of the nest and aggregate boxes (Flying Squirrels 2007). These boxes should be located on the adjacent U.S. Forest Service (USFS) land (with their permission) and the locations marked with a global positioning system. The locations of the boxes shall be provided to the USFS so that their biologists could monitor the boxes for occupation by SBFS. Provide new homeowners with a flyer that would provide information on the biology of SBFS and how they are susceptible to depredation by cats. The flyer would also outline steps that homeowners could take to reduce their urban edge effects.</p> <p>MM BR-4. Eagle perch trees identified in the 2002 Bonterra Consulting Bald Eagle Survey for Tentative Tract 16136, Moon Camp, Fawnskin, San Bernardino County, California, (see Appendix A of this Revised and Recirculated Draft EIR No. 2) shall be preserved in place upon project</p>	

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>completion. If any of the designated perch trees should become hazardous and need to be taken down, replacement will be at a 5:1 ratio with the creation of artificial perch trees along shoreline designated open space. Any development that may occur within the Project site and in the individual lots must avoid impacts to trees larger than 24 inches diameter breast height (dbh) and their root structures to the maximum extent feasible. If any additional non-perch trees on-site larger than 24 inches dbh are removed, then a replacement ratio of 2:1 shall be required and replacement trees shall be 24-inch box trees or larger. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of the individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan.</p> <p>MM BR-5. Prior to vegetation clearing, grading, or other disturbance, the Project site shall be surveyed to identify all large trees (i.e., greater than 20 inches in diameter at 4.5 feet from the ground) within 600 feet from the high water line. Trees identified on the Project site as having a diameter in excess of 20 inches at 4.5 feet from the ground within 600 feet of the shoreline shall be documented and tagged. Any development that may occur within the Project site and in the individual lots shall avoid impacts to tagged trees and their root structures. If such trees cannot be avoided, their removal shall be coordinated with the County of San Bernardino to minimize impacts to the extent feasible. All construction or landscaping improvements, including irrigation, will be prohibited on or around the exposed root structures or within the dripline of these trees. These restrictions on development of individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This measure shall be identified as a Note on the Composite Development Plan.</p>	

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>MM BR-6. Seven days prior to the onset of construction activities, a qualified biologist shall survey within the limits of project disturbance for the presence of any active raptor nests. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFG.</p> <p>If nesting activity is present at any raptor nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for raptors in the region of the Project site normally occurs from February 1 to June 30. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active as determined by a qualified biologist): (1) clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest and (2) access and surveying shall not be allowed within 200 feet of any occupied nest. Any encroachment into the 300/200-foot buffer area around the known nest shall only be allowed if it is determined by a qualified biologist that the proposed activity shall not disturb the nest occupants. Construction during the nesting season can occur only at the sites if a qualified biologist has determined that fledglings have left the nest.</p> <p>MM BR-7. Vegetation removal, clearing, and grading on the Project site should be performed outside of the breeding and nesting season (between February 1 and June 30), when feasible, to minimize the effects of these activities on breeding activities of migratory birds and other species. If clearing occurs during breeding season, a 30-day clearance survey for nesting birds shall be conducted. Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required. Results of the surveys shall be provided to the CDFG. If nesting activity is present at any nest site, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code.</p>	

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
Sensitive Natural Communities/Habitats	<p>MM BR-8. The use of the boat dock for motorized boating shall be prohibited between the dates of December 1 and April 1. No motorized boats shall be allowed to launch or moor in the vicinity of the boat dock at any time during this period. This restriction shall be clearly displayed on signage at the entrance to the parking lot and on the boat dock visible from both land and water. This requirement shall also be published in the Homeowner's Association Conditions, Covenants & Restrictions (CC&Rs).</p> <p><i>Wildlife Impacts/Indirect Impacts</i></p> <p>MM BR-9. Street lamps on the Project site shall not exceed 20 feet in height, shall be fully shielded to focus light onto the street surface and shall avoid any lighting spillover onto adjacent open space or properties. Furthermore, street lights shall utilize low color temperature lighting (e.g., red or orange).</p> <p>MM BR-10. Outdoor lighting for proposed homes on the individual tentative tracts shall not exceed 1,000 lumens. Furthermore, residential outdoor lighting shall not exceed 20 feet in height and must be shielded and focused downward to avoid lighting spillover onto adjacent open space or properties. These restrictions on outdoor lighting of the individual lots must be clearly presented and explained to any potential prospective developers and/or homeowners prior to assumption of title and close of escrow. This requirement shall also be published in the Homeowner's Association CC&Rs.</p> <p>MM BR-11. To limit the amount of human disturbance on adjacent natural open space areas, signs shall be posted, to the satisfaction of the Planning Director or appointee, along the northern and eastern perimeter of the Project site where the property boundary abuts USFS open space with the following statement: "Sensitive plant and wildlife habitat. Please use designated trails and keep pets on a leash at all times."</p> <p>In addition, a requirement stating that residents shall keep out of adjacent</p>	Less than significant impact

Table ES-1 (cont.): Comparison Between the Original Project, 2010 Alternative Project and the 2011 Alternative Project

Impacts	Mitigation Measures	Level of Significance After Mitigation
	<p>open space areas to the north with the exception of designated trails will be published in the Homeowner Association CC&Rs and a map of designated hiking trails will be provided to all residents.</p> <p>MM BR-12. Prior to recordation of the final map, a landscaping plan for the entire tract shall be prepared (inclusive of a plant palette) with an emphasis on native trees and plant species, and such plan shall be submitted to the County of San Bernardino for review and approval by a qualified biologist. The review shall determine that invasive, non-native plant species are not to be used in the proposed landscaping. The biologist will suggest appropriate native plant substitutes or non-invasive, non-native plants. A note shall be placed on the Composite Development Plan indicating that all proposed landscaping (including landscaping on individual lots) shall conform to the overall approved tract map landscaping plan. A requirement shall be included stating that residents shall be restricted to the use of tree and plant species approved per the overall tract map landscaping plan. The Homeowner Association CC&Rs shall also require individual lot owners to use only tree and plant species approved per the overall tract map landscaping plan/plant palette.</p>	
Jurisdictional Delineation	<p>MM BR-13. Prior to issuance of grading permits, the Project applicant shall obtain all required authorization from agencies with jurisdiction over all unavoidable impacts to State and Federal jurisdictional lakes, streams, and associated habitat within the Project site. Impacted features shall be offset through onsite restoration, offsite restoration, or purchase of credits at an agency-approved mitigation bank in the region at no less than a 3:1 for direct impacts and 1:1 for indirect impacts if impacts cannot be avoided.</p>	Less than significant impact

SECTION 1: PROJECT DESCRIPTION

1.1 - Project Location and Setting

The proposed 62.43-acre Moon Camp project site is located on the north shore of Big Bear Lake, in the unincorporated community of Fawnskin, County of San Bernardino (refer to Exhibit 1-1, Regional Location, and Exhibit 1-2, Local Vicinity). The Big Bear Lake area is primarily a resort community where a major portion (approximately two-thirds) of the residences are second homes. The south shore contains commercial and recreational facilities, including ski areas, hotels, and restaurants, within the incorporated City of Big Bear Lake. By comparison, the north shore area in the vicinity of the Project is less populated and primarily residential, with a small commercial component westerly of the Project site.

State Route 38 (SR-38), also known as North Shore Drive, provides access to the Project site; the road actually transects the property. The Project site is roughly bounded to the north by Flicker Road, to the south by Big Bear Lake, to the east by Polique Canyon Road, and to the west by Canyon Road. In the Township and Range nomenclature system, the Project site is described as being located in the northern half of Section 13, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian (SBBM). San Bernardino County parcel numbers for the site include Assessor's Parcel Numbers (APN) 0304-082-04, 0304-091-12, 0304-091-22, and 0304-091-21. According to the legal description, the site includes Tracts 108, 109, 117, and 118, Township 14 South, Range 14 East, and SBBM. The study area is specifically located at coordinates 34.264 degrees latitude and 116.933 degrees longitude.

An Environmental Impact Report (EIR) for the proposed Moon Camp Project has been circulated for public review and comment on three separate occasions (numbered in this document as): 1) Original Draft EIR - 2004, 2) Revised and Recirculated Draft EIR No. 1, and 3) Revised and Recirculated Draft EIR No. 2, respectively. In addition, the Project's site plan has been revised on three separate occasions and is outlined within this document as: 1) 2004 Original Project, 2) 2010 Alternative Project, and 3) 2011 Alternative Project, respectively.

1.1.1 - Project Site Characteristics

In addition to State Route 38 (SR-38), several dirt trails (generally associated with unauthorized off-road vehicle use) traverse the Project site, which is located approximately 1 mile south of the Pacific Crest Trail; a trail that stretches between the US/Mexican border and the US/Canadian border. Site elevations range from approximately 6,744 feet above mean sea level (msl) at the lakeshore to 6,960 feet above msl at the northeast corner of the site. Individual slopes on-site range from 5 percent to 40 percent. Slope orientation is generally from north to south toward the lake, except for three natural ravines on the Project site that contain eastern and western slopes. Vegetation and habitat

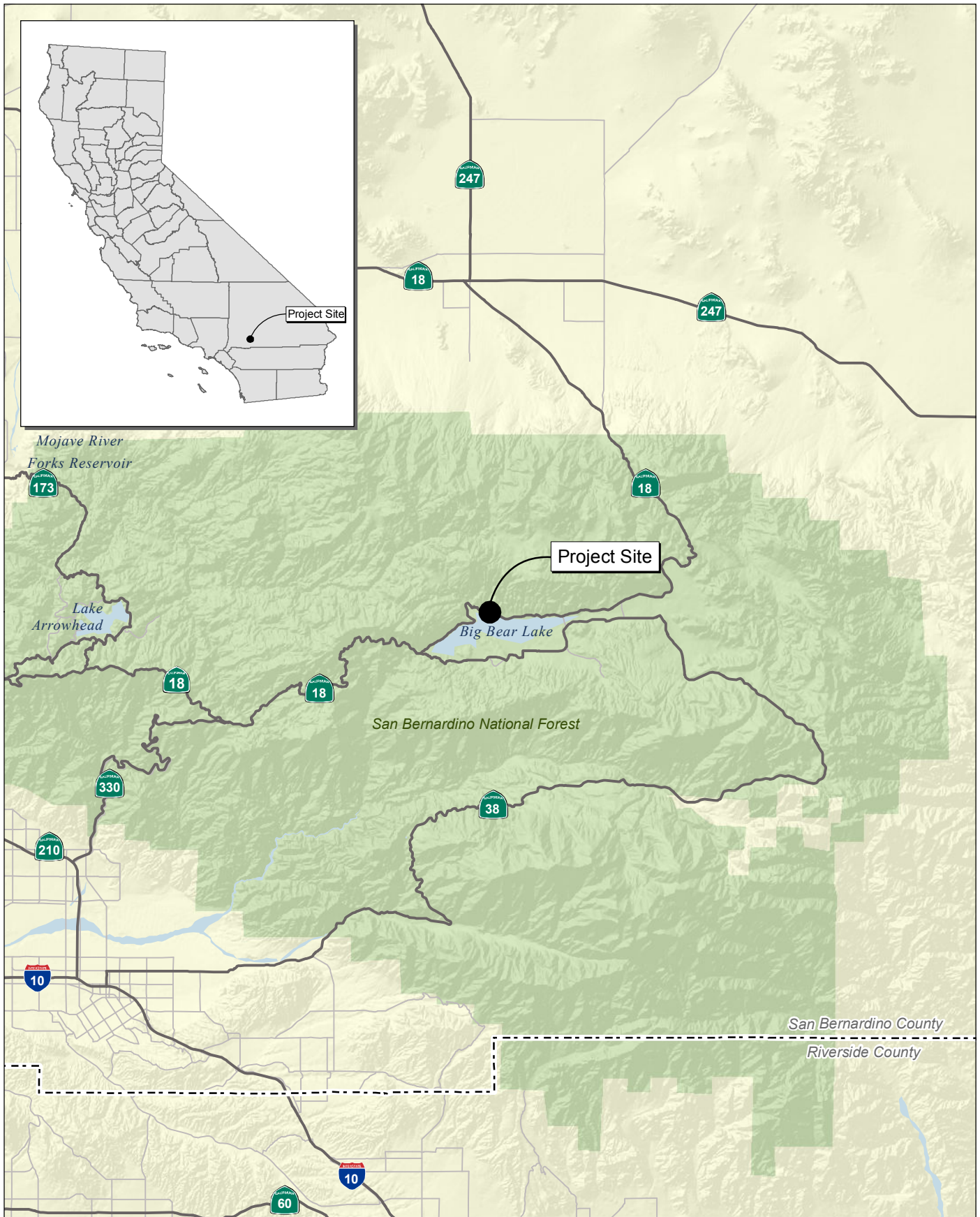
types in the Project area include open Jeffery Pine forest (with an average density of 44.4 trees per acre) and pebble plain soil like conditions in the western portion.

1.1.2 - Existing Land Use

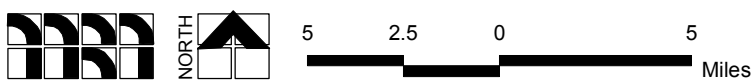
The Project site is currently undeveloped and is designated in the County of San Bernardino, Bear Valley Community Plan (BV) as Rural Living with minimum 40-acre lots (BV/RL-40) (refer to Exhibit 1-3, Land Use Designations). The RL-40 land use designation is identified as a “Holding Zone” within the Bear Valley Community Plan, which states: future development proposals (such as Moon Camp) within the RL-40 designation will be considered based on a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the 2007 Community Plan. Table 2-1, Existing Land Use and Land Use Designations, identifies the land use category of the site and surrounding properties, as well as the current land use designations.

Table 1-1: Existing Land Use and Official Land Use Zoning District

Existing Land Use		Official Land Use Zoning District (Bear Valley Community Plan)
Project Site	Vacant	Rural Living (BV/RL-40). This district provides sites for open space and recreational activities, single-family homes on very large parcels and similar and compatible uses. Minimum parcel size is 40 acres; 1 dwelling unit per parcel. This is considered a holding zone designation in the Bear Valley Community Plan, which indicates that future General Plan amendments will be considered where specific development proposals within the RL-40 designation demonstrate an ability to provide adequate infrastructure to serve the development and maintain consistency with the goals and policies of the Bear Valley Community Plan.
North	Residential (N and NW), Forest (N and NE)	Residential (BV/RS). One dwelling unit per 0.25 acre and a minimum lot size of 7,200 square feet. US Forest Service administered land.
South	Big Bear Lake, Residential (SE)	Floodway (FW). Uses permitted at owners risk; minimum parcel size is 10 acres. Single Residential (BV/RS). Four dwelling units per acre, minimum lot size is 7,200 square feet.
East	Vacant, Residential (SE) Forest (N and NE)	Single Residential (BV/RS). One dwelling unit per 0.25 acre and a minimum lot size of 7,200 square feet. Resource Conservation (BV/RC). Minimum parcel size is 40 acres; 1 dwelling unit per parcel. US Forest Service administered land.
West	Vacant, Residential	Special Development (BV/SD-RES). Minimum parcel size 40 acres. This District provides sites for a combination of residential uses. Single Residential (BV/RS). Four dwelling units per acre, minimum lot size is 7,200 square feet.
Sources: Bear Valley Community Plan, 2007; County of San Bernardino Development Code, 2007.		



Source: Census 2000 Data, The CaSIL, MBA GIS 2009.



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Exhibit 1-1 Regional Location Map

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Source: National Agriculture Imagery Program, San Bernardino County (2009).



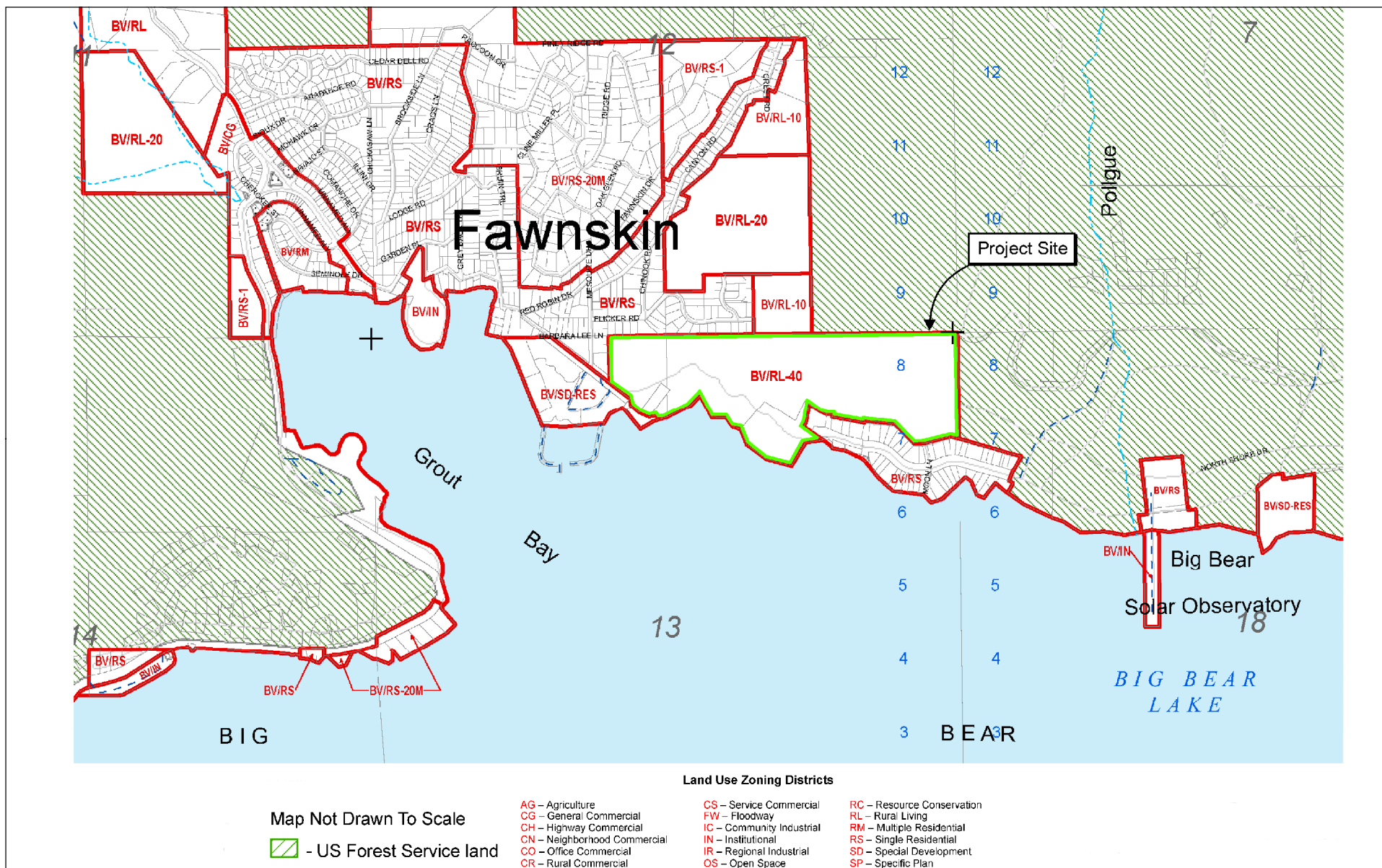
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Exhibit 1-2 Project Vicinity Map Aerial Base

SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT



Source: San Bernardino County Land Use Plan GENERAL PLAN (2007).

1.1.3 - Community History

A marshy portion of the nearly flat floor of Bear Valley was dammed in 1884 to provide a reservoir (Big Bear Lake) to retain irrigation water for release to the Redlands area of the eastern San Bernardino Valley. In 1912, a larger 72-foot multiple arch dam was constructed about 300 feet downstream of the old dam, increasing the lake capacity to 73,000 acre feet. Tourism in the area began with the onset of the automobile age and the eventual establishment of highways accessing the relatively remote area.

Maximum elevation at the lake surface is 6,744 feet above msl, but the actual level fluctuates according to annual snowmelt and runoff. The dam is owned by the Big Bear Municipal Water District. The lake has an east-west length of approximately 7 miles and is approximately 2.5 miles at its widest, though most of the lake's width averages a little more than 1 mile. Big Bear Lake measures 72 feet deep at the dam. It is completely rain- and snow-fed, having no other source of tributary or mechanical replenishment other than natural precipitation.

The Community of Fawnskin was founded in 1916, and by 1928, there were at least nine resort camps in the area, including Moon Camp, which was built in 1919. The project site has remained primarily vacant since destruction of the original camp in 1951. The current property owner purchased the marina permit along with the property in 1969. Site improvements currently include three water wells and SR-38, which transects the property from east to west.

2011 Alternative Project Characteristics

The 2011 Alternative Project incorporates very minor revisions to the 2010 Alternative Project as analyzed in the Revised and Recirculated Draft EIR No. 1. The 2011 Alternative Project consists of the subdivision of the site into 58 lots—50 numbered lots (single family residential lots) to be sold individually and developed into custom homes; and eight lettered lots described as follows:

- Three designated as Open Space/Conservation easements and Neighborhood Lake Access;
- Three designated as well sites;
- One designated as a potential reservoir site; and
- One would be developed as the marina parking lot.

The 2011 Alternative Project proposes 6.2 acres of open space/conservation/Neighborhood Lake Access within the Project site. The 2011 Alternative Project also includes a 55-slip marina. The marina parking lot also includes some open space for the preservation of existing trees; however, because of the development of the parking lot, the lot would not be considered Open Space. The main differences between the 2010 Alternative Project and the 2011 Alternative Project that is the subject of this Revised and Recirculated Draft EIR No. 2 and are summarized below:

- Redesigned Residential Lot Layout. The 2011 Alternative Project still reflects development of 50 residential lots on approximately 62.43 acres. The 2011 Alternate Project does not increase development intensity but merely proposes a revised lot configuration. Lots 1-3, which were

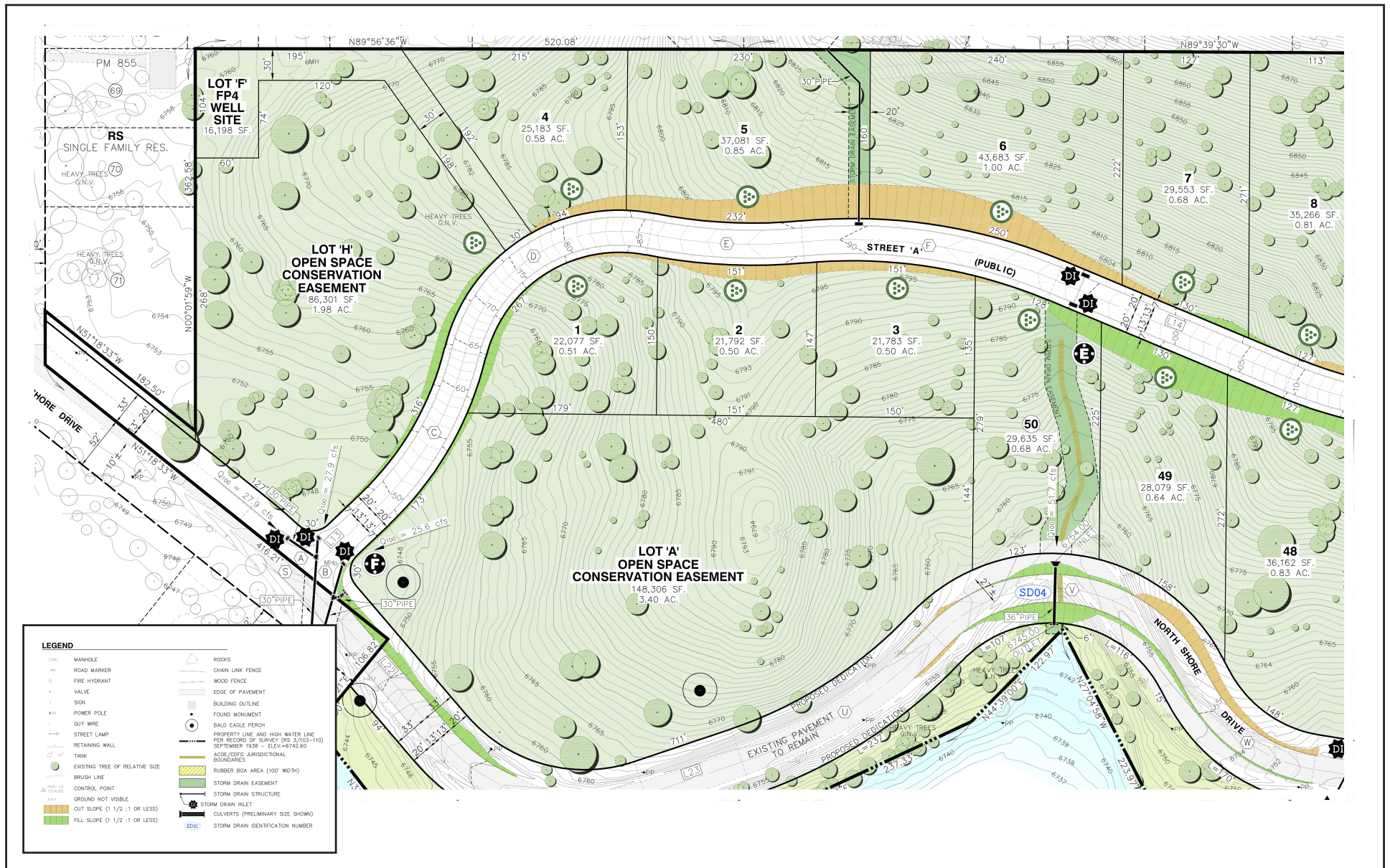
located north of Street A on the western-most portion of the Project site have been shifted east and will be located in an area previously occupied by a portion of Lot A which was designated as Open Space Conservation Easement. (Please see Exhibit 1-4)

- Creation of Open Space Lot H. To compensate for the loss of a portion of Lot A, previously designated as Open Space Conservation Easement, and in response to the Supplemental Focused Special Status Plant Species Survey (August 29, 2010) which identified significant occurrences of Ashy-Gray Indian Paintbrush in the area previously designated for development, a 1.98 acre portion of the Project site previously occupied by Lots 1-3 will now become lettered Lot H which, like Lot A, is designated Open Space/Conservation Easement.

The revisions to the 2011 Alternative Project do not increase or alter development type or intensity but merely redistribute the developable lots in order to minimize impacts to the Federally Threatened Ashy-Gray Indian Paintbrush plant species and the discovery that the prior portion of Lot A characterized as pebble plain habitat was mischaracterized. Aside from the redesign of three developable lots and creation of an additional Open Space lettered lot, nothing about the Project changed. Accordingly, as indicated in detail below, the remainder of the Project components remain unchanged.

Infrastructure

A water service feasibility study entitled “Final Feasibility Study to Serve the Proposed Moon Camp Residential Development (Tentative Tract Map No. 16163),” was prepared by Alda Engineering, Inc., in March 2007 (and updated in 2011), to address issues raised in comments received on the Original Draft EIR - 2004. In addition, the sewer feasibility study prepared by So & Associates was updated to reflect the revisions to the Moon Camp site plan. This study entitled, “County Service Area 53, Improvement Zone B (CSA 53-B) Updated Sewer Feasibility Study for APNs 0304-091-12, -21, -22, and 0304-082-04, TTM 16136 RCK Properties, Inc./Moon Camp,” prepared April 11, 2007. Both studies are included in Appendix G of the Revised and Recirculated Draft EIR No. 1. Based on the analysis and recommendations included in these studies, the following water and sewer infrastructure components are proposed as part of development of the 2011 Alternative Project.



Source:



Michael Brandman Associates

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Exhibit 1-5 Moon Camp TTM No. 16136 Revised Alternative Project-2011

SAN DERNARDINO COUNTY
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Water Service Options and Infrastructure

There are currently three (3) separate water service options for the 2011 Alternative Project. Under Alternative #1, significant improvements to the Big Bear Department of Water and Power (DWP) upper Fawnskin pressure zone are necessary to provide water service to the site. The three ground water production wells located within the Project site would be deeded to the DWP at the time the tract map is recorded. Annexation to the DWP's authorized service area is required for DWP to be the water service provider. DWP has conducted a Water Feasibility Study (Alda 2007), and provided a conditional will serve letter to the Applicant. However, the majority of the Project site is outside of the DWP authorized service area as well as the City's Sphere of Influence. DWP cannot provide water service without first complying with the provisions of Government Code Section 56133, which pertains to the Local Area Formation Commission (LAFCO) annexation process. In order for the DWP to provide water service to the Project site and to own and operate the 2011 Alternative Project's water system, LAFCO would have to approve an expansion of the City of Big Bear Lake's Sphere of Influence to include the entire existing DWP Water Service Area in Fawnskin as well as the entire Project site. The developer would be required to construct the on-site and off-site facilities as described in the DWP's Water Feasibility Study (Alda 2007), as amended by the 2011 update, as discussed below.

The Water Feasibility Study provides two options (A and B) for expanding the existing Fawnskin Water System infrastructure. Option B has been chosen by DWP and the Applicant as the preferred Water Feasibility Study alternative for Water Service Alternative #1. In either case, the Applicant would install all common infrastructures, including fire hydrants, and would also install the water main lines within the project site. The water improvements will primarily be constructed within the rights-of-way of existing or proposed paved roads. The water service infrastructure required is as follows:

- 900 ft of 12-inch pipeline along Ridge Road from the intersection of Raccoon Drive south to tie to an existing 8-inch PVC pipeline on a private easement.
- 200 ft of 12-inch pipeline along private easement to connect Fawnskin Drive and Canyon Road.
- 650 ft of 12-inch pipeline along Canyon Road to Chinook Road.
- 600 ft of 12-inch pipeline along Chinook Road to Flicker Road.
- 500 ft of 12-inch pipeline along Flicker Road to Mesquite Drive.
- 400 ft of 12-inch pipeline along Mesquite Road to North Shore Drive.
- 250 ft of 12-inch pipeline along North Shore Drive to development westerly boundary.
- Refurbishing existing Cline Miller pump station to augment pumping capacity to approximately 300 gmp.
- 50 KW on-site emergency generators at the Cline Miller Reservoir.

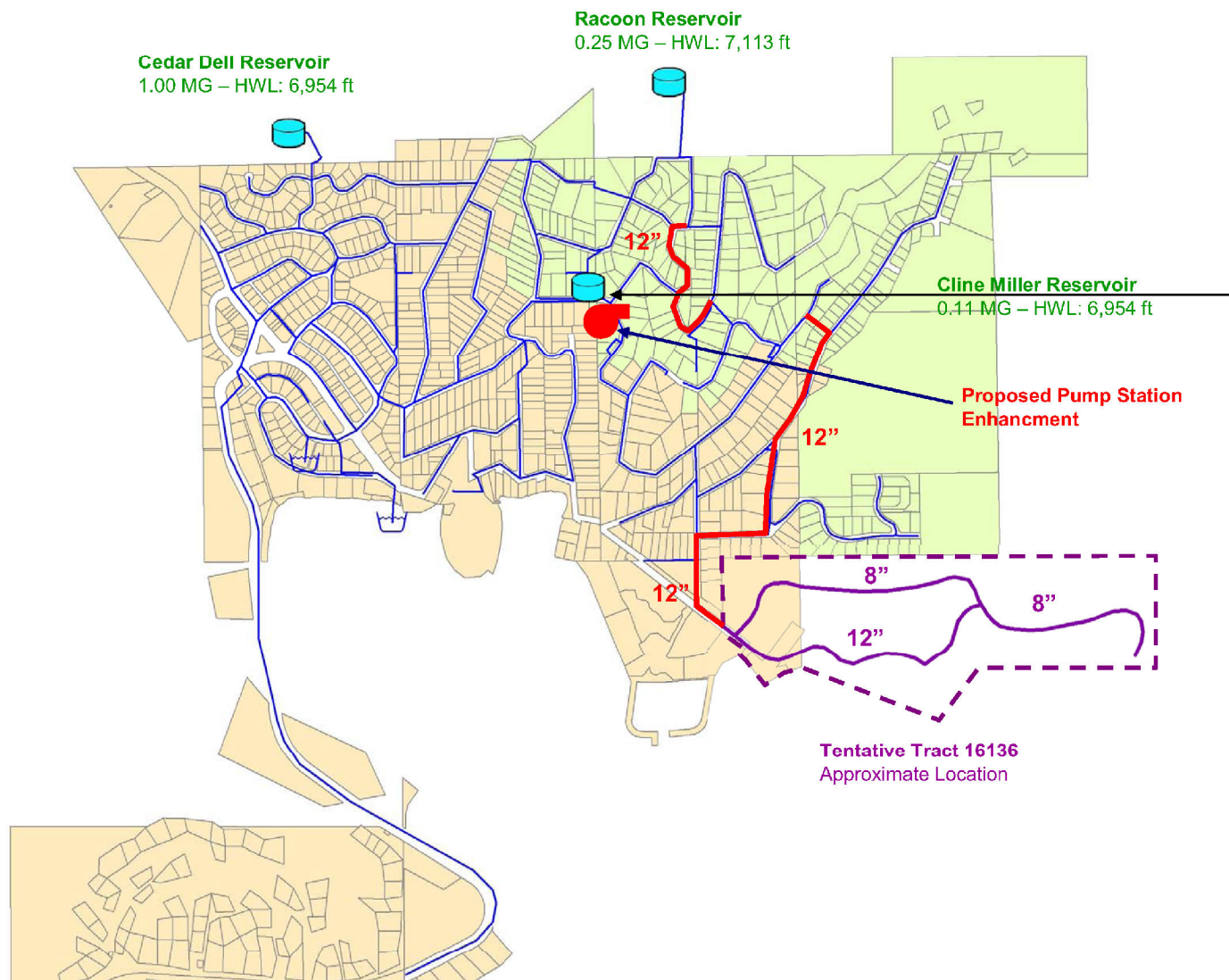
See Exhibit 1-6 for the proposed water facilities and improvements.

Water Service Alternative #2 (see Section 4.9 of the Revised and Recirculated Draft EIR No. 1 for details) would not require LAFCO's approval and would not create the need for expansion of the City's Sphere of Influence around Fawnskin and the project site. Instead, County Service Area 53C (CSA 53C) would own and operate the water facilities within the project site and contract with the DWP for a water interconnection to the existing Fawnskin water system. The developer would be required to construct the same on-site and off-site facilities as described above.

Under Water Service Alternative #3 (see Section 4.9 of the Revised and Recirculated Draft EIR No. 1 for details), instead of constructing the off-site water facilities (within the Fawnskin Water System) identified in the DWP's Water Feasibility Study Option B (Alda, 2007, which is the basis for Water Service Alternatives #1 and #2, above), water service would be provided entirely from an onsite water supply, storage and distribution system. Water would be extracted from the onsite water wells; the 2011 Alternative Project would require construction of an on-site aboveground water tank (238,600 gallons) and an on-site booster station capable of providing the daily water supply flow and the required 1,750 gallons per minute fire flow. The water tank and booster station would be sized based upon the same demand calculations contained in the Water Feasibility Study and Water Service Alternatives #1 and #2. Water Service Alternative #3 would not require LAFCO's approval and would not require the expansion of the City's Sphere of Influence around Fawnskin and the project site. The developer would also construct the same on-site (within the Project site) water facilities (water main lines, fire hydrants, etc) identified in the Alda Water Feasibility Study necessary to transmit water to the developed lots within the 2011 Alternative Project. Existing water wells FP2 and FP4 would be connected to the on-site water system and pump their water into the 238,600 gallon on-site reservoir. The on-site booster station would produce the Average and Maximum Daily Demand flows (8.68 gpm and 15.27 gpm) and the Fire Flow of 1,750 gpm for the 2-hour duration. The booster station would include an emergency electrical generator to allow the station to operate during a power outage. The water improvements for Water Service Alternative #3 will primarily occur within the 2011 Alternative Project's paved roads and at the 2011 Alternative Project's water tank site. The construction of the water tank would include grading of an approximately 75-foot-diameter pad for the reservoir. CSA 53C would own and operate this independent water system.

Projected water demand for the proposed Moon Camp 50-lot subdivision (2011 Alternative Project) is based on the Water Feasibility Study's consumption rate of 250 gallons per day (gpd) per connection. Exhibit 1-6, Proposed Water Facilities, shows the Water Feasibility Study's proposed Moon Camp water system. Maximum day demand is estimated based on information provided in the DWP Water Master Plan and it is equivalent to 1.76 times the average day demand. Therefore, the average and maximum day demands for the 2011 Alternative Project are estimated as follows:

- Average Day Demand (ADD) = 12,500 gpd or 8.68 gpm; and
- Maximum Day Demand (MDD) = 15.27 gpm.



Source: ALDA Engineering Inc.



Not to Scale

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Exhibit 1-6 Proposed Water Facilities

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Based on an estimated average day demand of 12,500 gallons, the annual water demand for the 2011 Alternative Project is estimated at 4.56 million gallons or 14.0 acre-feet per year.

Wastewater Service

The Project site is located within County Service Area 53, Improvement Zone B (CSA 53B) administered by the County of San Bernardino Special Districts Department. The Sewer Feasibility Study indicated that the existing sewer system located adjacent to the project site to the southeast and southwest is capable of handling the wastewater flows from the 2011 Alternative Project.

The Applicant would be responsible for all plumbing and sewer facilities located within the site, including manholes and connection to the CSA 53B system at locations that have been approved by CSA 53B. Exhibit 1-7, Proposed On-site Sewer Facilities, shows the preliminary system. The Applicant would also be responsible for an off-site sewer extension of approximately 1,200 linear feet along North Shore Drive to connect to an existing CSA 53B collector sewer to the southwest of the property. This extension would accommodate the westerly lots; the easterly lots would be served by a gravity sewer extended to the existing CSA 53B Pump Station B to the southeast of the property. Depending upon where some of the houses are built, some lots may require a residential sewage pump station to transport the lot's sewage up to the sewer line in the street adjoining the property. The wastewater conveyance system on-site would be designed to accommodate these conditions and would be subject to review and approval by the County Special District's Engineer. In addition, regional connection fees would be imposed by the Big Bear Area Regional Wastewater Authority (BBARWA).

Roadway Facilities

The 2011 Alternative Project will include a development of roadway facilities to service the project and provide direct access for the residents to SR-38. The 2011 Alternative Project proposes two points of ingress and egress from SR-38 with Street "A" terminating on the east-end of the Project in the cul-de-sac. The 2011 Alternative Project roadway system will consist of standard two-lane roadways with two stop sign-controlled intersections on SR-38 and one intersection interior to the Project. Development of the roadway infrastructure will occur at one time at the initial phase of 2011 Alternative Project development.



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SAN BERNARDINO COUNTY
MOON CAMP RESIDENTIAL SUBDIVISION PROJECT

**Revised and Recirculated
Draft Environmental Impact Report No. 2
Moon Camp 50-lot Residential Subdivision, TT No. 16136
(Based on the Revised Site Plan)
Big Bear Lake, San Bernardino County, California
SCH No. 2002021105**

APPENDICES

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Contact: Bob Prasse, Branch Manager



Revised: November 9, 2011

APPENDICES

Appendix A: Biological Resources Assessment

- A.1 - Results of Bald Eagle Survey on Tentative Tract 16136 (Bontera Consulting, 2002)
- A.2 - Bald Eagle Count in Area (U.S. Fish and Wildlife Service, 2009)
- A.3 - Focused Flying Squirrel Trapping Report (Michael Brandman Associates, 2007)
- A.4 - Southwestern Willow Flycatcher Focused Survey Report (Michael Brandman Associates, August 2007)
- A.5 - Peer Review of Existing Biological Documents (Michael Brandman Associates, January 2007)
- A.6 - Peer Review of Existing Biological Documents (Michael Brandman Associates, February 2007)
- A.7 - Draft Vegetation and Special Status Plants Survey (Scott White Biological Consulting, August 2007)
- A.8 - Revised Vegetation and Special Status Plants Survey (Scott White Biological Consulting, February 2009)
- A.9 - Supplemental Focused Rare Plant Survey (Tim Krantz, June 2008)
- A.10 - Southern Rubber Boa Letter Report (Glen Stewart, February 2007)
- A.11 - Revised Supplemental Focused Special Status Plant Species Survey (Timothy Krantz, August 2010)

Appendix B: Water Feasibility Studies

- B.1 - Recommended Alternative for DWP (Alda Engineering Inc., February 2011)
- B.2 - Water Feasibility Study (Alda Engineering Inc., March 2007)

Appendix B: Water Feasibility Studies

**B.1 - Recommended Alternative for DWP
(Alda Engineering Inc., February 2011)**

ALDA Engineering Inc.

5928 Vineyard Avenue
Alta Loma, CA 91701
Tel: (909) 587-9916
Fax: (909) 498-0423

February 7, 2011

Bill La Haye, Water Resources Manager
Big Bear Lake Department of Water & Power
41972 Garstin Drive
Big Bear Lake, CA 92315

Subject: **Moon Camp Development Project – Tentative Tract 16136
Recommended Alternative to Provide Water Service**

Dear Mr. La Haye:

The purpose of this letter is to document the recommended alternative to serve the proposed Moon Camp Development Project in the Fawnskin area. Initially, two alternatives to serve this development were documented in our March 2007 Feasibility Study. Both alternatives considered serving the development off the Upper Fawnskin pressure zone and differ from each other on the alignment of recommended transmission facilities and the size of pumping units.

The recommended alternative (Alternative “B”) consists of serving the proposed development by gravity off the existing Racoon Reservoir. Initially, this alternative included the replacement of two undersized pipeline segments that were built along property lines; thus requiring a construction and operations easement. Since the recommended alternative was initially configured, it has been determined that construction along one of these segments will be extremely difficult due to the steepness of the terrain; hence new alignment had to be selected along Ridge Road. Figure 1 illustrates the revised alignment for the recommended alternative; facility requirements to implement this alternative are listed below.

- 900 ft of 12-inch pipeline along Ridge Road from the intersection of Racoon Drive south to tie to an existing 8-inch PVC pipeline on a private easement.
- 200 ft of 12-inch pipeline along private easement to connect Fawnskin Drive and Canyon Road
- 650 ft of 12-inch pipeline along Canyon Road to Chinook Road
- 600 ft of 12-inch pipeline along Chinook Road to Flicker Road
- 500 ft of 12-inch pipeline along Flicker Road to Mesquite Drive
- 400 ft of 12-inch pipeline along Mesquite Road to North Shore Drive
- 250 ft of 12-inch pipeline along North Shore Drive to development westerly boundary

ALDA Engineering Inc.

Mr. Bill La Haye, Water Resources Manager
February 7, 2011
Page 2 of 2

- Refurbishing existing Cline Miller pump station to augment pumping capacity to approximately 300 gpm
- 50 KW on-site emergency generator at the Cline Miller Reservoir

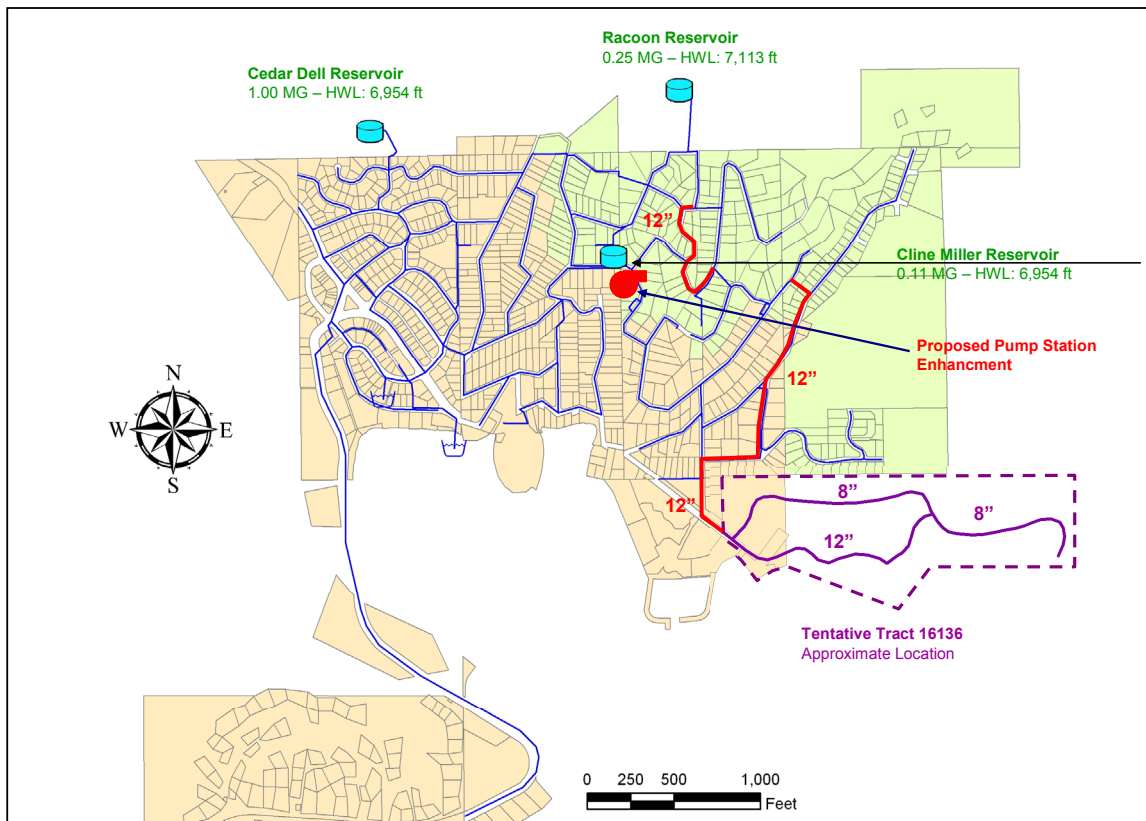


Figure 1
Recommended Facilities to Serve Tentative Tract 16136

Should you have any questions on this matter, please contact us at 909-587-9916 during normal business hours.

Very truly yours

ALDA Engineering Inc.

F. Anibal Blandon, P.E.
Principal

B.2 - Water Feasibility Study
(Alda Engineering Inc., March 2007)

ALDA Engineering Inc.

9996 Orange Street
Alta Loma, CA 91737
Tel: 909-297-3741
Fax: 909-498-0423

March 6, 2007

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager
City of Big Bear Lake
Department of Water & Power
41972 Garstin Drive
Big Bear Lake, CA 92315

Subject: **Final Feasibility Study to Serve the Proposed Moon Camp Residential Development** (Tentative Tract No. 16136)

Dear Mr. Heule:

Pursuant to your request, ALDA Engineering Inc. (ALDA) has conducted a feasibility study to determine the necessary system facilities to serve the above referenced development. This report summarizes the results of our investigation and recommendations. This report presents the project background, an assessment of demand and supply issues, the results of the system analysis, and the recommended improvements.

Project Background

The proposed Moon Camp development consists of 50 residential lots to be developed over approximately 62 acres of land. The proposed development is located along North Shore Drive, in the community of Fawnskin on the north side of Big Bear Lake, and ranges in elevation from approximately 6,750 ft. near the lake to approximately 6,950 ft. in the northeasterly quadrant. Individual lots range in size from approximately half an acre to well over two acres depending on location and are anticipated to be developed as single family residential units; average lot size is approximately one and a quarter acres. Because of its location and lot size, some of the residential units are anticipated to be fairly large and potentially exceed 4,000 square feet in size.

Water service to the proposed development will be provided off the Upper Fawnskin pressure zone as the Lower Fawnskin zone would not provide enough static head to provide the development adequate fire flow. DWP's closest pipeline off the Upper Fawnskin system is a single 6-inch diameter pipeline located near the intersection of Flicker Road and Chinook Road, approximately 2,000 ft away from the westerly boundary of the proposed development. Significant transmission improvements in the Fawnskin system are needed to provide fire flow to the proposed tract.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

March 6, 2007

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Currently, there are two groundwater production wells within the proposed residential tract. These wells are located in subarea A of the North Shore hydrologic subunit. It is our understanding that these wells will be deeded to the DWP at the time the tract map is recorded. The developer plans to equip the FP-2 well initially to meet the development projected water demands. The DWP will use excess capacity from this well to help reduce reliance on the leased North Shore Well No. 1. Groundwater production capacity from this well is estimated at approximately 100 gallons per minute. The second well (FP-3), located to the east of the FP-2 well, will not be initially equipped by DWP.

Pressure Zone Service Area

Based on the elevation range of the proposed development, 6,750 ft. to 6,950 ft., the development can be served off the Upper Fawnskin pressure zone. This pressure zone has an operating hydraulic grade of 7,113 ft. set by the high water level of the existing 0.25-million gallon Racoon Reservoir. Based on this hydraulic elevation, static pressures would range from a low of 71 psi at the highest point in Lot 18 to 157 psi near the lake. Individual pressure regulators would be required for all lots with static pressures exceeding 80 psi.

Water supply in the Fawnskin area is provided by two groundwater wells in the Lower Fawnskin pressure zone and by slant wells in the vicinity of the Racoon Reservoir. Excess groundwater production from the Lower Fawnskin pressure zone is conveyed to the Upper Fawnskin pressure zone through a booster station located at the Cline Miller Reservoir.

Water Demand

Projected water demand for the proposed development is based on the average consumption rate of 250 gallons per day per connection. Maximum day demand is estimated based on information provided in the recently completed water master plan and it is equivalent to 1.76 times the average day demand. Therefore, the average and maximum day demands for the proposed 50-lot subdivision are estimated as follows:

- Average Day Demand (ADD) = 12,500 gpd or 8.68 gpm
- Maximum Day Demand (MDD) = 15.27 gpm

Based on an estimated average day demand of 12,500 gallons, the annual water demand for the development is estimated at 4.56 million gallons or 14.00 ac-ft per year.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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Water Supply

Water supply sources for this development must meet projected maximum day demands during the summer as well as annual demands. The existing on-site FP-2 well, when equipped by the developer, would be capable of meeting the projected maximum day demand for the proposed Tract 16136.

To meet the projected annual demand, the developer would have to participate in the Water Demand Offset Plan currently being implemented by DWP. This plan requires that any development that creates new lots must pay for the necessary facilities to reduce water demand somewhere else in the service area. The demand to be reduced is equivalent to one half of the average water demand for residential parcels in the service area, estimated at 250 gallons per day, for each new lot developed. Therefore, in the case of the proposed tract, a demand equivalent to 6,250 gallons per day (50 EDUs times 250 gallons per day per EDU times 50 percent) would need to be offset.

Fire Flow Requirements

Fire flow protection in the Fawnskin area is provided by the County of San Bernardino Fire Department. Information obtained from the Office of the Fire Marshall for the county indicates the following fire flow requirements for residential structures in the Fawnskin area:

- Structures less than 3,600 ft² - 1,000 gpm @ 20 psi with a two-hour duration
- Structures between 3,601 to 4,800 ft² - 1,750 gpm @ 20 psi with a two-hour duration
- Structures between 4,801 to 6,200 ft² - 2,000 gpm @ 20 psi with a two-hour duration

Additional information provided by the Office of the Fire Marshall indicates that fire flow requirements could be lowered if fire sprinklers are installed; however, actual requirements are determined individually based on the construction plans for individual residences.

For the purpose of this analysis and based on discussions held with DWP staff, a fire flow of 1,750 gpm @ 20 psi with a two-hour duration was used to size transmission, pumping, and storage facilities that would be needed to serve the proposed development.

Storage Requirements

Storage capacity for this development was sized to meet the operational, emergency and fire flow storage requirements. Operational storage is used to meet the hourly fluctuations in demand during maximum day conditions and has been established as 30 percent of maximum day. Emergency storage is used to meet demands during a power outage or other emergency situation when supply sources and boosting pumps may not be available; DWP requirements for emergency storage are equivalent to one day of maximum day demand.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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Fire flow storage is equal to the fire flow capacity (1,750 gpm) times its duration (two-hours). Storage requirements for the proposed development are as follows:

■ Operational Storage = 30% of MDD (15.27 gpm):	6,600 gallons
■ Emergency Storage = 100% of MDD (15.27 gpm):	22,000 gallons
■ Fire Flow Storage for 1,750 gpm (based on 120 min):	<u>210,000 gallons</u>
Total storage requirement for indoor use:	238,600 gallons

According to the recently completed water master plan, DWP has sized its storage facilities to provide a maximum fire flow of 1,500 gpm with a two-hour duration for residential development. Additional storage to provide incremental fire flow requirements would be the responsibility of individual developers in each of the pressure zones impacted. In the case of Tract 16136, the incremental fire flow of 250 gpm (1,750 gpm – 1,500 gpm) results in an additional storage requirement of 30,000 gallons. Storage requirements for operational and emergency storage are provided by the DWP as part of the meter connection charges.

Existing storage facilities in the Upper Fawnskin pressure zone consist of a single 0.25 million gallon reservoir that is fed by a combination of slant wells, located in the vicinity of the reservoir site, and the Cline Miller booster station that supplies water from the Lower Fawnskin pressure zone. The existing reservoir capacity is adequately sized to meet current storage requirements of existing users while providing fire flow protection for a flow rate of 1,500 gpm over a two-hour duration. Current storage requirements in this zone are estimated at approximately 225,000 gallons; this value is approximately 10 percent below existing storage capacity.

An additional storage of 30,000 gallons would be required in the Upper Fawnskin pressure zone to supply the recommended 1,750 gpm fire flow over a two-hour duration. This additional storage could be provided by either constructing a second reservoir adjacent to the existing Racoon Reservoir or conveying surplus storage capacity in the Lower Fawnskin pressure zone through the existing Cline Miller booster station. This booster station consists of two booster units with a combined capacity of approximately 190 gpm. To make surplus storage from the Lower Fawnskin pressure zone available during power outages, a backup generator at the Cline Miller booster station would be needed. In addition, the capacity of the existing booster station would need to be increased to pump 303 gpm. This flow rate represents a combination of a) estimated maximum day demand at full development in the Upper Fawnskin pressure zone of 38 gpm, b) estimated maximum day demand of 15 gpm from tract 16136, and c) 250 gpm of incremental fire flow into the Upper pressure zone.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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Alternatives to Serve Proposed Tract 16136

Under average and peak summer demands, the proposed development could be served by simply extending existing facilities in the Upper Fawnskin pressure zone. The closest facility in this pressure zone that the development can be connected to consist of a 6-inch pipeline in the vicinity of Flicker Road and Chinook Road. However, existing distribution facilities would not be able to provide the required fire flow capacity needed to protect future residential development in the area. Existing system facilities consist of pipelines ranging in size from 2 to 8 inches in diameter with limited fire flow carrying capacity.

To provide the fire flow requirements indicated by the Office of the Fire Marshall, transmission improvements will be required in the Upper Fawnskin pressure zone. Two alternatives were evaluated to serve the proposed development; a brief description of these alternatives and the required facilities is presented below. Figure 1 illustrates the alignment of proposed transmission facilities for each alternative and the recommended pipelines within the proposed residential tract.

Facilities Common to Both Alternatives. Transmission facilities south of the intersection of Flicker Road and Mesquite Drive to the westerly boundary of the proposed tract are common to both alternatives and consist of approximately 700 ft of 12-inch diameter pipeline. The alignment of this pipeline is shown in Figure 1.

Alternative A. This alternative consists of serving the proposed tract by constructing a dedicated 12-inch transmission pipeline from the vicinity of the Cline Miller Reservoir to the proposed development site. This alternative would also require the construction of a fire booster station at the Cline Miller Reservoir site to augment the capacity of the existing booster units as they are not adequate to provide the recommended fire flow capacity into the Upper Fawnskin pressure zone. To assure that the fire booster unit is operational during power outages, the installation of a 200 kilowatt on-site electric generator is recommended.

The alignment of the recommended transmission pipeline between the Cline Miller Reservoir and the intersection of Flicker Road and Mesquite Drive is depicted in Figure 1. The estimated length of this pipeline is approximately 2,450 ft.

Alternative B. This alternative consists of serving the proposed development by gravity off the existing Racoon Reservoir. Transmission improvements in the Upper Fawnskin pressure zone would be required as existing distribution facilities have limited fire flow carrying capacity; they consist primarily of small pipelines ranging in size from 2 to 8 inches in diameter. Recommended improvements consist of a series of 12-inch segments between the reservoir site and the intersection of Flicker Road and Mesquite Drive as illustrated in Figure 1. The estimated combined length of proposed facilities is approximately 2,800 ft.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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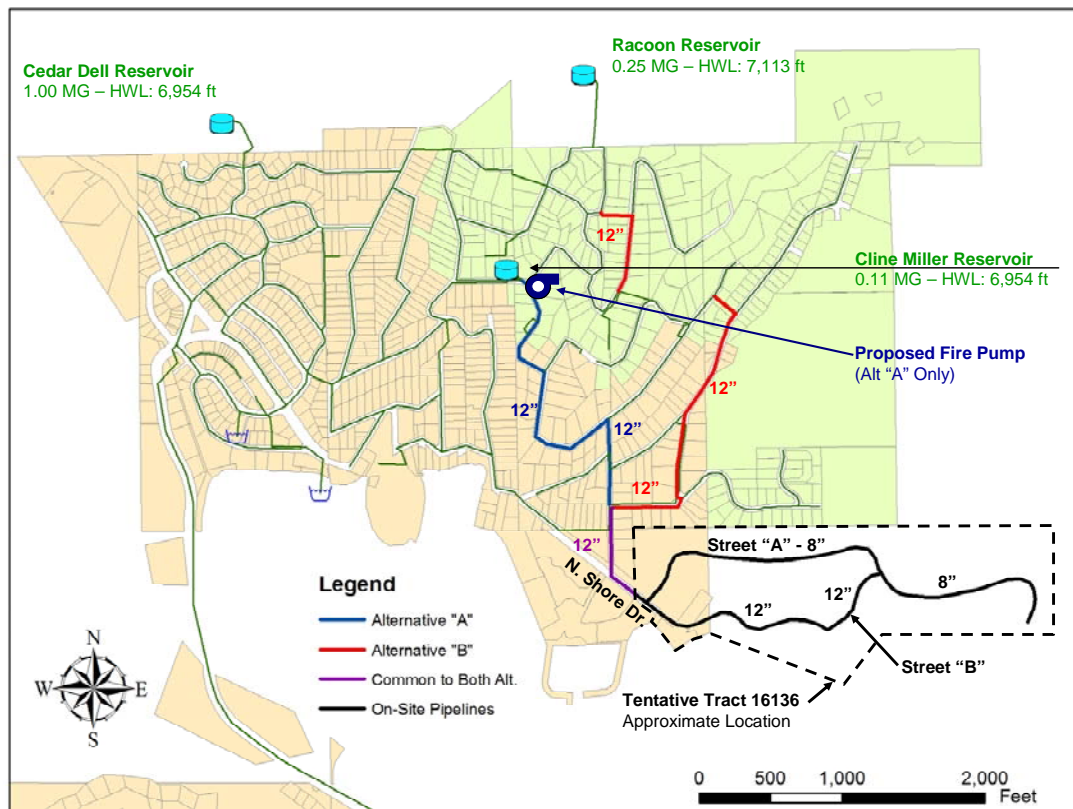


Figure 1

Tentative Tract 16136 - Recommended Facilities Both Alternatives

Alternative "B" would not require the construction of a fire pump at the Cline Miller Reservoir to pump from the Lower to the Upper Fawnskin pressure zone as the majority of the fire flow would be provided by gravity off the existing Racoon Reservoir. However, the existing Cline Miller booster station would have to be refurbished to increase its capacity to convey surplus storage from the Lower Fawnskin pressure zone during a fire flow event. The capacity of this booster station would be increased from its current capacity of 190 gpm to 303 gpm. In addition, an on-site generator would be required to operate the station during power outages. The enhancement of this booster station would eliminate the need to construct additional storage facilities in USFS lands, which are difficult to obtain approval for.

On-Site Facilities. The sizing of pipelines within the proposed tract is the same for both alternatives. Recommended pipeline diameters for the various street segments shown in Figure 1 are described as follows:

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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- North Shore Dr. from tract boundary to Street "A": 150 ft of 12-inch pipeline
- North Shore Dr. from Street "A" to Street "B": 1,600 ft of 12-inch pipeline
- Street "B" from North Shore Dr. to Street "A": 700 ft of 12-inch pipeline
- Street "A" from North Shore Dr. to Street "B": 2,000 ft of 8-inch pipeline
- Street "A" from Street "B" to end of Cul-de-sac: 1,500 ft of 8-inch pipeline

Estimated Cost of Improvements

The capital cost of proposed improvements was based on construction information provided by DWP and from other construction cost information available. The estimated cost of construction for pipelines is estimated at \$15 per diameter inch; the cost for pump stations is estimated at \$2,500 per horsepower. Construction contingencies are estimated at 20 percent while engineering cost is estimated at 15 percent.

It should be noted that estimated capital cost of proposed improvements shown here is for planning purposes only; actual cost of improvements may vary significantly depending on materials and labor cost at the time of construction.

Alternative "A" – Dedicated line from the Cline Miller Reservoir

- 2,450 ft of 12-inch diameter off-site pipeline \$ 440,000
- 700 ft of 12-inch diameter off-site – Common to both Alt. \$ 130,000
- 175 Hp Cline Miller booster fire pump \$ 440,000
- 200 KW on-site emergency generator ⁽¹⁾ \$ 65,000

Sub-total: \$ 1,075,000

Contingency during construction – 20 percent \$ 215,000

Engineering, administration, inspection – 15 percent \$ 165,000

Overall construction cost for off-site improvements \$ 1,455,000

(1) Capital cost estimate includes cost of generator and transfer switch.

ALDA Engineering Inc.

Mr. Scott Heule, C.E.G./C.H.G., Assistant General Manager

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Alternative "B" – Gravity flow from the Racoon Reservoir

■ 2,800 ft of 12-inch diameter off-site pipeline	\$ 505,000
■ 700 ft of 12-inch diameter off-site – Common to both Alt.	\$ 130,000
■ Refurbishing of existing Cline Miller booster station	\$ 100,000
■ 50 KW on-site emergency generator ⁽¹⁾	<u>\$ 35,000</u>
Sub-total:	\$ 770,000
Contingency during construction – 20 percent	\$ 155,000
Engineering, administration, inspection – 15 percent	<u>\$ 115,000</u>
Overall construction cost for off-site improvements	\$ 1,030,000

(2) Capital cost estimate includes cost of generator and transfer switch.

Recommendations

The implementation of either alternative should provide the proposed development with the necessary facilities to meet the recommended fire flow protection of 1,750 gpm during maximum day demand conditions. However, Alternative "B" is preferred because it also enhances the distribution and fire flow capacity of the existing system in the Upper Fawskin pressure zone. In addition, the implementation of this alternative is approximately 29 percent less expensive than Alternative "A".

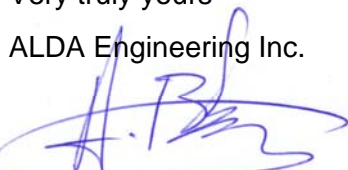
Disclaimer

This feasibility study is based on current system conditions and it is valid for a period of 12 months from the date of this letter. The feasibility of developing the Tract 16136 subdivision may need to be revised and/or reassessed if the project is delayed for a significant period of time. Revisions may result from changes in future water demands, system conditions, and construction cost of recommended facilities.

Should you have any questions, please contact us at 909-587-9916 during normal business hours.

Very truly yours

ALDA Engineering Inc.



F. Anibal Blandon, P.E.
Principal

Proposed Outside Service Agreement for Potable Water Services

Attachment 2

OUTSIDE SERVICE AGREEMENT FOR POTABLE WATER SERVICES

This Outside Service Agreement to provide potable water service to the development known as Moon Camp, east of the community of Fawnskin ("Agreement") is executed this ____ day of _____, 2015, by and between the San Bernardino County Service Area 53 Zone C ("CSA 53C") and City of Big Bear Lake, Department of Water and Power ("DWP"), as follows:

RECITALS

A. The DWP is a department of the City of Big Bear Lake, a municipality of the State of California governed by its own charter. The charter for the City of Big Bear Lake provides the DWP with the power and duty to operate and maintain works and property for the purpose of supplying its inhabitants with water, and to hold in the name of the City any and all property within and without the City that may be necessary or convenient for such purpose.

B. CSA 53C is a county service area formed by the County of San Bernardino, California, for the purpose of providing potable water within portions of the County, including the Fawnskin area therein.

C. The proposed Moon Camp development owns four parcels within CSA 53C, as identified in Exhibit A attached hereto. The proposed development will subdivide the four parcels into fifty (50) lots for residential development and will require potable water services.

D. The DWP operates potable water facilities located outside the City limits of the City of Big Bear Lake, including facilities located within the Fawnskin area and CSA 53C. DWP's potable water facilities are adjacent to the proposed Moon Camp Development.

E. CSA 53C has the jurisdictional authority to provide potable water services. CSA 53C currently does not have potable water facilities and it would not be economical for CSA 53C to provide potable water service to the proposed Moon Camp development. The DWP has filed an exemption request with the Local Agency Formation Commission for San Bernardino County ("LAFCO") to provide potable water services to a portion of CSA 53C, identified on Exhibit A. CSA 53C wishes for the DWP to provide potable water services to these four parcels located within its boundaries. DWP has agreed to provide such services for the compensation and pursuant to the terms hereinafter set forth.

TERMS

1. Potable Water Services. DWP agrees to provide potable water services for the above four parcels in the same manner and to the same extent that such services are currently being provided for DWP's Fawnskin Service Area, for the term of this Agreement.

RECEIVED
NOV 04 2015
LAFCO
San Bernardino County

2. Compensation. DWP will be compensated for said potable water services in compliance with its Residential Rate Schedule and Fire Service Rate Schedule where applicable. The Moon Camp developer will be responsible for construction the on-site and off-site potable water facilities required to serve the proposed development. CSA 53C has no obligation to provide infrastructure or funds for infrastructure for the purpose of providing water service to the Moon Camp Development

3. Payment. Each future Moon Camp residential property owner will be responsible to pay DWP the required stand-by fees, capacity fees, meter installation fees and water service fees. CSA 53C has no obligation to DWP for payment of water service in connection with the Moon Camp Development.

4. Term. The term of this Agreement shall commence upon the effective date of LAFCO's approval of DWP's exemption request to provide potable water service outside of their service area, and shall continue in perpetuity unless terminated by CSA 53C, contingent on approval by the governing body of CSA 53C. Any change in service provider would require full disclosure to effected customers and property owners.

5. Disputes. Should a dispute arise regarding the interpretation, application or enforcement of this Agreement, the parties hereto agree to meet and utilize good faith efforts to resolve the dispute amicably, through negotiated settlement. In the event that such efforts are unsuccessful and legal action on this Agreement is initiated by either party against the other, each party, regardless of whether a party is the prevailing party in such action, shall bear its own costs and reasonable attorneys' fees.

6. CSA 53C agrees to indemnify, defend (with counsel reasonably approved by DWP) and hold harmless DWP and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this Agreement from any cause whatsoever, including CSA 53C's acts, errors or omissions of any person and for any costs or expenses incurred by DWP on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. CSA 53C's indemnification obligation applies to DWP's "active" as well as "passive" negligence but does not apply to DWP's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

DWP agrees to indemnify, defend (with counsel reasonably approved by CSA 53C) and hold harmless CSA 53C and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this Agreement from any cause whatsoever, including DWP's acts, errors or omissions of any person and for any costs or expenses incurred by CSA 53C on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. DWP's indemnification obligation applies to CSA 53C's "active" as well as "passive" negligence but does not apply to CSA 53C's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

In the event the both parties are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under the Agreement, the parties shall indemnify the other to the extent of its comparative fault. In the event of litigation arising from this Agreement, each party to the Agreement shall bear its own costs, including attorney fees.

7. CSA 53C and DWP are authorized self-insured public entities for purposes of Professional Liability, General Liability, Automobile Liability and Workers' Compensation and warrant that through their respective programs of self-insurance, they have adequate coverage or resources to protect against liabilities arising out of the performance of the terms, conditions or obligations of this agreement.

IN WITNESS WHEREOF the parties have executed this Agreement on the date set forth above.

BOARD GOVERNED COUNTY SERVICE AREA 53C

►

James Ramos, Board Chairman

Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Laura H. Welch, Clerk of the Board

By _____
Deputy

**CITY OF BIG BEAR LAKE
DEPARTMENT OF WATER AND POWER**

By _____
Reginald A. Lamson, General Manager

Dated: _____

**LAFCO Resolution No. 3141 for the
Service Review for the
City of Big Bear Lake**

Attachment 3

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490
(909) 383-9900 • Fax (909) 383-9901
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO 3125

HEARING DATE: August 15, 2012

RESOLUTION NO. 3141

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3125 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF BIG BEAR LAKE (affirmation of existing sphere of influence).

On motion of Commissioner Cox, duly seconded by Commissioner McCallon, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, a public hearing by this Commission was called for August 15, 2012 at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

WHEREAS, at this hearing, this Commission certified that the sphere of influence update is statutorily exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on August 15, 2012. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

RESOLUTION NO. 3141

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence shall be affirmed for the City of Big Bear Lake (hereafter shown as the "City") as depicted on the map attached as Exhibit "A" to this resolution;

WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated August 6, 2012 and received and filed by the Commission on August 15, 2012, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

1. Growth and population projections for the affected area:

The current land use designation within the City of Big Bear Lake (based on the City's General Plan originally adopted in 1999) includes approximately 6.6% Rural Residential (5% of which is within the City's unincorporated sphere area designated by the County as Rural Living, 40 acres minimum), 1.6% Equestrian Estates, 35.3% Single-Family Residential, 6.1% Multiple Family Residential, 10.3% Commercial and/or Industrial, 2.8% Village Specific Plan, 2.2% Public Facilities, 4.8% Open Space, 9.3% roads, and 21% is designated Big Bear Lake (within the City's unincorporated sphere area designated by the County as Floodway).

Within the City's entire sphere, roughly 99% of the land is privately owned and the remainder, 1%, is public, which is devoted primarily to resource protection and recreational use.

**Land Ownership Breakdown (in Acres)
Within the City of Big Bear Lake**

Ownership Type	City	Unincorporated Sphere	Total Sphere Area
Private	4,072	1,445	5,517
Public Lands – Federal (BLM), State, & others	40	0	40
Total	4,112	1,445	5,557

Population Projections

In 2000, the population within the City's boundaries was 5,438. By 2010, the City's population decreased by 7.9 percent to 5,019 mainly due to the economic downturn that happened a few years ago. According to the City, there has been sparse development and the tourism industry has been significantly impacted. The City also indicated that numerous jobs have been eliminated within the City.

The Commission projected the growth for the City's boundaries utilizing a combination of the growth rates identified in the Regional Council of the Southern California Association of Governments (SCAG) Draft 2012 Regional Transportation Plan (RTP) Integrated Growth Forecast for the City of Big Bear Lake for the given periods and the use of average annual growth rate. By 2040, the population within the City is estimated to reach 7,533. This represents a projected annual growth rate of approximately 1.36 percent between 2010 and 2040, which also represents a total population increase of 50 percent from 2010.

RESOLUTION NO. 3141

Population Projection 1990-2040 Within the City of Big Bear Lake

Census ¹			Population Projection					
1990	2000	2010	2015	2020	2025	2030	2035	2040
5,351	5,438	5,019	5,311 ²	5,619 ³	6,046 ⁴	6,506	7,001	7,533

¹ Data derived from the 1990, 2000, and 2010 Census for the City of Big Bear Lake.

² 2015 projection were calculated using Average Annual Growth Rate based on the compounded rate between 2010 and 2020

³ 2020 and 2035 population data was taken from SCAG's 2012 RTP Revised Draft Integrated Growth Forecast using local input and latest data from the 2010 Census, the California Employment Development Department, and the California Department of Finance - (published May 2011).

⁴ 2025, 2030, and 2040 projections were calculated using Average Annual Growth Rate based on the compounded rate between 2020 and 2035

The population projection shown above may represent an unattainable growth trend based on the historic growth experienced in the community. In addition to the population decline experienced in the last 10 years, there are other circumstances in the City that tend to restrict growth such as availability of lands for development. Based on these issues, actual growth is expected to be much lower than projected.

Therefore, in order to represent a more realistic growth projection for the City, the Commission revised the projected growth rate between 2020 and 2040 based on the growth rate projection identified in the Urban Water Management Plan recently prepared for the City's Department of Water and Power, which had an annual growth rate of approximately 0.7 percent. As shown in the revised projection below, it is estimated that the population within the City is expected to reach only 6,460 (instead of 7,533) by 2040, or a total population increase of just 29 percent (instead of 50 percent) from 2010.

Revised Population Projection 2010-2040 Within the City of Big Bear Lake

Census	Population Projection					
2010	2015	2020	2025	2030	2035	2040
5,019	5,311	5,619	5,818	6,025	6,239	6,460

Build-out

The table below provides the potential build-out within the City's territory. This build-out scenario takes into consideration the existing land use designations assigned for the area and the dwelling unit densities assigned for each residential land use.

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Land Use Maximum Build-Out Within the City of Big Bear Lake

Land Use	Acreage	Density (D.U. Per Acre)	Maximum Build-out (DU's)
Rural Residential (RR)	360	0.4	144
Equestrian Estates (EE)	90	1.0	90
Single Family Residential – 3 (SFR-3)	263	3.0	789
Single Family Residential – 4 (SFR-4)	1,699	4.0	6,796
Multiple Family Residential	332	12.0	3,984
Total Residential	2,744		11,803

The revised population projections identified earlier indicates that the population within the City's territory will be 6,460 by 2040. Based on the maximum residential build-out within the City's territory, the projected maximum population is anticipated to reach 28,551 (at @ 2.419 persons per household based on the ratio for the City of Big Bear Lake as identified in the State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, 2001-2010). Likewise, based on the projected population for 2040, it is anticipated that the number of households within the City's territory will be 2,671 with a maximum potential build-out to reach approximately 11,803. These imply that the study area will reach 23 percent of its potential household and population capacity by 2040.

Population and Household Projection Within the City of Big Bear Lake

	Projection 2040	Maximum Build-out	Ratio of 2040 Projection with Maximum Build-out
Population	6,460	28,551	0.23
Households	2,671	11,803	0.23

Additional Population Implications

Lately, home foreclosures have also affected the City. According to data obtained from staff of the County of San Bernardino Assessor's Office, from 2004 to 2006 the City had 13 foreclosures. The number rose sharply to 56 in 2007 and escalated to 132, 178, and 162 for the next three years. For the purpose of generally representing the extent of the foreclosure activity within the City, the 2010 Census identifies that there were a total of 9,705 housing units within the City and based on the foreclosure of 541 homes, this represents 5.6 percent of the total household units within the City. Additionally, not only does this imply an increase in vacancy rate, this also suggests a possible reduction in overall population.

In addition, the City's population projections shown above also do not reflect the full extent of the economic and housing conditions for the City since these figures are for the permanent population and do not take into account seasonal and tourism activities.

For purposes of planning and designing infrastructure and future service delivery, the seasonal population must be taken into consideration. Because the City is a year-round resort and tourist destination, the population can substantially increase during peak weekends. Not only does this have a significant impact on City services, it also has a long

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term economic impact on local, state and federal funding formulas that are based on permanent population and not based on actual demand.

2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence:

Beginning January 2012, LAFCO is now required to determine the location and characteristics of disadvantaged unincorporated communities (DUC). DUCs are those communities that have an annual median household income that is less than 80 percent of the statewide annual median household income, which is under \$46,285 (defined by Government Code Section 56302). Based on the Median Household Income taken from the 5-year 2006-2010 American Community Survey block group level data, and the Commissions adopt policies related to defining a community, there are no disadvantaged unincorporated communities within the City of Big Bear Lake current sphere of influence.

The unincorporated community of Big Bear City and portions of the National Forest are considered disadvantaged unincorporated communities that are contiguous to the City's sphere of influence. The unincorporated community of Big Bear City, which includes the unincorporated portion of the Moonridge area, is adjacent to the City's eastern sphere of influence. The adjacent unincorporated community of Big Bear City is developed with mostly single-family residences with generally a BV/RS (Bear Valley/Single Residential) land use.

3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:

The City directly provides water and sewer collection within its boundaries. However, it also provides water facilities outside of its jurisdiction that extend well beyond its corporate boundaries. The Big Bear Lake FPD, a subsidiary district of the city, provides fire protection and emergency medical response. As a municipality, the City is responsible for law enforcement within its boundaries and has chosen to contract with the County for law enforcement services tailored to its needs and financial resources. In addition, the City provides streetlighting, solid waste, road maintenance, and animal control services within its boundaries. The City also provides park and recreation services although the Big Bear Valley Recreation and Park District overlays the City and has facilities within the City.

Water

The City operates its water system through its Department of Water and Power ("DWP"). As mentioned earlier, the City of Big Bear Lake took over the Big Bear Water Systems of Southern California Water Company ("SCWC") in 1989. Although the City is the responsible entity, its charter and documents refer to the DWP as the water entity. As of 2010, the DWP provides water service to almost 16,000 customers from four separate water systems: Big Four (which is a combination of the Big Bear, Moonridge, Sugarloaf and Erwin Lake systems), Lake Williams, Fawnskin, and Rimforest. The "Big Four" system delivers water to four communities, but is licensed by the California Department of Health Services as two systems – Big Bear Lake/Moonridge and Erwin Lake/Sugarloaf systems. The "Big Four" system is the largest of the water systems with 13 pressure zones and approximately 14,320 active connections that serve the City, portions of Big Bear City, the unincorporated Moonridge area, and the unincorporated areas of Sugarloaf and Erwin Lake. The Lake Williams system, which serves the Lake Williams area has approximately 120 active connections and is supplied by three active groundwater wells that pump into a reservoir. The Fawnskin system, which serves the north shore area with approximately 710 connections, is served by two pressure zones with six groundwater wells that pump directly

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into the system or into its existing reservoirs. The DWP provides water to its Bear Valley customers by pumping ground water from local aquifers. Currently, no outside water source is available to augment the local supply. The Rim Forest system, which serves the unincorporated area of Rim Forest located in the Lake Arrowhead community, has approximately 300 connections. Water used in this system is purchased from the Crestline-Lake Arrowhead Water Agency ("CLAWA") the state water project contractor for the area. The Big Bear Shores RV Resort system, although technically not considered a part of the DWP's main water systems, serves a small RV Park along the north shore with a single connection that is served by two groundwater wells that pump into a small on-site reservoir.

DWP Water Service Area

There has always been confusion as to the extent of where the DWP provides water service outside of the City's corporate limits. As identified earlier, the City of Big Bear Lake took over the Southern California Water Company's (SCWC) Big Bear Water Systems in 1989. The Big Bear system includes areas located outside of the City's boundaries: the unincorporated communities of Moonridge, Sugarloaf, Erwin Lake, Lake Williams, Fawnskin, and Rimforest.

In 1994, when the Commission adopted policies related to the implementation of Government Code Section 56133 on Out-of-Agency Service Agreements, one of the policies it adopted was associated to the City's acquisition of the SCWC's system that included areas outside of its boundaries and outside of its existing sphere of influence. Back then, LAFCO requested that the City provide information on its existing area where it was obligated to serve. The City responded by providing LAFCO with copies of the certificated service area maps of the former SCWC's Big Bear system as approved by the Public Utilities Commission (PUC).

However, the PUC maps did not clearly show the boundaries of its existing service area. Not only were the boundaries vaguely delineated on the map, the boundaries were also not parcel specific. In addition, the maps did not accurately show all of the areas where the SCWC was providing a service – which included cabins within the US Forest Service (USFS) lands.

Through the service review process, LAFCO and the DWP staffs extensively reviewed its water service boundaries using not only the PUC maps, but also identifying all the parcel or lots that it currently serves including those USFS lands that are being served by the DWP (i.e. Bear Mountain and Snow Summit areas, Lakeview Tract, Pine Knot Tract, Metcalf Creek Tract, Big Bear Tract, and Willow Glen Tract). Copies of the information provided by the DWP related to the verification of its service area (dated December 9, 2011 and January 20, 2012) including all other correspondence related to its water service areas, are on file in the LAFCO office. In addition, LAFCO made adjustment to its water service boundaries to correspond to existing assessor parcel lines.

The maps included as Exhibit "B" illustrate the DWP current water service boundary as reviewed by LAFCO and DWP staffs. These are to be used as the basis, under Government Code Section 56133, for defining the City of Big Bear Lake water service area as of January 1, 2001. The DWP will be allowed to extend service within these boundaries to any undeveloped parcel without necessity for additional approval by LAFCO under Government Code Section 56133.

Camp Oakes Parcels:

The City's DWP has identified that it has been negotiating with the property owners of Camp Oakes (Long Beach YMCA) regarding a mutually beneficial project in the community of Lake Williams. The DWP is interested in drilling a well within the camp

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property to serve the community. Likewise, the Camp Oakes people have voiced their interest in being served by the DWP since they do not want to be in the water business and would like to turn off their private wells and avoid the maintenance of their private facilities. The Commission understands that an agreement is being developed at this time.

Therefore, as part of the service review process, the City, through its DWP, would like to include the Camp Oakes parcels (APNs 0315-291-02, 03, 14, and 15) within its water service area. Because of the benefit of having a new well for the community of Lake Williams that is anticipated to remove the current building moratorium imposed on the community, and the property owner's desire to do away with their obligation to maintain its own private water system, both of which are valid health and safety reasons, the Commission supports this inclusion.

High Timber Ranch Project:

The City's DWP has also identified that it would like to serve the balance of the proposed High Timber Ranch project (APN 2350-021-10). The Commission understands that the project is not being developed at this time nor is it anticipated to be developed anytime soon based upon economic conditions. Although the parcel is adjacent to the DWP's existing facilities, it is within the Big Bear City Community Services District (CSD) boundaries. In reviewing this potential service extension request, the Commission identified to the DWP that it will support its request for a conditional approval for inclusion of the High Timber Ranch parcel, if the Big Bear City CSD indicates its inability to serve and consents to the DWP extension of service to the project.

Through this service review process, the Commission accepts the DWP's current water service area as shown on Exhibit "B" for use under the provisions of Government Code Section 56133, noting that these services existed prior to January 1, 2001 and therefore are grandfathered in. In the future, water service extension outside this defined water service area will require a sphere of influence amendment for the City of Big Bear Lake, and LAFCO review and approval of an out-of-agency service agreement under Government Code §56133 prior to contracting for the provision of service with the exception of the High Timber Ranch Project and Camp Oakes. A condition of approval will allow for the extension of service to Camp Oakes immediately and High Timber Ranch upon notice from the Big Bear City CSD that it cannot serve and it consents to the DWP serving the project.

Urban Water Management Plan

Pursuant to the Urban Water Management Planning Act (California Water Code, Division 6, Part 2.6, Section 10610, et seq.), each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero, and shall file with the Department of Water Resources ("DWR") a copy of the plan. In years ending in six and one, DWR submits a report to the State Legislature summarizing the status of the plans and identifies the outstanding elements of the individual plans. The DWP did provide its 2005 Urban Water Management Plan ("UWMP") to DWR, albeit with a late submission. For the 2010 UWMP, the DWR extended the 2010 submission date to June 30, 2011. The DWP has notified the Commission that it adopted its 2010 UWMP on June 26, 2012, and submitted the document to the DWR on July 18, 2012.

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The following information regarding water supply, recycled water, water demand, and water conservations, is taken from the 2010 UWMP.

- *Supply*

The City's DWP primarily produces potable water from groundwater wells. These wells produce water from the subunits of the Bear Valley groundwater basin, through pumping or by gravity. The DWP does not currently use surface or imported water to meet its water demand, with the exception of the Rimforest area, which is served solely by imported water delivered from the Crestline Lake Arrowhead Water Agency ("CLAWA").

The DWP's projected water supplies are shown below:

Table 3.1 Current and Projected Demand						
Supply Source	Annual Pumping (afy)					
	2010	2015	2020	2025	2030	2035
Groundwater	2,152	2,228	2,307	2,389	2,474	2,562
Imported to Rim Forest	53	55	57	59	61	63
Total	2,205	2,283	2,364	2,448	2,535	2,625
<u>Notes:</u> Supply shown is based on the demands projected in Chapter 5 and meet water conservation requirements associated with the Water Conservation Act of 2009, discussed in Chapter 6. The calculations used for the demands are based on a 0.7% growth in demand each year, beginning in 2010.						

These quantities are based on projected demands and meet all state water conservation requirements. As shown under Groundwater, the average annual demand is under the safe yield of the basin, which is 3,100 acre-feet per year (afy), and within DWP's allocation. The perennial yield of the basin is estimated at 4,800 afy (Geoscience, 2006).

The DWP distributes their potable water supply through a distribution system consisting of five water systems with 15 separate pressure zones, 176 miles of pipeline, 62 wells, 16 reservoirs, 12 booster stations, 41 pressure reducing valves, 26 chlorination stations, and 22 sample stations. The DWP operates a total of 62 wells, 39 vertical wells and 23 slant wells. For the Rimforest system, potable water meeting all state and federal drinking water standards is delivered from CLAWA to Rimforest, providing approximately 60 to 70 afy. Because the Rim Forest area is built out, demand is projected to only slightly increase in the future.

Groundwater underlying the DWP's service area is of good quality and requires little treatment before use in the potable water supply system. Maximum perennial yield for the Bear Valley groundwater basin has been established at 3,400 afy with 3,100 afy of that volume being available to the DWP.

Bear Valley lies in the northeastern portion of the Santa Ana River Watershed. The Bear Valley groundwater basin (Basin) is primarily composed of alluvium and the main tributaries include Grout Creek, Van Dusen Canyon, Sawmill Canyon, Sand Canyon, Knickerbocker Creek, Metcalf Creek, and North Creek. Based on the drainage system, Bear Valley is divided into 16 hydrologic subunits.

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None of the groundwater basins in the DWP service area are adjudicated. At present, no subunit within the Bear Valley groundwater basin is in overdraft. The DWP uses 62 wells to extract water from the Basin. Annual use of the groundwater is identified on the table below:

Table 3.2 Amount of Groundwater Pumped by DWP					
Basin Name	Historical Groundwater Pumped from Basin (afy)				
	2006	2007	2008	2009	2010
Big Bear Valley Basin	2,473	2,672	2,452	2,316	2,152
% of Total Water Supply	98%	98%	98%	98%	98%

Projections of groundwater to be pumped from the Basin are shown on the table below. Demand projections are based on the assumption that groundwater will be used to meet all of the DWP's water supply in the Valley, and it is anticipated that the amount of groundwater pumped will gradually increase through year 2035. Groundwater wells will be added to the water systems as needed.

Table 3.3 Amount of Groundwater to be Pumped						
Basin Name	Projected Annual Groundwater Pumped from Basin (afy)					
	2010	2015	2020	2025	2030	2035
Big Bear Valley Basin	2,152	2,228	2,307	2,389	2,474	2,562
Total	2,160	2,228	2,307	2,389	2,474	2,562
<u>Notes:</u>						
(1) Based on total demand in 2010 using population projections from Table 2.1						

Imported water is only used to meet demands in the Rimforest community. This area is geographically separate from Bear Valley, located in the Lake Arrowhead community, and receives water from CLAWA. Typically, Rimforest's annual demand is approximately 60 afy. Because Rim Forest is essentially fully developed, demand volumes are projected to only slightly increase between 2015 and 2035, as shown on the table below.

Table 3.4 Projected CLAWA Purchases for Rimforest						
Supply Source	Annual Supply (afy)					
	2010	2015	2020	2025	2030	2035
CLAWA	53	55	57	59	61	63
Total	53	55	57	59	61	63
<u>Notes:</u>						
As with both population and demand projections, imported supply purchases for Rimforest are anticipated to grow at a rate of 0.7% annually						

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Rimforest's potable water demand will be supplied entirely through imported water from CLAWA as no groundwater wells exist in the area.

- *Recycled Water*

The DWP does not have a recycled water system. The Big Bear Area Regional Wastewater Agency ("BBARWA") provides wastewater treatment within its service area. BBARWA discharges the secondary wastewater treatment plant effluent to a 480 acre site in Lucerne Valley where it is used to irrigate feed crops, which currently operates at approximately 2.5 million gallons per day (mgd). The sludge is collected, dewatered, and hauled to disposal facilities. BBARWA is permitted to discharge treated wastewater for irrigation, construction compaction, dust control, and wildland firefighting in the Valley. Therefore, recycled water is not available and is not currently utilized in the DWP's service area.

In the DWP's 2006 Water Master Plan, it was speculated that recycled water would best be utilized by the DWP if put towards groundwater replenishment. These findings were echoed in the DWP's own *Reconnaissance Analysis of Alternative Water Sources* document from March 2010, listed below.

Table 4.2 Potential Future Recycled Water Use

User Type	Treatment Level	Potential Recycled Water Demand (afy)
Groundwater/Bear Creek/Bear Lake Recharge	Advanced Water Purification ⁽¹⁾	500 - 2,000
Snow Making	Advanced Water Purification ⁽¹⁾	1,100
Golf Course Irrigation	Advanced Water Purification ^(1,2)	120
Notes: (1) Secondary wastewater treatment, microfiltration, reverse osmosis, ultraviolet disinfection, and advanced oxidation. (2) Due to public concern regarding possible contamination of the small Rathbone groundwater subunit, advanced purification may be necessary		

Thus, groundwater or surface water replenishment is the primary projected uses of recycled water in the DWP's service area. It was estimated that recycled water could potentially enhance the DWP's water supply by up to 1,000 afy.

Similarly, recycled water could be used enhance Bear Creek. Another application for recycled water is snowmaking, which currently requires water to be taken from Big Bear Lake. Finally, recycled water could be used to irrigate the Bear Mountain Golf Course, which currently irrigates with groundwater. This would allow the DWP to increase its pumping from the Rathbone Subunit.

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- *Demand*

As of 2010, the DWP maintains 15,738 water meters, in which 14,904 (95 percent) are residential while the rest were commercial and others types of connections. The historical water use is shown on the table below.

Table 5.1 Historical Water Use			
Year	Average Annual Population⁽¹⁾	Water Demand (afy)	Per Capita Consumption (gpcd)
1995	23,754	2,624	99
1996	23,922	2,658	99
1997	24,090	2,719	101
1998	24,260	2,766	102
1999	24,431	2,828	103
2000	24,604	2,999	109
2001	24,777	3,044	110
2002	25,290	2,948	104
2003	25,667	2,655	92
2004	24,946	2,667	95
2005	25,220	2,514	89
2006	25,307	2,547	90
2007	25,529	2,736	96
2008	25,397	2,483	87
2009	25,426	2,374	83
2010	25,462	2,205	77
Average	24,880	2,673	96
Notes: (1) Since annual population estimates for the DWP service area were not available, historic population estimates were calculated from the number of service connections for each year between 2001 and 2010. A benchmark of the year 2010 was used based on census data (USCB, 2010). Average annual population includes an adjustment for seasonal population as discussed in Chapter 2.			

The historical water use ranged from 110 to 77 gpcd during this span. Water demand began dropping in 2002, most likely due to water conservation efforts by the DWP. Per capita consumption continues to decrease gradually from its peak in 2001.

Based on the projected trends in population and historical consumption rates, DWP's projected future water demand is shown on the table below. The demand projection is based on a 0.7% growth rate beginning in 2010.

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Table 5.2 Demand Projections			
Year	Average Annual Population⁽¹⁾	Per Capita Consumption (gpcd)	Demand (afy)
2010	25,462	77	2,205
2015	26,366	77	2,283
2020	27,302	77	2,364
2025	28,271	77	2,448
2030	29,274	77	2,535
2035	30,313	77	2,625
Notes:			
1. Population projections from Table 2.2			

Projected per capita water use for 2020 meets the requirements established in SB-7x7 for a 20 percent reduction in water use.

- Water Conservation**

The Water Conservation Act of 2009 (SBx7-7) requires that all water suppliers increase water use efficiency with the overall goal to decrease per capita consumption within the state by 20 percent by year 2020. The California Department of Water Resources ("DWR") provided different methods to establish water conservation targets.

The water conservation targets per method as developed with data provided by the DWP are shown below:

Table 6.4 Conservation Method Overview				
Conservation Calculation	Conservation Target (gpcd)		Reduction by 2020	
	Year 2015	Year 2020	From Baseline⁽¹⁾	From 2010 Usage⁽²⁾
Method 1	91	81	-20%	+5%
Method 2	n/a	n/a	n/a	n/a
Method 3	157	142	+41%	+84%
Method 4	n/a	n/a	n/a	n/a
Notes:				
1) Baseline consumption is 101 gpcd				
2) 2010 consumption is 77 gpcd				

The DWP decided to use Method 3, identified as the Hydrologic Region Method. This method identifies specific urban water use targets for each of the ten hydrologic regions. The DWP falls in Hydrologic Region 4 (South Coast) which has a target use of 142 gpcd for year 2020. Therefore, Method 3 will provide the DWP with the optimal conservation goal.

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Capital Improvement

In FY 2010-11 the DWP completed \$7 million in infrastructure improvements, split roughly two-thirds for system rehabilitation and one third for capital projects related to meeting peak demands and future growth. The focus of this capital investment program was to continue to improve fire flow throughout the system, replace aging wells, and increase overall pumping capacity to meet peak demands. It included three pipeline replacement projects; equipping two previously drilled wells; drilling two new wells; and evaluating additional sites for future wells. Additionally, the DWP developed an augmented inventory and database of the DWP's facilities. This database will provide the foundation for future long term infrastructure planning.

For FY 2011-12, the DWP planned to replace aging and inadequate infrastructure systems – specifically pipeline replacement, well drilling and equipping, and seeking new well sites. This investment is made possible primarily through funding that is currently in process from the USDA and supplemented by revenues expected from the DWP's nine percent rate increase effective July 2011. As of June 30, 2011, DWP has drawn \$2,166,698 in proceeds from the 2010 USDA Bond for the construction and replacement of wells and pipelines within the DWP's water systems. The balance of the 2010 USDA Bond is expected to be drawn in Fiscal Year 2012/13. When finalized, the additional funding will help to equip three wells and replace 13,300 linear feet of aging pipeline. With these projects completed the DWP will have replaced nearly 22,000 linear feet of pipe, and brought two new wells and three replacement wells on line. This addresses nearly all of the "Priority 1" projects identified in the 2005 Master Plan.

Other minor projects to be funded from operating revenues include replacing pressure regulating valves, replacing hydrants, meters and meter boxes, and providing general professional services.

Since acquiring the water systems in 1989, the DWP has invested substantial resources to reducing the number of water main leaks:

Number of Water Main Leaks Repaired by Area				
Fiscal Year Ending June 30	1993	2000	2005	2010
Big Bear Lake	436	41	13	13
Moonridge	0	49	16	10
Fawnskin	24	28	5	1
Sugarloaf	154	4	0	2
Erwin Lake	0	4	0	1
Lake William	2	0	0	1
Rimforest	48	0	0	0
Total System Main Leaks	664	126	34	28

Fire flow requirements are not met in all segments of the water system partially due to the age of the system and partially because fire flow requirements have changed. The 2006 Water Master Plan identified \$110 million worth of needed system upgrades, most for fire flow. The DWP estimates that it will take 20 to 30 years to address all of the fire flow issues.

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Recommended improvements have been grouped into three priorities. Priority 1, concentrates on replacing a limited number of pipelines in the most fire flow deficient areas, developing new wells to augment supply, adding storage in the Fawnskin system and completing the facilities required to convey water from Barton to the future La Crescenta reservoir. According to the DWP, by the end of FY 2011-12 essentially all of the Priority 1 pipeline projects are estimated to be complete and will begin to address Priority 2 projects. Priority 2 focuses on replacing additional pipelines to augment fire flow capacity in all systems and augmenting capacity from local sources. Finally, Other Replacement Pipelines facilities include replacing all pipelines less than six inches in diameter that have not been considered under any of the two initial priorities. The total capital cost (2006 dollars) of the proposed improvements is summarized as follows:

Priority 1	\$ 11,950,000
Priority 2	\$ 60,000,000
Other Replacement Pipelines	\$ 37,000,000

DWP customers can get a \$100 rebate for replacing an old, high-flow toilet with a new, low-flow toilet that uses 1.6 gallons per flush or less. All DWP customers are eligible for free low-flow showerheads and aerators. The DWP will pay its customers \$0.50 for each square foot of turf removed over 500 square feet.

According to the DWP, it is still operating under a Stage 1 water shortage emergency pursuant to California Water Code 350 (for all service areas except Lake Williams, which is operating under a stage 2). The DWP limits new connections to 160 equivalent dwelling units (EDU) per year. The average home is equivalent to one EDU but larger homes can be equivalent to more than one. If there are unused EDU's at the end of the fiscal year, then they are carried over to the next year. As of July 1, 2012, there are 575 EDU's available to the public. According to the DWP, it has been selling an average of 25 EDU's per year over the last few years and the most it has sold in a year is 300 EDU's.

Water Rates

The residential retail water rates of the two retail water providers in the Bear Valley are identified in the chart below.

Residential Water Rate Comparison (July 2012) (rates measured in units, or one hundred cubic feet)

Agency	Water Use Rate				Monthly Meter Charge (5/8" Meter)	Monthly Avg. Cost (20 units of water)
	Tier One	Tier Two	Tier Three	Tier Four		
City of Big Bear Lake – Department of Water & Power	\$2.45	\$3.40	\$5.07	\$8.36	\$81.32	\$110.72
Big Bear City CSD	\$1.48	\$1.86	\$2.21	--	\$40.04	\$69.64
Rates rounded to the nearest hundredth ¹ Service Charge base rate includes 8 units						

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Sewer

The Big Bear Area Regional Wastewater Agency ("BBARWA") is a joint powers authority formed for the purposes of planning and constructing sewer improvements to serve the member entities' service areas, obtaining State and Federal Clean Water grants, financing the local share of project costs, and operating the regional facilities. The member agencies are the CSD, the City of Big Bear Lake, and the County of San Bernardino on behalf of CSA 53 Zone B.

Each member agency maintains and operates its own wastewater collection system and delivers wastewater to BBARWA's interceptor system for transport to the wastewater treatment plant. The purpose of the plant is to treat sewage flows from the member agencies and to accept septic waste from residents and businesses, which are not served by a collection system. The treatment plant currently operates at about 2.5 million gallons per day. The effluent is discharged to farm lands in Lucerne Valley and the sludge is collected, dewatered, and hauled to disposal facilities off the mountain.

The Public Works Sanitation Division services about 10,680 properties (13,270 equivalent dwelling units). The City's sewer system consists of over 250 miles of sewer lines, 13 lift stations with 29 pumps (from a 2.5 horsepower to a 47 horsepower), and over 6,000 manholes. Pipeline materials include a combination of concrete irrigation pipe, vitrified clay pipe, cast iron pipe, asbestos cement pipe, and polyvinyl chloride pipe. Pipe sizes range from 4-inches to 24-inches in diameter, with over 90 percent of the system comprised of 6-inch and 8-inch diameter pipes.

The system is divided into Assessment Districts and Tracts (there are 20 Assessment Districts and 15 Tracts within the City of Big Bear Lake). In Assessment Districts 1 through 8, the City is responsible for the main line and wye connections at the main. In Assessment Districts 9 through 20, the City is responsible for the main line and the lateral to the property line. In Assessment Districts 14 through 20 and in the tracts, the laterals have a locating device on the end of the lateral.

The City has developed a Sewer System Management Plan (SSMP) pursuant to the State Water Resources Control Board Order 2006-0003. The SSMP describes the management, planning, design, operation and maintenance of the City's sewer sanitary sewer system. The goal of the SSMP is to minimize the frequency and severity of sanitary sewer overflows.

The sewer system averages 13,500 GPM per month on out bound flows on larger stations, which more than doubles during the peak seasons. Collected flows are transported from the City to BBARWA for treatment with ultimate distribution to an alfalfa farm in Lucerne Valley. The sewer fee collected on the tax roll of \$373.14 includes a component unit for BBARWA and a component unit for the City's collection system.

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Sewer Rates for Fiscal Year 2012-13:

AGENCY	SEWER SERVICE FEE
Bear Valley Community	
City of Big Bear Lake	\$31.10 monthly service charge; plus \$373.14 per served parcel on tax roll for BBARWA charges and other City sewer related charges \$62.20 is the monthly charge
Big Bear City CSD	\$119.29 annual system maintenance charge* \$173.76 annual BBARWA treatment charge* \$24.42 is the monthly charge
CSA 53B	\$55.82 monthly service charge
Other Mountain Providers	
Lake Arrowhead CSD	\$45.50 monthly service charge
CSA 79	\$63.24 monthly service charge
Arrowbear Park County Water District Running Springs Water District*	\$30.00 monthly service charge \$27.45 plus 15% of water usage \$3.00 wastewater pollution control plant loan repayment
*Place on individual property tax bill annually	

Law Enforcement

The City of Big Bear Lake also contracts with the San Bernardino County Sheriff's Department for criminal law and traffic enforcement. The Sheriff also provides all required administration, dispatch and clerical service. Specialized services such as homicide, narcotics, child crimes, aviation, crime lab, and crime prevention are provided as part of the contract. The Sheriff's Department maintains volunteer forces including Line Reserves, Search and Rescue, Horse Posse and Citizens on Patrol. The Big Bear Lake station is located at 477 Summit Boulevard. The contracted cost with the Sheriff since FY 2009-10 is as follows: 2009-10 (\$2.29 million); 2010-11 (\$2.42 million); 2011-12 projected year-end (\$2.62 million); and 2012-13 proposed budget (\$2.73 million).

Streetlighting

The City provides streetlights within its corporate limits. Bear Valley Electric owns the streetlights and responds to problems, and the City provides for payment of the utility costs associated with the individual lights. Since the data for streetlights within the City was not readily available, verification of streetlight location and/or totals was not performed by LAFCO.

Solid Waste

Big Bear Disposal provides curbside garbage and recycling service to the residents and businesses within the City of Big Bear Lake. In partnership with San Bernardino County and Big Bear Disposal, the City of Big Bear Lake supports a hazardous waste collection facility and several other programs to address household hazardous waste. The City also maintains two public trash and recycling sites, which serve both visitors and residents year round.

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The annual cost for this service are identified as follows:

AGENCY	SOLID WASTE/REFUSE FEE
City of Big Bear Lake	\$264.49
Big Bear City CSD	\$116.58
Unincorporated County (not in BBCCSD)	\$85.15

Roads

The City of Big Bear Lake is the responsible entity to provide road maintenance services within its boundaries. Exceptions include State Highways 18 which is maintained by Caltrans. The City manages and maintains approximately 90 miles of roadway within City limits and assures use of proper traffic control methods, proper signage, flow-lines, tree trimming, drainage, pothole repair, striping, snowplowing, and cindering. Snow removal is an expense which needs a substantial reserve to address fluctuations in the annual winter conditions.

Animal Control

The City of Big Bear Lake contracts with the County of San Bernardino for animal control and regulation through the County's Animal Care & Control Program.

Park and Recreation

The City of Big Bear has a number of park facilities that it maintains:

1. Rotary Pine Knot Park (40798 Big Bear Boulevard) – a park facility with a 598 sq. ft. building (restrooms and storage area) and a 20,000 sq. ft. lawn area, a number of benches and picnic tables, and beach area (lake access).
2. Chamber Park (630 Bartlett Road) – a 2,785 sq. ft. park with a picnic table.
3. Veterans Park (40870 Big Bear Boulevard) – a park facility that includes a gazebo, picnic tables, lawn area, restrooms, and available parking
4. Boulder Bay Park (39080 Big Bear Boulevard) – Approximately 4-acre park facility that includes a fishing dock, gazebo, picnic tables, restrooms and parking area with 40 at least 40 stalls.

In addition, the Big Bear Valley Park and Recreation District, which is the park and recreation service provider for the overall Bear Valley community, including the City, has a number of park and recreation facilities within the City itself:

1. Meadow Park (41220 Park Ave, Big Bear Lake)
2. Moonridge Animal Park (43285 Moonridge Road, Big Bear Lake)
3. Big Bear Senior Center (42651 Big Bear Boulevard, Big Bear Lake)
4. Youth Center Skate Park – leased (40946 Big Bear Boulevard, Big Bear Lake)
5. Rainbow Kids Club – Child Care Program (Big Bear Elementary, 40940 Pennsylvania Avenue, Big Bear Lake)

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4. Financial ability of agencies to provide services:

General Operations and Accounting

Services provided by the City that are reported as governmental-type activities include general administration, police, fire protection, public works, and community development. These services are supported by property tax, sales tax, transient occupancy tax, use fees, interest income, franchise fees, state and federal grants, and other sources. The City's water utility (Department of Water and Power) is supported directly through user fees and charges and is reported as a business-type activity.

Component Units

The reporting entity "City of Big Bear Lake" includes the accounts of the City, the Improvement Agency of the City of Big Bear Lake (Improvement Agency), the Big Bear Lake FPD, the Big Bear Lake Public Financing Authority (Financing Authority) and the Big Bear Lake Performing Arts Center Foundation.

The Big Bear Lake Improvement Agency was a redevelopment agency of the City of Big Bear Lake that was formed in 1982. The purpose of the Improvement Agency was to eliminate deteriorating conditions and conserve, rehabilitate and revitalize project areas in accordance with the community development plan and annual work programs. In 1983, the Improvement Agency established two improvement areas – the Big Bear Lake Improvement Project Area and the Moonridge Improvement Project Area. Separate financial statements for the Improvement Agency are available at City Hall and on-file at the LAFCO office.

Dissolution of Redevelopment Agencies

All redevelopment agencies in the State of California were dissolved as of February 1, 2012. As provided for under the new law, each former redevelopment agency is to be governed by a "Successor Agency" and an "Oversight Board". On January 9, 2012, the Big Bear Lake City Council voted to assume the responsibilities of the Successor Agency for the former Big Bear Lake Improvement Agency.

In general, all of the assets, properties, contracts, leases and records of the former Improvement Agency are to be transferred to the City Council. The City Council will in turn, be responsible for overseeing and winding down the remaining legal and contractual obligations of the agency. Essentially that obligation amounts to ensuring: the implementation of all existing contracts and agreements; payment of all existing indebtedness and financial obligations; and performing any required asset transfers or liquidations. Additionally, the City Council will be responsible for preparing an annual administrative budget and paying any unencumbered fund balances to the County Auditor-Controller for distribution to the local taxing districts.

The Big Bear Lake FPD was formed on September 6, 1927, to provide fire protection and prevention in the Big Bear Lake area. As a part of the incorporation of the City, the District was established as a subsidiary district of the new City. Separate financial statements for the Big Bear Lake FPD are available at City Hall and on-file at the LAFCO office.

The Big Bear Lake Public Financing Authority is a joint powers authority organized pursuant to a Joint Exercise of Powers Agreement dated as of November 28, 1990, by

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and between the City and the Improvement Agency. The Financing Authority is a separate entity constituting and was formed for the public purpose of assisting the City and Improvement Agency in financing and refinancing their projects and activities. The Financing Authority is governed by a board of directors consisting of members of the Improvement Agency Board and the City Council. Separate financial statements for the Financing Authority are not issued. The future of the Financing Authority is not clear at this time since the City's Improvement Agency has been dissolved. One possibility is for the Big Bear Lake FPD to be placed as the successor to the Improvement Agency in the joint exercise of powers agreement.

The Big Bear Lake Performing Arts Center Foundation, formed on July 12, 2004, is organized as a not-for-profit corporation and as a tax-exempt organization. The purpose of the Foundation is to promote professional events at the Performing Arts Center and reduce the amount of public funding used for these events. For financial statement purposes, the Foundation is reported within the General Fund. Separate financial statements for the Foundation are not issued.

Long-Term Debt

As of June 30, 2011, the City's long term debt totaled \$44.0 million, comprised of compensated absences, bond issuances, certificates of participation and loans. The table below, taken from the FY 2010-11 financial statements, is broken down by governmental and business-type activities.

Long-Term Debt As of June 30, 2011			
	Total Activities		
	Governmental Activities	Business-type Activities	Total
Compensated absences	\$ 703,318	\$ 228,048	\$ 931,366
Refunding revenue bonds	---	26,143,755	26,143,755
Tax allocation bonds	7,160,000	--	7,160,000
Housing set-aside revenue bonds	3,375,000	--	3,375,000
Certificates of participation	1,885,000	--	1,885,000
Special Assessment District Obligations	980,243	--	980,243
Loans & Notes Payable	---	3,528,068	3,528,068
Total	<u>\$ 14,103,561</u>	<u>\$ 29,899,871</u>	<u>\$ 44,003,432</u>

The City issued bonds totaling \$35,200,000 in 1989 to purchase the water systems from Southern California Water Company. In April 1992, the City issued the revenue Refunding Bonds for \$45,220,000 to refund the 1989 bonds. In 1996, the City again issued Refunding Revenue Bonds for \$37,585,000 to refund the 1992 bonds. The 1996 Revenue Refunding Bonds are scheduled to mature in 2022 and cannot be refinanced by the terms of the loan. The balance as of June 30, 2011 was \$26,855,000.

On June 21, 1993, the DWP entered into a contract with the State of California Department of Water Resources to borrow an amount not to exceed \$4,993,857 to replace water pipelines in the communities serviced by DWP. The total amount advanced was \$4,885,814 and the project was completed during the fiscal year ended June 30, 1996. Principal and interest payments of \$162,649 are due April 1 and October 1 of each year for 20 years,

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scheduled to mature in 2016 and are taken from rates charged to those receiving service. The interest rate on the loan is 2.955%.

On September 8, 2010, the City of Big Bear Lake Department of Water and Power (DWP) entered into a loan agreement in the amount \$3,628,000 with the United States Department of Agriculture Rural Utility Services for the proceeds of its 2010 USDA Bond. The 2010 USDA bond loan has a term of 40 years and the interest rate is 2.375%. As of June 30, 2011, DWP has drawn \$2,166,698 in proceeds from the 2010 USDA Bond for the construction and replacement of wells and pipelines within the DWP's water systems. The balance of the 2010 USDA Bond is expected to be drawn in Fiscal Year 2012/13. The annual requirements to amortize the outstanding debt service requirements as of June 30, 2011, including interest, are as follows:

Fiscal Year	2010 USDA Bond	
	Principal	Interest
2010-2011	\$ -	\$ 12,709
2011-2012	58,000	67,908
2012-2013	59,000	82,000
2013-2014	60,000	80,500
2014-2015	62,000	79,000
2015-2016	402,000	442,000
2021-2049	2,987,000	1,082,250
Totals	\$ 3,628,000	\$ 1,846,367

Post-Employment Benefits

Pension:

The City contributes to the San Bernardino County Employees' Retirement Association (SBCERA), a 1937 Act Retirement system, as a cost-sharing multiple-employer public employee defined benefit pension plan. According to the FY 2010-11 financial statements, the City has a zero net pension obligation.

Other Post-Employment Benefits:

The City has no obligation to provide post-employment health care benefits for retirees.

Net Assets

In reviewing the City's financial documents, Total Net Assets have increased by 20% since FY 2006-07 as shown on the chart below. As of June 30, 2011, the City had \$84.9 million in net assets (of that amount \$6.9 million is attributed to the water fund and \$8.1 million to the Big Bear Lake FPD). Of Total Net Assets, approximately \$3.0 million is unrestricted.

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NET ASSETS						
	2006-07	2007-08	2008-09	2009-10	2010-11	4-yr var.
Assets:						
Capital assets,						
net of depreciation	75,698,186	76,359,570	76,372,900	78,840,111	77,656,686	3%
Current assets	52,280,298	54,883,359	55,286,782	54,034,410	56,394,810	8%
Total Assets	127,978,484	131,242,929	131,659,682	132,874,521	134,051,496	5%
Liabilities:						
Current liabilities	4,953,105	4,847,690	4,316,837	4,876,252	5,100,327	3%
Long-term liabilities	52,233,484	49,882,953	47,152,028	44,565,888	44,036,501	-16%
Total Liabilities	57,186,589	54,730,643	51,468,865	49,442,140	49,136,828	-14%
Total Net Assets	\$70,791,895	\$76,512,286	\$80,190,817	\$83,432,381	\$84,914,668	20%
Net Assets:						
Invested in capital assets,						
net of related debt	36,123,640	36,139,337	38,671,323	43,875,369	50,509,475	40%
Restricted	25,705,658	29,959,601	32,055,057	31,692,698	31,417,145	22%
Unrestricted	8,962,597	10,413,348	9,464,437	7,864,314	2,988,048	-67%
Total Net Assets	\$70,791,895	\$76,512,286	\$80,190,817	\$83,432,381	\$84,914,668	20%
Net assets attributed to:						
Water activity	1,638,259	2,660,798	2,895,223	5,600,992	6,946,198	324%
Big Bear Lake FPD	8,150,183	8,564,772	8,838,810	8,788,333	8,068,222	-1%

Fund Balances and Cash

Considering net assets does not indicate if an agency has enough fund balance to operate short and long-term operations. The chart below shows fund balances for the City's governmental funds and cash for its business-type fund (water) for the past five fiscal years. For the governmental funds, fund balances have increased each year until FY 2009-10. Of all the individual funds that comprise Governmental activities, the General Fund and Sanitation Fund have significantly decreased in fund balance since FY 2006-07.

Conversely, the cash balance of the Water Fund has decreased each year until FY 2009-10, with a sharp increase in FY 2010-11. The reason for this activity is due to the City's investment and capital projects for the water system during the past five years. Additionally, for FY 2010-11, the water activity's revenues exceeded expenses by \$1.4 million.

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Governmental Funds - Fund Balance						
	2006-07	2007-08	2008-09	2009-10	2010-11	4-yr var.
General	13,189,432	11,872,664	11,280,235	9,427,423	10,606,308	-20%
Fire District	3,615,980	4,240,785	4,516,898	4,274,958	3,674,531	2%
Sanitation	3,305,294	2,821,009	1,877,526	2,137,634	2,224,228	-33%
Other	9,617,785	12,678,996	15,868,100	15,413,458	14,326,321	49%
TOTAL	\$ 29,728,491	\$ 31,613,454	\$ 33,542,759	\$ 31,253,473	\$ 30,831,388	4%
Water Utility - Cash & cash equivalents						
Water Utility	\$ 5,011,913	\$ 4,783,827	\$ 4,668,486	\$ 4,670,199	\$ 8,970,518	79%

General Fund:

As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. At the end of the previous fiscal year, unassigned fund balance of the General Fund was \$2.0 million, while total fund balance reached \$10.6 million. Unassigned fund balance represents 18 percent of total general fund expenditures, while total fund balance represents 98 percent of that same amount. In general, it desirable for total general fund balances to be above 100% of general fund expenditures and healthy when over 125%.

General Fund (GF)	2006-07	2007-08	2008-09	2009-10	2010-11
Total GF expenditures	\$10,267,711	\$11,989,218	\$11,436,699	\$11,992,465	\$10,792,619
Unassigned GF fund balance (as a % of total GF expend.)	2,964,149 (29%)	2,280,517 (19%)	1,625,030 (14%)	1,003,981 (8%)	1,967,053 (18%)
Total fund GF balance (as a % of total GF expend.)	13,189,462 (128%)	11,872,664 (99%)	11,280,235 (99%)	9,427,423 (79%)	10,606,308 (98%)

Revenues and Expenditures

According to the City's financial statements, the primary economic engines are tourism and building construction. When combined, property tax (21%), sales and use tax (11%), and transient occupancy tax (16%), comprise roughly 48% of the City's annual budget. Although the economic downturn has resulted in a decrease in tourism statewide, the City's proximity to the populated centers of southern California makes the area an alternative destination – offsetting the decline seen in other locations. As for building construction, the primary industry is custom homes as opposed to large-scale housing tracts. Although construction has declined, the decline has been less than that of other San Bernardino County areas.

According to the Management Discussion and Analysis from the financial statements, many of the properties located within the City are high-end custom homes and second homes. This has limited the City's exposure to foreclosures when comparing the City to other municipalities in the county. Nonetheless, the decline in assessed valuations has impacted the City, including the Big Bear Lake FPD and Improvement Agency. A review of the County Assessor's "Assessment Roll Re-cap Totals" for the past six years identifies the City's percentage change in assessed values as follows: 2007- increase 10.6%, 2008 – increase 6.7%, 2009 – decrease 0.6%, 2010 – decrease 2.1%, 2011 – decrease 1.5%, 2012 – no change.

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The following table, compiled from the three most recent financial statements, shows program revenues for the governmental-type of activities compared to the costs for providing the services. The net cost shows the financial burden (subsidy) that was placed on the City's taxpayers by each of these functions.

Net Cost of Governmental Activities						
	2008-09		2009-10		2010-11	
	Total Cost	Net Cost	Total Cost	Net Cost	Total Cost	Net Cost
	of Services	of Services	of Services	of Services	of Services	of Services
General gov.	4,357,399	(3,313,495)	6,097,324	(4,994,723)	4,279,540	(2,949,676)
Public Safety	6,463,702	(5,736,558)	7,530,668	(6,104,190)	7,627,438	(7,112,536)
Comm. Devel.	2,760,282	(2,114,075)	4,566,255	(3,926,415)	5,835,247	(5,213,721)
Culture	668,518	(420,406)	791,096	(661,689)	697,602	(156,990)
Public Works	4,290,634	(1,521,546)	4,772,882	(915,780)	4,121,465	(320,170)
Health & san.	6,202,929	(2,218,247)	6,119,809	(1,940,878)	6,406,281	(2,004,434)
TOTAL	\$ 24,743,464	\$ (15,324,327)	\$ 29,878,034	\$ (18,543,675)	\$ 28,967,573	\$ (17,757,527)

Appropriation Limit (Gann Limit):

Under Article XIIIB of the California Constitution, the Gann Spending Limitation Initiative (in 1979, the voters amended the California Constitution by passing Proposition 4, the Gann Initiative, requiring each local Government to set an annual appropriations limit), the City is restricted as to the amount of annual appropriations from the proceeds of taxes, and if proceeds of taxes exceed allowed appropriations, the excess must either be refunded to the State Controller, returned to the taxpayers through revised tax rates or revised fee schedules, or an excess in one year may be offset against a deficit in the following year. Furthermore, Section 5 of Article XIIIB allows the City to designate a portion of fund balance of general contingencies to be used in future years without limitation. The City's appropriation limit for FY 2012-13 was set by Resolution No. 2012-25 at \$29,090,488.

Section 1.5 reads that the annual calculation of the appropriations limit for each entity of local government shall be reviewed as part of an annual financial audit. A review of the financial statements for the past five fiscal years identifies that proceeds of taxes did not exceed appropriations.

Department of Water and Power:

The DWP's primary source of revenue is from water user fees charged to residential and commercial customers throughout the water systems. However, in FY 2009-10, the DWP faced substantial increases in operating costs due to two approved rate increases for Bear Valley Electric. Additionally, effective January 1, 2010, a new law became effective in California establishing new lead-free standards for piping, which affects many components of the DWP's water system, including valves and meters. Based on this requirement, the cost of these components has increased by 30-35%. As a result, the DWP conducted a water rate study that indicates the need to continue funding capital projects through the rates. In turn, these funding shortfalls required increasing rates or drawing from reserves to resolve this situation and maintain prudent reserve levels.

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In the summer and fall of 2010, in accordance Proposition 218 guidelines, the City adopted a general water rate increase for both residential and commercial customers. The rate structure was also modified to more appropriately account for low water usage customers. The rate modification was designed to generate an overall nine percent increase in expected water service revenues to be effective on January 1, 2010, and a second nine percent increase to be effective on July 1, 2011. The purpose of this rate increase was to eliminate an \$800,000 budget deficit (the total of the capital improvements funded through rates), so DWP could operate and maintain the water system in a manner that met all state and federal government water quality standards.

Other Information:

In reviewing the budgets submitted for this review for the City as well as the separately published budget for the City's DWP, the budgets include at least one year's worth of actual financial data, as recommended by the *Best Practices* of the Government Finance Officers Association. However, the City's budgets do not contain a qualitative analysis upfront or for each budget section which would assist the user to understand the year-to-year financial status of the city. Conversely, the DWP budget contains both an upfront and sectional qualitative analysis to accompany the qualitative data.

5. Status of, and opportunities for, shared facilities:

The City has identified that it does not currently share any structural facilities with other agencies. However, the City's DWP has facilities within the boundaries of the Big Bear City Community Services District ("CSD"), and the Park District has parks located within the City.

In addition to intertie connections between both water systems for emergency purposes, the City's DWP and the CSD were also working on a project that would allow the CSD to bring a high-volume well online and would return water plus a surplus to the DWP to use for blending. However, due to lower water demand, the need for a wheeling and blending of water between the two agencies has been placed on hold at this time.

6. Accountability for community service needs, including governmental structure and operational efficiencies:

Local Government Structure and Community Service Needs

The City is a charter city and operates under the council-manager form of government. Five council members are elected at-large to four-year overlapping terms with the mayor chosen annually from within the members of city council. For the November 2010 general election, there were 2,977 registered voters within the City with a 71% voter turnout for that election.

The City Council also serves as the Board of Directors of the Big Bear Lake FPD, its subsidiary district. The City Council meets on the second and fourth Mondays of the month at 6:30pm at the City Civic Center. The City Council convenes joint or separate meetings as the Council or the respective board of directors as necessary. The public is invited to all open session meetings. The budget is approved by the City Council at a public hearing, and

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financial reports are presented quarterly to the City Council by the Finance Director. Below is the composition of the current council, their positions, and terms of office:

Council Member	Title	Term
Bill Jahn	Mayor	2012
Jay Obernolte	Mayor Pro Tem	2014
David Caretto	Council Member	2014
Liz Harris	Council Member	2012
Rick Herrick	Council Member	2014

City of Big Bear Lake Department of Water and Power

Since 1989, the City of Big Bear Lake has provided retail water within and outside of the City limits through its DWP. The City Council appoints the five-member DWP Board of Commissioners to four-year terms, for a maximum of two consecutive terms. The current composition of the Board of Commissioners is as follows:

Board of Commissioner	Title	Term
Stephen Foulkes	Chair	6/30/2015
William Giamarino	Vice Chair	6/30/2015
Robert Tarras	Treasurer	6/30/2015
Fred Miller	Commissioner	6/30/2013
Don Smith	Commissioner	6/30/2013

Of the five commissioners, only Mr. Smith is eligible for reappointment for an additional term. The rest will have to sit out a term before they are eligible for reappointment. The DWP conducts its own public hearings on the third Tuesday of each month at 9:00 a.m. at the DWP office located at 41972 Garstin Drive in Big Bear Lake.

In essence, the City and its charter consider the DWP as a subsidiary or component entity, even though the DWP is not a separate legal entity. However, the DWP is a department of the City and not a component unit of the City. This is evidenced by the DWP not being required to have its own independent financial statements and water rate increases are first adopted by resolution of the DWP and then approved as an ordinance of the City to implement the rates.

The Commission does not have issue with this arrangement; however, it feels that additional measures can be undertaken to improve the transparency of the DWP, its structure, and its operations. First, the City and the DWP each adopts its own budget at its respective public hearing. Again, there is no issue with the DWP having its own budget, but as a department of the City, the DWP figures should be included in the City's budget or at least referred to as a separate document. Additionally, absent from the organization charts that are in City budget and the DWP budget is the identification that the appointing body of the DWP Board of Commissioners is the City Council.

Second, unlike the structure of the budget, as a department of the City the DWP water activity is included in City's audit and is identified as a Business-type Fund. Conversely, the DWP does not issue its own financial statements that are independently audited. This operation is in contrast to the financial presentation of the City's subsidiary fire protection

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district which is a component unit of the City. As a subsidiary district, the Big Bear Lake FPD is a separate legal entity and is required to conduct an independent financial audit.

In looking at the both the City's and the DWP's documents, the Commission recommends that the City and the DWP clarify the roles and activities of each entity in its respective documents. Doing so would allow the public to understand, for instance, that the DWP is a department of the City, its Board of Commissioners are appointed by the City Council, its budgetary information is included only in the DWP budget document, and that it's independently verified annual financial information is included in the City's audit.

In 2001, the DWP and the City operated under a memorandum of understanding (MOU) which outlined the separation of funds and procedures between the City and the DWP. However, both entities have terminated that MOU effective April 30, 2011. Doing so transferred full administrative services from the City to the DWP and further removes direct City involvement in the operation of retail water delivery, except for the City Council appointment of the DWP Board of Commissioners and final approval of rate increases. According to the DWP, the transfer was completed in July 2011. In the opinion of the Commission, this removal of responsibility underscores the issues identified above for an entity which is a part of the City government.

Another concern originally identified by LAFCO is that those residents who reside within the DWP service area but outside of the City limits (making up approximately 40 percent of DWP's customers) could not serve on the DWP Board of Commissioners – even though they receive direct service from the DWP. At the November 2010 election, 73% of the City's electorate approved Measure W (71% turnout). The measure amended the City charter to make any elector of the area serviced by the DWP eligible for appointment to the DWP Board of Commissioners. Additionally, the measure prohibits City employees and commissioners and elected or appointed board members of any governmental agency having jurisdiction over any area served by the DWP from becoming or remaining members of the Board of Commissioners.

To this date, none of the current board member is a resident from within the unincorporated portion of the DWP's service area. The next opportunity for a resident to be appointed by the City Council to serve as a member of the board, who resides within the unincorporated portion of the DWP's service area, will be in 2013. The new charter amendment does not require there to be representation from any certain areas. The board members will still be appointed based on who is best qualified for the position regardless of where they reside within the entire service area of the DWP. Therefore, the DWP could end up with five board members who all reside from the unincorporated service area, or they could all still be from the City, or a mixture of all the service areas, including Rimforest.

Operational Efficiencies

Operational efficiencies are realized through several joint agency practices, for example:

- The incorporation of the City utilized the boundaries of the Big Bear Lake Sanitation District ("Sanitation District"). The Sanitation District was governed by the County Board of Supervisors; therefore, its employees were members of the San Bernardino County Employees' Retirement Association ("SBCERA"). As a function of the incorporation, the retirement benefits of existing employees were to be maintained and SBCERA allowed the new city employees to remain within the system. The City continues to participate in SBCERA. SBCERA is a cost-sharing multiple-employer defined benefit pension plan

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operating under the California Employees Retirement Act of 1937. A review of the most recently available audit identifies a zero net pension obligation.

- The City is a member of the Mojave Desert Mountain Integrated Waste Joint Powers Authority. The JPA plans and implements recycling and waste reduction programs.
- The City of Big Bear Lake is a member of the California Joint Powers Insurance Authority. The Authority is composed of 122 California public entities and is organized under a joint powers agreement pursuant to California Government Code §6500 et seq. The purpose of the Authority is to arrange and administer programs for the pooling of self-insured losses, to purchase excess insurance or reinsurance, and to arrange for group purchased insurance for property and other coverage.
- Big Bear Lake Nutrient TMDL Task Force - This is one of several Task Forces established through the Santa Ana Regional Water Quality Control Board to address specific watershed (in this case, Big Bear Lake) Total Maximum Daily Load (TMDL) development and issues related to the Basin Plan. The Task Force has used federal, state and local resources to collect and analyze the data needed to develop a formal TMDL. TMDL Task Force meetings are held at the San Bernardino Flood Control or Big Bear Municipal Water District offices approximately bimonthly. At these TMDL meetings, the Big Bear Lake stakeholders and Regional Water Quality Control Board staff are provided with an update of TMDL-related data collection and analyses efforts. The TMDL Task Force stakeholders consist of the following entities:
 - Big Bear Area Regional Wastewater Authority
 - Big Bear Mountain Resorts
 - Big Bear Municipal Water District
 - Caltrans
 - City of Big Bear Lake
 - Regional Board Staff
 - San Bernardino County Flood Control District
 - United States Forest Service

Government Structure Options

There are two types of government structure options:

1. Areas served by the agency outside its boundaries through "out-of-agency" service contracts;
2. Other potential government structure changes such as consolidations, reorganizations, dissolutions, etc.

Out-of-Agency Service Agreements

Government Code Section 56133 sets the parameters for extension of service by a public agency outside its boundaries. The DWP, as a department of the City, is constrained by these provisions and limited in its ability to serve outside the City's assigned sphere of influence. LAFCO staff has worked with members of the DWP staff and Board of Commissioners to define the DWP service area as of January 1, 2001 to grandfather future service connections within these areas. There are two other areas which require further review:

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1. Camp Oakes Parcels

The City's DWP has identified that it has been negotiating with the property owners of Camp Oakes (Long Beach YMCA), owners of Assessor Parcel Number (APN) 0315-291-02, 03, 14, and 15 (shown as orange on the Outside City Service Area - Erwin Lake and Lake Williams System detail map, which is part of Exhibit "B", regarding a mutually beneficial project in the community of Lake Williams. As mentioned earlier, the DWP is interested in drilling a well within the camp property to serve the community. Likewise, the Camp Oakes people have voiced their interest in being served by the DWP since they do not want to be in the water business and would like to turn off their private wells and avoid the maintenance of their private facilities. The Commission understands that an agreement is being developed at this time.

Therefore, as part of the service review process, the City, through its DWP, would like to include the Camp Oakes parcels (APNs 0315-291-02, 03, 14, and 15) within its water service area and request that the Commission declare this future agreement as exempt from the provision of Government Code Section 56133. Because of the benefit of having a new well for the community of Lake Williams that is anticipated to remove the current building moratorium imposed on the community, and the property owner's desire to do away with their obligation to maintain its own private water system, both of which are valid health and safety reasons, the Commission supports this request.

2. High Timber Ranch Project

The City's DWP has also identified that it would like to serve the proposed High Timber Ranch project, APN 2350-021-10 (shown as pink on the Outside City Service Area – Moonridge, Sugarloaf, and Portions of the Big Bear Lake System detail map, which is a part of Exhibit "B". The Commission understands that the project is not being developed at this time nor is it anticipated to be developed anytime soon. Although the parcel is adjacent to the DWP's existing facilities, it is within the Big Bear City Community Services District (CSD) boundaries. In reviewing this potential service extension request, LAFCO identified to the DWP that if the Big Bear City CSD determines that it will not extend water service to the High Timber Ranch parcel and consents to the City's DWP serving the project, then LAFCO will support the DWP serving the project. The City will then, at some point in the future, need to request that the Commission declare this project as exempt from the provision of Government Code Section 56133(e), on the basis that the contract/agreement is between two agencies, "...where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."

Other Government Structure Options

The State has published advisory guidelines for LAFCOs to address all of the substantive issues required by law for conducting a service review ("Local Agency Formation Commission Municipal Service Review Guidelines", State of California Governor's Office of Planning and Research, August 2003) and the Commission has adopted these guidelines for its use in preparing its Service Reviews. The Guidelines address 49 factors in identifying an agency's government structure options. Themes among the factors include but are not limited to: more logical service boundaries, elimination of overlapping boundaries that cause service inefficiencies, economies of scale, opportunities to enhance capital improvement plans, and recommendations by a service provider.

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The following scenarios are not being presented as options for the Commission to consider for action as a part of this service review. Rather, a service review should address possible options, and the following are theoretical scenarios for the community to consider for the future.

1. Jurisdictional Issue Along the Lakeshore

As identified earlier, there are multiple structures and marinas that exist along the lakeshore that have caused disagreement as to which agency has jurisdictional authority to approve or regulate the structures built on these lands – that can sometimes straddle between the County and the City. As mentioned earlier, there are two options that the agencies involved can take in order to remove or minimize such problem. One option is to annex the City's existing sphere of influence within the lake. This places all of the south shore within the City's jurisdiction. In doing so, there will be no confusion as to who has jurisdiction since land use authority and service provision along the south shore will entirely be with the City. Another option that can address some of the issues would be through a Memorandum of Understanding ("MOU") between the agencies involved. Although an MOU already exists between the County, the City and MWD, it only addressed plan checking, permitting, and inspection responsibilities between the County, the City, and the MWD. Therefore, it the Commission's position that if annexation is not pursued that the agencies consider a more comprehensive agreement that would also address CEQA review requirements, service provision, and development standards along the lakeshore.

2. Department of Water and Power Service Area

Again, as mentioned earlier, the City of Big Bear Lake took over the Big Bear Water Systems of the Southern California Water Company ("SCWC") in 1989. In 1994, LAFCO granted the City of Big Bear Lake an exemption from the provisions of Government Code Section 56133 for the provision of water service within the State Public Utilities Commission assigned certificated service area for the former SCWC. SCWC's Big Bear service area included five licensed water systems: Lake Williams, Erwin Lake-Sugarloaf, Big Bear Lake-Moonridge, Fawnskin, and Rimforest. This has resulted in approximately 40% of the DWP customers being outside the city's boundary and/or sphere of influence. This has produced two unique situations.

A. Connections to new development outside City's boundary. In 1994, San Bernardino LAFCO adopted an operating policy relating to the acquisition of a private water system by a public jurisdiction. The acquisition would require the city or district to continue the service and allow additional connections within the previously defined certificated service area without regard to an agency's sphere of influence. However, amendments in 1999 to the statute allowing for out-of-agency service contracts (Gov Code §56133) specified specific instances when service could be authorized outside an agency's sphere of influence; which are to address health and safety concerns for developed areas only. In the opinion of the Commission, the following scenarios are presented to address this service issue:

- LAFCO could expand the City's sphere of influence to encompass the entirety of the DWP service area. However, this would expand the City's sphere over portions of the Fawnskin Community and other areas with historical opposition to ultimate inclusion into the City. In addition, this would also expand the City's sphere over portions of the Big Bear City CSD area which would create an overlap of service providers and the potential for duplication of other services.

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- For Fawnskin -- County Service Area ("CSA") 53 (through its Zone C) is authorized by LAFCO a water function/service, although it does not actively provide the service. One option would be for CSA 53 Zone C (as the responsible agency overlaying the service areas) to contract with the City to provide service to new development. Such a contract would be exempt from LAFCO approval and allow for the continuation of development related service extensions.

The DWP and the developers of the "Moon Camp" project within the larger Fawnskin community, which is a proposed 50-lot residential development, have been working with the County on a 3-way Interconnection Agreement between the DWP, Moon Camp, and CSA 53 Zone C. A draft Memorandum of Understanding ("MOU") has been developed; however, it has not been finalized by either of the parties involved since the project is not expected to take place anytime soon.

- For Sugarloaf, Lake Williams and Erwin Lake -- The Big Bear City CSD could assume the responsibility for the provision of retail water service for the areas within its boundary that are currently provided by the City.
- The MWD overlays the entirety of the DWP service area within the Big Bear community and is authorized by LAFCO a water function. Although the MWD does not actively provide retail water, it does engage in other water activities. In this scenario, the MWD could assume the entire service responsibility of the DWP and provide retail water.

At the request of the DWP, on April 25, 2011, a joint workshop took place between the DWP and MWD regarding potential assumption of the DWP retail service by the MWD. Potential benefits cited at the joint workshop include administrative economies of scale with a single agency managing surface water and groundwater. Additionally, this would allow for elected representation to determine rates and service criteria.

Assumption of the DWP retail service by the MWD does not require an application to LAFCO since there would be no organizational change or change in boundaries for either the City (the DWP is a department of the City) or the MWD (currently authorized the water function). However, at the July 21, 2011 meeting of the MWD Board of Directors, it decided to abandon its potential acquisition of the City's DWP. Nonetheless, it should be noted that the Commission continues to support having a single entity responsible for surface and groundwater in the valley, which is still a viable option that should be reconsidered again in the future.

B. Assumption of Rim Forest system by Lake Arrowhead Community Services District.

As a condition of the City's acquisition through condemnation, it was required to assume service responsibility for all of SCWC's water service area in the mountains -- which included the Rimforest system in the Lake Arrowhead community. In 2004, the Commission authorized the expansion of the Rimforest Service area to include the Mountain Pioneer Mutual Water Company due to the devastating effects of the Old Fire on the system, pursuant to Gov't Code §56133(c). LAFCO broached the question of transferring this service obligation to the Lake Arrowhead Community Services District ("LACSD") due to its proximity (the DWP is more than 30 miles away) during the Lake Arrowhead service review. The transfer of service would include the responsibility for service provision and the assets and debt obligations of

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the Rim Forest system. The LACSD indicated its interest in assuming service responsibility for this area as well as succeeding to the system's assets.

Both the DWP and LACSD had been working on the logistics of transferring the Rimforest system. Two issues that were being worked on related to the upgrade of the water meters and the handing of the outstanding balance of the DWP's bond. A community meeting was even held on January 17, 2012. However, due to the sudden departure of LACSD's general manager in April 2012, the DWP and LACSD are now 'back to square one' on negotiating the transfer of the Rimforest system.

- C. Another alternative that could address the issues surrounding the DWP would be to form an independent county water district. The DWP already operates with a separate board of directors, appoints its own staff, adopts its own budget, and prepares its own plans. In this scenario, the DWP could serve without jurisdictional issue within its boundaries and its board of directors would be elected by the voters within its boundaries. Formation of a new independent district would require an approval by LAFCO with an application submitted by the City, residents, or registered voters and an election for formation and selection of the Board of Directors.

3. Annexation of City Non-contiguous Properties

The City owns a number of parcels in the unincorporated area that contain some of its facilities (i.e. DWP's tank sites, wells, etc.). These non-contiguous parcels could be annexed into the City for as long as they are used for municipal purposes. As a cost savings measure, the City could benefit from tax exempt status for these parcels and would not be subject to paying the ad valorem property tax, currently estimated to be \$82,283 for FY 2011/12. It is the understanding of the Commission that the DWP, on behalf of the City, is interested in annexing the parcels that would qualify as City non-contiguous annexations. Other parcels owned by the City may also qualify under this provision.

The Commission does not identify any potential governmental structure changes at this time for further discussion with the City and/or its constituents.

WHEREAS, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

1. Present and Planned Uses:

Overall, the City's boundaries and sphere include the full range of land uses. The City's General Plan designates approximately 6.6% as Rural Residential (5% of which is within the City's unincorporated sphere area designated by the County as Rural Living, 40 acres minimum), 1.6% Equestrian Estates, 35.3% Single-Family Residential, 6.1% Multiple Family Residential, 10.3% Commercial and/or Industrial, 2.8% Village Specific Plan, 2.2% Public Facilities, 4.8% Open Space, 9.3% roads, and 21% as Big Bear Lake (within the City's unincorporated sphere area designated by the County as Floodway). Within its entire sphere, roughly 99% of the land is privately owned and the remainder, 1%, is public, which is devoted primarily to resource protection and recreational use.

The entire 720 acres being added to the City's sphere of influence currently has limited development potential. 75% of the area is forest land owned by the Federal government. The remaining 25%, which is the lake portion of the sphere expansion area, is designation as

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Floodway. It should be noted that the 160-acre forest land westerly of the City's boundaries is an area with multiple government land leased residential units and/or cabins, shown as possessory interests on assessment documents. The area receives fire protection from the Big Bear Lake Fire Protection District, which is already within the district's boundaries. However, these dwelling units do not have access to sewer service and/or a domestic water supply.

2. Present and Probable Need for Public Facilities and Services:

The City directly provides water and sewer collection within its boundaries. The Big Bear Lake FPD, a subsidiary district of the city, provides fire protection and emergency medical response. As a municipality, the City is responsible for law enforcement within its boundaries and has chosen to contract with the County for law enforcement services tailored to its needs and financial resources. In addition, the City provides streetlighting, solid waste, road maintenance, and animal control services within its boundaries. The City also provides park and recreation services although the Big Bear Valley Recreation and Park District overlays the City and has facilities within the City.

Water

The City operates its water system through its Department of Water and Power ("DWP"). As of 2010, the DWP provides water service to almost 16,000 customers from four separate water systems: Big Four (which is a combination of the Big Bear, Moonridge, Sugarloaf and Erwin Lake systems), Lake Williams, Fawnskin, and Rimforest. The "Big Four" system is the largest of the water systems with 13 pressure zones and approximately 14,320 active connections that serve the City, portions of Big Bear City, the unincorporated Moonridge area, and the unincorporated areas of Sugarloaf and Erwin Lake. The Lake Williams system, which serves the Lake Williams area has approximately 120 active connections and is supplied by three active groundwater wells that pump into a reservoir. The Fawnskin system, which serves the north shore area with approximately 710 connections, is served by two pressure zones with six groundwater wells that pump directly into the system or into its existing reservoirs. The DWP provides water to its Bear Valley customers by pumping ground water from local aquifers. Currently, no outside water source is available to augment the local supply. The Rim Forest system, which serves the unincorporated area of Rim Forest located in the Lake Arrowhead community, has approximately 300 connections. Water used in this system is purchased from the Crestline-Lake Arrowhead Water Agency ("CLAWA") the state water project contractor for the area. The Big Bear Shores RV Resort system, although technically not considered a part of the DWP's main water systems, serves a small RV Park along the north shore with a single connection that is served by two groundwater wells that pump into a small on-site reservoir.

In FY 2010-11, the DWP completed \$7 million in infrastructure improvements, split roughly two-thirds for system rehabilitation and one third for capital projects related to meeting peak demands and future growth. The focus of this capital investment program was to continue to improve fire flow throughout the system, replace aging wells, and increase overall pumping capacity to meet peak demands. It included three pipeline replacement projects; equipping two previously drilled wells; drilling two new wells; and evaluating additional sites for future wells. Additionally, the DWP developed an augmented inventory and database of the DWP's facilities. This database will provide the foundation for future long term infrastructure planning.

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For FY 2011-12, the DWP planned to replace aging and inadequate infrastructure systems – specifically pipeline replacement, well drilling and equipping, and seeking new well sites. Other minor projects to be funded from operating revenues include replacing pressure regulating valves, replacing hydrants, meters and meter boxes, and providing general professional services.

Sewer

The City's Public Works Sanitation Division services about 10,680 properties (13,270 equivalent dwelling units). The City's sewer system consists of over 250 miles of sewer lines, 13 lift stations with 29 pumps (from a 2.5 horsepower to a 47 horsepower), and over 6,000 manholes. Pipeline materials include a combination of concrete irrigation pipe, vitrified clay pipe, cast iron pipe, asbestos cement pipe, and polyvinyl chloride pipe. Pipe sizes range from 4-inches to 24-inches in diameter, with over 90 percent of the system comprised of 6-inch and 8-inch diameter pipes.

The system is divided into Assessment Districts and Tracts (there are 20 Assessment Districts and 15 Tracts within the City of Big Bear Lake). In Assessment Districts 1 through 8, the City is responsible for the main line and wye connections at the main. In Assessment Districts 9 through 20, the City is responsible for the main line and the lateral to the property line. In Assessment Districts 14 through 20 and in the tracts, the laterals have a locating device on the end of the lateral.

The sewer system averages 13,500 GPM per month on out bound flows on larger stations, which more than doubles during the peak seasons. Collected flows are transported from the City to the Big Bear Area Regional Wastewater Agency ("BBARWA"), a joint powers authority, for wastewater treatment.

Park and Recreation

The City of Big Bear Lake has a number of park facilities that it maintains: 1) Rotary Pine Knot Park, a park facility with a 598 sq. ft. building (restrooms and storage area) and a 20,000 sq. ft. lawn area, a number of benches and picnic tables, and has a beach area (lake access); 2) Chamber Park, a 2,785 sq. ft. park with a picnic table; 3) Veterans Park, a park facility that includes a gazebo, picnic tables, lawn area, restrooms, and available parking; and 4) Boulder Bay Park, a 4-acre park facility that includes a fishing dock, gazebo, picnic tables, restrooms and parking area.

In addition, the Big Bear Valley Park and Recreation District, which is the park and recreation service provider for the overall Bear Valley community, has a number of park and recreation facilities also within the City: 1) Meadow Park, 2) Moonridge Animal Park, 3) Big Bear Senior Center, 4) Youth Center Skate Park – leased; and 5) Rainbow Kids Club – Child Care Program.

3. Present Capacity of Public Facilities and Adequacy of Public Services

The City provides or contracts for most municipal-level services within its jurisdiction, with the exception of fire service provided by the Big Bear Lake FPD, a subsidiary of the City. Overall, current facilities and services delivered are adequate.

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Water

The City's DWP primarily produces potable water from groundwater wells. These wells produce water from the subunits of the Bear Valley groundwater basin, through pumping or by gravity. Groundwater underlying the DWP's service area is of good quality and requires little treatment before use in the potable water supply system. It is anticipated that the amount of groundwater pumped will gradually increase through year 2035. Groundwater wells will be added to the water systems as needed.

According to the DWP, it is still operating under a Stage 1 water shortage emergency pursuant to California Water Code 350 (for all service areas except Lake Williams, which is operating under a stage 2). The DWP limits new connections to 160 equivalent dwelling units (EDU) per year. The average home is equivalent to one EDU but larger homes can be equivalent to more than one. If there are unused EDU's at the end of the fiscal year, then they are carried over to the next year. As of July 1, 2012, there are 575 EDU's available to the public. According to the DWP, it has been selling an average of 25 EDU's per year over the last few years and the most it has sold in a year is 300 EDU's.

In addition, fire flow requirements are not met in all segments of the water system partially due to the age of the system and partially because fire flow requirements have changed. The 2006 Water Master Plan identified \$110 million worth of needed system upgrades, most for fire flow. The DWP estimates that it will take 20 to 30 years to address all of the fire flow issues.

Recommended improvements have been grouped into three priorities. Priority 1, concentrates on replacing a limited number of pipelines in the most fire flow deficient areas, developing new wells to augment supply, adding storage in the Fawnskin system and completing the facilities required to convey water from Barton to the future La Crescenta reservoir. According to the DWP, by the end of FY 2011-12 essentially all of the Priority 1 pipeline projects are estimated to be complete and will begin to address Priority 2 projects. Priority 2 focuses on replacing additional pipelines to augment fire flow capacity in all systems and augmenting capacity from local sources. Finally, Other Replacement Pipelines facilities include replacing all pipelines less than six inches in diameter that have not been considered under any of the two initial priorities.

Sewer

The City has developed a Sewer System Management Plan (SSMP). The SSMP describes the management, planning, design, operation and maintenance of the City's sewer sanitary sewer system. The goal of the SSMP is to minimize the frequency and severity of sanitary sewer overflows.

4. Social and Economic Communities of Interest:

The bulk of the commercial/retail activity for the Bear Valley community is located within the City, resulting in the City as the core of the social and economic community of interest for the overall Bear Valley community. In addition, the City is within the Bear Valley Unified School District, which is a regional entity servicing the Bear Valley community providing for a larger social unit for the eastern Mountain region.

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Economic communities of interest include the two ski resorts (Bear Mountain and Snow Summit), the Big Bear Lake itself and the recreational activities supported by the lake, as well as the commercial activities around the lake area, the Village, and along Big Bear Boulevard (State Highway 18).

5. The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection.

The disadvantaged unincorporated community within the City of Big Bear Lake's sphere of influence is located at the western portion of the City's unincorporated sphere, which is part of the proposed sphere expansion area, Area 1. The area is within the National Forest but has substantial residential development ranging from small cabins to large scale single family residences. No sewer service is available in the area. Currently, water service is provided by either connection to an existing mutual water company in the area or through individual wells. However, the area is already within the Big Bear Lake Fire Protection District's service area for fire protection service.

Since the area is proposed to be within the City's sphere, water and/or sewer service may be available from the City through an out-of-agency service agreement that would require authorization from LAFCO.

6. Additional Determinations

- As required by State Law notice of the hearing was provided through publication in a newspaper of general circulation, the *Big Bear Grizzly*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in Commission Policy #27, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. In addition, on April 4, 2012, LAFCO staff met with the agency and representatives to review the determinations and recommendations made within its draft report, to solicit comments on the determinations presented and to respond to any questions of the affected agencies.
- Comments from landowners/registered voters and any affected agency have been reviewed and considered by the Commission in making its determinations.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission determines to affirm the existing sphere of influence for the City of Big Bear Lake. In addition, the Commission determines to accept the City of Big Bear Lake Department of Water and Power's current water service area, shown on the maps attached as Exhibit "B", as existing prior to January 1, 2001 and therefore the City's DWP is authorized to connect any of the parcels within this water service area without further LAFCO review. However, for the High Timber Ranch project, Assessor Parcel Number 2350-021-10, the City of Big Bear Lake DWP shall only be allowed to extend its water service to the parcel if the Big Bear City Community Services District determines that it will not extend water service to the parcel and it consents to the City's DWP serving the project.

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NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory shown on the map attached as Exhibit "A" as being within the sphere of influence of the City of Big Bear Lake; it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the City of Big Bear Lake shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's designation of the modified sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

AYES: **COMMISSIONERS:** Bagley, Cox, Curatalo, McCallon, Mitzelfelt
Rutherford, William


NOES: **COMMISSIONERS:** None

ABSENT: **COMMISSIONERS:** None

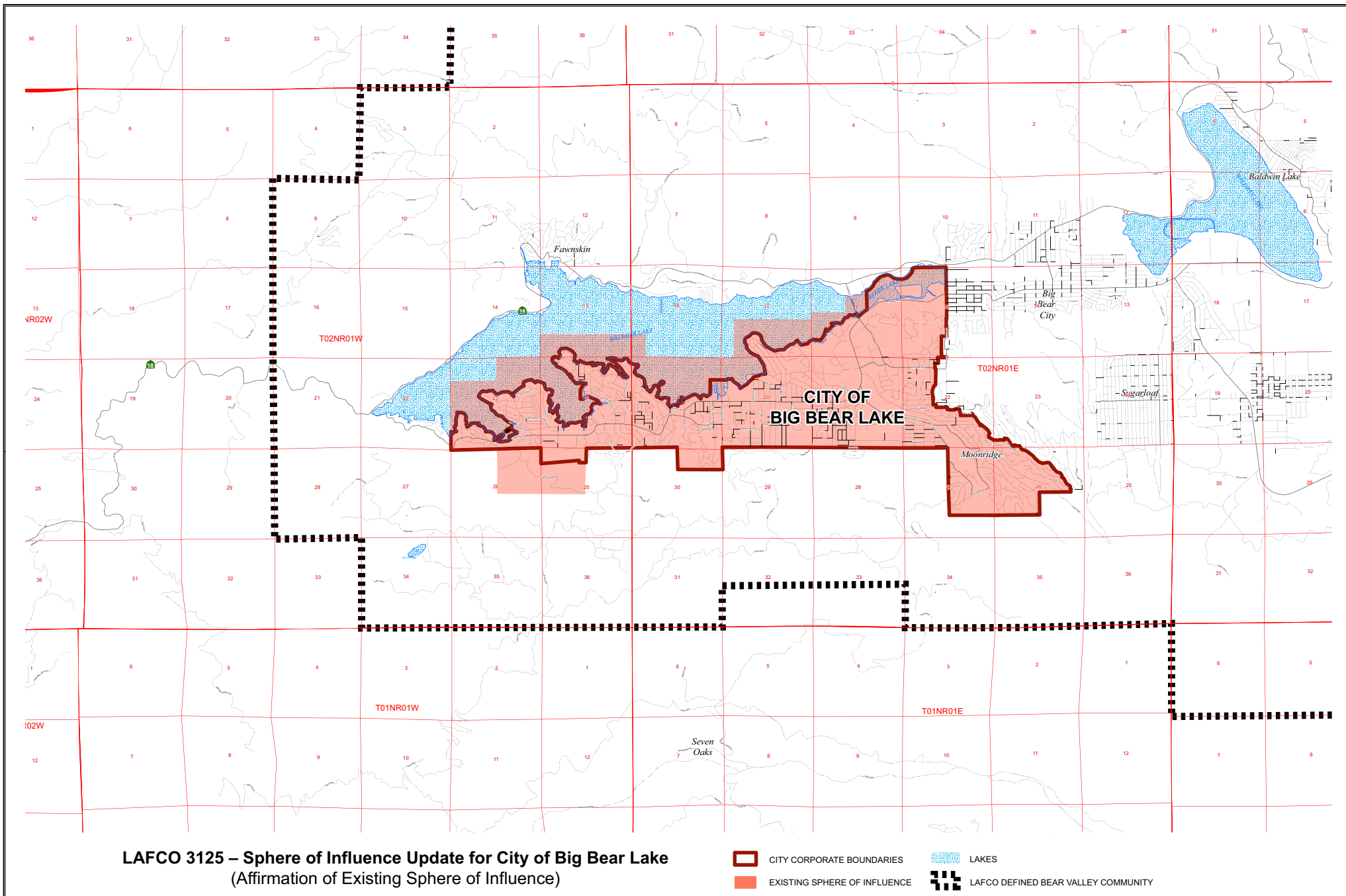
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

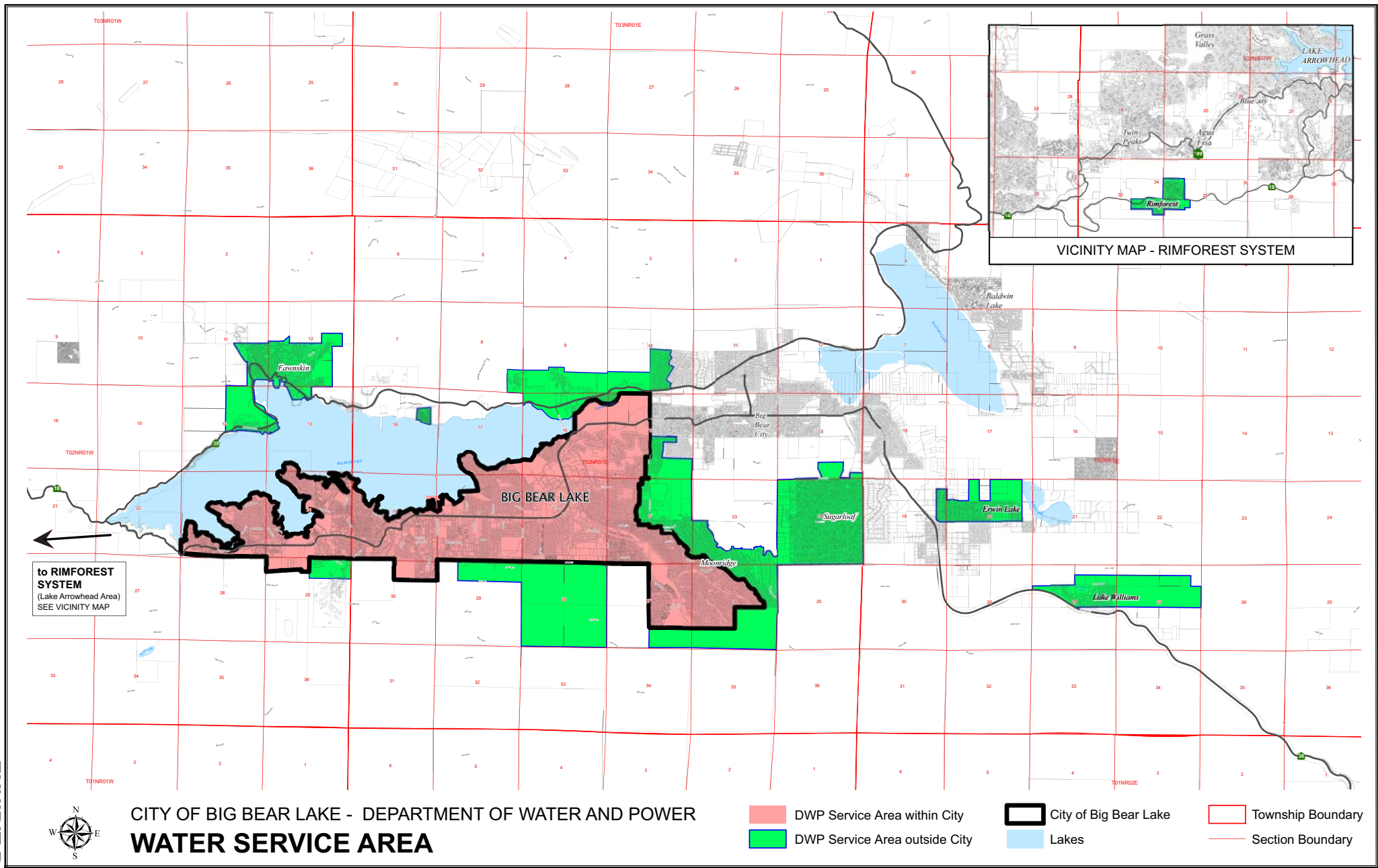
I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of August 15, 2012.

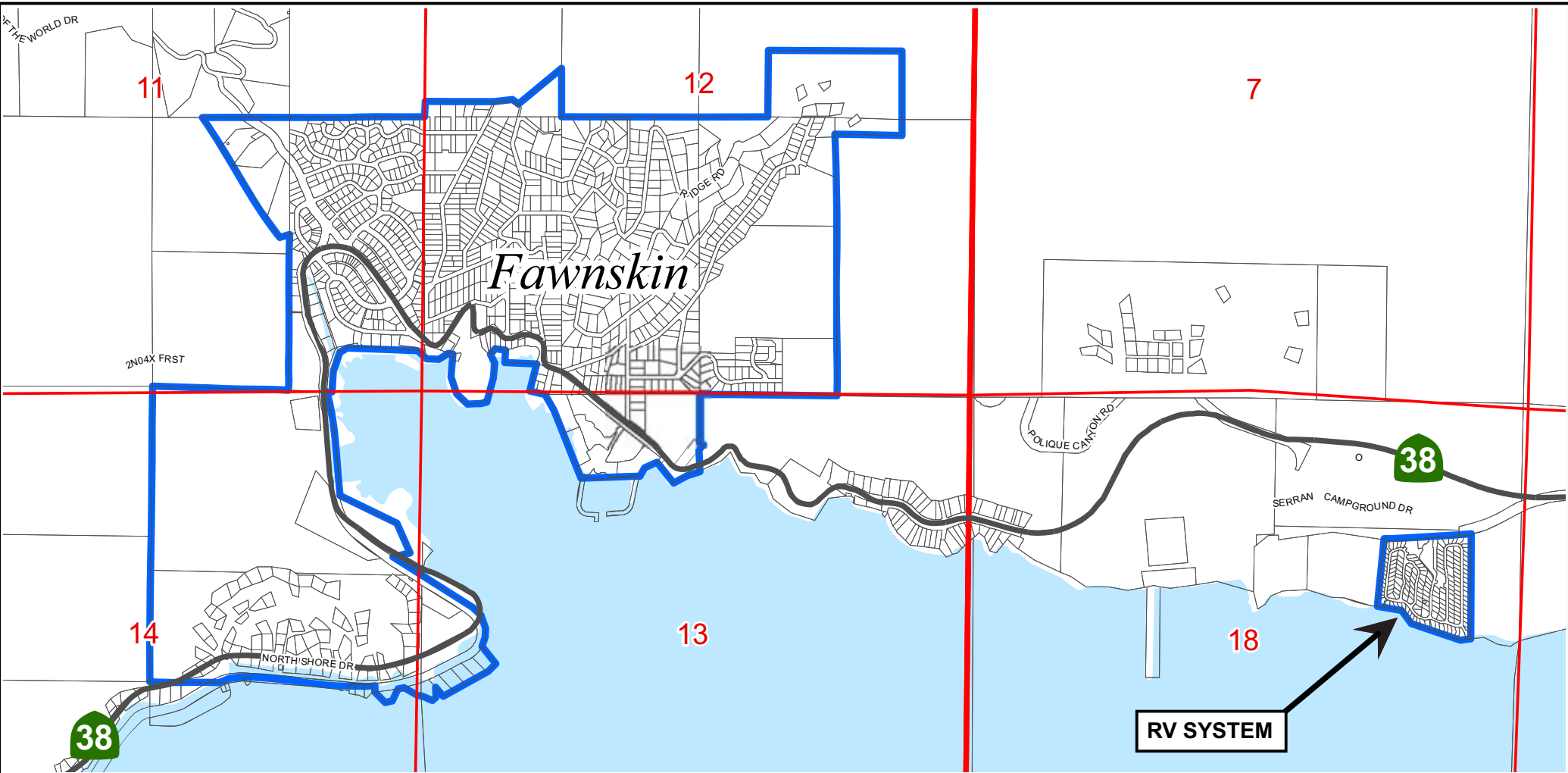
DATED: August 15, 2012

A circular seal for the Local Agency Formation Commission, County of San Bernardino. The seal features a central emblem with a mountain, a river, and a sun. The text "LOCAL AGENCY FORMATION COMMISSION" is written in a circle around the emblem, and "CO. OF SAN BERNARDINO" is written at the bottom.

Kathleen Rollings-McDonald
KATHLEEN ROLLINGS-McDONALD
Executive Officer

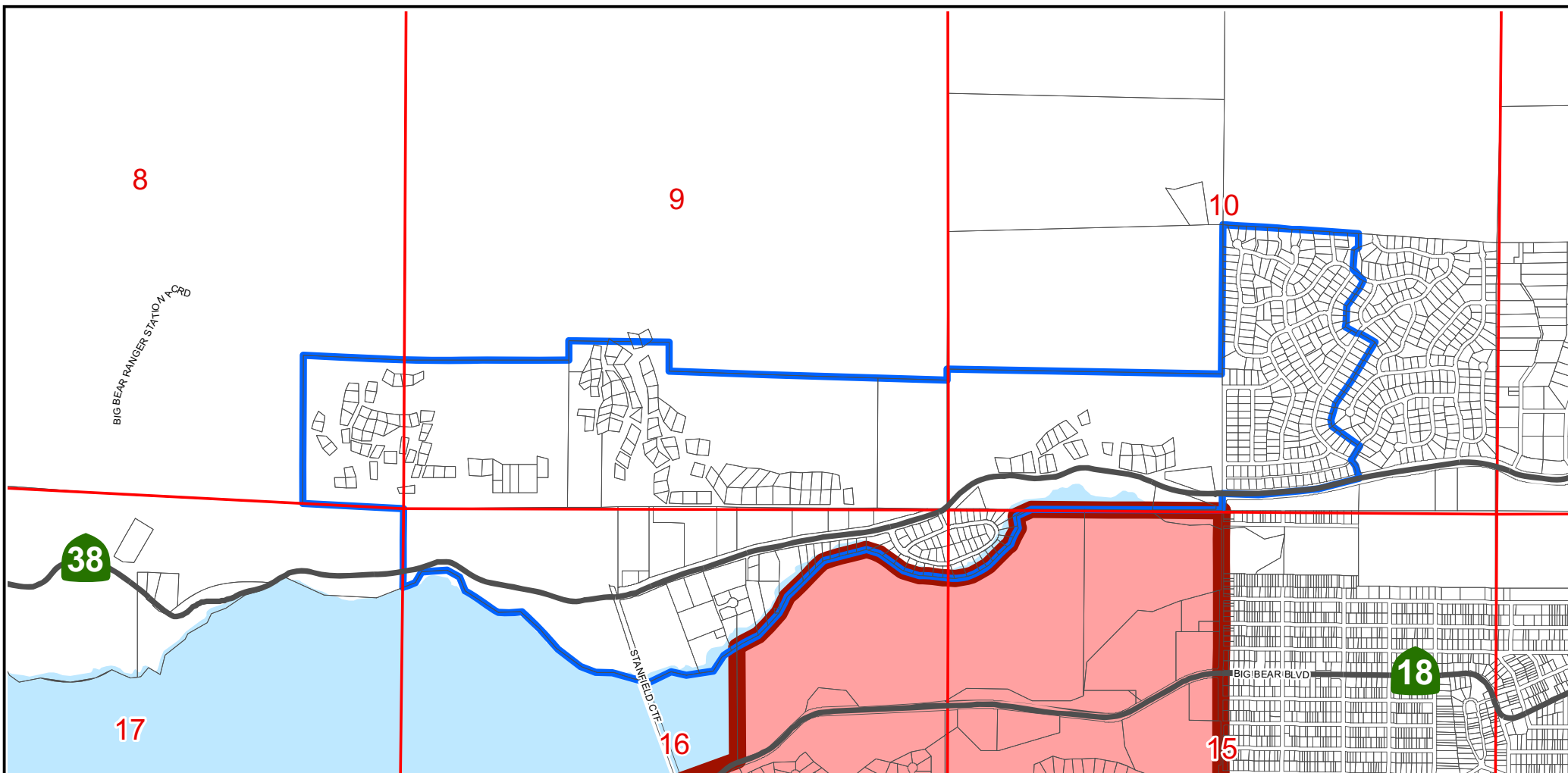






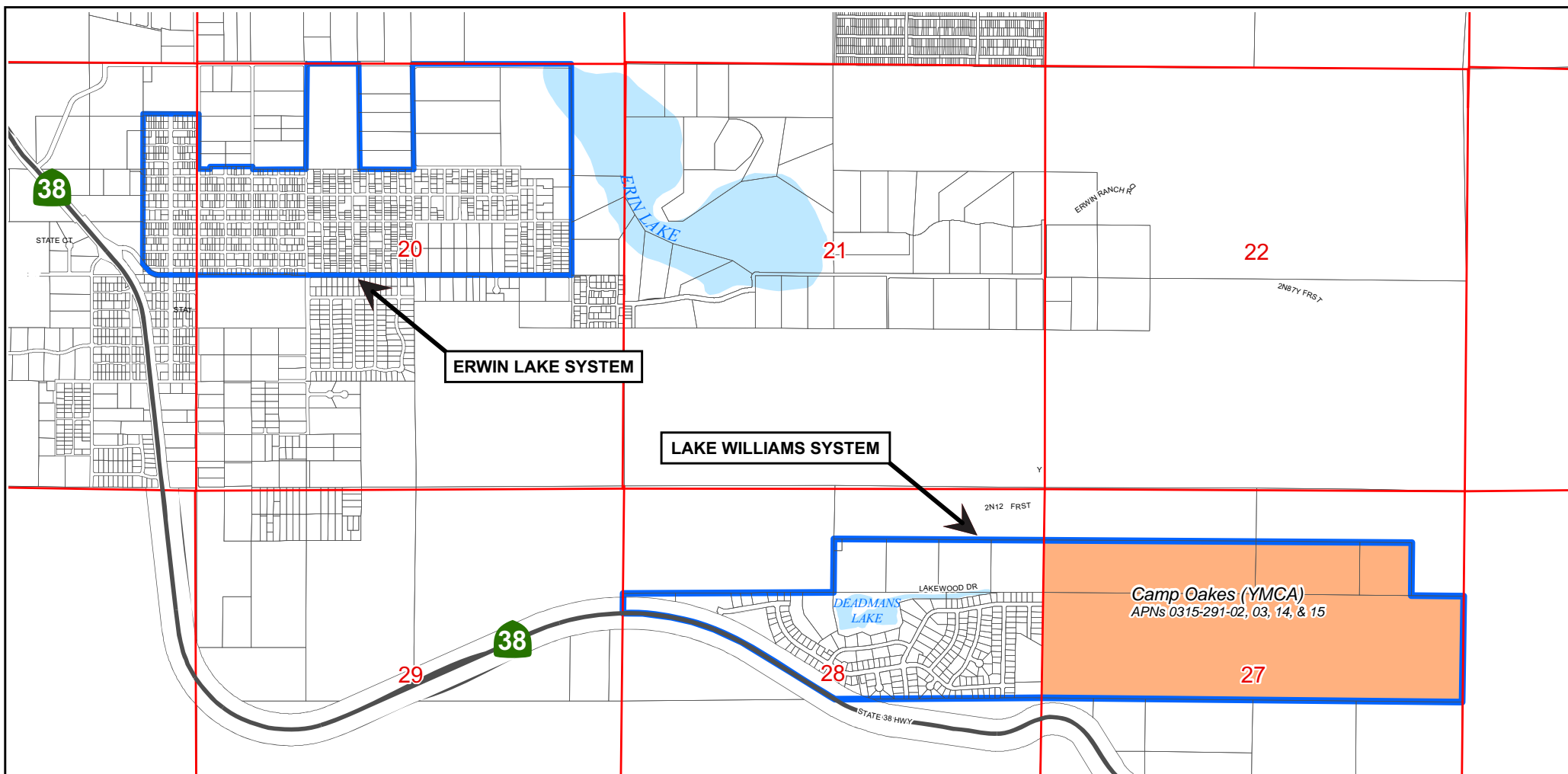
CITY OF BIG BEAR LAKE - DEPARTMENT OF WATER AND POWER
OUTSIDE CITY SERVICE AREA - FAWNSKIN SYSTEM & BIG BEAR SHORES RV RESORT SYSTEM

-  Outside City Service Area Boundary
-  City of Big Bear Lake
-  Section Lines
-  Township/Range



CITY OF BIG BEAR LAKE - DEPARTMENT OF WATER AND POWER
OUTSIDE CITY SERVICE AREA - PORTION OF BIG BEAR LAKE SYSTEM (NORTH SHORE AREA)

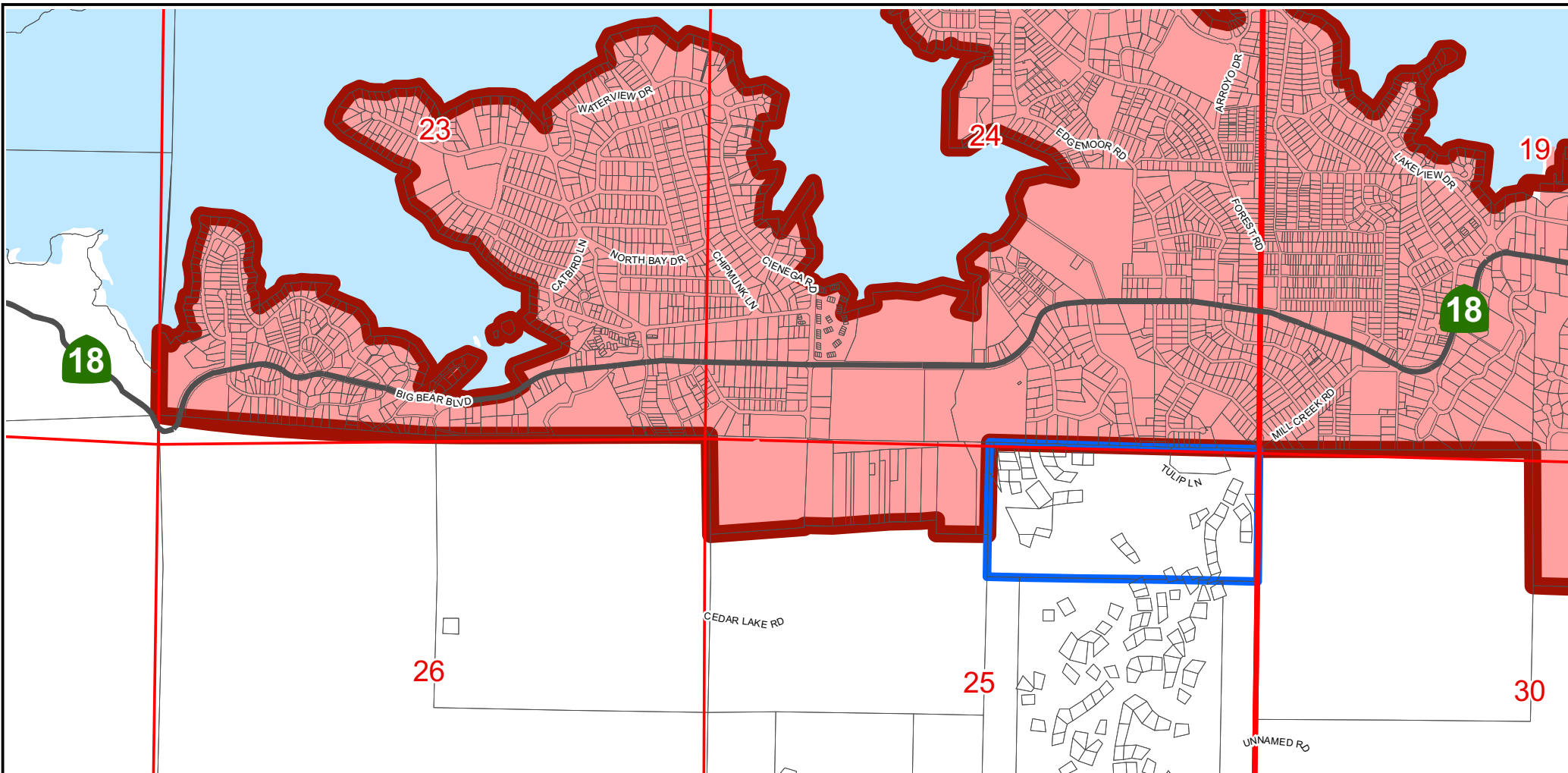
 Outside City Service Area Boundary
 City of Big Bear Lake
 Section Lines
 Township/Range



CITY OF BIG BEAR LAKE - DEPARTMENT OF WATER AND POWER

OUTSIDE CITY SERVICE AREA - ERWIN LAKE SYSTEM & LAKE WILLIAMS SYSTEM

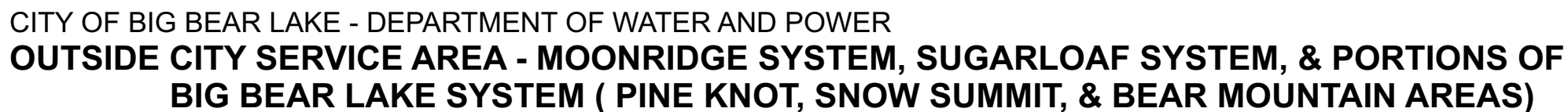
 Outside City Service Area Boundary
  City of Big Bear Lake
  Section Lines
  Township/Range



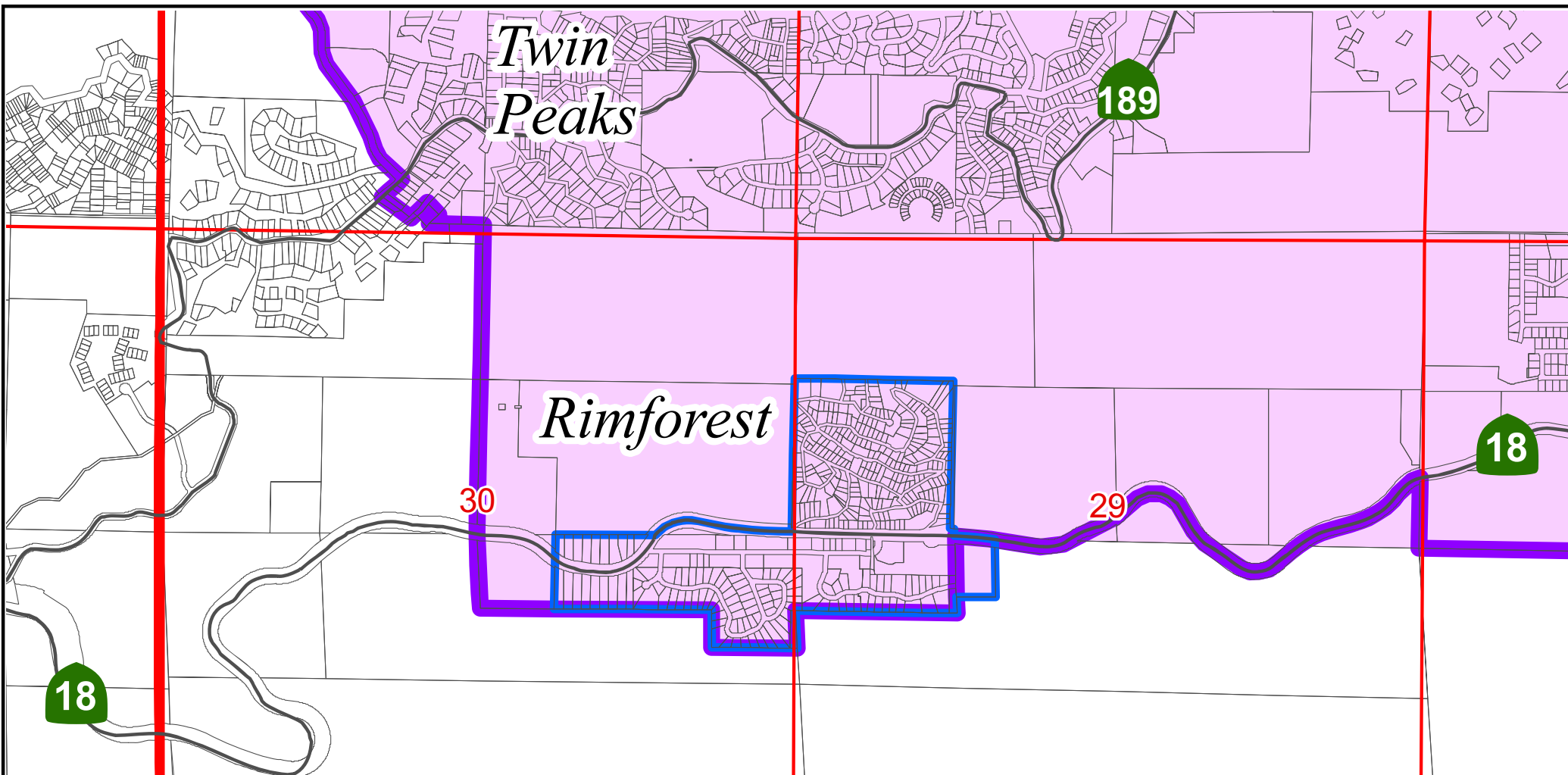
CITY OF BIG BEAR LAKE - DEPARTMENT OF WATER AND POWER

OUTSIDE CITY SERVICE AREA - PORTION OF BIG BEAR LAKE SYSTEM (METCALF CREEK AREA)

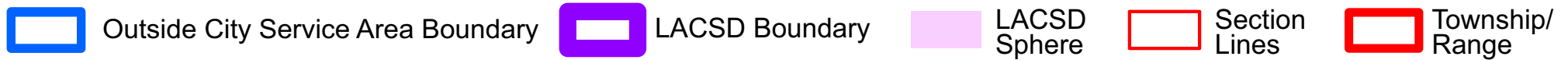
- Outside City Service Area Boundary
- City of Big Bear Lake
- Section Lines
- Township/Range



 Outside City Service Area Boundary
  City of Big Bear Lake
  Section Lines
  Township/Range




CITY OF BIG BEAR LAKE - DEPARTMENT OF WATER AND POWER
OUTSIDE CITY SERVICE AREA - RIMFOREST SYSTEM



LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 9, 2015 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
SAMUEL MARTINEZ, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: LAFCO SC #400 – City of Chino Irrevocable
Agreement to Annex for Water and Sewer Service (Tentative Tract
18902 -- APNs 1016-521-03, -04, and -05)

INITIATED BY:

City of Chino, on behalf of property owner/developer

RECOMMENDATION:

Staff recommends that the Commission approve the request for out-of-agency contract by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
 - Certify that the Commission has reviewed and considered the environmental assessment and the Negative Declaration prepared by the County of San Bernardino for the General Plan Land Use Zoning District Amendment from RS-20M to SD (PRD-2014-01), Planned Residential Development to create a 36-unit residential community with a community park, and Tentative Tract Map 18902 to create 36 lots and three lettered lots on 6.86 +/- acres, and found them to be adequate for Commission use;
 - Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project, that all mitigation measures are the responsibility of the County of San Bernardino, not the Commission; and,
 - Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA lead

agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve SC #400 authorizing the City of Chino to extend water and sewer service outside its boundaries to Tentative Tract 18902, proposed for a 36-lot residential subdivision, on Assessor Parcel Numbers 1016-521-03, 1016-521-04, and 1016-521-05; and,
3. Adopt LAFCO Resolution #3208 setting forth the Commission's determinations and approval of the agreement for services outside the City of Chino's boundaries.

BACKGROUND:

The City of Chino has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend water and sewer service. The agreement relates to three parcels, Assessor Parcel Numbers (APN) 1016-521-03, -04, and -05, located on the west side of Pipeline Avenue generally north of Riverside Drive, which is within the City of Chino's western sphere of influence. The map below which is also included as Attachment #1 provides a location and vicinity map of the site. In addition the materials in Attachment #1 include maps outlining the location of the infrastructure to be extended.



The City, on behalf of the property owner/developer, has requested that the Commission review and approve the extension of services pursuant to the provisions of Government Code Section 56133. The property owner/developer has processed a Planned Development and Tentative Tract (TT 18902) on 6.86 acres, which was approved by the County Board of Supervisors on November 4, 2014. The Conditions of Approval placed upon this project by the County's Land Use Services Department include the requirement to connect to the City of Chino's water and sewer facilities (Planned Development conditions # 26 and 27, Tentative Tract conditions # 32, 33, and 34). A copy of both Conditions of Approval are included as Attachment #3 to this report. The demolition and grading permits have been received for this project; however, in order to record the final tract map the property owner/developer requires the completion of the contract process for the receipt of water and sewer service.

In addition, the City has indicated that while the service contract area is contiguous to City boundaries, its annexation at this time would not provide for a logical and efficient boundary for delivery of the full-range of City services. Therefore, the City has agreed to the processing of the out-of-agency service contract for water and sewer service to allow for the development of the 36-lot subdivision.

PLAN FOR SERVICE:

The City's application indicates that an existing 8-inch water main and an 18-inch sewer main front the property on Pipeline Avenue. Water and sewer service will be provided through respective main lines and laterals to these facilities to be constructed by the owner.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The property owner/developer will be responsible for all costs associated with the extension of both water and sewer service connection to the project site:

CONSTRUCTION COSTS

Water Improvements	\$250,729.00
Sewer Improvements	\$205,084.00
TOTAL	\$455,813.00

The City has also indicated that it is the property owner/developer's responsibility to arrange for a contractor to construct all service connections necessary to extend the services to the project site pursuant to the City's standards.

In addition, the City has indicated that the following amounts are required from the developer prior to connection to the City's water and sewer facilities:

SUMMARY OF DEVELOPMENT IMPACT FEES & OTHER CHARGES

Fees/Charges	Units	Fee/Unit	Impact Fee
Development Impact Fee			
• Water Impact Fee	36	\$1,130.00	\$40,680.00
• Sewer Impact Fee	36	\$771.00	\$27,756.00
Subtotal			\$68,436.00
Other Fees and Charges			
• Administrative Fee = 12% of DIF(\$68,436)			\$8,212.32
• IEUA Fee	36	\$5,107.00	\$183,852.00
• Water Connection Fee (1" Meter)	36	\$623.40	\$22,442.40
• Encroachment Fee	1 lot		\$143.00
• Inspection Fee = \$421+4.8% of Construction Cost (\$455,813)			\$22,300.02
Subtotal			\$236,949.74
Total			\$305,385.74

CONCLUSION:

The development of TT 18902 requires that it receive water and sewer service from the City of Chino. In order for the project to proceed to record the Final Tract Map, the developer must show proof of his ability to connect to the City of Chino's water and sewer infrastructure - which is the Commission's authorization for the extension of services.

Staff has reviewed this request for authorization to provide water and sewer service from the City of Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels that make up TT 18902 are within the sphere of influence assigned to the City of Chino and are anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide water and sewer service to the proposed residential development since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide the level of service required by the Tentative Tract within the area.

DETERMINATIONS:

1. The project area, which includes three parcels—Assessor Parcel Numbers (APN) 1016-521-03, 1016-521-04, and 1016-521-05—is within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. The requirement to receive water and sewer service from the City is a condition of approval placed upon the project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary to satisfy this condition of approval allowing the project to proceed.
2. The application requests authorization for the City of Chino to provide water and sewer service as outlined in the Irrevocable Agreement to Annex for APN 1016-521-03, -04, and -05 located on the west side of Pipeline Avenue generally north of Riverside Drive. While the property is contiguous to City boundaries, the City has identified that its annexation would not provide for a logical and efficient service boundary. Therefore, this contract will remain in force in perpetuity or until such time as the area is annexed when a more comprehensive annexation can be identified and processed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of these services.

The fees charged this project by the City of Chino for water and sewer service are identified as totaling \$305,385.74. Payment of these fees is required prior to connection to the City's water and sewer facilities. The property owner/developer is also required to provide all costs for all improvements needed to extend the water and sewer facilities to the parcel, which the City has estimated at \$455,813. The City has indicated there is no difference in monthly charge between in-city and outside city boundary service.

3. As required by State Law, notice of the Commission's consideration was provided through publication in a newspaper of general circulation, *The Inland Daily Bulletin*. Individual notice was provided to registered voters (2 within the project area and 257 surrounding) and landowners (the landowner/developer within and 162 surrounding) as required by Government Code Section 56157 as well as affected and interested agencies, County departments, and those agencies and individual requesting mailed notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
4. In November 2014, acting as the CEQA lead agency, the County prepared an environmental assessment for the proposed General Plan Land Use Zoning District Amendment, Planned Residential Development, and Tentative Tract Map 18902. The County's assessment indicates that the project would not have a

significant effect on the environment through its development under the Conditions of Approval that has been approved for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and the Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the County's Initial Study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this proposal, as these are the responsibility of the County and others, and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

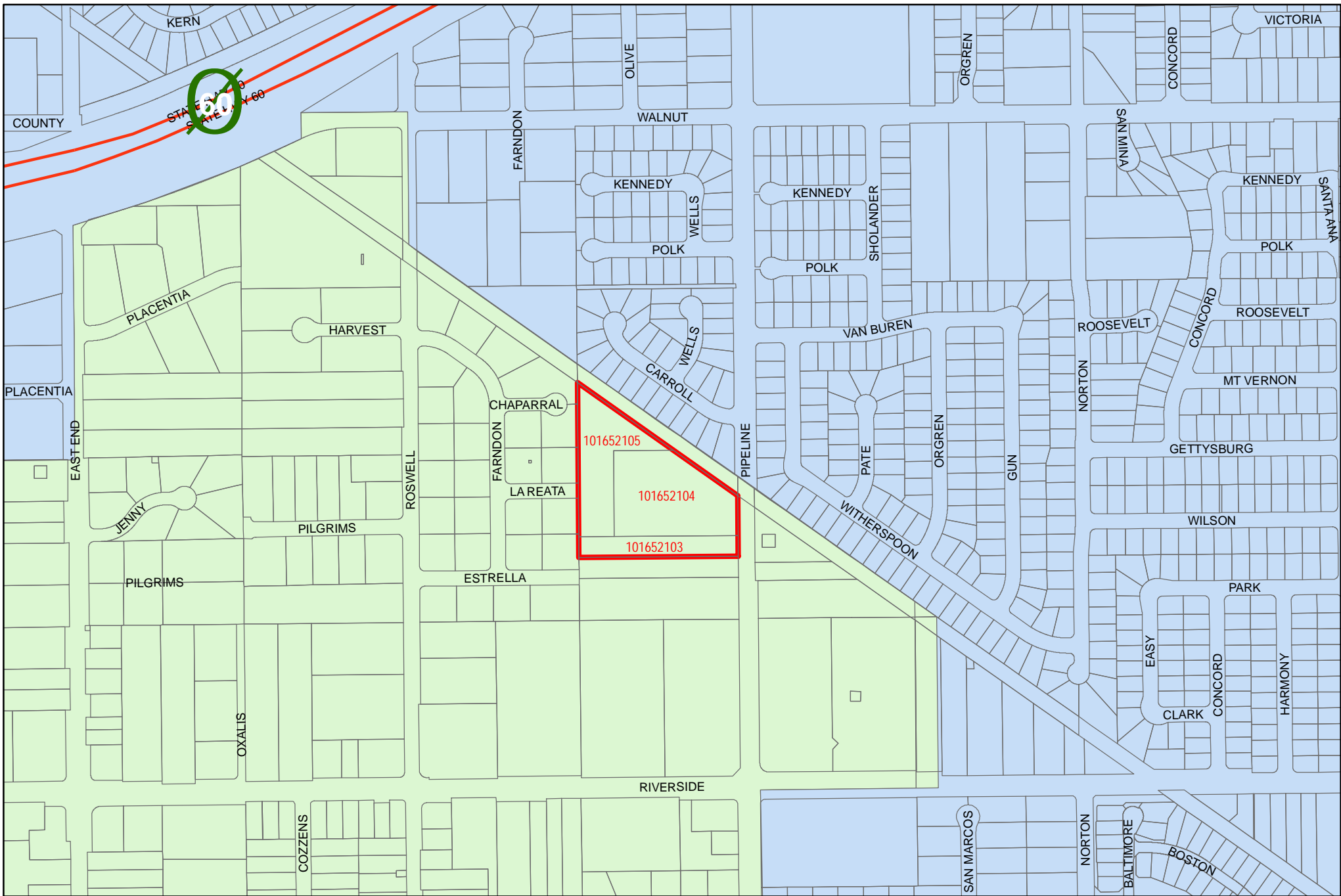
KRM/sm

Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Chino's Application and Contract
3. County Conditions of Approval for the Planned Residential Development and Tentative Tract 18902
4. Tom Dodson and Associates Response, the County's Environmental Documents for the Conditional Use Permit
5. Draft Resolution #3208

Vicinity Map and Map of the Contract Area

Attachment 1



LAFCO SERVICE CONTRACT #400

 SC#400

 City of Chino

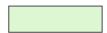
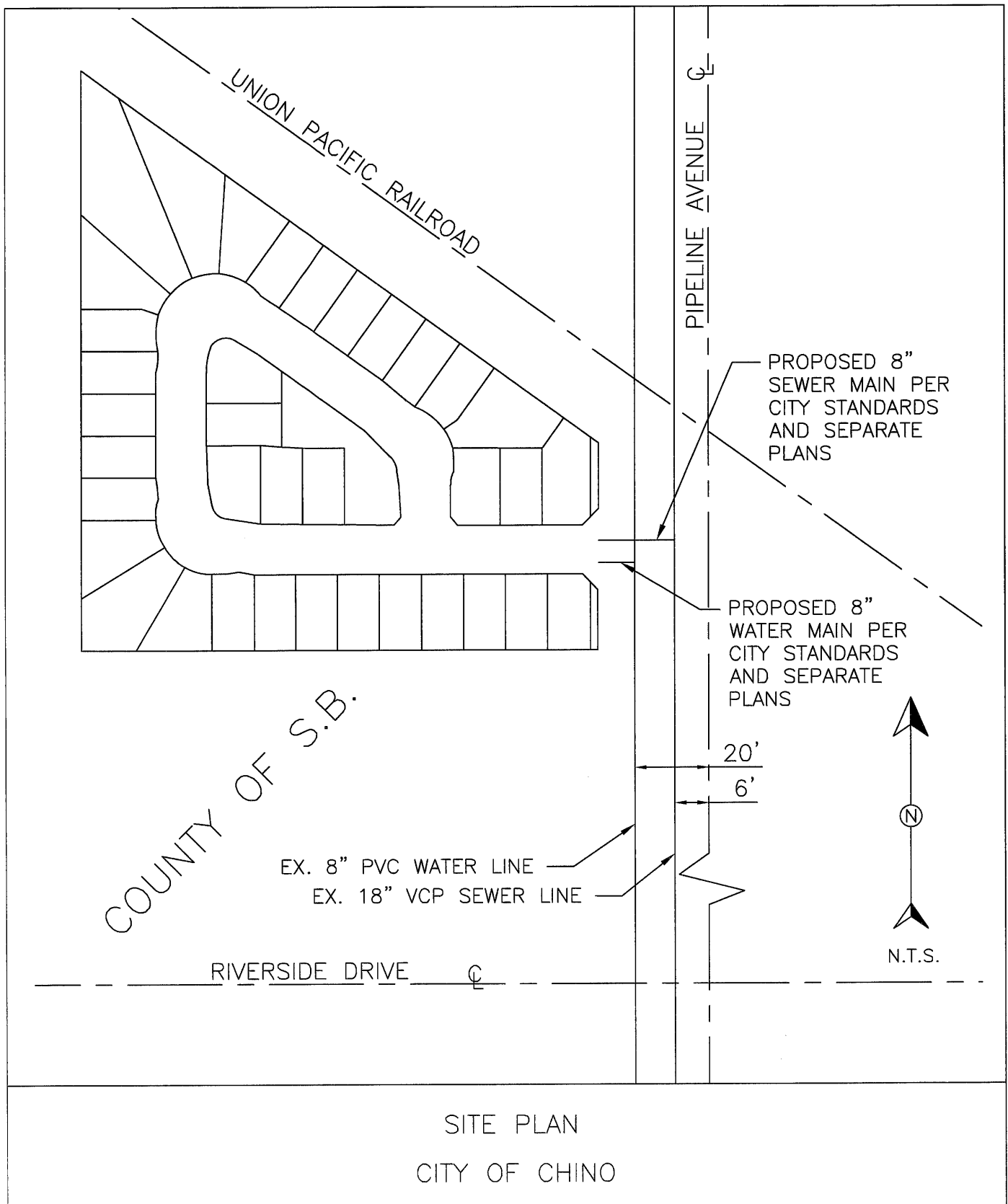
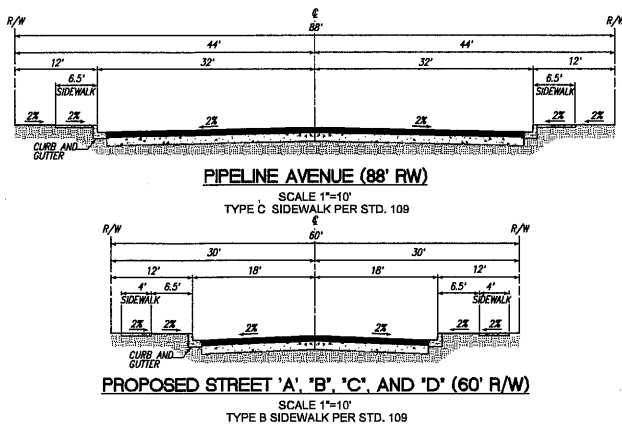
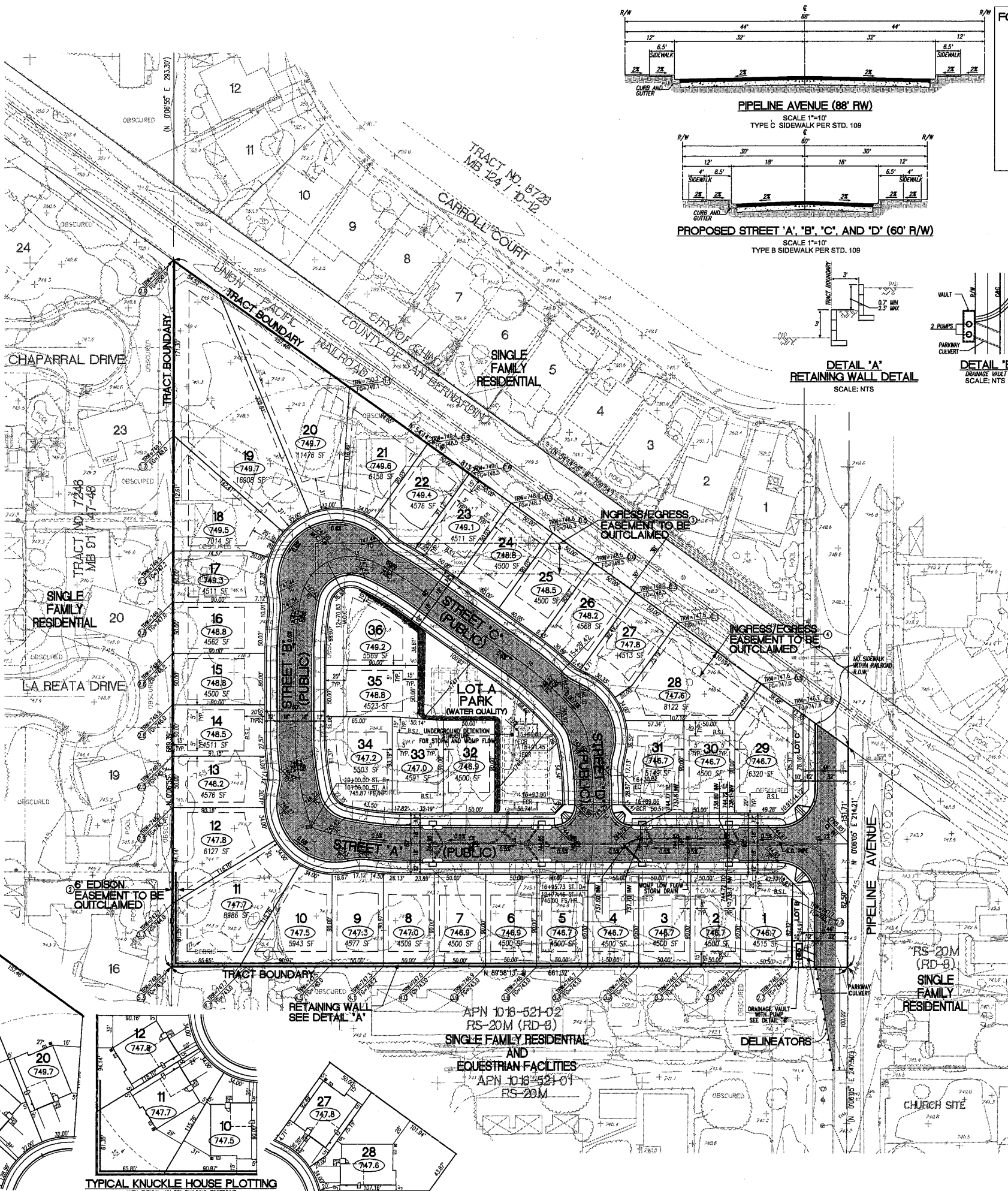
 City of Chino Sphere



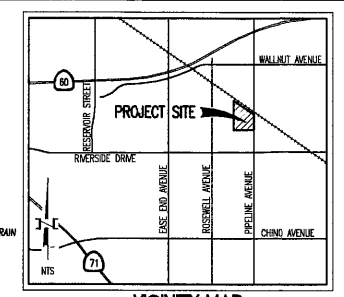
EXHIBIT "B"





FOR OFFICIAL USE ONLY:

LAFCO SC # 400



EARTHWORK NOTE

RAW CUT	2,480 C.Y.
RAW FILL	15,697 C.Y.
PAID OVEREXCAVATION	21,318 C.Y.
STREET OVEREXCAVATION	6,802 C.Y.
TOTAL EARTHWORK	46,300 C.Y.
IMPORT	18,483 C.Y.

SOURCE OF IMPORT TO BE DETERMINED PRIOR TO GRADING PERMIT

- EXISTING EASEMENTS AND DISPOSITION**
- ① 5971 O.R. 571: GENERAL TELEPHONE EASEMENT; TO BE QUITCLAIMED NOT PLOTTABLE.
 - ② 6258 O.R. 539: EDISON EASEMENT; TO BE QUITCLAIMED.
 - ③ INSTRUMENT NO. 02-283155: INGRESS, EGRESS EASEMENTS; TO BE QUITCLAIMED.
 - ④ INGRESS EGRESS EASEMENT; TO BE QUITCLAIMED.

ACCOMPANYING ENTITLEMENTS

GENERAL PLAN AMENDMENT
ZONE CHANGE
PLANNED DEVELOPMENT

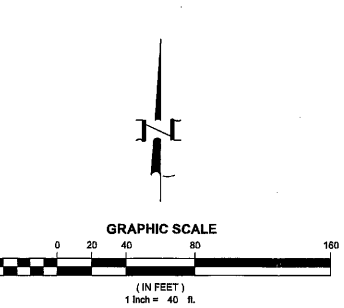
BASIS OF BEARINGS

THE BEARING OF THE CENTERLINE OF PIPELINE AVE. N 0°06'05" E AS SHOWN OF TRACT NO. 8726 PER MAP FILED IN BOOK 124 PAGES 10 THROUGH 12 OF MAPS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS TENTATIVE TRACT MAP.

LEGAL DESCRIPTION

THAT PORTION OF LOTS 48 AND 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS PER PLAT OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO, AS PER PLAT RECORDED IN BOOK 6 OF MAPS, PAGE 15, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 49 DISTANT NORTHERLY 330 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 49 THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOTS 48 AND 49, 608.20 FEET TO THE SOUTHERLY LINE OF RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY THENCE ALONG SAID SOUTHERLY LINE SOUTHEASTERLY 463.5 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 49 THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOT 49, 237.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 48, 138.24 FEET EAST OF THE NORTHWEST CORNER OF LOT 48 THENCE SOUTHERLY AND PARALLEL WITH THE WESTERLY LINES OF LOTS 48 AND 49, 337.20 FEET TO A POINT WHICH IS 330 FEET NORTH OF THE SOUTHERLY LINE OF LOT 48 THENCE WESTERLY 138.24 FEET TO THE TRUE POINT OF BEGINNING. TOGETHER WITH:

THE NORTH 82.5 FEET OF THE SOUTH 330 FEET OF THOSE PORTIONS OF LOTS 48 AND 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP OF SUBDIVISION OF A PART OF THE RANCHO SANTA ANA DEL CHINO IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 48; THENCE NORTH 838.9 FEET TO THE SOUTHERLY LINE OF RIGHT OF WAY OF SOUTHERN PACIFIC RAILROAD CO.; THENCE ALONG SAID LINE SOUTH 54 DEGREES 24' EAST 747 FEET TO THE EASTERLY LINE OF SAID LOTS; THENCE SOUTH 463.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 49; THENCE WEST 680 FEET TO THE POINT OF BEGINNING. ALSO TOGETHER WITH: THAT PORTION OF LOT 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO MAP OF A PART OF RANCHO SANTA ANA DEL CHINO, AS PER MAP RECORDED IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 48, DISTANT NORTHERLY 330 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 49; THENCE EAST PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 48; A DISTANCE OF 138.24 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 48 A DISTANCE OF 337.20 FEET TO THE WESTERLY LINE OF LOT 49; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT 49, A DISTANCE OF 237.56 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY; THENCE ALONG SAID LINE SOUTH 54 DEGREES 24' MINUTES EAST 307.65 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE SOUTH ALONG THE EASTERLY LINE OF SAID LOT 187.35 FEET TO A POINT WHICH IS 330 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 48; THENCE WESTERLY AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 48, A DISTANCE OF 487.59 FEET TO THE TRUE POINT OF BEGINNING.



GENERAL NOTES:

- THIS PROJECT IS DESIGNED FOR A DEVELOPER BUILDOUT
- THERE ARE 3,275 LINEAR FEET OF NEW STREETS.
- THE SITE IS NOT SUBJECT TO FLOODING, OVERFLOW OR INUNDATION

COMPOSITE DEVELOPMENT PLAN (CDP) NOTE

THE BUILDING SETBACKS NOTED HEREON WILL BE DELINEATED ON THE CDP FOR THIS PROJECT. IN ADDITION, THE CDP WILL BE RECORDED AS A PART OF THE CDP FOR THE PROJECT.

FEMA NOTE

THE PROJECT IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FLOOD INSURANCE RATE MAP NUMBER 60071C8615H DATED AUGUST 28, 2008.

LEGEND

RS-20M	COUNTY OF SAN BERNARDINO ZONING
(RD-8)	CITY OF CHINO PREANNEXATION ZONING
B.S.L.	BUILDING SETBACK LINE
1768-1769	RETAINING WALL WITH EXPOSED HEIGHT
1769-1770	

DEVELOPMENT STANDARDS

LOT AREA, MINIMUM:	4,500 S.F.
LOT WIDTH, MINIMUM:	60 L.F.
LOT DEPTH, MINIMUM:	90 L.F.
DENSITY, MAXIMUM:	8 DU/AC
LOT COVERAGE:	60%
FRONT BUILDING SETBACK MINIMUM:	20 FT
REAR BUILDING SETBACK MINIMUM:	15 FT
INTERIOR BUILDING SETBACK MINIMUM:	5 FT
STREET SIDE SETBACK MINIMUM:	10 FT
STORIES:	2 1/2
MAXIMUM BUILDING HEIGHT:	35 FT
CUL DE SAC / KNUCKLE LOT:	
STREET FRONTAGE MINIMUM:	28 FT

LOT SIZES:

LARGEST LOT:	16,808 S.F.
SMALLEST LOT:	4,500 S.F.
AVERAGE LOT:	5,630 S.F.

BENCHMARK:

NO. 12541 ELEV. 765.03 FT
LOCATION: A 2 1/2" BRASS DISC LOCATED IN TOP OF CURB MARKED "CITY OF CHINO BENCHMARK 12541" AT THE NORTHWEST CORNER OF WALNUT AVENUE AND PIPELINE AVENUE

LAND USE SUMMARY:

LOTS 1-36:	4.63 ACRES
LOT A:	0.26 ACRES
LOT B:	0.02 ACRES
LOT C:	0.02 ACRES
PIPELINE AVENUE:	0.25 ACRES
STREETS A, B, C, & D:	1.68 ACRES
TOTAL:	6.86 ACRES
GROSS ACREAGE:	6.86 ACRES
RESIDENTIAL LOTS:	36 LOTS
GROSS DENSITY:	5.28 DU/AC
LETTERED LOTS:	3 (LOTS A, B & C)
EXISTING ZONING:	RS-20M (COUNTY)
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD) (COUNTY)

ASSESSOR'S PARCEL NUMBERS:

1016-621-03-0-0000, 1016-621-04-0-0000, 1016-621-05-0-0000

UTILITY COMPANIES:

WATER:	CITY OF CHINO
SEWER:	CITY OF CHINO
TELEPHONE:	VERIZON
ELECTRICAL:	SOUTHERN CALIFORNIA EDISON COMPANY
GAS:	SOUTHERN CALIFORNIA GAS COMPANY

TENTATIVE TRACT NO. 18902

APPLICANT:

COASTAL COMMERCIAL PROPERTIES
503 NORTH PACIFIC COAST HIGHWAY, SUITE C
SOLANA BEACH, CA 92075
BRETT CROWDER
(949) 632-3122
BRETT@COASTALCOMPROPERTY.COM

PROPERTY OWNERS:

MARY E. PIAZZA FAMILY LIMITED PARTNERSHIP,
A CALIFORNIA LIMITED PARTNERSHIP
12750 PIPELINE AVENUE
CHINO, CA 91710

MICHEL A. WALTERS, SUCCESSOR TRUSTEE
OF THE MARY E. PIAZZA LIVING TRUST DATED MAY 12, 1994
12750 PIPELINE AVENUE
CHINO, CA 91710

PREPARED BY:

MDS CONSULTING
17320 REDHILL AVE, SUITE 350
IRVINE, CA 92614
(949) 251-8821
STANLEY C. MORSE, P.E., L.S.

REVISED: JULY 25, 2014 (ADDED LOT C)
REVISED: JUNE 13, 2014
REVISED: MAY 29, 2014
REVISED: MAY 23, 2014
REVISED: FEBRUARY 25, 2014

MDS CONSULTING

17320 Redhill Ave.
Suite 350
Irvine, CA 92614
Phone: 949-251-8821
Fax: 949-251-0516

MORSE

No. 20598
Exp. 9-30-15
CIVIL

SCHULTZ

PLANNERS ENGINEERS SURVEYORS

City of Chino's Application and Contract

Attachment 2

DENNIS R. YATES
Mayor

EUNICE M. ULLOA
Mayor Pro Tem



CITY of CHINO

GLENN DUNCAN
EARL C. ELROD
TOM HAUGHEY
Council Members

MATTHEW C. BALLANTYNE
City Manager

LAFCO SC # 400

September 23, 2015

RECEIVED
SEP 30 2015

Ms. Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

Dear Ms. Rollings-McDonald:

Subject: Sewer and Water Service Connections –
12730, 12740, & 12756 Pipeline Ave, Chino, CA (Chino-Pipeline Ave 36, LLC)

The City of Chino hereby requests that the Local Agency Formation Commission consider the attached application for service pursuant to the requirements of Government Code Section 56133.

Sincerely,

Michael Bhatanawin

Michael Bhatanawin
Associate Engineer

MB:lm

Attachments



**SAN BERNARDINO LAFCO
APPLICATION FOR
EXTENSION OF SERVICE BY CONTRACT**

(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Chino
CONTACT PERSON: Michael Bhatanawin
ADDRESS: 13220 Central Ave.
Chino, CA 91710
PHONE: (909) 334-3402
EMAIL: mbhatanawin@cityofchino.org

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: Chino-Pipeline Ave 36, LLC
CONTACT PERSON: Rick Peters
MAILING ADDRESS: 110 N. Lincoln Ave, Suite 100
Corona, CA 92882
PHONE: (714) 713-1277
EMAIL: rpeters@griffin-residential.com
ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT: 12730, 12740, 12756 Pipeline Ave
Chino, CA 91710
CONTRACT NUMBER/IDENTIFICATION: See attached legal description
PARCEL NUMBER(S): 1016-521-03, 1016-521-04, 1016-521-05
ACREAGE: 6.86

Extension of Service by Contract
Application Form
SEPTEMBER 2011

(FOR LAFCO USE ONLY)

The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.

Domestic water and sewer service

- (b) Are any of the services identified above "new" services to be offered by the agency? ☒ YES ☐ NO. If yes, please provide explanation on how the agency is able to provide the service.

The City owns an 8-inch water line and an 18-inch sewer line along Pipeline Ave. The City will permit connection to these facilities after improvement plans are approved and applicable fees have been paid.

2. Is the property to be served within the agency's sphere of influence? ☒ YES ☐ NO

3. Please provide a description of the service agreement/contract.

A copy of the Irrevocable Agreement to Annex to the City of Chino is attached.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.

Although the property is adjacent to the City boundary, the project site is too small to be annexed independent of the surrounding area and would not create logical City boundaries. At such future time, if a larger area is proposed that will create logical boundaries, possible annexation may be considered if consistent with City policy.

- (b) Is the property to be served contiguous to the agency's boundary? ☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

See response to 4 (a).

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?
☐ YES ☒ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).
-

6. (a) What is the existing use of the property?

Single family residences, detached garages, fences and horse stables, however, the properties are now vacant.

- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change.

To merge the three parcels in question into a single property and then into a 36-lot subdivision to be sold as single family residences.

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

A copy of a complete description of the project is attached.

8. Are there any land use entitlements/permits involved in the agreement/contract?
☒ YES ☐ NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

Tentative Tract Map / Parcel Map
Permit (Conditional Use Permit, General Plan Amendment, etc.)
Conditions of Approval
Negative Declaration (Initial Study)
Notice of Determination (NOD)/Notice of Exemption (NOE)
Department of Fish and Game (DFG) Receipt
Others (please identify below)

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

-
9. Has the agency proposing to extend service conducted any CEQA review for this contract? ☐ YES ☒ NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

Fronting the subject properties on Pipeline Ave, there is an existing 8-inch City water line located 20 feet west of centerline and an existing 18-inch City sewer line located 6 feet west of centerline (see attached Exhibit A). The developer will arrange for a contractor to construct the service connections.

- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
The cost of improvements and applicable City fees will be borne by the developer.		
Water Impact Fee	\$1,130/unit x 36	= \$40,680.00
Sewer Impact Fee	\$771/unit x 36	= \$27,756.00
12% Admin Fee	\$68,436 x 0.12	= \$8,212.32
I.E.U.A Fee	\$5,107/unit x 36	= \$183,852.00
Water Connection Fee (1" Meter)	\$623.40/meter x 36	= \$22,442.40
Encroachment Fee		= \$143.00
Construction Water Improvements		= \$250,729
Construction Sewer Improvements		= \$205,084
Inspection Fee \$421+4.8% Construction	\$421.00+(.048x\$455,813)	= \$22,300
Total Costs		\$761,198.72

- (c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3rd-party user fees and charges (i.e. fees/charges attributable to other agencies).

Not applicable.

- (d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

Not applicable.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☒ YES ☐ NO. If yes, has a copy been provided to LAFCO?
☒ YES ☐ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

See attached City Municipal Code section 13.12.091, and Resolution No. 2006-028.

CERTIFICATION

As a part of this application, the city of Chino, or the _____ district agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

Extension of Service by Contract
Application Form
SEPTEMBER 2011

(FOR LAFCO USE ONLY)

SIGNED

Michael Bhatanawin

NAME:

Michael Bhatanawin

POSITION TITLE:

Associate Engineer

DATE:

9/23/15

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission
215 North D Street, Suite 204
San Bernardino, CA 92415-0490
PHONE: (909) 383-9900 • FAX: (909) 383-9901

Project Description

The Pipeline Avenue Residential Development is a 6.86 acre single family detached development.

The proposed 36 single-family lot project shall be consistent with the existing neighborhoods surrounding the site and shall create a high quality environment. The future development shall be consistent with the City of Chino regulations for land use, infrastructure, utilities, and public services.

The project site consists of three separate parcels; Assessor's Parcel Numbers 1016-521-03-0-0000, 1016-521-04-0-0000 and 1016-521-05-0-0000, for a total 6.86 acres combined. The site is located within San Bernardino County within the City of Chino, Sphere of Influence with a preannexation zone of RD8 and a County of San Bernardino zone of RS-20M. The RD8 designation allows 4.5 to 8.0 dwelling units per adjusted gross acre. Pipeline Avenue

Residential Development has a proposed density of 5.24 units per acre, with an average lot size of 5,427 square feet. The RD8 classification is intended for new and existing single-family neighborhoods with slightly higher densities. This designation is mainly located in the older existing neighborhoods and in transition zones between lower-density residential uses and higher-density commercial, industrial and multi-family residential land uses. The project site shall be rezoned to Planned Development (PD) within the County to accommodate the 4,500 square foot lot minimum. See Exhibit 1 for Existing Site Photos.

The project is located in the northwestern portion of the City of Chino; specifically at 12730, 12740 and 12756 Pipeline Avenue. See Exhibits 2 through 5 for project location, City of Chino Land Use/General Plan designation and Zoning information.

This project was approved by the County of San Bernardino on July 25, 2014.

13.12.091 - Sewer service within the city's sphere of influence.

Anyone's property which is located outside the city's incorporated boundary, but within the city's sphere of influence, and who desires to obtain sanitary sewer services from the city, must request such in writing and provide pertinent information as to: the location, quantity and quality of flow of sewage to be delivered, how the request conforms with council policy related to such service, and where any sewer facility construction is required. In addition, the development of or on said property must be reviewed and approved by the city prior to receiving the requested sewer service connection permit. Also, the provisions of Sections 13.12.080, 13.12.090, and 13.16.041 shall be applicable.

(Ord. 89-25, 1989; Ord. 82-12 § 2 (part), 1982.)

RESOLUTION NO. 2006-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO,
CALIFORNIA, AMENDING EXISTING POLICY RELATED TO SANITARY
SEWER SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE
(REPLACING RESOLUTION NO. 89-180)

WHEREAS, existing and pending developments within the unincorporated area of the City's Sphere-of-Influence substantially rely on private on-site (septic) waste disposal systems; and

WHEREAS, the Chino Municipal Code, Chapter 13.14 (Sewers--Private Wastewater Disposal System), establishes requirements for connection to the sanitary sewer system; and

WHEREAS, Chapter 13.14 requires new and existing developments within 200 feet of a public sewer to connect to the sanitary sewer system; and

WHEREAS, the Water Quality Control Plan (WQCP) of the California Regional Water Quality Control Board -- Santa Ana River Basin establishes requirements for the use of private septic systems; and

WHEREAS, the WQCP requires new residential dwelling units on lots less than one-half acre, which are 200 feet or less from a public sewer, to connect to the public sewer system; and

WHEREAS, the WQCP also requires development projects of more than one dwelling unit on lots less than one-half acre to connect to a public sewer system and that the distance requirement increases by 100 feet for each additional dwelling unit; and

WHEREAS, existing City policy requires parcels contiguous to the City boundary requesting public sewer service to annex to the City when receiving a sewer service connection; and

WHEREAS, the Local Agency Formation Commission (LAFCO) has allowed sanitary sewer connections without requiring the property to annex to the City and LAFCO must ensure that logical service boundaries for all services are established, which generally requires the inclusion of additional parcels/properties when an annexation is requested; and

WHEREAS, the City Council has been attentive to the desires of property owners in the City's Sphere-of-Influence who do not desire annexation to the City.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Chino will permit both existing and new development within the Sphere-of-Influence to apply for and receive sanitary sewer service from the City in accordance with the following criteria:

1. Any parcel(s) not adjacent to the City boundary, but requesting sewer service, must execute and file an irrevocable agreement to annex to the City at such time that sufficient parcels can be assembled and qualify for annexation in accordance with LAFCO policy pertaining to such annexations.

2. Any parcel(s), contiguous to the City boundary, requesting sewer service, may be required to annex to the City. At the time of the request, if annexation is determined by the City to not be feasible, an irrevocable agreement to annex to the City must be executed.

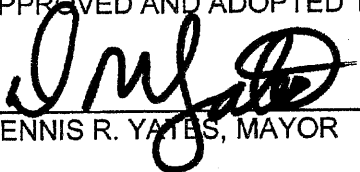
CITY OF CHINO

RESOLUTION NO. 2006-028
PAGE 2 OF 2

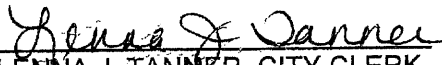
3. Any parcel(s) requesting sewer service must be developed in accordance with the City's General Plan provisions applicable to the affected area, and in conformance with the City's Standards and Codes relative to the development.

4. This Resolution is intended to replace Resolution No. 89-180, which addressed the same topic. Wherever there is any discrepancy between this Resolution and Resolution No. 89-180, this Resolution, No. 2006-028, shall control.

APPROVED AND ADOPTED THIS 2nd DAY OF MAY 2006.


DENNIS R. YATES, MAYOR

ATTEST:


LENNA J. TANNER, CITY CLERK


State of California)
County of San Bernardino) §
City of Chino)

I, Lenna J. Tanner, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution of the City of Chino was duly adopted by the City Council at a regular meeting held on the 2nd day of May 2006 by the following votes:

AYES: COUNCIL MEMBERS: YATES, DUNCAN, HAUGHEY, ULLOA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: ELROD


LENNA J. TANNER, CITY CLERK

CITY OF CHINO

RECEIVED
OCT 28 2015

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

City of Chino
City Clerk
P.O. Box 667
Chino, CA 91708

LAFCO
San Bernardino County

Exempt from recording fees according to
Government Code Section No. 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**IRREVOCABLE AGREEMENT
TO
ANNEX TO THE CITY OF CHINO**

CITY OF CHINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

This Agreement is made by and between the CITY OF CHINO, hereinafter referred to as CITY, and CHINO-PIPELINE AVE 36, LLC, a Delaware limited liability company, hereinafter referred to as OWNER.

WHEREAS, Owner is the legal property owner of the real properties situated in the State of California, County of San Bernardino, and consisting of approximately 6.61 gross acres located at 12730, 12740 and 12756 Pipeline Avenue, more commonly referred to as San Bernardino County Tax Assessor Parcel Numbers 1016-521-03, 1016-521-04 and 1016-521-05, described on Exhibit A attached. **(NOTE: Areas and distances are computed to the center of all adjoining streets and avenues).**

WHEREAS, Owner proposes to continue the current use of, or develop, said real property consistent with the land uses shown in the City General Plan, but within the unincorporated San Bernardino County area and within the City Sphere of Influence, and is requesting the use of City sanitary sewer and water systems, the right to extend said sewer and water systems to said property, and the right to connect the current use or the proposed development to extended sewer and water mains; and

WHEREAS, City is willing to consent to the connection of said property to the sewer and water mains only on the condition that the property be annexed to City at the earliest possible time; and

WHEREAS, Owner is desirous of annexing to City; and

WHEREAS, City will, in the future, proceed with the annexation of Owner's property, plus other property, but immediate annexation would cause delays which would create a substantial hardship for the owner of said property.

NOW, THEREFORE, THE PARTIES DO AGREE AS FOLLOWS:

1. Owner does hereby give irrevocable consent to annex to City at such time as the annexation may be properly initiated through appropriate legal proceedings and Owner does further agree to provide all reasonable cooperation and assistance to City in the annexation proceedings. Said cooperation is contemplated to include signing any applications or consent prepared by City, and submitting any evidence reasonably within the control of Owner to the various hearings required for the annexation. Said cooperation does not include, however, any obligation whatsoever to force the annexation to City.

2. City does hereby agree to authorize the connection of said Owner's property to the sewer and water mains located in Pipeline Avenue. Said connection to the sewer and water mains shall be permitted by City at such time as the connection permit can be approved by the Local Agency Formation Commission (LAFCO) pursuant to the requirements of Government Code Section 51633. Said connection shall be permitted prior to annexation to the City if the situation meets LAFCO Executive Officer approved criteria of health and safety emergency.

3. Owner agrees to pay such annexation fees and costs and other municipal charges as would ordinarily be charged on the annexation of property to the City. Said fees shall be payable when the same become due and payable.

4. Owner agrees to pay all fees and charges and make all deposits required by City to connect to and use the sanitary sewer and water systems and Owner agrees to be bound by all City ordinances, rules and regulations respecting the City sanitary sewer and water systems.

5. Owner agrees to continue the existing legal non-conforming use of the property or change/develop property use consistent with the Chino General Plan.

6. This Agreement shall be recorded with the office of the Recorder of the County of San Bernardino.

7. Owner executes this Agreement on behalf of himself/herself, his/her heirs, successors and assigns and said Agreement shall be irrevocable without the prior written consent of both parties hereto.

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EXECUTED THIS _____, DAY OF _____.

Approved as to Form:

Approved as to Content:

(Signature Not Required)

City Attorney

Jose Alire

Assistant City Manager

OWNER: CHINO-PIPELINE AVE 36, LLC

By: _____

Name: _____
(Please Type or Print Name)

NOTE: OWNER SIGNATURE(S) MUST BE NOTARIZED

CITY OF CHINO

Dated: _____

Matthew Ballantyne, City Manager

ATTEST:

Angela Robles, City Clerk

Date

Attachments: Exhibit A
Exhibit B

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

On October 27, 2015 before me, Dena Upp, A Notary Public personally appeared Ian Griffin

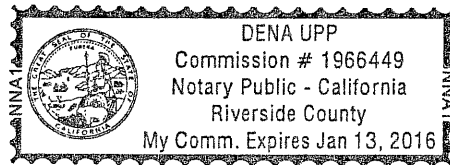
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Dena Upp



(Seal)

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED SAN BERNARDINO COUNTY AREA, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

TENTATIVE MAP NO. 18902 IS A SUBDIVISION OF THE LAND DESCRIBED AS FOLLOWS:

DIVISION A:

THE NORTH 82.51 FEET OF THE SOUTH 330.00 FEET OF THOSE PORTIONS OF LOTS 48 AND 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP OF SUBDIVISION OF A PART OF THE RANCHO SANTA ANA DEL CHINO ON FILE IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 49; THENCE NORTH 938.90 FEET TO THE SOUTHERLY LINE OF RIGHT OF WAY OF SOUTHERN PACIFIC RAILROAD CO.; THENCE ALONG SAID LINE SOUTH 54° 24' EAST 747.00 FEET TO THE EASTERLY LINE OF SAID LOTS; THENCE SOUTH 463.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 49; THENCE WEST 660.00 FEET TO THE POINT OF BEGINNING.

APN(s): 1016-521-03-0000

DIVISION B:

THAT PORTION OF LOT 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP OF SUBDIVISION OF A PART OF RANCHO SANTA ANA DEL CHINO ON FILE IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 49, DISTANT NORTHERLY 330 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 49; THENCE EAST PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 49; A DISTANCE OF 139.24 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID LOT A DISTANCE OF 337.20 FEET TO THE WESTERLY LINE OF LOT 49; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOT 49, A DISTANCE OF 237.56

FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY; THENCE ALONG SAID LINE SOUTH 54° 24' EAST 307.65 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE SOUTH ALONG THE EASTERLY LINE OF SAID LOT 157.35 FEET TO A POINT WHICH IS 330 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 49; THENCE WESTERLY AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 49, A DISTANCE OF 487.59 FEET TO THE TRUE POINT OF BEGINNING.

APN(s): 1016-521-04-0000

DIVISION C:

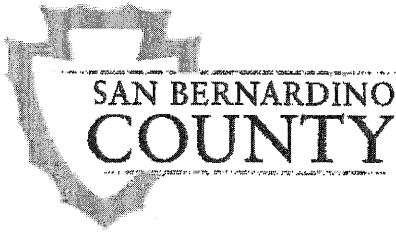
THAT PORTION OF LOTS 48 AND 49, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP OF SUBDIVISION OF PART OF RANCHO SANTA ANA DEL CHINO ON FILE IN BOOK 6, PAGE 15 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 49; DISTANT NORTHERLY 330.00 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 49; THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOTS 48 AND 49, 608.20 FEET TO THE SOUTHERLY LINE OF RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY; THENCE ALONG SAID SOUTHERLY LINE SOUTHEASTERLY 463.50 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 49; THENCE OF WESTERLY ALONG THE NORTHERLY LINE OF LOT 49, 237.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 49, 139.24 FEET EAST OF THE NORTHWEST CORNER OF LOT 49; THENCE SOUTHERLY AND PARALLEL WITH THE WESTERLY LINE OF LOTS 48 AND 49, 337.20 FEET TO A POINT WHICH IS 330.00 FEET NORTH OF THE SOUTH LINE OF LOT 49; THENCE WESTERLY 139.24 FEET TO THE TRUE POINT OF BEGINNING.

APN(s): 1016-521-05-0000

**County Conditions of Approval for the
Planned Residential Development and
Tentative Tract 18902**

Attachment 3



**Land Use Services Department
Planning**

Tom Hudson
Director

LAFCO SC # 400

November 10, 2014

Coastal Commercial Properties
503 N Pacific Coast Hwy, Ste C
Solana Beach, CA 92075

RE: PIPELINE AVENUE PLANNED RESIDENTIAL DEVELOPMENT, GENERAL PLAN AMENDMENT AND TENTATIVE TRACT MAP 18902 TO CREATE 36 LOTS AND 3 LETTERED LOTS FOR A SINGLE RESIDENTIAL DEVELOPMENT IN CHINO; APN:1016-521-03, 1016-521-04 AND 1016-521-05; P201300324

Dear Applicant:

On November 4, 2014, the above reference project was approved by the County of San Bernardino Board of Supervisors, subject to completion of the attached conditions of approval. The proposed project is found to be in conformance with the County of San Bernardino County General Plan policies, and the standards of the County Development Code. The Planned Development and Tentative Tract Map shall expire and become void on November 4, 2019, if it is not exercised pursuant to the conditions of approval.

PLEASE NOTE: THIS WILL BE THE ONLY NOTICE GIVEN FOR THE ABOVE SPECIFIED EXPIRATION DATE AND THE TIME LINES SPECIFIED IN THE CONDITIONS. THE APPLICANT IS SOLELY RESPONSIBLE FOR INITIATING ANY TIME EXTENSION REQUEST 30 DAYS BEFORE EXPIRATION.

The Conditions of Approval are listed under specific headings according to when each condition must be completed for the applicable County Department. Among these headings are: "General Requirements"; "Prior to Grading Permit"; "Prior to Building Permit" and "Prior to Final Inspection or Occupancy". The enclosed Condition Compliance Release Forms list each County Department or outside agency that must sign-off on the project prior to each stage of development. Conditions "Prior to Recordation" will be handled by the Surveyor. These forms must be completed with all required signatures in order to obtain each requested permit. Prior to issuance of any permit, the developer shall return the completed and signed Condition Compliance Release Form with four copies of the stamped approved plot plan and a copy of the Conditions of Approval to the Planning Division for review.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Vice Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Chairman, Third District

CUET HAGMAN
Fourth District

JOSE GONZALES
Fifth District

GREGORY C. DOWD
Chief Executive Officer

Within five working days of submittal, the Planning Division will review and, if appropriate, will release the Planning Division hold on each requested permit by stamping the approved plot plans with a "red" permit release stamp or by stamping the grading plans. The developer shall take a copy of the "red stamped" plans along with a copy of the signed Condition Compliance Release Forms to the Building and Safety Division. This will complete the Planning Division's approval process for that permit. Please note that there may be other corrections and reviews by County Fire, County Public Works or Building and Safety Division that need to be satisfied prior to issuance of permits by the Building and Safety Division. Condition compliance for the Tentative Parcel Map is processed by the County Surveyor.

This completes the Planning Division's review of this project. The Conditions of Approval and the approved site plan are the final development criteria and design for this project. This is not considered a conceptual design, and as such, is not subject to change or alteration. Therefore, any proposed revisions or modifications will require additional fees and the submittal of a "Revision to Approved Action Application" for review and approval.

If you have any questions regarding specific condition(s) outlined in the attached Conditions of Approval, please call the appropriate agency or department. The telephone numbers of each County Department are listed in the Conditions of Approval next to the department's section heading. If you have any questions regarding this process or require additional information about specific Planning conditions, please contact me at Kevin.White@lus.sbcounty.gov or (909) 387-3067.

Sincerely,



Kevin White, Senior Planner

Attachments: Conditions of Approval
Condition Compliance Release Forms (CCRFs)
Stamped/Conditionally Approved Plot Plan & Tentative Map

CONDITIONS OF APPROVAL
Coastal Commercial Properties

Preliminary and Final Planned Residential Development

GENERAL REQUIREMENTS
Conditions of Operation and Procedures

RECEIVED
OCT 20 2015

LAND USE SERVICES - Planning (909) 387-8311

LAFCO
San Bernardino County

1. Project Approval Description. This Planned Residential Development (PRD) is approved to be constructed project and operated in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved Planned Residential Development Plan and any other required and approved reports and/or displays (e.g. elevations). This PRD project is approved to establish 36 lot residential development on 6.86 acres.
 - a) Project signs shall comply with SBCC Chapter 83.13.
 - b) Project landscaping shall comply with SBCC Chapter 83.10
 - c) Project construction shall comply with all applicable construction codes including the California Building Codes (CBC) and Uniform Fire Code (UFC).
 - d) The "developer" shall provide a copy of the approved conditions and site plan to every current and future project property owner to facilitate compliance with these conditions of approval and continuous use requirements.Project Site APN: 1016-521-03, 04, 05. Project No. P201300324
2. Project Location: The project site is located on the west side of Pipeline Avenue, Approximately 860 feet north of Riverside Drive. Fourth Supervisorial District. The current zoning designation for this project is RS-20M
3. Concurrent Applications. A concurrently filed General Plan Amendment proposes to change the site from RS-20M to SD (PRD-2014-02) and Tentative Tract Map 18902 proposes to create a 36 single –residential lots on 6.86 acres. The Developer should review and be prepared to comply with all conditions for the Preliminary and Final Development Plan and Tract 18902 before preparing plans or the construction process commences.
4. Revisions. Any proposed change to the approved use/activity on the site (e.g. from a condominium project to mobile home park); or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants; or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an approved Action) be submitted to County Planning for review and approval.

5. Development Standards. The proposed Official Land Use Zoning District is PRD-2014-02. The following development standards shall apply to this PRD upon approval of the zone change and recordation of the tract:
- Maximum lot coverage (impervious area) shall be sixty percent (60%) of net lot area.
 - Maximum building height shall be thirty five (35) feet.
 - Minimum Yard Setbacks are: Front – 20 Ft.; Side – 5 ft.; Street Side – 10 ft; Rear – 15 ft.
6. Expiration/PRD. The Planned Residential Development approval shall expire and become void if it is not “exercised” within five (5) years of the effective date of this approval, unless an Extension of Time is granted. The permit is deemed “exercised” when either 1) the permittee has commenced actual construction or alteration under a validly issued Building Permit, or 2) the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit [SBCC 86.06.060]. Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and a final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined to be not operating in compliance with either these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected and the land use is revoked.

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

7. Extension of Time/PRD. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three (3) years beyond the current expiration date. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in construction, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date.
8. "Developer" Defined. The term "developer" as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
9. Indemnification. In compliance with SBCC §81.01.070, the "developer" shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" {herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body} from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

10. NOD/MND/CDFG Fees. The California Environmental Quality Act (CEQA) requires that an environmental determination be prepared for this project. County staff completed an environmental initial study for this project and properly circulated it for review. This study represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be issued indicating that all identified impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Wildlife (CDFW) requires that an additional fee (currently \$2181.25) be paid with the NOD filing, unless CDFW issues a determination of "No Biological Effect". The combined fees (\$2,231.25) are required to be paid to the Clerk of the Board with the NOD filing. The project approval does not become effective, until these fees are paid and the filing is posted.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Project Account. The Job Costing System (JCS) account number is P201400324. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and a minimum balance of \$1000.00 must be in the project account at the time the County Surveyor initiates Condition Compliance Review for recordation. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation. There shall be sufficient funds (\$250.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. mitigation performance).

13. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
14. Additional Permits. The "developer" is responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include but are not limited to::
- a) FEDERAL: Army Corps of Engineers (ACOE), US Fish and Wildlife (USFS)
 - b) STATE: Fish and Wildlife (CDFW), State Fire Marshall. South Coast Air Quality Management District (SCAQMD), California Regional Water Quality Control Board (RWQMB) Santa Ana Region
 - c) COUNTY: Land Use Services - Building and Safety/Code Enforcement, County Fire - HazMat and County Fire/Community Safety; Public Health-Environmental Health Services (DEHS), Public Works – Land Development, Traffic, County Surveyor, Solid Waste, AND
 - d) LOCAL: Local Agency Formation Commission (LAFCO)
15. Continuous Maintenance. The property owner/"developer" shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The "developer" shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - b) Graffiti and debris shall be removed immediately with weekly maintenance.
 - c) Landscaping shall be maintained in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.

- d) Fuel Modification zones shall be maintained annually to insure on-going protection from wildland fire.
 - e) Erosion control measures shall be maintained to reduce water run off, siltation, and promote slope stability.
 - f) Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
 - g) External Storage, loading, recycling and trash storage areas shall be kept neat, orderly, and fully screened from public view. Commercial outside storage shall be fully screened from public view and not exceed the height of screening walls.
 - h) Metal Storage Containers are NOT allowed in commercial loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - i) Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - j) Signage. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.
 - k) Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined, unfaded and legible, these include parking spaces, disable space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "carpool" and "Fire Lane" designations.
 - l) Fire Lanes. All markings required by the Fire Department including "No Parking" designations, and "Fire Lane" designations shall be clearly defined and shall be maintained in good condition at all times.
16. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- a) Odors: No offensive or objectionable odor
 - b) Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
 - c) Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)

- d) Radiation: No dangerous amount of radioactive emissions.
 - e) Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - f) Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
17. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or adjacent native vegetation areas. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting.
18. **Recreational Lighting. There shall be no illumination of recreational facilities between the hours of 10:00 p.m. and sunrise.**
19. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
20. Underground Utilities. Utility lines, including electric, telephone, communications, and street lighting, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this Subsection without expense to the County, and shall make necessary arrangements with the utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
21. Street Lighting. The subdivision shall provide street lighting facilities designed and constructed in compliance with the County's infrastructure standards and specifications.

LAND USE SERVICES – Code Enforcement (909) 387-8311

22. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.
23. Weed Abatement. The “developer” shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

Chino Valley Independent Fire District (909) 902-5280

24. Jurisdiction. The above referenced project is under the jurisdiction of the Chino Valley Independent Fire District, 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.
25. Additional Requirements. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PUBLIC HEALTH – Environmental Health Services [DEHS] (909) 387-4666

26. Water. The water purveyor shall be City of Chino.
27. Sewer. The water purveyor shall be City of Chino.

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

28. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed
29. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

Non-Standard Conditions - Bolded

30. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
31. Continuous BMP Maintenance. The property owner and "developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
32. BMP Enforcement. In the event the property owner and "developer" (including any successors or assigns) fail to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County may cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

LAND USE SERVICES - Land Development – Roads (909) 387-8311

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

PUBLIC WORKS - Solid Waste Management (909) 386-8701

34. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.
36. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling service is implemented for all or part of a particular franchise area, all owners of a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.

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

LAND USE SERVICES - Building and Safety (909) 387- 8311

37. Pre-Construction. A pre-construction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
38. Grading Plans. One copy of the proposed engineered grading plans shall be submitted for plan review with appropriate fees and approval of these obtained, when earthwork quantities exceed fifty (50) cubic yards.
39. Erosion Control Plan. One copy of the proposed engineered erosion and sediment control plans shall be submitted for plan review with appropriate fees and approval of these obtained.
40. Erosion Control Devices. Prior to land disturbance, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
41. Geology Report. When proposed earthwork quantities exceed 5,000 cubic yards, including construction of private roads, an engineering geology report is required to be submitted with appropriate fees to the County Geologist for review and approval prior to issuance of grading permits.
42. Retaining Walls. One copy of engineered plans of any proposed retaining walls or other required walls to be constructed with the grading operations shall be submitted for review with appropriate fees and approval of these obtained .
43. Demolition Permit. Two copies of engineered plans to demolish any existing buildings or structures shall be submitted for review with appropriate fees and approval of these obtained. Underground structures shall be broken in, back-filled and inspected before covering. Any structure requiring a building permit to be originally constructed requires a demolition permit to be removed properly.
44. NPDES -NOI. Submit a copy of the Notice of Intent (NOI) obtained from the Regional Water Quality Control Board in compliance with the National Pollutant Discharge Elimination System (NPDES), when proposed grading is one acre or more. Contact local Regional Water Quality Control Board for information.

45. WDID. Submit a copy of the Regional Water Quality Control Board (RWQCB) permit letter with the Waste Discharge Identification (WD ID) number assigned by the RWQCB when proposed grading is one acre or more. The letter must include the total land disturbance area including all clearing, grading, and/or excavation areas. Contact the local RWQCB for more information.

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

46. Permit. A permit, or authorized clearance, shall be obtained from the Land Development Division prior to issuance of a grading permit by the Land Use Services Department, Building and Safety Division.
47. Grading Plans. Grading plans shall be submitted to Land Development Division for review and approval obtained, prior to construction. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
48. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained, prior to construction. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at:
(http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp)
49. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of \$3,600 to Land Development Division.

LAND USE SERVICES - Planning (909) 387-8311

50. Grading Plans. The “developer” shall submit for review and obtain approval from County Planning of a copy of the final grading plan that incorporates the following:
- a) Off-site grading easements shall be obtained, where necessary, and proof of such easements shall be submitted to County Planning.
 - b) Fill material quantities shall not exceed thirty feet in depth.
 - c) Maximum heights for manufactured slopes shall not exceed ten feet, where natural terrain slope is 10% or less and shall not exceed thirty feet.
 - d) The toe and crest of any slope in excess of ten feet in height shall be rounded and gradually adjusted to the angle of the natural terrain.
 - e) All graded areas and otherwise disturbed surfaces that remain undeveloped following construction shall be revegetated no later than ninety days after cessation of grading activities in accordance with the approved landscape plans. Plant selection in areas directly adjacent to native open spaces shall be compatible and non-invasive to the surrounding native vegetation.

51. AQ-Dust Control Plan. The “developer” shall prepare, submit and obtain approval from County Planning of a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following elements to reduce dust production:
- a) Exposed soil shall be kept continually moist through waterings (Minimum twice daily) to reduce fugitive dust during all grading/construction activities.
 - b) Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles.
 - c) Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
 - d) Construction Vehicle tires shall be washed prior to leaving the project site.
 - e) All trucks hauling dirt away from the site shall be covered.
 - f) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 25 mph.
 - g) Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
52. GHG – Construction Mitigation. The developer shall submit for review and approval to County Planning a letter agreeing to include the following as conditions of all construction contracts/subcontracts to reduce impacts to GHG:
- a) Select the construction equipment used on site based on low emissions factors and high energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - b) Ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer’s specifications.
 - c) Confirm that the construction grading plans include a statement that all construction equipment (including construction vehicles and electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes. During smog season (May through October), the overall length of the construction period shall be extended in order to decrease the size of the area prepared each day. This will minimize vehicles and equipment operating at the same time.
 - d) Use low-sulfur fuel for stationary equipment. (SCAQMD Rules 431.1 and 431.2).
 - e) Schedule construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain safety adjacent to existing roadways.

- f) *Comply with SCAQMD Rule 1113 on the use of architectural coatings. Emissions associated with architectural coatings will be reduced by complying with these rules and regulations, which include using precoated/natural colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency*
- g) *Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) in accordance with the policies and procedures of County Solid Waste Management.*
- h) *The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.*

53. *Cultural Resources.* *The “developer” shall prepare, submit for review and obtain approval of a letter agreeing to adhere to the following requirements and to include in any construction contracts/subcontracts a requirement that project contractors adhere to the following requirements:*

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The developer shall implement any such additional mitigation to the satisfaction of County Planning and the County Museum. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified. [Mitigation Measure V-1] Grading/Planning

54. *Nesting Bird Mitigation – Pre-Construction Surveys.* *Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.*

If active nests are found, clearing and construction within 300 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

55. Noise Mitigation. *The developer shall submit to County Planning a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the following noise attenuation requirements:*

- a) Noise levels of any project use or activity will be maintained at or below adopted County noise standards (SBCC 83.01.080). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.*
- b) Exterior construction activities will be limited between 7 a.m. and 7 p.m. There will be no exterior construction activities on Sundays or National Holidays.*
- c) Construction equipment will be muffled per manufacturer's specifications. Electrically powered equipment will be used instead of pneumatic or internal combustion powered equipment, where feasible.*
- d) All stationary construction equipment will be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.*

[Mitigation Measure N-1]

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

LAND USE SERVICES - Building and Safety (909) 387- 4246

56. Building Permits. Prior to obtaining permits for any construction, professionally prepared plans shall be submitted to the Building and Safety Division for review and approval.
57. Walls. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.

LAND USE SERVICES - Planning (909) 387-8311

58. Recordation. The recordation of TT 18902 is required prior to the issuance of building permits for 3 or more home unless a TUP for model homes is obtained.
59. Landscaping Plans. Submit three (3) copies of a landscape plan that is prepared in accordance with Section 83.10.020 of the County Development Code. Landscape plans shall also include all proposed walls, fencing, screening and hardscape.
 - Landscaping of one model home shall consist only of drought tolerant landscaping to give potential homebuyers an option for a low maintenance yard with limited water usage.
60. Lighting Plan. Submit Three (3) copies of a lighting plan for review and approval.
61. Access. The development meets the requirements set forth in Appendix D of the California Fire Code to allow the development to have one point of access.
62. Hydrants. A fire hydrant is required within 300 feet of all structures within this project; spacing between fire hydrants shall be 600 feet apart.
63. Fire Flow. Fire flow for the residential sites shall be a minimum of 1500 gpm.
64. Addressing. Addressing for all lots is required. Addressing shall conform to the adopted Ordinance of CVFD at time of Building Permit.

65. Construction Plans. Separate plan submittals are required for:
- a. Building Construction – A minimum of 2 sets of plans shall be submitted to the Chino Valley Independent Fire District. Plans shall include a fire flow report from the local water department. The fire flow shall be conducted within the last 6 months prior to submittal.
 - b. Sprinklers – A minimum of 3 sets of plans shall be submitted to an approved Chino Valley Fire District consultant for review. Once recommended for approval by said consultant, plans shall be submitted to the Fire District for approval and issuance of permit.

Plans shall be approved and a permit obtained prior to the commencement of work. The permit and an approved/stamped set of plans shall be maintained onsite during construction. Fees are to be paid at the time of submittal.

66. Combustible Protection. Prior to combustibles being brought to the jobsite, the street shall be in a condition that meets the requirements of the Fire District. The fire hydrant(s) shall also be active.

LAND USE SERVICES - Land Development – Roads (909) 387-8311

67. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
68. Improvement Securities. All required public road, drainage, WQMP, and utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. Submit necessary fees, per the latest fee schedule, for new securities.
69. Maintenance Bond. Once all required public road, drainage, WQMP, and utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
70. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to recordation.
71. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Non-Standard Conditions - Bolded

72. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.
73. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
74. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
75. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
76. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
77. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

SPECIAL DISTRICTS DEPARTMENT (909) 387-9612

78. Streetlights. The developer shall establish a Homeowners' Association or enter into an Improvement Zone that shall be responsible for the maintenance of streetlights throughout the development. Street lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please submit plans to Special Districts Department, 157 W. 5th St., 2nd Floor, San Bernardino, CA 92415-0450.

PUBLIC WORKS - Solid Waste Management (909) 386-8701

79. C&D Plan – Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a “Construction Waste Management Recycling Plan (C&D Plan), Part I” for each phase of the project. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste.

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

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

LAND USE SERVICES - Building and Safety (909) 387- 8311

80. Occupancy. All required conditions and/or improvements shall be completed and approved by County Departments and other agency as indicated in the Condition of Approval.

LAND USE SERVICES - Planning (909) 387-8311

81. Lights Installed. All required lighting shall be installed in compliance with the approved lighting plan. All lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
82. Screening Installed. All required screening and buffering measures shall be installed. All roof top mechanical equipment shall be screened from ground vistas. All trash enclosures shall be screened from public view and shall be double-bin capacity with a rainproof roof.
83. Elevations Installed. The building construction shall be completed in conformance with the approved architectural elevations to the satisfaction of County Planning
84. Landscaping Installed. All proposed landscaping, hardscape, exterior features (benches, walkways, bike racks etc), walls and fencing shall be installed as shown on the approved landscaping plan.

LAND USE SERVICES - Code Enforcement (909) 387-4044

85. SUP-Landscaping. The "developer" shall submit with appropriate fees and obtain approval of a Special Use Permit (SUP) application to establish administration of the landscaping surety and to provide confirmation inspections to guarantee the installation, proper maintenance, accomplishment of screening performance standards and survival of the required landscaping.
86. SUP Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape plantings and irrigation systems to ensure that the landscaping remains in a healthy thriving condition for a minimum of two full years. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect to replace all plant material (including labor). This does not include an estimate to replace the irrigation system. Failure to accomplish the screening and other

landscape objectives listed in these conditions shall require additional/replacement plantings and/or other corrective measures as determined necessary by County Code Enforcement in coordination with County Planning. Also the time requirement for the SUP shall be extended and continue until such time as the objectives have been accomplished to the satisfaction of County Code Enforcement in coordination with County Planning and then sustained for one subsequent year.

Chino Valley Fire Department (909) 386-8400

87. Street Sign. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]
88. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department.
89. Residential Addressing. The street address shall be installed.

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

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

LAND USE SERVICES - Land Development – Roads (909) 387-8311

92. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and approved by County Public Works.
93. Condition of Road Improvements. At the time of occupancy for all structures, the condition of all required on-site and off-site improvements shall be acceptable to County Public Works.
94. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
95. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Public Works/Current Planning, maintained by the adjacent property owner or other County-approved entity.

APN: 1016-521-03*
P201300324/ TT18902
Coastal Commercial
BOS: 11/04/2014

Conditions of Approval

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Effective Date: 12/04/2014
Expiration Date: 12/04/2019

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

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

SPECIAL DISTRICTS DEPARTMENT (909) 387-9612

97. Streetlights Installed. The developer shall construct/install streetlights per the approved streetlight plans.

End of Conditions

08/07/2014 P201300324

CONDITIONS OF APPROVAL

Coastal Commercial Properties
Tentative Tract 18902

RECEIVED
OCT 20 2015

GENERAL REQUIREMENTS
Conditions of Operation and Procedures

LAFCO
San Bernardino County

LAND USE SERVICES / Current Planning Division (909) 387-8311

1. Project Description - Tentative Tract 18902 is approved to be recorded and constructed in compliance with the San Bernardino County Code (SBCC), the following conditions of approval, the approved stamped tentative map as designed, the required Composite Development Plan (CDP) and any Covenants, Conditions and Restrictions (C,C & R's) required by this approval. This approval includes the requirements of any approved displays (e.g. slope analysis, landscape plans) and/or approved reports. TT18582 is approved to create 36 lots for residential purposes on 6.86 acres.
Project Site APN: 1016-521-03, 04, 05. Project No. P201300324
2. Project Location: The project site is located on the west side of Pipeline Avenue, approximately 860 feet north of Riverside Drive in the Fourth Supervisorial District. The current zoning designation for this project is RS-20M.
3. Concurrent Applications. A Concurrently Filed General Plan Amendment proposes to change the site from RS-20M to SD (PRD-2014-02) and a Preliminary and Final Development Plan to create 36 residential detached units. The Developer should review and be prepared to comply with all conditions for Tract 18902 and the Preliminary and Final Development Plan before preparing plans or the construction process commences.
4. Revisions/TT. Any proposed change to the approved Tentative Tract Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted for review and approval obtained from County Planning.

5. Development Standards. The proposed Official Land Use Zoning District is PRD-2014-02. The following development standards shall apply to this PRD upon approval of the zone change and recordation of the tract:
 - Maximum lot coverage (impervious area) shall be sixty percent (60%) of net lot area.
 - Maximum building height shall be thirty five (35) feet.
 - Minimum Yard Setbacks are: Front – 20 Ft.; Side – 5 ft.; Street Side – 10 ft; Rear – 15 ft.
6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
7. Expiration/TT. This conditional approval of the Tentative Tract Map shall become null and void unless all conditions have been completed and the Final Map has been deemed complete by the County Surveyor for purposes of recordation within thirty-six (36) months following the approval effective date, unless an extension of time is granted.
PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The “developer” is responsible for initiation of any extension request.
8. Extension of Time/TT. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Planning may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.

9. "Developer" Defined. The term "developer" as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
10. Indemnification. In compliance with SBCC §81.01.070, the "developer" shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" {herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body} from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

11. NOD/MND/CDFG Fees. The California Environmental Quality Act (CEQA) requires that an environmental determination be prepared for this project. County staff completed an environmental initial study for this project and properly circulated it for review. This study represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures. A Mitigated Negative Declaration (MND) will be issued indicating that all identified impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Game (CDFG) requires that an additional fee (currently \$2181.25) be paid with the NOD filing, unless CDFG issues a determination of "No Biological Effect". The combined fees (\$2,231.25) are required to be paid to the Clerk of the Board with the NOD filing. The project approval does not become effective, until these fees are paid and the filing is posted.
12. Development Fees. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.
13. Project Account. The Job Costing System (JCS) account number is P201400324. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 shall be in the project account at the time of project approval and a minimum balance of \$1000.00 must be in the project account at the time the County Surveyor initiates Condition Compliance Review for recordation. Sufficient funds shall remain in the account to cover all estimated charges that may be made during each compliance review. All fees required for processing shall be paid in full prior to recordation. There shall be sufficient funds (\$250.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. mitigation performance).
14. Condition Compliance. Condition compliance confirmation for purposes of Final Map recordation will be coordinated by the County Surveyor.

15. Additional Permits. The “developer” is responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include but are not limited to:
 - a) FEDERAL: Army Corps of Engineers (ACOE), US Fish and Wildlife (USFS)
 - b) STATE: Fish and Wildlife (CDFW), State Fire Marshall. South Coast Air Quality Management District (AQMD), Regional Water Quality Control Board (RWQMB) Santa Ana Region
 - c) COUNTY: Land Use Services - Building and Safety/Code Enforcement, County Fire - HazMat and County Fire/Community Safety; Public Health-Environmental Health Services (DEHS), Public Works – Land Development, Traffic, County Surveyor, Solid Waste, AND
 - d) LOCAL: Local Agency Formation Commission (LAFCO); City of Chino
16. Underground Utilities. Utility lines, including electric, telephone, communications, and street lighting, within or directly serving each subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this Subsection without expense to the County, and shall make necessary arrangements with the utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
17. Street Lighting. The subdivision shall provide street lighting facilities designed and constructed in compliance with the County's infrastructure standards and specifications.

LAND USE SERVICES - Code Enforcement Division (909) 387-4044

18. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner/ “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

PUBLIC HEALTH – Environmental Health Services [DEHS] (909) 387-4666

19. Water. The water purveyor shall be City of Chino.
20. Sewer. The water purveyor shall be City of Chino.
21. Noise. Noise levels of any project use or activity shall be maintained at or below adopted County noise standards (SBCC 83.01.080). For information, call DEHS/Land Use at (909) 387-4666.

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

22. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.
23. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
24. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
25. Continuous BMP Maintenance. The property owner and "developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
26. BMP Enforcement. In the event the property owner and "developer" (including any successors or assigns) fail to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County may cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest

APN: 1016-521-03*
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thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

LAND USE SERVICES - Land Development - Roads (909) 387-8311

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

PRIOR TO RECORDATION OF TENTATIVE TRACT MAP 18902

The following conditions shall be completed:

PUBLIC WORKS - Surveyor Division (909) 387-8145

28. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
29. Non-Interference. 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.
30. Monumentation. Final Monumentation, not set prior to recordation, shall be bonded with a cash amount deposited with the County Surveyor's Office as established per the County fee schedule 16.0215B (c)(6).
31. Surveyor Fees. Prior to approval for recordation, all fees required under actual cost job number TR. 18902 shall be paid in full.

Chino Valley Independent Fire District (909) 902-5280

32. Fire Flow. Fire flow for the residential sites shall be a minimum of 1500 gpm.

PUBLIC HEALTH - Environmental Health Services (909) 387-4666

32. Water Verification. The water purveyor shall be City of Chino. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the File Index Number and Assessor's Parcel Number.
33. Sewage Verification. Method of sewage disposal shall be City of Chino. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall reference the File Index Number and Assessor's Parcel Number.
34. Service Area. Submit verification of service area jurisdiction to LAFCO and DEHS for water or sewer services to be provided. For information, contact LAFCO at (909) 387-5866.

35. System Installation. 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.
- A. Where the water and/or sewer system is to be installed prior to recordation, it is the developer's responsibility to submit to the County 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.
 - B. 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 County Surveyor
36. Acoustical. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site 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) 387-4666* Specifically for Recreation area onsite and all offsite noise sources.
37. Wells. If wells are found onsite, evidence shall be provided that all wells are (1) properly destroyed under permit from that 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 DEHS/Water Section for more information at 909-387-4666.

SPECIAL DISTRICTS DEPARTMENT (909) 387-9612

38. Streetlights. The developer shall establish a Homeowners' Association or enter into an Improvement Zone that shall be responsible for the maintenance of streetlights throughout the development. Street lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please

submit plans to Special Districts Department, 157 W. 5th St., 2nd Floor, San Bernardino, CA 92415-0450.

LAND USE SERVICES - Building & Safety Division (909) 387-4246

39. Soil Report. Per the Subdivision Map Act, a geotechnical (soils) report is required. The report must be submitted with appropriate fees to the County Geologist for review and approval prior to issuance of grading permits and prior to recordation of the tract.

LAND USE SERVICES - PLANNING DIVISION (909) 387-4115

40. CDP/Planning. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the Planning Division prior to recordation of the Final Map (Statements in quotations shall be verbatim):

- *Delineate all Setbacks.*

41. Fees. All fees required under actual cost job number P201300324 shall be paid in full.

42. Landscaping Plans. Submit three (3) copies of a landscape plan that is prepared in accordance with Section 83.10.020 of the County Development Code. Landscape plans shall also include all proposed walls, fencing, screening and hardscape.

- Landscaping of one model home shall consist only of drought tolerant landscaping to give potential homebuyers an option for a low maintenance yard with limited water usage.

LAND USE SERVICES - Land Development Division – Roads (909) 387-8311

43. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Use Services Department, located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8311.

Pipeline Ave (Secondary Highway – 88')

- Road Dedication. An 11 foot grant of easement is required to provide a half-width right-of-way of 44'.
- Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersection of Pipeline and "A" Street.
- Street Improvements. Design curb and gutter with match up paving 32' feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Sidewalk Ramp. Design sidewalk ramp per County Standard 110.
- Curb Returns. Curb Returns shall be designed per County Standard 110.

"A" St (Local Street – 60')

- Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development per County Standard 119.
- Curb Return Dedication. 35 foot radius return grants of easement are required at the intersection of "A" St and Pipeline Ave.

"A" St, "B" St, "C" St, and "D" St (Local Streets – 60')

- Road Dedication. A 60 foot grant of easement is required to provide a full-width right-of-way of 60'.
- Curb Return Dedication. 20 foot radius return grants of easement are required at the intersections of "A", "B", "C", and "D".
- Street Improvements. Design curb and gutter with up paving 36 foot total width at 18 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type B.
- Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

- Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=12' min – 34' max), and located per San Bernardino County Standard 130.
 - Curb Returns. Curb Returns shall be designed per County Standard 110.
44. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
45. Improvement Securities. All required public road, drainage, WQMP, and utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. Submit necessary fees, per the latest fee schedule, for new securities.
46. Maintenance Bond. Once all required public road, drainage, WQMP, and utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
47. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to recordation.
48. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
49. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.
50. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

51. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
52. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
53. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
54. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
55. CDP/LDD - Roads. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD prior to recordation of the Final Map (Statements in quotations shall be verbatim):

NOTES. The following notes shall be placed on the CDP:

"Encroachment Permit. At the time each lot/parcel is developed, an encroachment permit or other authorized clearance from each affected agency shall be required for all construction in the right-of-way of any jurisdiction, including the County and State. A copy of each permit shall be submitted to Public Works for review and approval obtained, prior to any project construction in any affected right-of-way of any jurisdiction."

"Cash Deposit. At the time each lot/parcel is developed, a cash deposit shall be paid to Public Works prior to issuance of a County encroachment permit. The cash deposit is to assure completion of the required grading and paving in County right-of-way. The deposit shall cover all costs, including administration, contracting, construction and inspection. Upon completion of the County road and drainage improvements to the satisfaction of County Public Works, the cash deposit can be refunded."

"Improvements Constructed. Prior to final approval or occupancy of any structure on any lot/parcel, all required on-site and off-site road and drainage improvements (public and private) shall be fully constructed by

the applicant, inspected and approved by County Public Works. However, completion of road and drainage improvements does not imply acceptance for maintenance by the County."

"Open Roads. At the time each lot/parcel is developed, existing County roads which require reconstruction by the project shall remain open for traffic at all times, with adequate Public Works approved detours, during actual construction."

"Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works."

LAND USE SERVICES - Land Development - Drainage (909) 387- 8311

56. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off site and on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed. Submit drainage study for review and obtain approval.
57. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities at the time the site is developed.
58. Grading Plans. Grading plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
59. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
60. Permit. A permit, or authorized clearance, shall be obtained from Land Development Division prior to issuance of a grading permit by County Building and Safety.
61. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at:
(<http://www.sbcounty.gov/dpw/land/npdes.asp>)

62. CDP/LDD - Drainage. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Final Map (Statements in quotations shall be verbatim):

NOTES. The following notes shall be placed on the CDP:

"Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by Land Development Division/Drainage Section for each lot/parcel."

"Grading Plans. Grading plans shall be submitted to Land Development Division for review and approval obtained prior to issuance of grading permits for each parcel. Submit necessary fees per the latest fee schedule for review, inspection and approval."

"Additional Drainage Improvements. At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall prepare/design complete drainage improvement plans and profiles. After these are submitted for review and approval additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time."

"Drainage and WQMP Improvements. Prior to issuance of Building Permit, all required drainage and WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. Submit necessary fees per the latest fee schedule for review, inspection and approval."

"WQMP Operations and Maintenance. Operation and maintenance (O&M) requirements for all Source Control, Site Design, and Treatment Control BMPs shall be identified within the Water Quality Management Plan (WQMP). All maintenance or replacement of BMPs proposed as part of the WQMP are the sole responsibility of the Owner in accordance with the terms of the WQMP Agreement."

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Expiration Date: 12/04/2019

"WQMP Final File. Prior to Occupancy, an electronic file of the final and approved WQMP shall be submitted to the Land Development Division, Drainage Section.

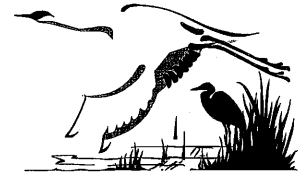
END OF CONDITIONS – Tract 18902

**Tom Dodson and Associates Response,
the County's Environmental Documents
for the Conditional Use Permit**

Attachment 4

TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



October 31, 2015

Ms. Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

RECEIVED
NOV 03 2015

LAFCO
San Bernardino County

Dear Kathy:

LAFCO SC#400 consists of a proposal by the City of Chino (City) for an irrevocable agreement to annex for water and sewer Service (APNs 1016-521-03, -04 and -05) to a site of about 6.86 acres located on the west side of Pipeline Avenue and north of Riverside Drive, within the City of Chino's western sphere of influence. The area proposed to receive sewer service through an out-of-area service agreement is being developed as Tentative Tract 18902, a 36-lot subdivision. If the Commission approves LAFCO SC#400, the project site can be developed with the above referenced 36 residential units.

The County of San Bernardino prepared an Initial Study and adopted a Mitigated Negative Declaration for this project. The Notice of Determination was filed by the County on November 4, 2014. The extension of water and sewer service by the City is required for the future occupancy of this 6.86-acre site. Based on the surrounding level of development as determined by a site visit, no significant potential to induce growth will result from the extension of the potable water line and sewer line to the proposed project.

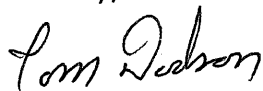
As indicated, the County prepared an Initial Study which concluded that implementation of Tentative Tract 18902 would not result in significant adverse environmental impacts to the environment with implementation of air quality, biology, geology and noise mitigation measures that must be implemented under the County's jurisdiction. Therefore, I am recommending that the Commission consider the adopted Mitigated Negative Declaration as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#400.

Based on a review of LAFCO SC#400 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's Mitigated Negative Declaration as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2014. Based on a field review of the site and review of the environmental issues in the County's document, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#400, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Initial Study and Mitigated Negative Declaration (IS/MND) and found them adequate for the extension of water and sewer service decision.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, as outlined in the Initial Study, prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for approval of the extension of water and sewer service decision.
3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were required for this project and it will be the responsibility of the City to implement these measures.
4. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency.

If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

Notice of Determination

To:

☐ Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

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

From:

Public Agency: San Bernardino County, LUSD
Address: 385 North Arrowhead Ave, First Floor San
Bernardino, CA 92415-0187

Contact: _____
Phone: _____

Lead Agency (if different from above): _____

Address: _____

Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: Coastal Commercial Planned Development

Project Applicant: Coastal Commercial Properties

Project Location (include county): County of San Bernardino, Community of Chino. West side of Pipeline
Avenue, approximately 860 feet north of Riverside Drive.

Project Description:

- A. GENERAL PLAN LAND USE ZONING DISTRICT AMENDMENT FROM RS-20M TO SD (PRD-2014-01) ON 6.86 ACRES.
B. PLANNED RESIDENTIAL DEVELOPMENT TO CREATE A 36 UNIT RESIDENTIAL COMMUNITY WITH A COMMUNITY PARK ON 6.86 ACRES.
C. TENTATIVE TRACT MAP 18902 TO CREATE 36 RESIDENTIAL LOTS AND THREE LETTERED LOTS ON 6.86 ACRES.

This is to advise that the County of San Bernardino has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on 11/04/2014 and has made the following determinations regarding the above
(date)
described 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 mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:
385 n. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency): Terri Rahhal Title: Planning Director
Terri Rahhal

Date: 11/4/14 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

DATE FILED & POSTED
Posted On: 11.8.14
Reviewed On: 12.16.14
Receipt No: 451564

**SAN BERNARDINO COUNTY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

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

PROJECT LABEL:

APNs:	1016-521-03, 04, 05
Applicant:	Brett Crowder Coastal Commercial Properties 503 North Pacific Coast Highway, Suite C Solana Beach, CA 92075 (949) 632-3122
Project No:	P201300324/CF
Staff:	Kevin White, Planner
Proposal:	A) A PLANNED DEVELOPMENT (PRELIMINARY AND FINAL), FOR A RESIDENTIAL DEVELOPMENT WITH A WATER QUALITY BASIN AND RECREATIONAL PARK, ON 6.86 ACRES; B) A GENERAL PLAN AMENDMENT TO CHANGE THE OFFICIAL LAND USE ZONING DISTRICT FROM SINGLE RESIDENTIAL WITH A 20,000 SQUARE FOOT MINIMUM LOT SIZE (RS-20M) TO SPECIAL DEVELOPMENT-PLANNED RESIDENTIAL DEVELOPMENT (SD-PRD), ON 6.86 ACRES; AND C) A TENTATIVE TRACT MAP TO CREATE 36 LOTS ON 6.86 ACRES.

USGS Quad: Ontario
Lat/Long: 34°01'384"N/117°43'929"W

T, R, Section: T2S R8W Sec. 42

Community Plan: N/A
LUZD: RS-20M
Overlays: N/A

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Contact person: Kevin White, Planner
Phone No: (909) 387-3067 **Fax No:** (909) 387-3223
E-mail: kevin.white@lusd.sbcounty.gov

PROJECT DESCRIPTION:**Summary**

The proposed project is a General Plan Amendment to change the official Land Use Zoning District from Single Residential (RS-20M) to Special Development-Planned Residential Development (SD-PRD); 2) a Planned Development (Preliminary and Final) for the proposed residential development; and 3) a Tentative Tract Map. The project would result in the development of 36 single-family detached units and a 0.26-acre private neighborhood park on a 6.86-acre site comprised of three separate parcels.

The site is located in unincorporated San Bernardino County (County), within the Sphere of Influence of City of Chino, south of the Pomona Freeway (I-60), west of Pipeline Avenue, north of Riverside Drive, and south of the Southern Pacific Railroad (See **Exhibits 1 & 2**).

Pipeline Avenue Residential Development would be developed in five phases and has a proposed density of 5.24 units per acre, with an average lot size of 5,427 square feet. The Preliminary/Final Development Plan Report includes proposed development standards to comply with Development Code Sections 84.18 and 85.10. Proposed development standards and setbacks are provided in Table 1, below. Sidewalk, entry-way, and interior road improvements comply with County standard plans and meet minimum road width requirements. The internal circulation and access have been designed to meet the County's standards (i.e. street right-of-way, curb-to-curb width, turn radii, etc.).

Pipeline Avenue Residential Homes

The Pipeline Avenue Residential community is a single-family detached neighborhood with 36 two-story homes and a 0.26-acre private neighborhood park. **Exhibit 3**, below, is the tract map/site plan of the proposed project. The project would include one main entryway off Pipeline Avenue, along the eastern project boundary. The entry drive would lead to an interior public street that loops through the community, facilitating a functional circulation system through the community for residential, visitors, and for emergency vehicles when needed. The entry and interior streets would be landscaped with street trees and include pedestrian sidewalks on both sides. The project boundary includes a six-foot high block wall that serves as a security perimeter wall and sound attenuation for the future residents.

Each home would have two attached garage spaces, directly accessible from the project's interior street. Each home complies with the County's minimum parking requirement of four spaces for each single-family home. Resident parking is accommodated at each home through the provision of a two-car garage. Guest parking would be accommodated parallel to the interior street and each residential unit would be designed with driveways that would adequately accommodate two vehicles.

Each home would front the project's interior streets. The neighborhood park is intended to promote socialization, relaxation, and community formation. The park is conveniently located adjacent to the community's entryway, and consists of a tot lot area, a large shade structure, an open lawn play area, picnic tables and barbecues.

The Pipeline Residential development would not be a gated community and the interior street is designed to meet the County's standard plans so that it can be dedicated as a public street. The sidewalks spanning throughout the community would ensure accessibility and encourage walking as an alternative to driving for short trips.

The community would exhibit a complementary architectural design inspired by Spanish Colonial, Santa Barbara, and Ranch Hacienda architectural themes. These styles are artfully designed to complement the existing surrounding homes (See **Exhibit 4**). The project includes well proportioned building massing, landscaping along interior streets, and a 6-foot high block wall surrounding the residential community that serves as a decorative security perimeter wall while also providing sound attenuation for the railroad along the northern project boundary. The use of inspired earth toned color selections would be introduced to balance the building of each residence. A minimum of two floor plans are proposed for each style. The floor plans vary in square footages ranging from a minimum of approximately 2,000 square feet to 4,000 square feet.

The proposed project complies with the minimum site requirement of 5 acres for proposed Planned Developments (Section 84.18 of the Development Code). The proposed density of 5.24 dwelling units per acre exceeds the maximum density of 4 dwelling units per acre, as specified under Section 84.18.030(b), however Section 84.18.020 indicates that the Board of Supervisors has the authority to

alter development standards if the Board finds that the altered standards in the Preliminary Development Plan would more adequately serve the purpose and intent of the planned development provisions. The proposed density of 5.24 dwelling units per acre is consistent with the City of Chino's RD8 classification, which allows for up to 8 dwelling units per acre. Minimum lot widths, depths, setbacks, along with other development standards being proposed with the Planned Development Permit are listed in **Table 1**, which are established as part of the Planned Development Permit.

Table 1: Development Standards

Lot Size	
Minimum Lot Area	4,500 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	90 feet
Setbacks	
Front Setback	20 feet minimum
Rear Setback	15 feet minimum
Side Setback (interior)	5 feet minimum
Side Setback (street side)	10 feet minimum
Distance Between Buildings	10 feet minimum
Setbacks (continued)	
Height	35 feet maximum (2.5 stories)
Building Lot Coverage (max percent)	60%
Minimum Drive Aisle Width	20 feet (36 feet including parallel spaces)
Required Parking Spaces	4 spaces total (2 w/in garage)
Required Guest Parking Spaces	N/A (available on-street parking)
Garage Dimension:	20 ft. x 20 ft. (interior dimensions)
Minimum Driveway Length	20 feet (from garage door to property line)
Standard Driveway Stall Dimension	8 ft. x 20 ft. (16 ft. x 20 ft. for 2 spaces)
Parallel Parking Stall Dimension	8 ft. x 22 ft.
Permitted Uses:	Single Family Residential Units
Prohibited Uses:	All of which are not stated as Permitted Uses

The project design includes an enhanced entry off Pipeline Avenue with interlocking pavers, entry monument sign, and enhanced wall design and materials. Landscaping is designed to be compatible with the neighboring residential communities with tree selection organized by primary function (such as street trees, streetscape, entry trees, accent trees, and screening trees), and shrub and groundcover palettes organized using similar concepts. The plant palettes consist of low water use species.

PROJECT SETTING:

Regional Setting

The project site is located in the Valley Region of San Bernardino County, particularly the West Valley Region. The nearest freeways to the project site is the Pomona Freeway (SR-60), located approximately one miles north of the project site, and State Route 71, located approximately four miles west of the project site. These two freeways connect to other major freeways and highways in the greater Los Angeles area, such as Interstate 10 (I-10) and State Route 91 (SR-91).

There are no airports in the project vicinity. Chino Airport, a non-commercial airport, is located about 6 miles to the southeast and Ontario International Airport is 10 miles to the northeast.

Local Setting

The area immediately surrounding the project site primarily consists of numerous vacant lots, residential tract housing, commercial properties, construction yards, and an agricultural field to the southeast in the City of Chino. The site is northwest of the City of Chino.

Roadways in the project vicinity are paved. Pipeline Avenue, running along the eastern edge of the site, runs parallel to Ramona Avenue, which connects to SR-60 about one mile north-east of the site. There are no designated bicycle facilities in the project vicinity. San Bernardino Associated Governments long-range planning shows a few Class II facilities planned or proposed in the project site's surrounding area.

Public transportation services in the project vicinity is provided by OmniTrans, with routes 63 and 65 running seven days a week and passing adjacent to the site to connect Chino, Ontario, Upland, Montclair and Chino Hills.

The project site is located within the Chino Valley Unified School District (CVUSD). Local schools serving the site include Newman Elementary School, less than 0.5 mile to the north; Ramona Junior High School, one mile to the northeast; and Don Antonio Lugo High School, one mile to the south.

Project Site Location, Existing Site Land Uses and Conditions

The site consists of three parcels covering 6.86 acres. The majority of the site is disturbed. It currently includes two single-level residences, one two-story residential unit, three detached garage/storage buildings, six stables, one office, one trailer, horse stables/pens, one motor-home, and three corrals. **Exhibit 5** includes several site photos that depict the existing site condition. There is also a groundwater well located in the northwest portion of the subject site and five septic tanks on-site. Additionally, the site includes a number of walls, fences, gates, hardscape areas, as well as predominantly ornamental trees and vegetation. Eucalyptus groves and two oak trees planted in an ornamental setting exist on the site, as is discussed in the biological resource assessment that was prepared for the project (provided under separate cover).

The site and surrounding vicinity is predominantly flat terrain. The project site has an elevation between 750 and 760 amsl with a slight decrease in elevation to the south. The northern portion of the property borders existing railroad tracks with residences that are separated by and located north of the railroad tracks. All residential units of the proposed project are setback a minimum of 40 feet from the railroad track centerline. Tract residential homes are located immediately west of the site and residential units are also to the east, across Pipeline Avenue. Immediately south of the project site are residential and farm properties.

The site is not within a flood hazard area. The California Department of Forestry and Fire Protection (CAL FIRE) mapping shows the site to be within a non-very high fire hazard severity zone area.

Existing General Plan Land Use Zoning Designations

Land uses on the project site and surrounding parcels along the east, south, and west are governed by the County's Zoning Code, while the parcels north and north-east of the site are governed by the City of Chino's Zoning Code. The site's County land use zoning designation is RS-20M (Single-

Residential with minimum lot size of 20,000 square feet). The project site is immediately adjacent to the City of Chino's boundaries and is identified as being within the City of Chino's Sphere of Influence Area. The City of Chino's General Plan Land Use Designation for the site is RD8.

As shown in the table below, parcels located immediately to the west, south, and east of the project site are within the County's RS-20M zoning district. The area north of the site, on the other side of the railroad, is within the City of Chino's boundaries and is zoned RD 4.5 by the City, which permits up to 4.5 dwelling units per acre.

The City of Chino designated the site with a pre-annexation zone of RD8, which is intended for new and existing single-family neighborhoods with slightly higher densities, allowing 4.5 to 8.0 dwelling units per adjusted gross acre. This designation is mainly located in the older existing neighborhoods and in transition zones between lower-density residential uses and higher-density commercial, industrial and multi-family residential land uses.

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	County or City Land Use Zoning District
Project Site	Residential with ancillary equestrian use; multiple structures	RS-20M (Single Residential) – County
North	Residential	RD 4.5 (Residential) - City
South	Residential and Commercial use	RS-20M (Single Residential) – County
East	Residential	RS-20M (Single Residential) – County
West	Residential	RS-20M (Single Residential) – County

DISCRETIONARY ACTIONS

General Plan Amendment

The proposed project includes a request for a General Plan Amendment to change the site's official Land Use District from Single Residential "RS-20M" to Special Development-Planned Residential Development "SD-PRD" to allow for 4,500-square-foot lots (minimum) with an overall density of 5.24 dwelling units per acre for the project, along with alternative development standards as specified in **Table 1**, above. The Board of Supervisors is the approving authority for General Plan Amendments.

Tentative Tract Map No. 18902

The tentative tract map includes a total of 36 numbered lots, one for each residential lot. Additionally, there are two lettered lots – Lot A is the proposed neighborhood park and Lot B is located at the entry way, off Pipeline Avenue, immediately adjacent to Lot 1. Interior circulation is comprised of Streets A through D. The Planning Commission is the approving authority for Tentative Tract Maps. However, because this Tentative Tract Map is associated with a General Plan Amendment, the request would be presented to the Board of Supervisors along with the requested General Plan Amendment and Planned Development Permit.

Planned Development Permit

A Planned Development Permit is requested to allow for development of the proposed 36 unit residential project with a density of 5.24 dwelling units per acre and alternative development standards as presented in the project's Preliminary/Final Development Plan Report. The Planning

Commission reviews and provides a recommendation to the Board of Supervisors, which is the approving authority on Planned Development Permits.

Exhibit 1: Vicinity Map

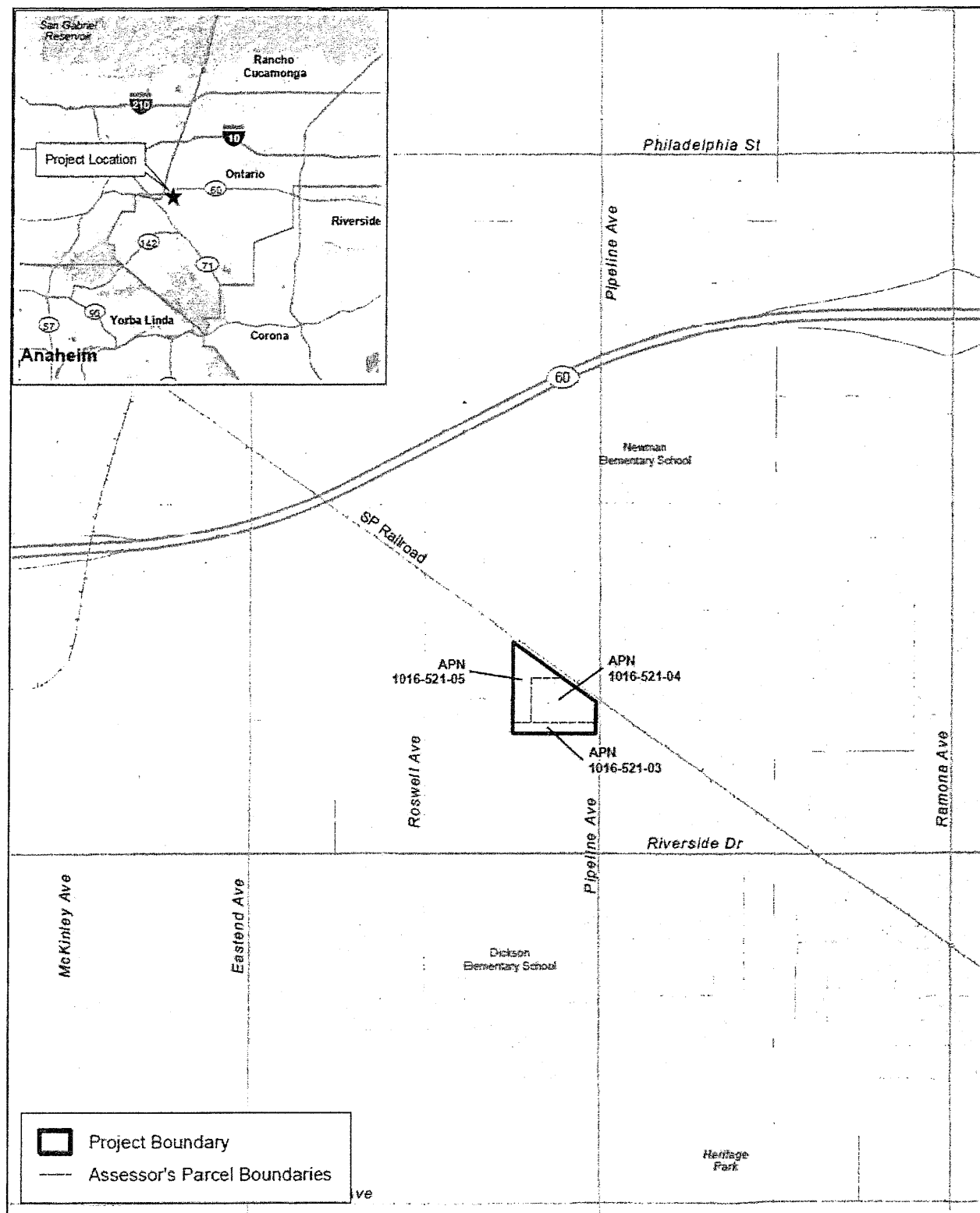
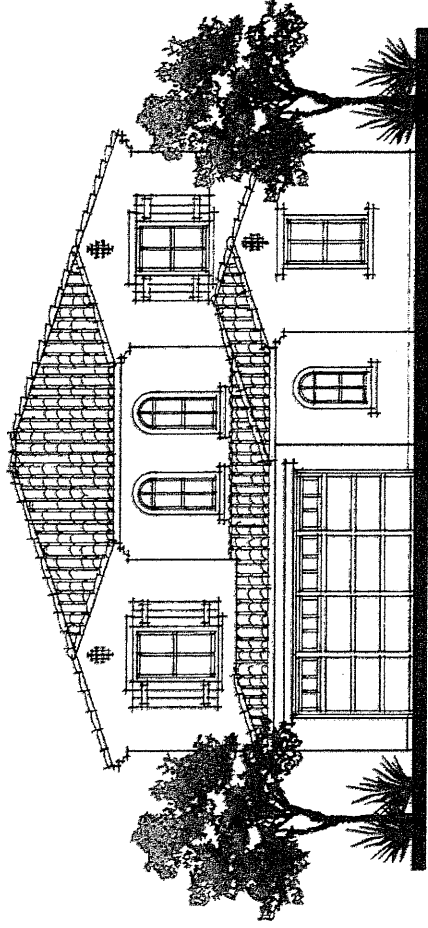


Exhibit 2: Local Area Map

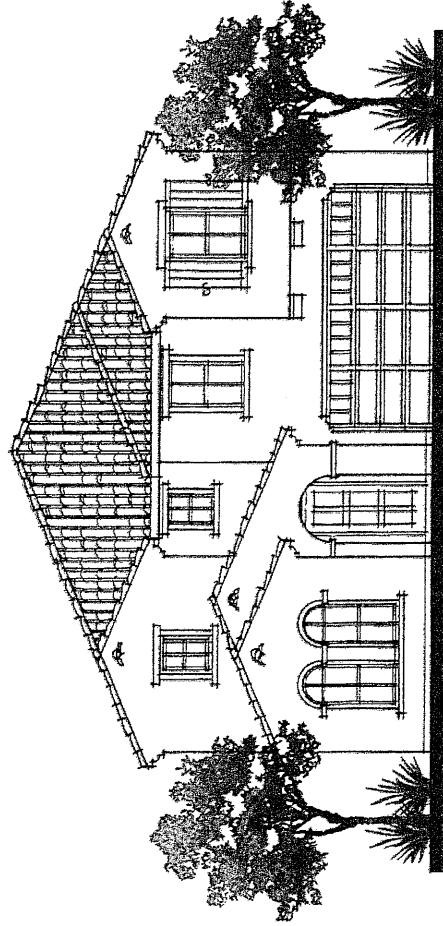


APN D B-52-02
RS-20M (RD-B)
SINGLE FAMILY RESIDENTIAL
AND
EQUESTRIAN FACILITIES
APN D B-52-01
RS-20M

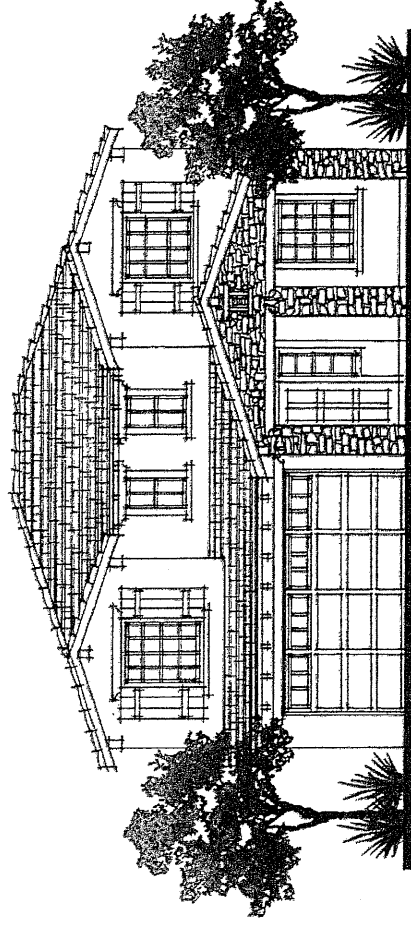
4: Conceptual Elevations



Spanish Colonial



Santa Barbara

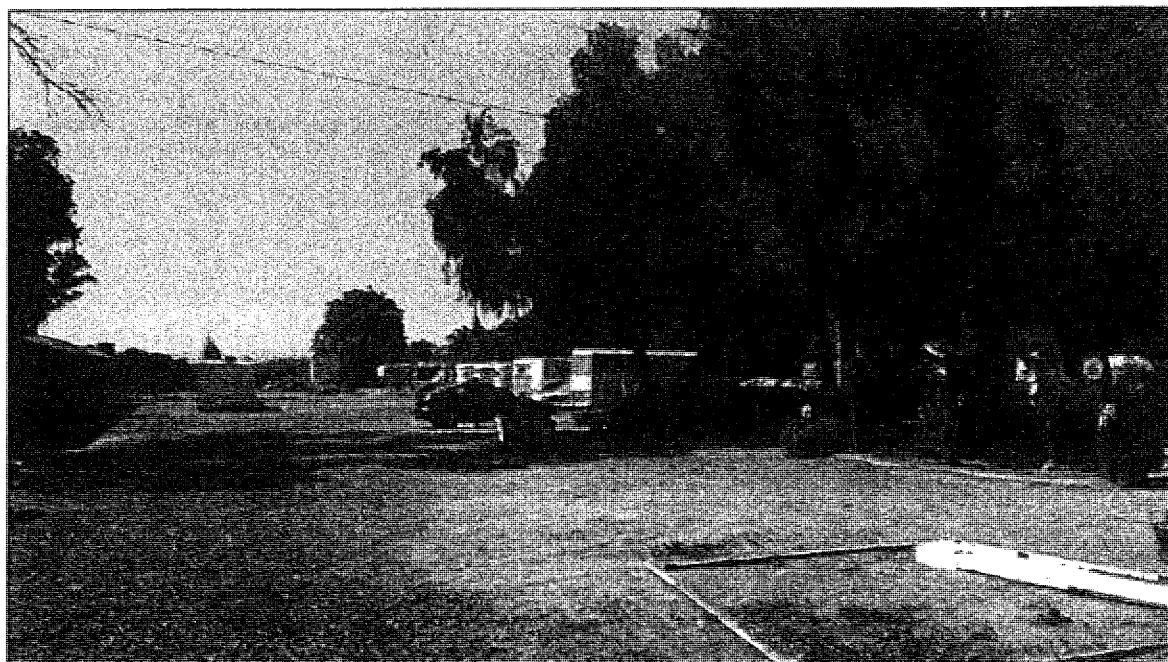


Ranch Hacienda

Exhibit 5: Site Photographs



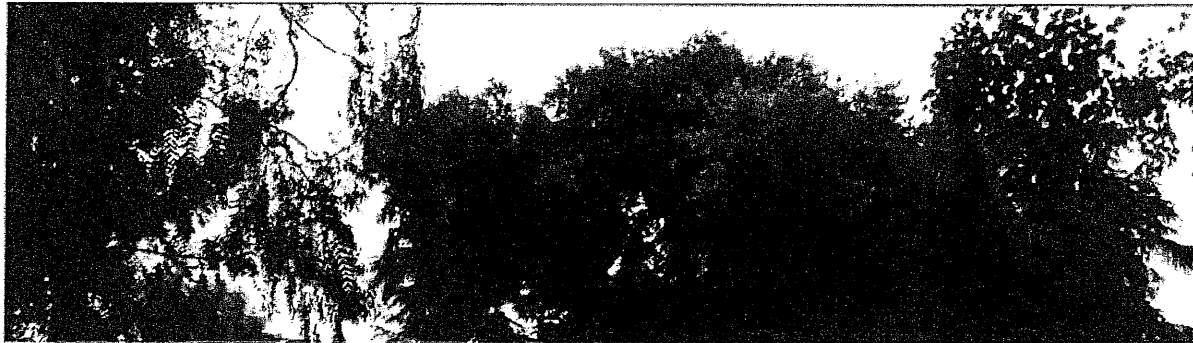
View 1. Taken from south of center, facing northwest. Showing main equestrian field in foreground and stables in distance.

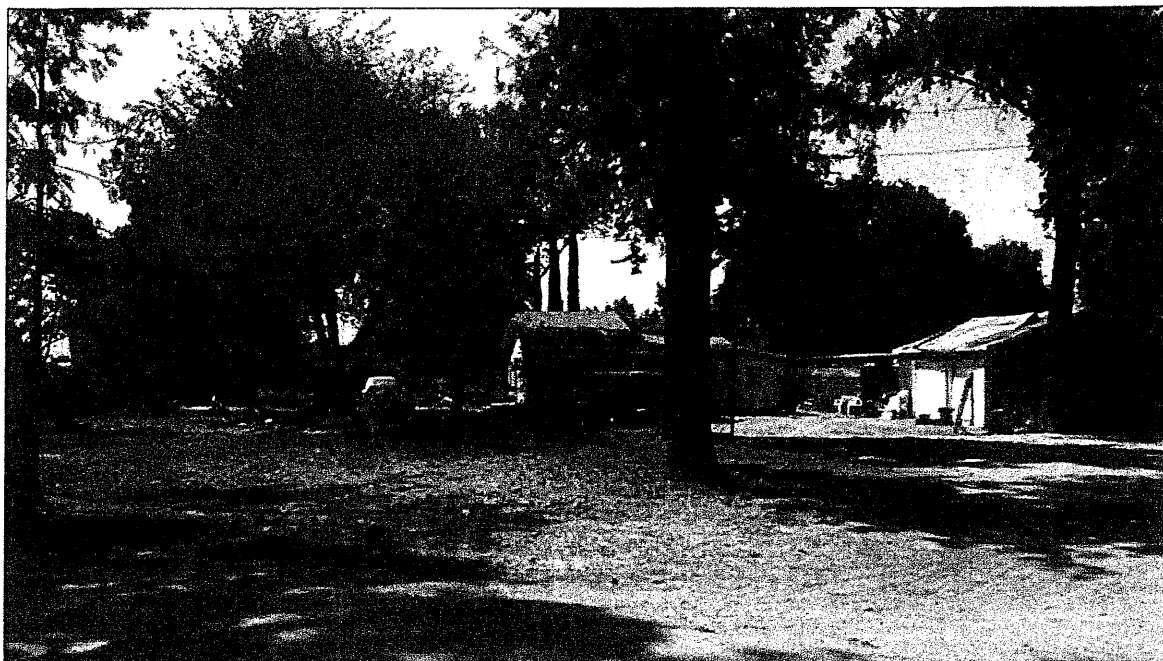


View 2. Taken from the northwest, facing south. Showing residence in right foreground and trailer staging area in distance.

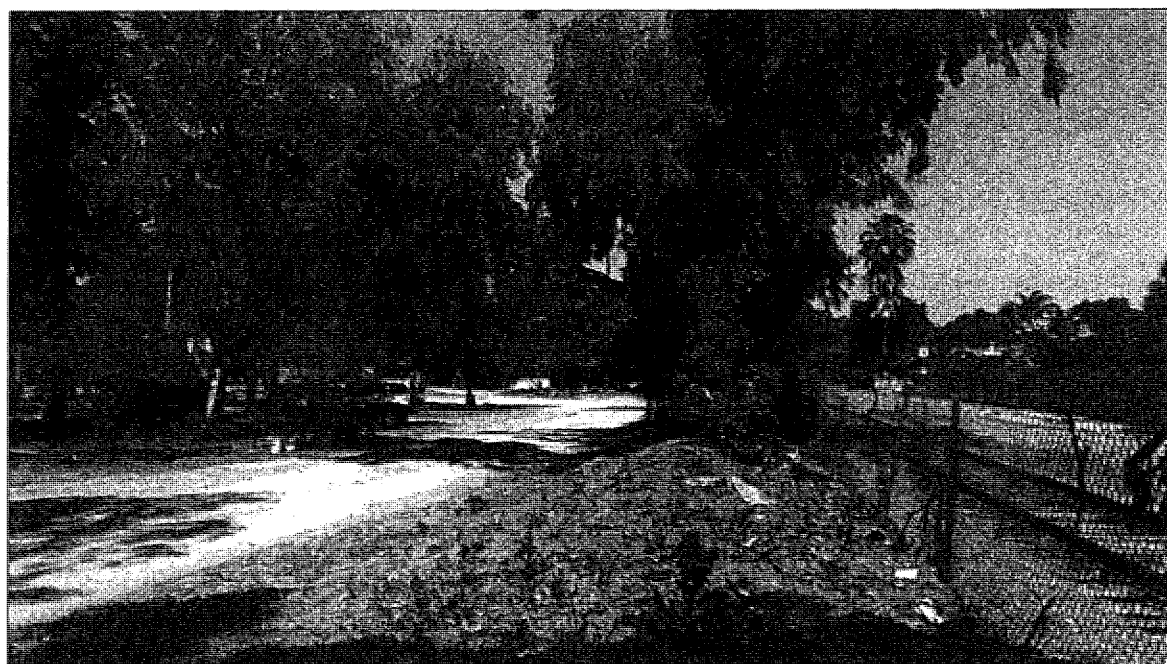


View 3. Taken from the southwest, facing east. Showing disturbed area in the foreground and equestrian field/barn in distance.





View 5. Taken from the northeast corner, facing south. Showing a portion of the eastern perimeter of the property.



View 6. Taken from the northeast corner, facing northwest. Showing a portion of the northern perimeter of the property including train tracks.

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 17 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Signature (prepared by Kevin White, Planner)

Date

Signature: (David Prusch, Supervising Planner)

Date

Land Use Services Department/Planning Division

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

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

- a) **No Impact.** The proposed project is not located within a Scenic Corridor. The site is also not located in the proximity of a scenic vista. There is little topography in the area or other features from which there would be views of the region.
- The proposed project is located within an area where surrounding lands are already substantially developed with residential neighborhoods, commercial, institutional and other nonresidential uses. The applicant's Preliminary/Final Development Plan proposes complementary architecture and a palette of materials that would further blend the development with the surrounding viewshed. The Preliminary Development Plan sets forth standards and guidelines for the development of homes and other improvements within the proposed project.
- b) **No Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the project site; therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **Less than Significant Impact.** The proposed project would not substantially degrade the existing visual character of the site and its surroundings. The site is within an urbanized area with improved roadways, electrical poles and lines, streetlights, sidewalks, ornamental landscaping (e.g., groundcover, shrubs and trees). Surrounding the site are residential neighborhoods with homes of similar size and character. Abutting the site to the north is a rail line and an at-grade signalized and gated crossing where Pipeline Avenue crosses the rail line. Further south of the site along Riverside Drive is a building materials supply business and other commercial businesses.

The project site has existing residential and non-residential structures, other related site improvements (walls, storage sheds, horse training equipment, etc.), mature trees and other ornamental landscaping. The project would require removal of the structures, improvements, trees and landscaping during site preparation, demolition and grading. The proposed project would develop the site with two-story single-family homes and related infrastructure and improvements (e.g., streets, curbs, street trees, perimeter walls, fire hydrants, park and playground equipment, etc.), which would be at a similar scale and character as existing uses and improvements surrounding the site. Therefore, the project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

- d) **Less than Significant Impact.** The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Street lights are located immediately north of the site along Pipeline Avenue and in adjacent residential communities. Street and exterior lighting proposed on site would be similar to the surrounding uses and would be hooded and down-shielded to direct lighting onsite and protect surrounding properties from any light glare. Therefore, the project would result in less than significant impacts relative to light and glare.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES				
- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impact.** The Farmland Mapping and Monitoring Program of the California Department of Conservation is responsible with mapping Prime Farmland, Unique Farmland, Farmland

of Statewide Importance, and Farmland of Local Importance (Farmland) across the state. The project would not convert Farmland, as shown on the FMMP maps, to non-agricultural use, since the project site is not designated as such.

The site was once occupied by a walnut orchard in the 1940s and 1950s. All walnut trees were previously removed from the site and the site is now used for residential and equestrian use, with vegetation consisting of eucalyptus trees, ornamental vegetation, and two oak trees. The site is located in an urbanized area and is not located in an Agricultural Preserve area. There is no impact and no further analysis is warranted.

- b) **No Impact.** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The current General Plan land use designation for the project area is RS-20M, which allows residential development. The proposed project area is not under a Williamson Act contract. There is no impact and no further analysis is warranted.
- c) **No Impact.** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland **Table 1:** zoned Timberland Production. The proposed project area has never been designated as forest land or timberland. No rezoning of the project site would be required as the proposed residential project is compatible with the surrounding residential uses. There is no impact and no further analysis is warranted.
- d) **No Impact.** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed project site is predominantly disturbed with existing residential and equestrian uses. There is no impact and no further analysis is warranted.
- e) **No Impact.** The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. The current General Plan land use designation for the project area is RS-20M, which allows the development of residential units. There is no impact and no further analysis is warranted.

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

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

The following analysis is based on the project Air Quality Impact Analysis (AQIA), January 27, 2014 prepared by Giroux & Associates. The AQIA evaluates emissions from construction and operations, focusing on criteria air pollutants, hazardous emissions, and greenhouse gases (GHG). The full report, with baseline emissions data, analysis methodologies and emissions modeling output, is included as Appendix A.

- a) **No Impact.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan. A project is consistent with the regional Air Quality Management Plan (AQMP) if it does not create new violations of clean air standards, exacerbates any existing violations, or delays a timely attainment of such standards.

The two principal criteria for conformance to an AQMP are 1) whether the project would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of air quality standards; and 2) whether the project would exceed the assumptions in the AQMP.

With respect to the first criterion, the analyses in responses III.b) and III.c), below demonstrate that the project would not generate short-term and long-term emissions of volatile organic compounds (VOC), oxides of nitrogen (NOx, which are ozone precursors), or PM2.5 that could potentially cause an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of air

quality standards.

Projects such as the proposed Pipeline Avenue Residential Project do not directly relate to the AQMP in that there are no specific air quality programs or regulations governing general development. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The change to regional air quality from the proposed action is immeasurably small due to the size of the project relative to the air quality basin and because the project does not exceed air quality standards. A project specific analysis of air quality impacts was conducted in the AQIA, which demonstrates that project related emissions are below the significant threshold levels. Therefore, the project is considered consistent with the region's AQMP. No impacts would occur and no mitigation is required.

Given that the proposed project would not significantly alter the population or employment projections considered during the development of the AQMP, and considering the minor emissions attributable to the proposed project during operation (refer to discussion in Item III.b) below), there are no impacts associated with AQMP consistency.

- b) **Less than Significant Impact with Mitigation Incorporated.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Air quality impacts would include construction exhaust emissions generated from diesel- and gasoline-powered equipment construction equipment, vegetation clearing, grading, construction worker commuting, construction material deliveries, and operational activities upon project completion. Fugitive dust emissions include particulate matter and are a potential concern because the project is in a non-attainment area for PM-10 and PM-2.5, as well as ozone.

Construction

Dust is typically the primary concern during construction of new homes and infrastructure. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions." Emission rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). These parameters are not known with any reasonable certainty prior to project development and may change from day to day. Any assignment of specific parameters to an unknown future date is speculative and conjectural.

Average daily PM-10 emissions during site grading and other disturbance average about 10 pounds per acre. This estimate presumes the use of reasonably available control measures (RACMs). The SCAQMD requires the use of best available control measures (BACMs) for fugitive dust from construction activities. With the use of BACMs, fugitive dust emissions can be reduced to 1-2 pounds per day per acre disturbed.

Construction emissions were calculated by using California Emissions Estimator Model (CalEEMod) version 2013.2.2. CalEEMod is a computer program accepted by the SCAQMD that can be used to estimate anticipated emissions associated with land

development projects in California. CalEEMod has separate databases for specific counties and air districts. The San Bernardino County database was used for the proposed land use consisting of 36 single family homes, assuming that the entire project would be built at once.

The CalEEMod was developed by the SCAQMD and provides a model to calculate both construction emissions and operational emissions from a residential or commercial land use project. It calculates both the daily maximum and annual average emissions for criteria pollutants as well as total or annual greenhouse gas (GHG) emissions. The default equipment fleet and schedule durations determined by CalEEMod that were used for modeling are shown in **Table 2** below.

Table 2: Construction Activity Equipment Fleet

Phase Name and Duration	Equipment
Demolition (20 days) 14,000 sf debris	1 Concrete Saw
	2 Dozer
	3 Excavators
Grading (20 days) 19,438 CY Import	1 Excavator
	1 Grader
	1 Dozer
	3 Loader/Backhoes
Construction (230 days)	1 Crane
	3 Forklifts
	1 Generator Set
	3 Loader/Backhoes
	1 Welder
Paving (5 days)	4 Mixers
	1 Pavers
	1 Loader/Backhoe
	1 Roller

Utilizing the indicated equipment fleet shown in the table above, the following worst case daily construction emissions are calculated by CalEEMod 2013.2.2 and are listed in **Table 3** below.

**Table 3: Construction Activity Emissions
Maximum Daily Emissions (pounds/day)**

Maximal Construction Emissions	ROG	NOx	CO	SO ₂	PM-10	PM-2.5
2015						
Unmitigated	6.3	78.5	53.6	0.1	11.9	6.7

Mitigated	6.3	78.5	53.6	0.1	7.8	4.7
2016						
Unmitigated	25.7	28.9	19.8	0.0	2.1	1.9
Mitigated	25.7	28.9	19.8	0.0	2.1	1.9
SCAQMD Thresholds	75	100	550	150	150	55

Source: Air Quality and GHG Impact Analysis prepared by Giroux & Associates, January 2014

Peak daily construction activity emissions are estimated to be below SCAQMD CEQA thresholds without the need for added mitigation. The only model-based mitigation measure applied for this project was watering exposed dirt surfaces at least three times per day as required per SCAQMD Rule 403 (Fugitive Dust), to minimize the generation of fugitive dust.

Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur.

Based on the above analysis, project construction and operations would neither violate any air quality standard nor contribute substantially to an existing or projected air quality violation. Impacts are less than significant; nonetheless mitigation measures AQ-1 through AQ-3 are incorporated to facilitate monitoring and compliance with SCAQMD's Rule 403.

Operational Impacts

Project uses would generate 410 daily trips according to trip generation estimates provided in the project traffic impact analysis. Operational emissions for the proposed uses were calculated using CalEEMod2013.2.2 (assuming a project build-out year of 2016). Calculated emission levels are shown in **Table 4** below.

Table 4: Daily Operational Impacts

Source	Operational Emissions (lbs/day)					
	ROG	NOx	CO	SO ₂	PM-10	PM-2.5
Area	10.9	0.3	21.1	0.0	2.8	2.8
Energy	0.0	0.3	0.1	0.0	0.0	0.0
Mobile	1.9	5.7	22.4	0.0	3.0	0.9
Total	12.8	6.4	43.6	<0.1	5.8	3.7
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Output in Appendix

The project would not cause any operational emissions to exceed their respective

SCAQMD CEQA significance thresholds. Based on the modeling analysis, operational emission impacts are judged to be less than significant.

Railroad Proximity Health Impacts

The project site is bordered by the Union Pacific Railroad to the north. The Chino General Plan states that this railway spur is utilized by two freight trains per day currently with future use predicted to remain the same.

Railroad engines are significant emitters of NO_x, CO and diesel particulate matter (DPM). DPMs are known carcinogens. Health risk studies have been conducted in the vicinity of very large rail yards. No similar studies have been conducted along any single rail line by any state agency such as the California ARB.

To determine health risk for planned Pipeline Avenue residential uses, air quality modeling was performed using the Caltrans Graphical User Interface for CALINE4 (A Dispersion Model for Predicting Air Pollutant Concentrations Near Roadways, Version 2.1, October 28, 2011). CALINE4 was developed in the late 1980's at Caltrans' Transportation Laboratory. It is used in California at this time only for CO analysis, but can also handle dispersion modeling of particulate matter (PM) and nitrogen dioxide (NO₂). Like other dispersion models, CALINE4 requires input of transportation characteristics (volumes, etc.), meteorological conditions and emission factors.

Emission factors for locomotives were obtained from the EPA, Office of Transportation and Air Quality report (EPA-420-F-09-025). This document provides emission factors for both NO_x and PM-10 for large switch locomotives, though it does not contain data for CO. CO factors were obtained from the ICF Report; Assessing the Effects of Freight Movement on Air Quality at the National and Regional Level (April 2005). The emission factors are all in a grams per gallon format. Therefore it was necessary to determine the mileage per gallon for freight train operations.

Railways are commonly considered to have an efficiency of 500 miles per gallon per ton weight. Weight was obtained from the Railway Age Gazette Volume 57. Freight trains using the rail line adjacent to the site are smaller switcher trains. The weight for a single locomotive is approximately 200 tons. Total estimated weight for a single locomotive and 20 freight cars (10 full, 10 empty), which is the typical train length along the adjacent rail line, is about 500 tons.

Therefore the following emission rates were analyzed in the Caline4 model:

NO_x: 250 grams/ton-mile*500 tons*500 miles per ton gallon = 250 grams/mile
CO: 27.4 grams/ton-mile*500 tons*500 miles per ton gallon = 27.4 grams/mile
PM-10: 6.8 grams/ton-mile*500 tons*500 miles per ton gallon = 6.5 grams/mile

The CALINE4 model output is provided in the appendix and the results are shown below. When possible the worst case wind angle option was selected whereby the model selects

the wind angle that would produce the maximal concentration at the receptor location. Although this option is not available for NO_x, the selected wind direction would similarly provide the highest impact at the modeled receptor. Although only two trains per day are predicted, as a worst case, both trains were modeled as occurring the same hour. The receptor was placed 50 feet from the track centerline and the emissions for 1,000 feet of travel (impact zone) were analyzed with the following results.

Table 5: CALINE Results

	1hr-NO _x	1hr-CO	1hr-PM-10 24-hr
CALINE Results	0.01 ppm	<0.01 ppm	0.02 µg/m ³
Threshold California	0.18 ppm	20 ppm	50 µg/m ³
Threshold National	0.10 ppm	35 ppm	150 µg/m ³
Exceeds Threshold?	No	No	No

The emissions calculated and presented in **Table 5** above demonstrate that emission levels associated with the two trains passing each day north of the site do not exceed thresholds. Impacts are less than significant and no further analysis is warranted.

- c) **Less than Significant Impact with Mitigations Incorporated.** As discussed in Response III.b, the project would not exceed SCAQMD criteria pollutant emission thresholds. Cumulative emissions are part of the emission inventory included in the AQMP for the project area. Therefore, there would be no cumulatively considerable net increase of the criteria pollutants that are in nonattainment status in the South Coast Air Basin.

In addition to the mass daily emissions thresholds established by the SCAQMD, short-term local impacts to nearby sensitive receptors from on-site emissions of CO, NO_x, PM₁₀, and PM_{2.5} are examined based on SCAQMD's localized significance threshold (LST) methodology. To assess local air quality impacts for development projects without complex dispersion modeling, LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and this methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

For the purposes of an LST analysis, the SCAQMD considers receptors where it is possible that an individual could remain for 24 hours, such as a residence. The closest receptors to the proposed construction area would be immediately adjacent residences to the west of the site, thus the closest distance of 25 meters was selected for analysis. The analysis is shown in **Table 6**, below. In the LST analysis, only on-site emissions are considered. As shown, on-site project construction emissions would be less than the SCAQMD LST thresholds, and local impacts would be less than significant for all but PM₁₀ and PM_{2.5} during grading activities. PM₁₀ and PM_{2.5} emissions would be less than the LST with implementation of Mitigation Measures AQ-2 and AQ-3.

Table 6: LST and Project Emissions (pounds/day)

LST 1.0 acres/ 25 meters SW San Bernardino Valley	CO	NOx	PM-10	PM-2.5
LST Threshold	863	118	5	4
Max On-Site Emissions *				
Demolition				
Unmitigated	36	48	3	2
Mitigated	36	48	3	2
Grading				
Unmitigated	27	40	9	6
Mitigated	27	40	5	3
Construction				
Unmitigated	19	30	2	2
Mitigated	19	30	2	2
Paving				
Unmitigated	15	22	1	1
Mitigated	15	22	1	1

CalEEMod Output in Appendix

*excludes construction commuting, vendor deliveries and emissions associated with haul trucking.

- d) **Less than Significant Impact.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations (see Items III.a through III.c regarding criteria pollutants). The project's construction and operations would not result in any significant air pollutant emissions, and nearby sensitive receptors (consisting of residences) would not be significantly impacted by such emissions.

With regard to potentially hazardous air emissions, small amounts of hazardous air pollutants are contained in the diesel exhaust of the construction equipment to be used to prepare the site and develop the proposed housing units. Diesel exposure risk is calculated based on a 70-year lifetime with the receptor located outdoors permanently. Resident exposure to construction equipment exhaust emissions would only be for several months. The combination of limited exhaust particulate emissions, brief resident exposure and generally high dispersal rates during the daytime renders hazardous emissions impacts as less-than-significant.

For those reasons, impacts are less than significant and an assessment of potential human health risks attributable to emissions of hazardous air pollutants is not required.

- e) **Less than Significant Impact.** The project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical solid waste (refuse) associated with the project's (long-term operational) uses. Standard AQMD construction requirements would minimize odor impacts resulting from

construction activity. Any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of construction activity and is thus considered less than significant. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

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

AIR QUALITY MITIGATION MEASURES:

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

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

AQ-2 *AQ/Dust Control Plan. The developer will prepare, submit, and obtain approval from San Bernardino County Planning of a Dust Control Plan (DCP) consistent with South Coast Air Quality Management District guidelines and a letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP will include the following elements to reduce dust production:*

- a) Exposed soils and haul roads will be watered three (3) times per day to reduce fugitive dust during all grading/construction activities. Inactive areas will be treated with soil stabilizers such as hay bales or aggregate cover.*
- b) Street sweeping will be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.*
- c) Site access driveways and adjacent streets will be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.*
- d) Construction vehicle tires will be washed prior to leaving the project site.*
- e) All trucks hauling dirt away from the site will be covered, and speeds on unpaved roads will be reduced below 15 miles per hour.*

- f) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil will be watered hourly and activities on unpaved surfaces will cease until wind speeds no longer exceed 25 mph.
- g) Storage piles that are to be left in place for more than three working days will be sprayed with a non-toxic soil binder, covered with plastic or revegetated.

AQ-3 AQ – Installation. The developer will submit for review and obtain approval from County Planning evidence that all air quality mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Will the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Figure 1

SUBSTANTIATION:	(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database <input type="checkbox"/>): Burrowing owl
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Vegetation Mapping and General Plant and Wildlife Surveys

Bonterra Consulting conducted general biological investigations of the project site to identify and document any biological resources that might be adversely affected by construction or operation of the project. The Biological Resources Assessment (BRA) study area included the entire project site, comprised of three parcels. Surveys were conducted on May 3, 2013 by Bonterra biologists.

The purpose of the general survey was to describe the vegetation present in the survey area and to evaluate the potential of the site to support special status species. During the general survey, all areas were evaluated for their potential to support special status plant

and wildlife species that are known or expected to occur in the region. Searches for reptiles and amphibians included visually scanning the area. Birds were identified by visual and auditory recognition. Surveying for mammals included searching for and identifying diagnostic signs, including scat, footprints, scratch-outs, dust bowls, burrows, and trails. All wildlife species observed were recorded in field notes and are listed in Table 5 of the BRA, incorporated as Appendix B. The BRA was prepared in May 2013, and the complete report with detailed findings and recommendations is included in Appendix B. The results of all the surveys are summarized as applicable for Items IV.a to IV.f.

Sensitive Wildlife Species

General Wildlife Inventory

The proposed project site is located in an urbanized setting, surrounded by residential development. Though regional wildlife corridors exist in the general vicinity of the project site (San Gabriel Mountains, Jurupa Hills, La Sierra Hills, Puente Hills and Chino Hills), the development of the project site is not located within close proximity and is, therefore, not expected to have an impact on regional wildlife movement.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a species of special concern and its burrow sites are protected. A habitat assessment (Phase II) following CBOC (1993) protocol was performed within areas of potentially suitable habitat. Site conditions during the habitat assessment consisted of clear skies and cool temperatures (60–65 degrees Fahrenheit) with calm conditions (2–5 mile per hour winds). Bare soil was observed within the survey area, however the areas containing bare soil are exposed to regular disturbance from humans and domestic animals and are therefore not suitable burrowing owl habitat. Due to the close proximity to residential housing and contractor yard activity, small patches of weedy areas were observed within the survey area but, are surrounded by regular human disturbance. A sufficient expanse of weedy area to support burrowing owls does not exist in the survey area. No crop, pasture land, utility land, annual and perennial grassland, desert, or scrubland was observed within the survey area. Additionally, burrows from fossorial mammals of a suitable size to support burrowing owl occupation were not observed within the survey area. No burrowing owl sign was observed in the survey area.

Jurisdictional Waters

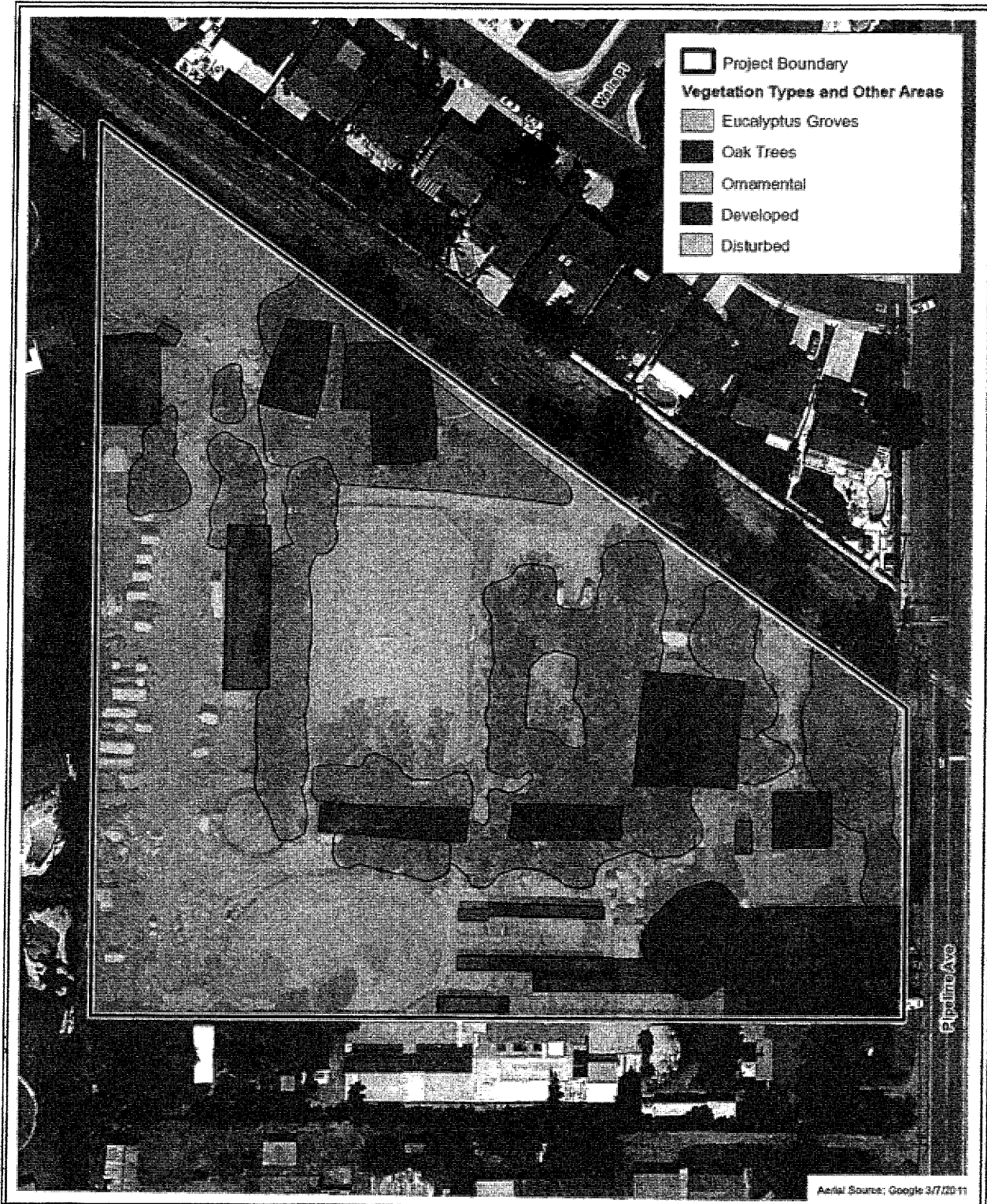
Streambed and wetland resources are usually under the jurisdiction of the USACE, the SWRCB, and the CDFW. Regulatory authority is granted to these agencies by the Federal Clean Water Act, California Porter-Cologne Act, and California Fish and Game Code. Impacts (e.g., discharges of fill or other material) to these resources or associated habitat are generally considered a significant impact under CEQA and would require permits from these agencies.

No jurisdictional streambed or wetland resources were observed on the project site.

Vegetation Types

The following vegetation types and land covers were observed within the survey area: eucalyptus trees, ornamental, disturbed, and developed. Oak trees are also included as a separate vegetation type though this is not a recognized vegetation type by the CDFW. The two interior live oaks (*Quercus wislizenii*) were observed in the backyard of a house in an ornamental setting on the southern portion of the site. These two trees do not constitute an oak woodland and are considered ornamental vegetation according to the project habitat assessment. However, their presence was felt to be noteworthy enough to include separately. These vegetation types and land covers are depicted in **Exhibit 6** below.

Exhibit 6: Vegetation Types Occurring Onsite



Special Status Plants

Sensitive Plant Species

Sensitive plants include those listed, or candidates for listing, by the U.S. Fish & Wildlife Service (USFWS) and California Department of Fish & Wildlife (CDFW), and species considered sensitive by the California Native Plant Society (CNPS) (particularly Lists 1A, 1B, and 2).

While there are special status plant species known to occur in the project region, no sensitive plant species were observed within the project site during the general biological surveys. Neither desert plant species nor riparian plant species exist, or have any potential to exist, on the project site.

Regulated Plant Species

Trees were assessed to determine whether they are subject to regulation by the County of San Bernardino 2007 Development Code. The County of San Bernardino requires approval from the Director of Land Use Services to remove any regulated trees that are associated with a Land Use Application or Development Permit (see Section 88.01.050 of the County of San Bernardino 2007 Development Code). Regulated trees are defined as either (1) native trees with a trunk diameter at breast height (dbh) that is at least six inches measured four and one-half feet above natural grade level or (2) palm trees in linear plantings, which are 50 feet or greater in length within established windrows or parkway plantings (see Section 88.01.070 of the County of San Bernardino 2007 Development Code).

Two interior live oaks (*Quercus wislizenii*) are located at the southern portion of the site in an ornamental setting behind an existing residence. Although they are in an ornamental setting, the trees meet the definition a "regulated tree." The project would require removal of the trees; therefore, a Tree Removal Permit is required. The findings associated with the Tree Removal Permit are listed below. One of the findings below must be met for the permit to be granted. As indicated below, the project meets two of the required permit findings.

- (A) The location of the regulated tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area, or other approved improvement or ground disturbing activity and there is no other alternative feasible location for the improvement.

Project Consistency: The two regulated trees are located in an area of the site that is planned for development with homes, streets, landscaping and other related infrastructure. Overexcavation and soil import is necessary on the entire site due to geotechnical conditions to make the site useable for residential development pursuant to the General Plan-allowed density. The over excavation and grading would preclude preservation of the trees.

- (B) The location of the regulated tree or plant and/or its drip line interferes with the planned improvement of a street or development of an approved access to the

subject or adjoining private property and there is no other alternative feasible location for the improvement.

Project Consistency: Refer to response (A) above. The trees are located adjacent to the planned entry to the site. Due to the limited space to accommodate the project entry and the planned homes, preservation of the trees is not feasible.

- (C) The location of the regulated tree or plant is hazardous to pedestrian or vehicular travel or safety.

Project Consistency: This finding is not applicable.

- (D) The regulated tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures, or municipal improvements.

Project Consistency: This finding is not applicable.

- (E) The condition or location of the regulated tree or plant is adjacent to and in such close proximity to an existing or proposed structure that the regulated tree or plant has or will sustain significant damage.

Project Consistency: See response to (A) above. The regulated trees are in a location of the site where over excavation is necessary and preservation of the trees is not feasible. Removal of the tree is the only feasible option due to the over excavation that is necessary on the project site.

The two trees do not constitute an oak woodland and due to their location in the backyard of a home in an ornamental setting rather than in a more natural setting, they may be described as ornamental vegetation. Oak trees are not a recognized vegetation type by the CDFW; however, because they are considered "regulated trees" and are generally the only native plants on the site, they were noted in the BRA. Due to the large size of these trees, relocation is not recommended by the project biologist. The project would plant at least one street tree per home in addition to five Holly Oaks and other trees within the planned park and four Holly Oaks and other trees along the project frontage on Pipeline Avenue. With implementation of these project design features, the impact associated with the removal of the two oak trees is less than significant.

Jurisdictional Waters

Streambed and wetland resources are usually under the jurisdiction of the USACE, the SWRCB, and the CDFW. Regulatory authority is granted to these agencies by the Federal Clean Water Act, California Porter-Cologne Act, and California Fish and Game Code. Impacts (e.g., discharges of fill or other material) to these resources or associated habitat are generally considered a significant impact under CEQA and would require permits from these agencies.

No jurisdictional streambed or wetland resources were observed on the project site.

- a) **No Impact.** The proposed project is on the Biotic Resources Overlay Map of the County's General Plan, and no species of critical habitat for threatened or endangered species, or species of special concern designated by the USFWS, CNDD, or San Bernardino County Museum Biological Species are identified as present on-site. The site was once occupied by a walnut orchard, although all walnut trees have been removed and the site now has residential and equestrian facilities uses. The site is predominantly disturbed with ornamental vegetation, and includes eucalyptus groves and two oak trees. The BRA confirmed that the site does not contain any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Also, no potentially suitable habitat was observed on the project site, thus there is no impact.
- b) **No Impact.** The site does not contain any riparian habitat. Vegetation on the site consists of predominantly ornamental vegetation, eucalyptus groves, and two oak trees. Neither desert plant species nor riparian plant species exist or have the potential to exist on the project site. The there is no impact.
- c) **No Impact.** No waters and/or wetlands under the jurisdiction of the federal government, through the U.S. Army Corps of Engineers (USACE) were identified on the site. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, and no mitigation measures are required. There is no impact to federally protected wetlands.
- d) **Less than Significant Impact with Mitigation Incorporated.** The site does not have native wildlife species and the likelihood for such species to breed on the site is extremely low. No native wildlife have established nursery or breeding colonies on the site. No naturally occurring native fish populations are present within the project site because the project site has no standing water or significant hydrological drainages where water would be present for an extended period of time.

Wildlife Corridors

The project area offers no utility as a wildlife corridor because the site is surrounded by an urbanized environment. The general vicinity of the site includes residential development, roads, a rail line and other infrastructure that prevents substantial wildlife movement.

Nesting Birds

The study area has the potential to support nesting birds due to the presence of shrubs trees on the project site. Disturbing or destroying active nests during construction would be a violation of the Migratory Bird Treaty Act (MBTA). In addition, nests and eggs are protected under Fish and Game Code Section 3503. Thus, the removal of vegetation during the breeding season is considered a potentially significant impact. Nesting activity typically occurs from February 15 to August 31.

In order to avoid potentially significant impacts during construction, the project would be mitigated in one of two ways: 1) habitat avoidance by removing vegetation outside of the

nesting season, or 2) if construction is to occur during the nesting season, avoidance of active nests as deemed appropriate by a qualified biologist during construction monitoring. The implementation of these measures, detailed in Mitigation Measure BIO-1, would reduce this impact to a level that is less than significant.

Foraging Raptors

Although there is no raptor nesting habitat on the project site, the study area may support foraging habitat for a number of raptor species. However, in light of the amount of habitat that remains available for this species within the region, removal of foraging habitat represents a less than significant impact to regional raptor populations.

- e) **Less than Significant Impact.** While the site is included on the Biotic Resources Overlay Map, it does not identify any sensitive resources on the project site. However, as discussed above, under "Regulated Plant Species," there are two oak trees on the project site. Impacts associated with removal of these trees are discussed above. Aside from the oak trees, there are no local policies or ordinances protecting biological resources that are applicable to the proposed project site.
- f) **No Impact.** The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The project would have no significant impact relating to Habitat Conservation Plans, Natural Community Conservation Plans, and Recovery Plans. There would be no take of critical habitat and, therefore, no land use conflict with existing management plans would occur.

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

BIOLOGICAL RESOURCES MITIGATION MEASURES:

BIO-1 *Nesting Bird Mitigation – Pre-Construction Surveys.* Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 300 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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V. CULTURAL RESOURCES - Will the project

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

The proposed project is not located in a Cultural or Paleontological Resources Overlay area. The analysis in this section is based on the Cultural and Paleontological Resources Analysis, dated January 28, 2014 and prepared by BCR Consulting, LLC. The report is incorporated herein as Appendix C.

- a) **Less than Significant Impact.** There are no known historic resources on the project site. The Cultural and Paleontological Resources Analysis and the associated field survey conducted on the project site identified one historic-period resource. However, further evaluation of the resource in the Cultural and Paleontological Resources Analysis (Appendix C) determined that it does not meet any of the significance criteria. Therefore, development of the subject property is not expected to result in any adverse impacts to historical or archaeological resources.
- b) **Less than Significant Impact.** As discussed further in the Cultural and Paleontological Resources Analysis (Appendix C), there are no known archaeological resources on the project site. A standard condition of approval would be applied to the project that requires the applicant or assignee to contact the County Museum for a determination of appropriate measures if any archeological resources are discovered during project construction. This condition would reduce the project's impacts to a level considered less than significant.
- c) **Less than Significant Impact.** This project is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no resources of significance have been identified in the cultural resources survey of the site. Furthermore, the alluvial soils in the area provide a low potential for discovery of paleontological resources. The standard condition of approval mentioned above in V.b) would further reduce the potential for impacts, if anything should be found during project construction.
- d) **Less than Significant Impact.** It is not anticipated that this project would disturb any

human remains, including those interred outside of formal cemeteries, because no such burials grounds are known to exist on the project site. If any human remains are discovered during construction of this project, standard requirements in the Conditions of Approval would require the developer to contact the County Coroner and the County Museum for a determination of appropriate measures to be taken. A Native American representative shall also be consulted if the remains are determined to be of potential Native American origin pursuant to Section 15064.5(e) of the CEQA Guidelines.

No historical resources were identified on the project site, thus the impact is less than significant. A standard condition of approval will be applied to the project to require the developer to contact the County Museum in the event of discovery of any artifact during construction, for instructions regarding evaluation for significance as a cultural or paleontological resource. No significant adverse impacts are identified or anticipated and therefore no mitigation measures are required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VI. GEOLOGY AND SOILS - Will the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

A Geotechnical Investigation was prepared for this project by Leighton & Associates, Inc., May 10, 2013. This project is not located in a Geologic Hazard (GH) Overlay District, as defined in the County General Plan.

- a) i) **Less than Significant Impact.** The proposed project site is not located within an Alquist-Priolo Earthquake Fault Zone. While the potential for onsite ground rupture cannot be totally discounted (e.g., unmapped faults could conceivably underlie the project site), the likelihood of such an occurrence is considered low due to the absence of known faults within the site. The closest known active or potentially active fault is the Chino fault, located approximately nine (9) miles west of the site. There is no impact related to the exposure of

persons or structures to rupture of a known earthquake fault.

ii) **Less than Significant Impact.** The project site is within a seismically active region and is potentially subject to strong ground acceleration from earthquake events along major regional faults in southern California. The nearest identified fault line to the project site is the Chino Fault (located about 9 miles west of the site), which is capable of generating significant seismic activity. The known regional active and potentially active faults that could produce the most significant ground shaking at the site include the Chino-Elsinore fault zone, San Jose, Cucamonga, Sierra Madre, Puente Hills, San Jacinto, and San Andreas faults.

The design of any structures on-site would incorporate measures to accommodate projected seismic loading, pursuant to existing California Building Code (CBC) and local building regulations. Specific measures that may be used for the proposed project include proper fill composition and compaction; anchoring (or other means of for securing applicable structures); and the use of appropriate pipeline materials, dimensions, and flexible joints. Based on the incorporation of applicable measures into project design and construction to comply with CBC, potential project impacts associated with strong seismic ground shaking would be less than significant.

iii) **Less than Significant Impact.** Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Other types of seismic-related ground failure include ground rupture (as discussed in Section VI.a.i), landslide (as discussed in Section VI.a.iv), dynamic ground subsidence (or settlement), and lateral spreading.

Loose granular soils are most susceptible to liquefaction, and the phenomenon is generally restricted to saturated or near-saturated soils at depths of less than 50 feet. As detailed in the Geotechnical Investigation prepared for the project by Leighton and Associates, LLC (see Appendix D), the soils underlying the region include alluvial soil consisting of combinations of silty sand and sandy silt with gravel interspersed. The soil was generally dry to moist and stiff or medium dense.

Due to the presence of shallow groundwater in the past, Leighton and Associates evaluated the liquefaction potential of the soil encountered in their borings. Results of their analysis using a historic-high groundwater level of 15 feet indicate that potentially liquefiable soils were encountered within their borings at a depth of approximately 40 feet, and are approximately 5 feet thick or less. However, due to the thick layer of overlying non-liquefiable soils, the potential for surface damage due to liquefaction (such as sand boils, bearing failures, and later spreading) is low. The potential project impacts associated with liquefaction would be less than significant and no further analysis is warranted.

iv) **No Impact.** The proposed project would not have any risks associated with landslides. Landslides are the downslope movement of geologic materials. The stability of slopes is related to a variety of factors, including the slope's steepness, the strength of geologic materials, and the characteristics of bedding planes, joints, faults, vegetation, surface water, and groundwater conditions. The project area is relatively flat terrain where landslides have not historically been an issue; therefore, no significant impacts are anticipated with respect to seismic-related (or other) landslide hazards, and no further

analysis is warranted.

- b) **Less than Significant Impact.** Construction activities could result in substantial soil erosion if the sites are not properly designed. The potential impacts of soil erosion would be minimized through implementation of Development Code requirements. Specifically, the applicant would prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The SWPPP would prescribe temporary Best Management Practices (BMPs) to control wind and water erosion during and shortly after construction of the project. A preliminary Water Quality Management Plan (WQMP) (Appendix I) has been prepared, which specifies permanent BMPs to control erosion and sedimentation once construction is complete (see Section IX.c for related discussion). A final WQMP is required prior to building permits, which will affirm the proposed BMPs on the construction plans. The impact on soil erosion is less than significant and no further analysis is warranted.
- c) **Less than Significant Impact with Mitigation Incorporated.** The Geotechnical Investigation indicates that site soils typically consist of younger alluvial soil deposits consisting of silty sand, and sandy silt with gravel interspersed. Silty and clayey layers were encountered at depth. The site is not expected to be prone to adverse effects of: slope instability or adverse differential settlement from cut/fill transitions (significant cuts and fills are not proposed).

During construction, the geotechnical engineer would provide on-site observation of site preparation and grading, fill placement and foundation installation, thus ensuring that geotechnical conditions are as anticipated and that the contractor's work meets with the criteria in the approved plans and specifications. Any underground obstructions should be removed, as should large trees and their root systems. Resulting cavities should be properly backfilled and compacted. Efforts should be made to locate existing utility lines. Those lines should be removed or rerouted if they interfere with the proposed construction, and the resulting cavities should be properly backfilled and compacted.

Overall, adherence to the Geotechnical Investigation recommendations and implementation of San Bernardino County Development Code grading standards, as applicable, would minimize the potential impact of on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. General Plan Geologic Hazards Overlay mapping (FH27C, Chino) for the project area indicates that the area is not expected to be subject to landslide or liquefaction. The geotechnical investigation prepared for the project by Leighton & Associates sets forth recommendations for site preparation, grading and site engineering, to mitigate the potential for strong seismic shaking and potentially compressible soil. Implementation of the Leighton & Associates recommendations in the preparation and review of grading plans is incorporated as mitigation measure Geo-1, which would reduce the impact to a level considered less than significant.

- d) **Less than Significant.** Expansive (or shrink-swell) behavior is attributable to the water-holding capacity of clay minerals and can adversely affect the structural integrity of

facilities. In general, compliance with Building Code requirements would minimize potential impacts to project facilities. Site soils are determined by the Geotechnical Investigation to be typically stiff or medium dense, are deemed to be low expansive potential. Prior to placing any fills or constructing any overlying improvements, loose surface soils would be scarified and compacted according to Geotechnical Investigation specifications. Impacts would be less than significant and no further analysis is warranted.

- e) **No Impact.** The project does not propose to use septic tanks or alternative wastewater disposal systems; therefore, no impacts would occur. No further analysis is warranted.

SIGNIFICANCE: Possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant:

GEOLOGY MITIGATION MEASURES:

GEO-1 *Geotechnical, Grading and Design Measures. The design and construction recommendations in the May 2013 Geotechnical Investigation prepared by Leighton & Associates, specifically Chapter 3, shall be implemented in the preparation and review of grading plans and in shall be confirmed during inspection of grading and construction activities on the project site.*

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VII GREENHOUSE GAS EMISSIONS - Will the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) **Less than Significant Impact.** In September 2006, the State enacted the Global Warming Solutions Act (Assembly Bill 32), which was created to address greenhouse gases emitted by human activity and implicated in global climate change. The Act requires that the greenhouse gas (GHG) emissions in California be reduced to 1990 levels by 2020. This is part of a larger plan in which California hopes to reduce its emissions to 80 percent below 1990 levels by 2050.

Additionally, through the California Climate Action Registry (CCAR, now called the Climate Action Reserve), general and industry-specific protocols for assessing and reporting GHG emissions have been developed. GHG sources are categorized into direct sources (i.e., from the project site itself and from activities directly associated with operations) and indirect sources (i.e., not directly associated with the project, but impacted by its operations). Direct sources include combustion emissions from on-and off-road mobile sources, and fugitive emissions. Indirect sources include off-site electricity generation and non-company owned mobile sources.

As discussed in Section III (Air Quality) of this document, the proposed project's primary contribution to air emissions is attributable to construction activities, including the delivery of construction material to the site. Project construction would result in GHG emissions from construction equipment, delivery of construction materials, and construction workers' personal vehicles traveling to and from the site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel.

The primary emissions that would result from the proposed project occur as carbon dioxide (CO₂) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (N₂O) and methane (CH₄), as well as other GHG emissions related to vehicle cooling systems. To account for variations in the effectiveness of these gases on climate change, a measure called CO₂-equivalent (CO₂e) is used.

Pursuant to Section 15064.4 of the State CEQA Guidelines, the treatment of GHG emissions follows a process of quantification of project-related GHG emissions, determination of significance, and specification of any appropriate mitigation if impacts are found to be potentially significant. The AQIA used the CalEEMod computer model to

quantify construction-period and operational GHG emissions. Modeling predicts construction activities would generate an overall total of 485.5 metric tons CO₂e emissions. SCAQMD GHG emissions policy from construction activities is to amortize emissions over a 30-year lifetime. The amortized construction emission is 16.2 metric tons CO₂e. **Table 7** identifies the total operational and annualized construction emissions.

Table 7: Operational Emissions

Consumption Source	MT CO ₂ (e) tons/year
Area Sources	12.1
Energy Utilization	144.7
Mobile Source	606.5
Solid Waste Generation	19.2
Water Consumption	16.4
Annualized Construction	16.2
Total	815.1
Significance Threshold	3,500

The screening level operational threshold is 3,500 metric tons (MT) of CO₂e per year. The total operational emissions and annualized construction emissions of 815.1 metric tons of CO₂e per year is well below this threshold and are considered less than significant.

- b) **Less than Significant Impact.** The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. In December 2011, the County Board of Supervisors adopted a Greenhouse Gas Emissions Reduction Plan (GHG Reduction Plan). The GHG Reduction Plan states that “[w]ith the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO₂e per year will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions.” (p. 4-5). Applicable performance standards are identified in Appendix F of the GHG Reduction Plan. As noted in Appendix F, these performance standards apply to all projects and are included as Conditions of Approval when discretionary approvals are granted. Therefore, all applicable performance standards would be included in the Conditions of Approval for the project. In addition, as described in Item VII.a., the project is well below the 3,000 MTCO₂e per year significance threshold.

Because the project would be required to comply with all applicable performance standards identified in the GHG Reduction Plan, and GHG emissions would not exceed the 3,000 MTCO₂e per year screening threshold, the project is determined to be consistent with the County's GHG Reduction Plan.

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

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

SUBSTANTIATION:

Leighton and Associates, Inc. prepared a Phase I (May 20, 2013) and Phase II (June 28, 2013) Environmental Site Assessment for the project site, which serves as the basis for the following analysis.

- a) **Less than Significant Impact.** The proposed project is not expected to result in impacts from hazards and hazardous materials with respect to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous

materials. This is because the proposed project would not involve the routine transport, use, or disposal of significant amounts of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. During construction, the proposed project would involve the transport of general construction materials (i.e., concrete, wood, metal, fuel, etc.) as well as the materials necessary to construct the proposed project.

Construction activities would involve the use of hazardous materials such as fuels and greases for the fueling and servicing of construction equipment. Such substances may be stored in temporary storage tanks/sheds that would be located on the project site. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose workers. The use, storage, transport, and disposal of hazardous materials used in construction of the facility would be carried out accordance with federal, state, and County regulations. No extremely hazardous substances (i.e., governed under Title 40, Part 335 of the Code of Federal Regulations) are anticipated to be produced, used, stored, transported, or disposed of as a result of project construction. As needed, Material Safety Data Sheets for all applicable materials present on-site would be made readily available to on-site personnel as required by the SBCFD Hazardous Materials Division. During construction of the facility, non-hazardous construction debris would be generated and disposed of in local landfills. Sanitary waste would be managed using portable toilets, with waste being disposed of at approved sites.

The project would be required to comply with federal, state, and county laws, ordinances, and regulations; therefore, the project would result in less-than-significant impacts related to the creation of significant hazards through the routine transport, use, or disposal of hazardous materials.

- b) **Less than Significant Impact.** The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. With the exception of construction-related materials such as fuels, lubricants, adhesives, and solvents, the proposed project would not generate or require the use or storage of significant quantities of hazardous substances. Additionally, any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Compliance with regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would ensure no substantial impacts would occur. As such, there is a less-than significant impact associated with creating a significant hazard to the public or the environment.
- c) **No Impact.** There is no school located within ¼ mile of the project. The nearest school is Newman Elementary School, which is about 0.5 mile north of the site. Additionally, the future occupants of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school because the residential project does not propose the use of hazardous materials. There would be no impact related to hazardous emissions or the handling of

hazardous materials near schools resulting from implementation of the project.

- d) **No Impact.** The project site is not located on a known site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The proposed project would not create a significant hazard to the public or the environment. Therefore, the project would result in no significant impact associated with hazardous materials sites.
- e) **No Impact.** The proposed project area is not located in the vicinity of any public or public use airport. The site is not within the boundaries of an airport land use plan. The nearest public or public use airport is Ontario International Airport, about 10 miles to the northeast. At this distance, the project site is not within an airport land use plan. The project would result in no safety hazards for people residing or working in the project area as a result of proximity to an airport.
- f) **No Impact.** The proposed project area is not located within the vicinity of a private airstrip; therefore, it would not result in a safety hazard for people residing or working in the project area. The nearest private airstrip is Chino Airport, located approximately 6 miles to the southeast of the project site. There is no impact and no further analysis is warranted.
- g) **No Impact.** Activities associated with the proposed project would not impede existing emergency response plans for the project site and/or other land uses in the project vicinity. The project would not result in any closures of existing roadways that might have an effect on emergency response or evacuation plans in the vicinity of the project site. In addition, all vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Accordingly, implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. There is no impact and no further analysis is warranted.
- h) **No Impact.** The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, because there are no wildlands adjacent to this site. The project site is in an urban area and is not located in a fire safety overlay district. Therefore, it is not adjacent to wildlands or near the wildlands/urban interface, and would not expose people, structures or infrastructure to risks of wildland fires. There would be no impact and no further analysis is warranted.

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

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

SUBSTANTIATION:

MDS Consulting prepared a Preliminary Water Quality Management Plan (WQMP) dated July 12, 2013 and Pre- and Post-Developed Hydrology Maps which were referenced in the following analysis and incorporated as Appendices I and J respectively.

- a) **Less than Significant Impact.** The project would not violate any water quality standards or waste discharge requirements, because a final WQMP would be required to be prepared and approved by the County Public Works Department as part of the building permit(s) process. As detailed in the Preliminary WQMP (Appendix I), the project proposes to collect and convey the "first flush storm water" and convey it to an underground chamber/rock leach field beneath the proposed park for percolation into the ground. The project would also retain the difference between 80% of the existing storm flow and the post development flows.

A private storm drain system is proposed within the interior streets connecting to a bubbler structure that would discharge storm water to Pipeline Avenue via surface flow through a parkway culvert. There is no storm drain system in Pipeline Avenue that would allow connection of the project's storm drain system. As detailed in the Preliminary WQMP, the project would be retaining the difference in flows between a two-year storm pre- and post-development storm. The project's Post-Developed Hydrology Map (Appendix J) depicts the direction of flow, drainage areas, and proposed location of the drainage vault with an ejection pump.

Refer to section XVI for an analysis of waste water (sewage).

- b) **Less than Significant Impact.** The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Groundwater infiltration will still occur as discussed in section IX. a) above. Potable water would be provided by the City of Chino not from groundwater wells at the site. The City of Chino Public Works Department has given assurance via a will-serve letter (Appendix H) that it has adequate water service capacity to serve the projected demand for the project, in addition to the provider's existing commitments in conformance with the City's urban water management plan.
- c) **Less than Significant Impact.** The project would not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. The project does not propose any substantial alteration to a drainage pattern. There is no stream or river on the site or in the vicinity that would be affected by construction of the project. The project is required to submit and implement an erosion control plan, and construction would be subject to a Storm Water Pollution Protection Plan (SWPPP) to prevent erosion or sedimentation during project construction.

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- d) **Less than Significant Impact.** As described in c.), above, the project would not impact any drainages, and the project would not otherwise result in any noteworthy change in the drainage pattern of the site or area. As shown on the hydrology plan, the project would not result in a substantial alteration to the drainage pattern of the site or area, nor would it result in any substantial increase in runoff that could cause flooding on-or off-site. The site is currently relatively flat and would remain flat after construction is completed.
- e) **Less than Significant Impact.** Refer to response IX. a) above. The project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, because County Public Works has reviewed the proposed project Post-Developed Hydrology Map and has determined that the proposed on-site storm water retention systems are adequate to handle the anticipated flows. All necessary drainage improvements both on and off site would be required as conditions of the construction of the project, and would be subject to the same dust control measures, Best Management Practices for water quality and other standards and requirements that apply to on-site construction. There would be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the project. Less than significant impacts would result and no further analysis is warranted.
- f) **Less than Significant Impact.** Refer responses to IX. a) – e). The proposed project would not otherwise substantially degrade water quality because appropriate measures relating to water quality protection, including erosion control measures have been required. No further analysis is warranted.
- g) **No Impact.** The project would not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, because The subject property is not mapped as occurring within a flood hazard zone. No further analysis is warranted.
- h) **No Impact.** The project would not place structures within a 100-year flood hazard area which would impede or redirect flood flows, because the site is not located within a 100-year flood hazard area and any area identified as being potentially affected by a 100-year storm. The structures would be subject to a flood hazard review and would be required to be elevated a minimum of one foot above the base flood elevation.
- i) **No Impact.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, because the project site is not within any identified path of a potential inundation flow that might result in the event of a dam or levee failure or that might occur from a river, stream, lake or sheet flow situation. There is no impact and no further analysis is warranted.

- j) **No Impact.** The project site would not be subject to inundation by seiche, tsunami, or mudflow. A tsunami is a series of ocean waves generated in the ocean by an impulsive disturbance. Due to the inland location of the proposed project, tsunamis are not considered a threat. A seiche is an oscillating surface wave in a restricted or enclosed body of water generated by ground motion, usually during an earthquake. Inundation from a seiche can occur if the wave overflows a containment wall or the banks of a water body. No impacts are expected to occur because the project is not adjacent to any marine or inland water bodies. The soils in the project area are well-drained, the terrain is relatively flat, and mudflows have not historically been an issue in the proposed project area. No further analysis is warranted.

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

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

SUBSTANTIATION:

- a) **No Impact.** The proposed project would not physically divide an established community, because the proposed single family residential project is located in an urbanizing area that is zoned for residential land uses. The project is located in the Single Residential Land Use Zoning District of the County, adjacent to the City of Chino. It is also within the City of Chino's Sphere of Influence Area and the City has designed the site RD8, which is a residential designation that allows development of up to 8 dwelling units per acre. The proposed project is permitted subject to approval of a General Plan Amendment to change the Land Use Zoning District to Special Development-Planned Residential Development, which would allow for the alternative development standards being approved with the project.

In addition, the project provides greater connectivity between the existing community and uses by placing new residential uses within an area with existing residential development surrounding the site. The proposed project is sited and designed to enhance and be integrated with an established community.

- b) **Less Than Significant Impact.** The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, because with approval of the requested General Plan Amendment to change the site's Land Use District, Planned Development Permit and Tract Map, the project would be consistent with all applicable land use policies and regulations of the County Development Code and General Plan. The project site does not have any Overlay District designations, thus it would not conflict with any hazard protection, resource preservation or land use modifying Overlay District regulations. The project site is designated for residential use and the proposed use is consistent with that designation, subject to the preparation and approval of a Planned Development application, as proposed. There is a less than significant impact and no further analysis is warranted.

- c) **No Impact.** The proposed project does not conflict with any applicable habitat conservation plans or natural community conservation plans. No such plan exists in the area.

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

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

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

- a) **No Impact.** The project would not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state, because there are no identified important mineral resources on the project site and the site is not within a Mineral Resource Zone Overlay. No further analysis is warranted.
- b) **No Impact.** The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan (see discussion in Item XI.a). There is no impact and no further analysis is warranted.

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

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

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

The project site is not located in a Noise Hazard (NH) Overlay District and is not subject to severe noise levels according to the County General Plan Noise Element. An Acoustical Study was prepared for this project by PCR Services Corporation, May, 2013, which serves as the bases for the analysis below. The Acoustical Study is provided as Appendix E.

- a) **Less than Significant Impact with Mitigation Incorporated.** The project Acoustical Study analysis demonstrates compliance with the County of San Bernardino's criteria for residential development. In addition, this analysis provides specific noise mitigation measures to ensure that the noise levels comply with the required County standards. Due to the close proximity of the project site to the City of Chino and because the project is within the City's Sphere of Influence, the report discusses the City of Chino's standards. The following also analyzes the project pursuant to County standards.

Pursuant to Section 83.01.080 of the County Development Code, Interior noise levels in all single family residences shall not exceed 45 dBA Day-Night Sound Level (Ldn) emanating from sources outside the residential building. The exterior noise levels in all single family residential land use areas should not exceed 60 dBA Ldn for any exterior residential use area. However, an exterior noise level of up to 65 dBA is permitted, provided exterior noise

levels have been substantially mitigated through a reasonable application of the best available noise reduction technologies.

For the City of Chino, allowable noise levels for a given period of time vary during the day and night, and by maximum time of exposure. The maximum level permitted during the day time (between 7 a.m. and 10 p.m.) in the City is 75 dBA for any period of time. As the time of exposure increases, the maximum noise level decreases by 5 dBA. For example, 70 dBA is the maximum exposure for 1 minute/hour, 65 dBA for 5 minutes/hour, 60 dBA for 15 minutes/hour, and 55 dBA for 30 minutes/hour. During the evening, between 10 p.m. and 7 a.m. the maximum noise level is reduced by 5 dBA for each exposure time.

Exhibit 8, below identifies the noise measurement locations that were used in PCR's acoustical analysis to assess the ambient noise levels. These measurement locations are also used in **Table 8** that follows, which presents a summary of the ambient sound measurements.

Exhibit 8: Noise Measurement Locations

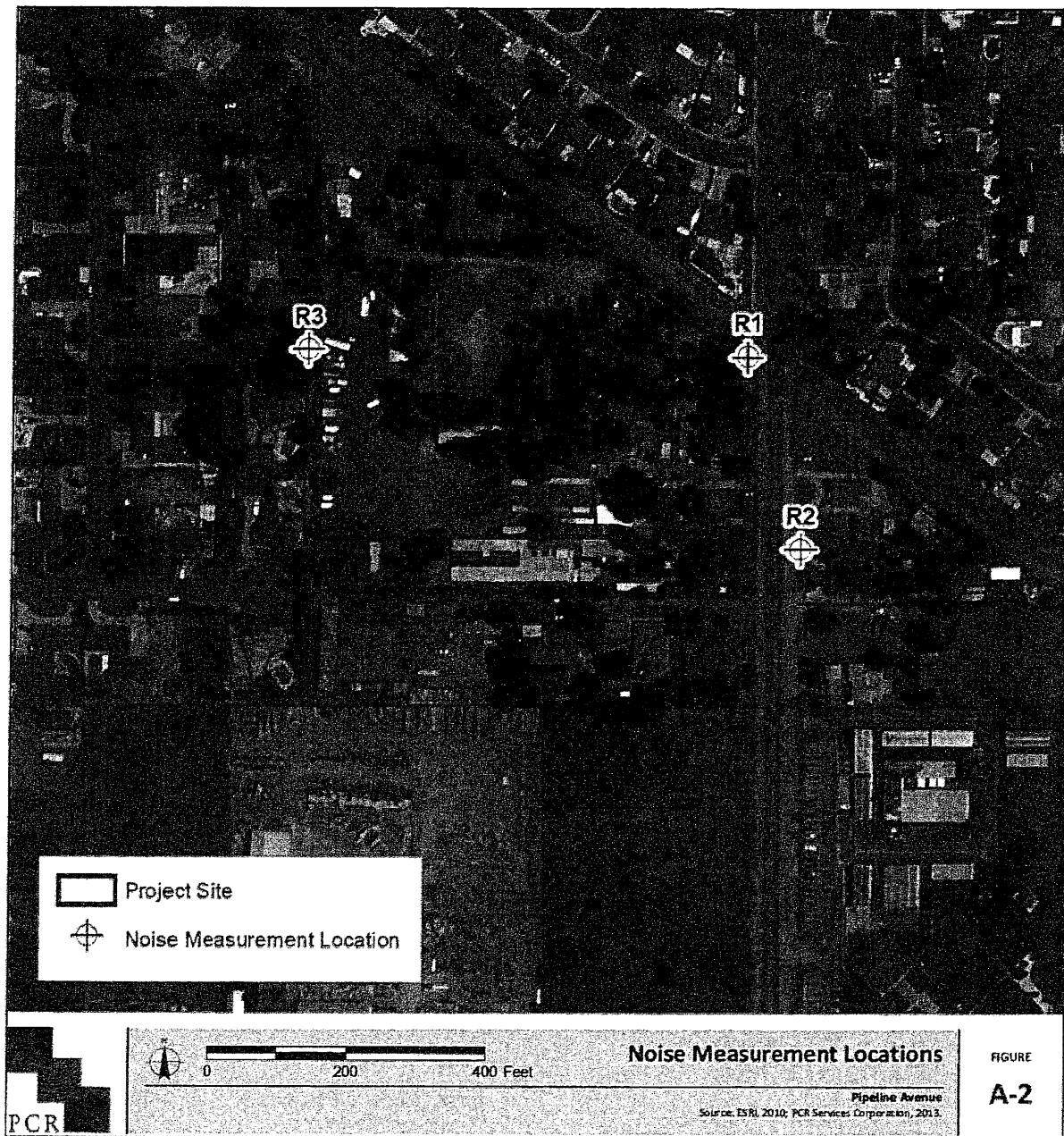


Table 8: Summary of Ambient Noise Measurements

Receptor Location	Measured Ambient Noise Levels ^a (dBA)				24-Hour Average, L _{dn}
	Daytime (7 a.m. to 10 p.m.)		Nighttime (10 p.m. to 7 a.m.)		
	Hourly L ₅₀	Hourly L ₅₀	Hourly L ₅₀	Hourly L ₅₀	
R1: 5/1/13 Wednesday (24 hours)	60-67	66-72	43-56	53-72	63
R2: 4/30/13 Tuesday (10:13 a.m.)	60	67	N/A	N/A	N/A
R3: 4/30/13 Tuesday (10:13 a.m.)	53	54	N/A	N/A	N/A
^a Detailed measured noise data, including hourly L _{eq} levels, are included in the Acoustical Study.					
Source: PCR Services Corporation, 2013.					

According to the Acoustical Analysis, the primary source of noise was traffic along Pipeline Avenue and railroad train operation. The highest noise level measured was up to 67 dBA (L₅₀) from a passing freight train, which lasted approximately one minute.

To comply with performance standards of the County Development Code, the exterior noise levels would be reduced from 67 dBA to 65 dBA with the application of exterior walls, landscaping, or building placement that restricts the noise levels produced from the railroad and roadways. In order to reduce the impacts of ambient noise associated with the railroad and adjacent roadways, a 6-foot high block wall is proposed to be constructed around the project site boundaries, subject to confirmation by project-specific acoustic analyses.

Typical building construction would further provide noise reduction. The expected exterior noise levels would trigger a windows closed condition requiring each unit to include a means of mechanical ventilation (e.g. air conditioning), in combination with standard building construction that includes dual-glazed windows. These are typical features on homes; therefore, additional mitigation is not necessary.

- b) **Less than Significant Impact with Mitigation Incorporated.** Groundborne vibration and groundborne noise could originate from earth movement during the construction phase of the proposed project. Construction activities may result in short term impacts to the noise environment including groundbourne vibration and noise. Potential impacts to noise would be short term during construction and would end once the project is operational. At buildout the project is not expected to generate groundbourne vibration or noise that is excessive. Short-term impacts associated with construction would be limited to the greatest extent practicable with the implementation of the mitigation measures outlined below.
- c) **Less than Significant Impact.** The noise impact analysis assessed noise impacts associated with project traffic and determined it would not cause off-site noise impacts to surrounding off-site noise-sensitive uses. The traffic noise model calibration showed that the noise model result of 66.8 dBA Leq is within less than 1 dBA of the measured ambient noise level, which is within the industry standard tolerance of the noise prediction model. Project-related traffic noise impacts would be less than significant.

The Acoustical Analysis shows that the project would not create a substantial permanent

increase in traffic-related noise levels or expose persons to noise levels in excess of the exterior noise level standards established by the County of San Bernardino. No further analysis is warranted.

- d) **Less than Significant Impact with Mitigation Incorporated.** Construction of the proposed project would result in a temporary increase to the noise environment on site and immediately adjacent to the project. The San Bernardino County Development Code Section 83.01(g) allows construction related noise between 7:00 am and 6:00 pm Monday through Saturday excluding holidays. Existing ambient exterior noise levels on the project site, adjacent to Pipeline Avenue range between 60 and 72 dBA during day-time hours. Short-term impacts associated with construction would be limited to the greatest extent practicable with the implementation of Mitigation Measure N-1. The project would also be conditioned to comply with the noise performance standards of the County Development Code, which requires a maximum interior noise level of 45 dBA. Therefore, with implementation of Mitigation Measure N-1, temporary or periodic noise impacts would be less-than-significant.
- e) **No Impact.** The proposed project area is not located within the boundaries of an airport land use plan, and is not in the vicinity of an airport. The nearest airport is the Chino Airport, approximately 5 miles to the southeast. The project is not within an airport land use plan or within two miles of an airport. Due to the distance of the airport from the project site, there would be no noise impacts from the airstrip.
- f) **No Impact.** The proposed project area is not located within the vicinity of a private airstrip. The nearest private airstrip is Chino Airport, located approximately 5 miles to the southeast of the project area. Due to the distance of the airstrip from the project site, there would be no noise impacts from the airstrip.

SIGNIFICANCE: Possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant:

NOISE MITIGATION MEASURE:

N-1 *Noise Mitigation.* The developer will submit for review and obtain approval of an agreement letter that stipulates that all construction contracts/subcontracts contain as a requirement that the following noise attenuation measures be implemented:

- a) Noise levels of any project use or activity will be maintained at or below adopted County noise standards (SBCC 83.01.080). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
- b) Exterior construction activities will be limited between 7 a.m. and 7 p.m. There will be no exterior construction activities on Sundays or National Holidays.
- c) Construction equipment will be muffled per manufacturer's specifications. Electrically powered equipment will be used instead of pneumatic or internal combustion powered equipment, where feasible.

- d) All stationary construction equipment will be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.*

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIV. PUBLIC SERVICES				
a) Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

Due to the project site being located within an urbanized/developed area, a full range of urban public services is available to serve the project site.

- a) **Less than Significant Impact.** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities. Construction of the project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this project.

Fire Protection. Fire protection services for the proposed project would be provided by the Chino Valley Independent Fire District (CVIFD), which provides contracted fire service to the County of San Bernardino for the project site vicinity. The nearest fire station is Station 65, which is located 1.1 miles away at 12220 Ramona Avenue in Chino. This station is staffed 24 hours a day, 7 days a week, 365 days a year. The station is an 8,300-square-foot facility and currently houses one Paramedic Engine Company staffed with four personnel, one Truck Company staffed with four personnel, and one Battalion Chief. According to the CVIFD 2012 Master Plan, average response times in 2011 were 8

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIII. POPULATION AND HOUSING - Will the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **Less than Significant Impact.** The proposed project is not expected to induce substantial population growth in the area, either directly or indirectly, because the project only proposes 36 homes.

Growth induced by a project could be considered a significant impact if it directly or indirectly affects the ability of public agencies to provide services. Public services for this project would be provided by a number of public agencies, including the County of San Bernardino and the City of Chino. No service provider has indicated inability to serve the project. Therefore, the population growth associated with the proposed project is less than significant. The project would not result in a substantial adverse effect related to substantial population growth in the area, and no mitigation measures are required.

- b) **No Impact.** The proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere because the project site is currently occupied by three residential units and all three homeowners are aware of this project proposal. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.

- c) **No Impact.** The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere because the project site is currently developed with three residential units and the property owner is aware of the project proposal and has planned for the relocation. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.

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

minutes, 47 seconds including dispatch processing time.

The proposed project includes five internal fire hydrants along internal private roads, as well as sufficient space and turning radius for fire trucks. The project would comply with all Fire Department access requirements and California Fire Code requirements for the placement of fire hydrants and the use of sprinkler systems. Project compliance with requirements set forth in the Fire Code would provide fire protection for people and structures, as well as the provision of emergency medical services on site. In addition, as discussed in Section XVI. Traffic/Transportation, the proposed project would not result in a significant traffic impact to any study area intersections. Therefore, the proposed project would not impair emergency response vehicles, and average response times in the area would remain within acceptable response time limits.

The proposed project is a residential community, which would increase the number of onsite visitors and personnel. The addition of 36 residential units as a result of the proposed project would result in a small increase in demand for fire protection services, but it would not trigger the need for new or altered facilities. No new facilities would be required to be constructed to accommodate the proposed project. The proposed project would be designed to comply with all Fire Department access requirements and California Fire Code requirements, would not impair emergency response vehicles or increase response times, and would not substantially increase calls for service thereby triggering the need for new or altered facilities.

Police Protection. The San Bernardino County Sheriff's Department would provide police protection services for the project with support from the City of Chino Police Department via a mutual aid agreement. The nearest Sheriff's station is the Chino Hills Station, located 3.4 miles away at 14077 Peyton Drive, Chino Hills. The station has 52 sworn personnel and 15 civilian personnel assigned. The Chino Police Department station is located 2 miles away from the project site at 5450 Walnut Ave, Chino.

The County and City of Chino are signers of the California Disaster and Civil Defense Master Mutual Aid Agreement. The Sheriff's and Police Departments also provide Emergency Evacuation Services in cooperation with other city agencies and the CVIFD.

The project site is planned for residential use in the County General Plan and has been considered in the County Sheriff's Department's long-term plans for police protection services. Police protection services are already provided for the project site, which is developed with residential and business uses. The increase in residences onsite would not significantly increase demand for police services and reduce response times thus requiring the construction of new facilities that would cause environmental impacts. Therefore, the project would not increase response times or require new or altered facilities.

Schools. The project area is served by the Chino Valley Unified School District (CVUSD). The following schools would serve the project: Newman Elementary School, Ramona Junior High School and Don Antonio Lugo High School. The proposed project is a residential development project that would generate students. Based on the student generation factor used by CVUSD, the proposed project would generate the following

students:

Table 9: Student Generation

Grades	Proposed Dwelling Units	Student Generation Factor (SGF)	Students
K-6	36	0.36	13
7-8	36	0.11	4
9-12	36	0.15	5
Totals	36	0.63	23

The small increase in students generated by the proposed project would incrementally increase the demand for school facilities.

Pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of CVUSD for the purpose of funding the construction or reconstruction of school facilities. The project Applicant would be required to pay such fees to reduce any impacts of new residential development on school services as provided in Section 65995 of the California Government Code. Pursuant to the provisions of Government Code Section 65996, a project's impact on school facilities is fully mitigated through payment of the requisite school facility development fees current at the time a building permit is issued. Therefore, with payment of the required fees, potential impacts to school services and facilities associated with implementation of the proposed project would be less than significant, and no mitigation is required.

Parks. This project includes a 0.26 acre neighborhood park that includes an open lawn play area, picnic tables, a barbeque area, a fenced tot lot and large shade structure. The County's subdivision code requires residential development provide park and recreation facilities and/or pay a park fee in-lieu of providing a park. The project proponent is proposing to construct a park and pay park fees in-lieu of providing park area to meet the requirements of the subdivision code. While the proposed project would likely create a slight increase in the demand for parks or the availability of parks due to the increase in population, project impacts, given the size of the project, proposed recreation and open space uses onsite and the payment of in-lieu park fees, would be less than significant.

Other Public Facilities. The proposed project would generate an increased demand for other public facilities; however, given the relative size of the project and resulting population increase compared with the area, the project's increase would not be substantial, and the project would not require the construction of new facilities. Therefore,

while the proposed project would likely create a slight increase in the demand for other public facilities, given the size of the project and proposed uses, this impact would be less than significant. No mitigation is required.

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

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

SUBSTANTIATION:

- a) **Less than Significant Impact.** The proposed 36 unit single family residential project is not expected to result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project includes an on site neighborhood park with several amenities, including a tot lot, barbeque area, open lawn area, and a shaded area for recreational activities. The neighborhood park that is proposed as a part of the project would meet neighborhood park needs of future residents. Community parks are available throughout the adjacent Cities of Chino and Chino Hills. Existing regional parks are adequate to handle regional park needs of future residents in the 36 residential units. Park fees paid by the project proponent would also offset the increased demand of regional parks.
- b) **Less than Significant Impact.** The proposed project includes an on-site neighborhood park. This amenity would not have an adverse physical effect on the environment. The project does not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. No significant adverse impacts on recreation would result from implementation of the project and no further analysis is warranted.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XVI. TRANSPORTATION/TRAFFIC – Will the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and greenways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) **Less than Significant Impact.** A Traffic Impact Analysis (TIA) was prepared for the project by DKS in May 2013 (see Appendix G). The TIA was prepared using the County of San Bernardino's Traffic Impact Analysis Study Guidelines. The TIA reveals that the proposed project would not result in any decrease in the performance of the area's circulation system. The project includes a new residential roadway that would be constructed west of Pipeline Avenue, and would also intersect with Pipeline Avenue. The future roadway would provide a right-of-way (ROW) width of 60 feet containing: two lanes (one lane in each direction); 36 feet of curb-to-curb pavement and 12 foot parkways with sidewalk facilities on both sides of the street. Given that the internal circulation and access have been designed to meet the County's standards (i.e., street ROW, curb-to-curb width, turn radii, etc.), no impacts to circulation or emergency vehicles is anticipated and the project would not conflict with any plan, ordinance or policy establishing

measures of effectiveness for the performance of the circulation system. Less than significant impacts would result from implementation of the project and no further analysis is warranted.

- b) **Less than Significant Impact.** As noted under impact a), above, the TIA prepared for the project reveals that the proposed project would not result in any decline in the performance of the area's circulation system during the operational period. During construction, there would be no impact to Pipeline Avenue, which currently operates at a Level of Service A and B during the AM and PM peak periods. Because the construction period is of limited duration and construction trucks would travel throughout the day rather than being concentrated during peak hours, this impact is less than significant. The proposed project would therefore not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

The proposed project would result in a less-than-significant increase in traffic in relation to the existing traffic load and capacity of the street system. At the initiation of project construction, equipment would be mobilized to the project site using Pipeline Avenue. Such equipment would then be stored onsite for the duration of construction and used as construction progresses.

During operations, the project would result in additional traffic throughout the day, including during the AM and PM peak hours. The project would generate approximately 410 daily trips, of which 35 are in the AM peak hour, and 42 are in the PM peak hour. However, the additional daily trips attributed to the project do not change the level of service along Pipeline Avenue such that the level of service rating decreases. Based on these facts, less than significant impacts would result from implementation of the project and no further analysis is warranted.

- c) **No Impact.** The proposed project would not affect air traffic patterns. The project site is not within the vicinity of any airport. The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed.
- d) **Less than Significant Impact.** The project would not substantially increase hazards due to a design feature or incompatible uses because the project would consolidate multiple driveways currently on Pipeline Ave. to one access point that is located a sufficient distance away from other intersections pursuant to County standards and with sufficient site distance. There are no incompatible uses proposed by the project that would impact surrounding land uses. Therefore, less than significant impacts related to roadway design features or incompatible uses would result from implementation of the project and no further analysis is warranted.

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- e) **Less than Significant Impact.** The proposed project would not result in inadequate emergency access to the project area. During project construction, public roads would remain open and available for use by emergency vehicles and other traffic. The proposed project would not result in any roadway closures in the vicinity of the project site. The project site would provide emergency access paths as approved by the Chino Valley Fire District. The site's access roadway is an enlarged entry to accommodate emergency vehicles and is not gated to allow emergency responders to enter the site 24 hours per day. The project complies with all local and state Fire Code regulations with respect to access as the Chino Valley Independent Fire District has determined the development meets the requirements set forth in Appendix D to allow the development to have one access point. Less than significant impacts would result from implementation of the project and no further analysis is warranted.
- f) **Less than Significant Impact.** The project would not conflict with adopted policies, plans, or programs regarding public transit and alternative or non-motorized transportation (e.g., transit amenities) because all alternative transportation improvements have been included in the project design or would be addressed through standard conditions of approval regarding pedestrian access improvements. Less than significant impacts would result from implementation of the project and no further analysis is warranted.

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

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

SUBSTANTIATION:

- a) **Less than Significant Impact.** Refer to response IX. a). Wastewater sewer service for the project would be provided by the City of Chino Public Works Department. Sewage would be conveyed in public sewer lines in the public street rights-of-way on the project site to the sewer lines in Pipeline Avenue. As such, the proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region, as determined by County Public Health – Environmental Health Services. The project would comply with all regulation and requirements established by the Regional Water Quality Control Board.
- b) **Less than Significant Impact.** Refer response to IX. a). The proposed project would not require or result in a need for new water or wastewater treatment facilities or expansion of existing facilities. There is sufficient capacity in the existing system for the proposed use. The proposed project would be served by existing sewer and water lines in proximity to the

project, provided by the City of Chino Public Works Department.

- c) **Less than Significant Impact.** Refer responses to IX. a) – e). The project proposes to collect and convey the “first flush storm water” and convey it to an underground chamber/rock leach field beneath the proposed park for percolation into the ground.

A private storm drain system is proposed within the interior streets connecting to a bubbler structure that would outlet the storm waters into Pipeline Avenue. There is no storm drain system in Pipeline Avenue that would allow connection of the project's storm drain system.

A Final WQMP is required prior to issuance of a grading permit, which would ensure that the project design complies with regulations and requirements associated with hydrology and water quality. The project is not expected to significantly alter drainage patterns off-site and no expansion or new storm drain facilities beyond what is already planned for area-wide drainage would be required. No further analysis is warranted.

- d) **Less than Significant Impact.** Refer response to IX. b). Sufficient water supplies are available to serve the project from existing entitlements and resources. Due to the relatively small scale project in comparison to the City of Chino's current service area, the City has adequate capacity to accommodate the project and the impact of the project on water supplies would be less than significant.
- e) **Less than Significant Impact.** Refer response to IX. a). The proposed project would not require or result in the construction of new wastewater treatment facilities or the expansion of existing wastewater treatment facilities. The City of Chino has adequate capacity to serve the projected wastewater treatment demand for the project, in addition to the provider's existing commitments. Accordingly, no impacts are anticipated from implementation of the proposed project.
- f) **No Impact.** The County of San Bernardino Solid Waste Management Division (SWMD) is responsible for the operation and management of the County of San Bernardino's solid waste disposal system which consists of five regional landfills and nine transfer stations. According to the 2007 San Bernardino Countywide Integrated Waste Management Plan, the County of San Bernardino continues to have disposal capacity available for solid waste generated, but not diverted, in excess of 15 years as required under Public Resources Code Section 41701. The systemwide characteristics indicate that the County has an estimated site-life capacity of 38 years; however, the projected site life is calculated at 26 years of refuse capacity. Existing landfills serving the project area are the Mid-Valley Landfill in Rialto and San Timoteo Landfill in Redlands. The Mid-Valley Landfill has a maximum permitted capacity of 20,400,000 cubic yards and 7,500.00 tons per day of throughput with approximately 13,605,488 cubic yards of remaining capacity. The San Timoteo Landfill has a maximum permitted capacity of 101,300,000 cubic yards and 2,000.00 tons per day of throughput with approximately 67,520,000 cubic yards of remaining capacity. Based on an average single-family unit waste generation rate of 10.4 pounds per day in the City of Chino, the project would generate approximately 0.19 tons per day and 68.3 tons of solid waste per year, which is 0.002% of the combined daily capacity of both landfills and 0.00008% of the combined remaining capacity. The SWMD

has assumed build out of the project site as a residential use and planed for the associated solid waste generation in the existing sufficient permitted capacity to accommodate the project's solid waste disposal needs. Due to the relatively small amount of waste generated by the project compared with the capacity in the system the project would result in less than significant impacts

- g) **Less than Significant Impact.** The proposed project would comply with all federal, state, and local statutes and regulation related to solid waste. The project would consist of short-term construction activities (with short-term waste generation limited to minor quantities of construction debris). Solid waste produced during the construction phase of this project would be disposed of in accordance with all applicable regulations, including the County construction and demolition debris reduction ordinance.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

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

SUBSTANTIATION:

- a) **Less than Significant Impact.** The project would not significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population or drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. No potential impact on rare or endangered species or other species of plants or animals or habitat identified by the California Natural Diversity Database (CNDDDB) has been identified in the analysis of the proposed project, based on the disturbed condition of the project site. There are no identified historic or prehistoric resources identified on this site.
- b) **Less than Significant Impact.** Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period.

The project would not have impacts that are individually limited, but cumulatively considerable. Special studies prepared to analyze impacts of the proposed project consider and evaluate existing and planned conditions of the surrounding area and the region. Existing and planned infrastructure in the surrounding area has been planned to

accommodate planned build out of the area, including the project site with the planned uses.

- c) **Less than Significant Impact.** The design of the project, with application of County policies, standards, and design guidelines ensure that there would be no substantial adverse effects on human beings, either directly or indirectly. Impacts of the proposed project would be less than significant.

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

XVIII. MITIGATION MEASURES:

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

AIR QUALITY MITIGATION MEASURES:

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

- a) Equipment/vehicles will not be left idling for periods in excess of five minutes.
- b) Engines will be maintained in good working order to reduce emissions.
- c) Onsite electrical power connections will be made available where feasible.
- d) Ultra low-sulfur diesel fuel will be utilized.
- e) Electric and gasoline powered equipment will be substituted for diesel powered equipment where feasible.
- f) Signs will be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.

AQ-2 AQ/Dust Control Plan. The developer will prepare, submit, and obtain approval from San Bernardino County Planning of a Dust Control Plan (DCP) consistent with South Coast Air Quality Management District guidelines and a letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP will include the following elements to reduce dust production:

- a) Exposed soils and haul roads will be watered three (3) times per day to reduce fugitive dust during all grading/construction activities. Inactive areas will be treated with soil stabilizers such as hay bales or aggregate cover.
- b) Street sweeping will be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
- c) Site access driveways and adjacent streets will be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
- d) Construction vehicle tires will be washed prior to leaving the project site.

- e) All trucks hauling dirt away from the site will be covered, and speeds on unpaved roads will be reduced below 15 miles per hour.
- f) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil will be watered hourly and activities on unpaved surfaces will cease until wind speeds no longer exceed 25 mph.
- g) Storage piles that are to be left in place for more than three working days will either be sprayed with a non-toxic soil binder, covered with plastic or revegetated.

AQ-3 AQ – Installation. The developer will submit for review and obtain approval from County Planning of evidence that all air quality mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.

BIOLOGICAL RESOURCES MITIGATION MEASURES:

BIO-1 Nesting Bird Mitigation – Pre-Construction Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 300 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal

laws pertaining to the protection of native birds.

GEOLOGY MITIGATION MEASURES:

GEO-1 *Geotechnical, Grading and Design Measures.* The design and construction recommendations in the May 2013 Geotechnical Investigation prepared by Leighton & Associates, specifically Chapter 3, shall be implemented in the preparation and review of grading plans and in shall be confirmed during inspection of grading and construction activities on the project site.

NOISE

NOISE MITIGATION MEASURE:

N-1 *Noise Mitigation.* The developer will submit for review and obtain approval of an agreement letter that stipulates that all construction contracts/subcontracts contain as a requirement that the following noise attenuation measures be implemented:

- a) Noise levels of any project use or activity will be maintained at or below adopted County noise standards (SBCC 83.01.080). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
- b) Exterior construction activities will be limited between 7 a.m. and 7 p.m. There will be no exterior construction activities on Sundays or National Holidays.
- c) Construction equipment will be muffled per manufacturer's specifications. Electrically powered equipment will be used instead of pneumatic or internal combustion powered equipment, where feasible.

All stationary construction equipment will be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.

GENERAL REFERENCES

California Department of Resources Recycling and Recovery (CalRecycle) website. Accessed January 27, 2014. <http://www.calrecycle.ca.gov/>

CEQA Guidelines, Appendix G.

Chino Valley Independent Fire District. 2012 Master Plan. Available at:
<http://www.chinovalleyfire.org/DocumentCenter/View/8>

The Community Foundation. County of San Bernardino 2012 Community Indicators Report. Available at: http://www.sbcounty.gov/uploads/cao/feature/content/2012_cir_sb.pdf

County of San Bernardino. (2007, March 13). *County of San Bernardino 2007 Development Code*. Amended July 25, 2013. Available at
<http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>

County of San Bernardino. (2007, March 13). *County of San Bernardino 2007 General Plan*. Amended July 18, 2013. http://www.co.san-bernardino.ca.us/landuseservices/general_plan/Default.asp.

County of San Bernardino Geologic Hazards Overlays Map FH27C (Chino).

County of San Bernardino Hazard Overlay Map FH27C (Chino).

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995.

County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards.

Environmental Impact Report, San Bernardino County General Plan, 2007.

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map.

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/>.

LIST OF APPENDICES

- Appendix A Air Quality and Greenhouse Gas Emissions Impact Analysis
- Appendix B General Biological Resources Assessment
- Appendix C Cultural Resources Assessment (includes Paleontological Resources Assessment)
- Appendix D Geotechnical Investigation
- Appendix E Acoustical Study
- Appendix F Phase I and II
- Appendix G Traffic Impact Analysis
- Appendix H City of Chino Will-serve letter
- Appendix I Preliminary Water Quality Management Plan
- Appendix J Pre- and Post-Developed Hydrology Map

Draft Resolution #3208

Attachment 5

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 885-8170
E-mail: lafoo@lafoo.sbcounty.gov
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PROPOSAL NO.: LAFCO SC#400

HEARING DATE: NOVEMBER 18, 2015

RESOLUTION NO. 3208

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#400 – CITY OF CHINO IRREVOCABLE AGREEMENT TO ANNEX FOR WATER AND SEWER SERVICE (TENTATIVE TRACT 18902 -- APNs 1016-521-03, -04, and -05))

On motion of Commissioner _____, duly seconded by Commissioner _____ and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

WHEREAS, an application for the proposed service extension in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission of the County of San Bernardino does hereby determine, find, resolve and order as follows:

RESOLUTION NO. 3208

DETERMINATIONS:

SECTION 1. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The project area, which includes three parcels—Assessor Parcel Numbers (APN) 1016-521-03, 1016-521-04, and 1016-521-05—is located on the west side of Pipeline Avenue generally north of Riverside Drive. The parcels are within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Chino water and sewer service for the proposed Planned Development and Tentative Tract 18902. This requirement is a condition of approval placed upon the project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide water and sewer service is necessary in order to satisfy this condition of approval.
2. The Irrevocable Agreement to Annex considered is for the provision of water and sewer service by the City of Chino to Assessor Parcel Numbers 1016-521-03, 1016-521-04, and 1016-521-05. This contract will remain in force in perpetuity for the parcel or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of water and sewer service.
3. The fees charged this project by the City of Chino for water and sewer service are identified as totaling \$305,385.74. Payment of these fees is required prior to connection to the City's water and sewer facilities. The property owner/developer shall bear all costs to complete improvements needed to extend the water and sewer service to the parcel. All construction costs for all improvements needed to extend the water and sewer facilities are estimated at \$455,813.
4. As required by State Law, notice of the Commission's consideration was provided through publication in a newspaper of general circulation, *The Inland Daily Bulletin*. Individual notice was provided to registered voters (2 within the project area and 257 surrounding) and landowners (the landowner/developer within and 162 surrounding) as required by Government Code Section 56157 as well as affected and interested agencies, County departments, and those agencies and individual requesting mailed notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. In November 2014, acting as the CEQA lead agency, the County of San Bernardino, prepared an environmental assessment for the proposed General Plan Land Use Zoning District Amendment, Planned Residential Development, and Tentative Tract Map 18902 on 6.86+/- acres, and adopted a Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment. The County's Initial Study and Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration as

RESOLUTION NO. 3208

adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it does not intend to adopt alternatives or mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through the Conditions of Approval.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

SECTION 2. CONDITION. The City of Chino shall indemnify, defend, and hold harmless the San Bernardino County Local Agency Formation Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 3. The San Bernardino County Local Agency Formation Commission does hereby determine to approve the service extension contract submitted by the City of Chino to provide water and sewer service to APNs 1016-521-03, 1016-521-04, and 1016-521-05.

SECTION 4. The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#400 – City of Chino Irrevocable Agreement to Annex for Water and Sewer Service (Tentative Tract 18902 -- APNs 1016-521-03, -04, and -05), has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

* * * * *

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

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of November 18, 2015.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 10, 2015
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8 -- Presentation Required Pursuant to Section IV - Application Processing, Policy 11 --Island Annexation Pursuant to Government Code Section 56375.3 – Proposed Annexation to the City of Rialto and West Valley Water District of the Lytle Creek Ranch Specific Plan Anticipating the Development of more than 500 Units

RECOMMENDATION:

Staff recommends that the Commission continue the item to the December 16, 2015 hearing.

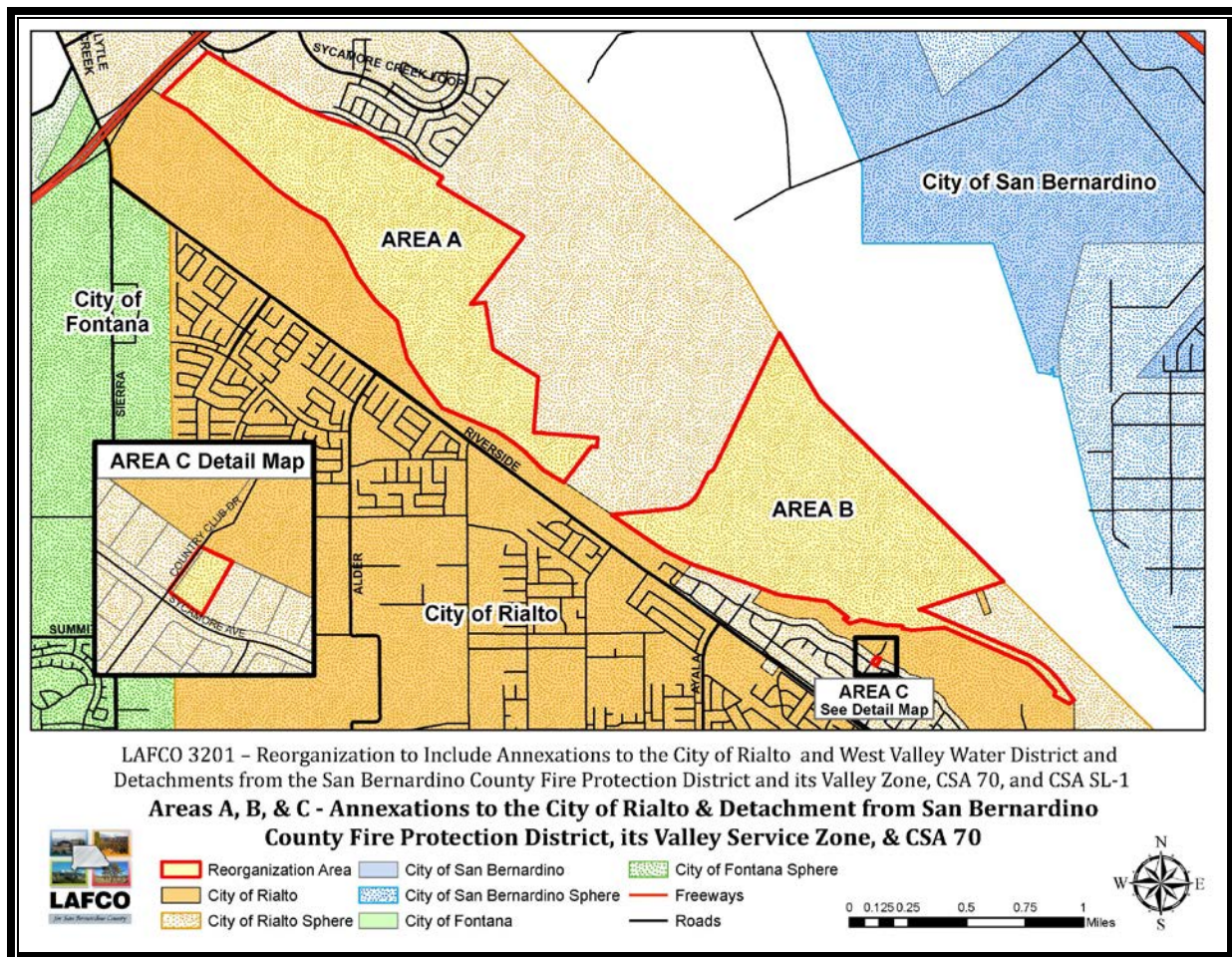
BACKGROUND:

In September 2011, the Commission modified its Island Annexation Policy removing the requirement for a City to initiate the annexation of its islands when considering a major development application. This amendment was based upon two changes in circumstances: (1) the passage of SB 89 by the legislature removing the discretionary Motor Vehicle In-lieu fee on a per capita basis made the determination of sustainability for service delivery questionable; and (2) the continuing desire of the Commission to look at these issues on a case-by-case basis. The language now reads:

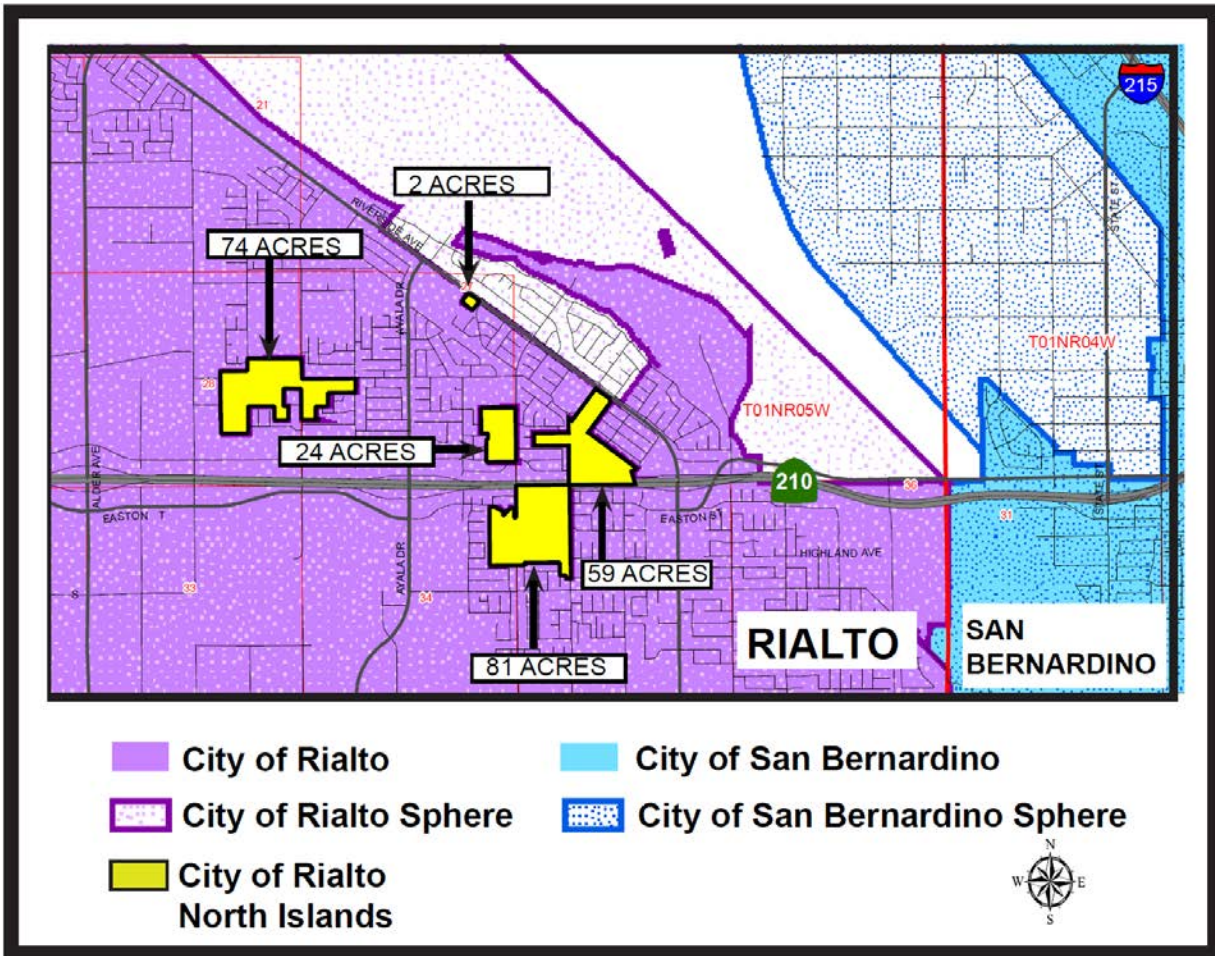
4. *The Commission directs that upon receipt of a development-related annexation or reorganization application, which anticipates development of 500 or more dwelling units and/or 500,000 square feet of commercial/ industrial development, LAFCO staff shall, within 90-days, place an item on the Commission's discussion calendar to review that City's unincorporated island areas which meet the criteria identified in Government Code Section 56375.3. The questions to be reviewed shall include, but not be limited to, the feasibility of annexing the island areas as a condition of application approval, the anticipated revenues available to fund service extension should the areas be annexed, and*

any special circumstance in reference to original change of organization application or the island areas.

In September 2015, the City of Rialto submitted an application for annexation of two portions of the adopted Lytle Creek Rancho Specific Plan. The area is shown on the map below and in Attachment #1. The annexation proposal includes the anticipated development of 3,187 residential units and 235,645 square feet of commercial development. The specific plan includes area already a part of the City of Rialto bringing the total residential unit development to 6,260 units and 668,732 square feet of commercial development. The development criteria of the island annexation policy have clearly been met requiring the discussion of the unincorporated island areas adjacent to the project.



The island areas which meet the criteria in Government Code Section 56375.3 of less than 150 acres, substantially or totally surrounded, etc. in close proximity to the project are shown on the graphic below along with their respective acreages.



Conspicuously missing from this graphic is the El Rancho Verde Island which will become totally surrounded through the processing of LAFCO 3201. This island area is 212 +/- acres; therefore, it does not meet the criteria allowing for an expedited annexation procedure.

Staff was unable to gather the financial data and review this matter with the City in order to address the policy criteria at the November hearing. Therefore, staff is requesting that the Commission continue the item to the December 16 hearing.

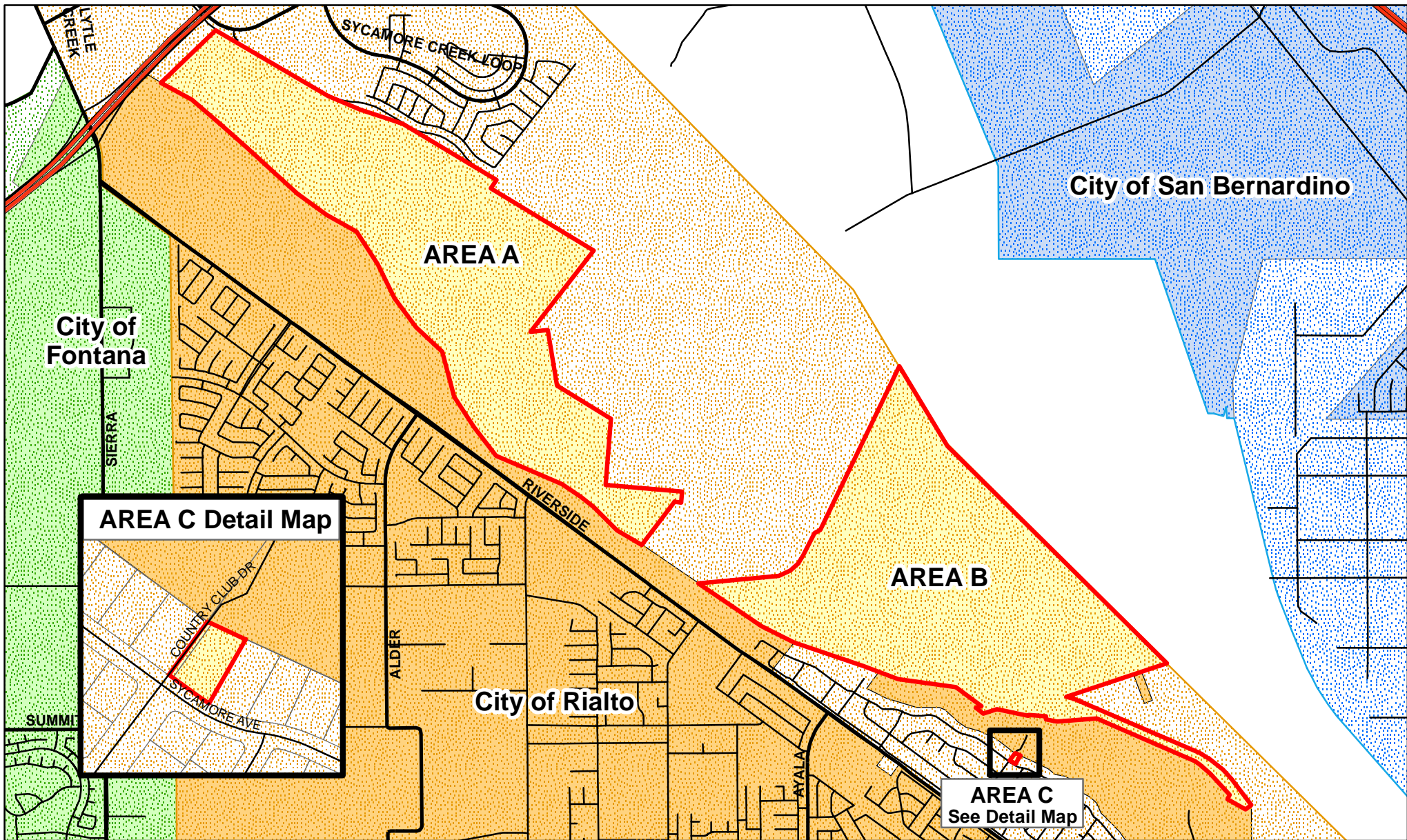
/krm

Attachment:

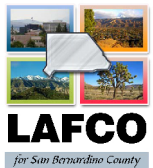
1. Vicinity Map of LAFCO 3201 and Island Areas in close proximity
2. Excerpts from Lytle Creek Ranch Specific Plan Adopted by the City of Rialto

**Vicinity Map of LAFCO 3201 and
Island Areas in close proximity**

Attachment 1



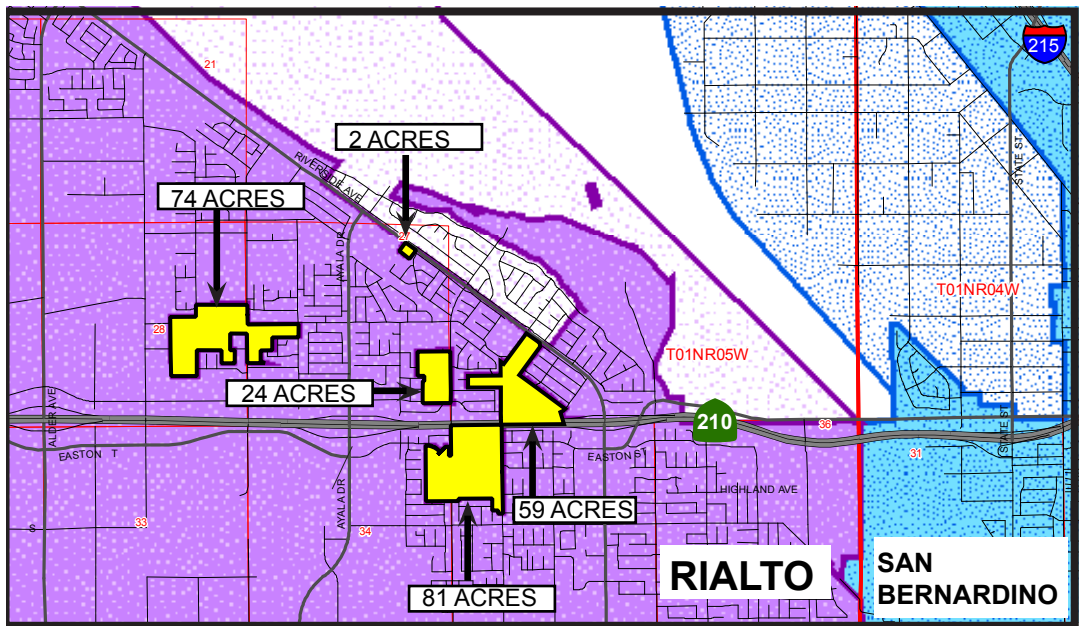
LAFCO 3201 – Reorganization to Include Annexations to the City of Rialto and West Valley Water District and Detachments from the San Bernardino County Fire Protection District and its Valley Zone, CSA 70, and CSA SL-1
 Areas A, B, & C - Annexations to the City of Rialto & Detachment from San Bernardino County Fire Protection District, its Valley Service Zone, & CSA 70



- | | | |
|-----------------------|-------------------------------|------------------------|
| Reorganization Area | City of San Bernardino | City of Fontana Sphere |
| City of Rialto | City of San Bernardino Sphere | Freeways |
| City of Rialto Sphere | City of Fontana | Roads |

0 0.125 0.25 0.5 0.75 1 Miles





**Excerpts from Lytle Creek Ranch Specific
Plan Adopted by the City of Rialto**

Attachment 2

LYTLE CREEK RANCH SPECIFIC PLAN



LEAD AGENCY:

CITY OF RIALTO

PREPARED FOR:

LYTLE DEVELOPMENT
JOINT VENTURE III

ADOPTED BY THE RIALTO CITY COUNCIL ON JULY 13, 2010



LYTLE CREEK RANCH

SPECIFIC PLAN

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Prepared for:

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Adopted by the Rialto City Council on July 13, 2010

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Joe Baca Jr., Mayor Pro Tem
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Deborah Robertson, Council Member
Ed Scott, Council Member

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PREFACE

The *Lytle Creek Ranch Specific Plan* represents one family's strong commitment to the City of Rialto and its residents. For several decades, the Pharris family has served as good stewards of what is today the largest remaining tract of undeveloped land within the City. The property is located partially within the city limits of Rialto, with the remaining areas located within unincorporated San Bernardino County. As part of project entitlements, the portions of the site not currently within the city limits will be annexed into the City.

In recent years, Rialto and the surrounding areas have experienced increasing pressures to accommodate the growing Inland Empire population. Recognizing this need, the Pharris family has embraced the opportunity to create a legacy project that is a departure from the "mass produced" look and resulting anonymity of conventional subdivision development. With more than a decade spent in planning and design, Lytle Creek Ranch, is envisioned as a multi-generational community where residents can live, work, shop, play, and relax within an intimate, "small town" setting of rich architecture and attractive landscaping.

The *Lytle Creek Ranch Specific Plan* has been prepared to serve as an overall framework to conscientiously guide development of this significant landmark project. This Specific Plan serves as a regulatory document for development of the Lytle Creek Ranch project site into a high-quality, master-planned community. This document will provide guidance to the City of Rialto, builders, developers, architects, and designers in implementing an exciting new collection of neighborhoods that will quickly become some of Rialto's finest and most sought-after residential areas.

Lytle Creek Ranch incorporates carefully crafted neighborhood design principles to ensure that the community develops with a "sense of place" that promotes security, strong neighborhood ties, and a lifestyle rich in amenities. The community's design draws on inspiration from neighborhood-building design strategies and sustainability principles. Lytle Creek Ranch will incorporate "iconic" streets that are readily identifiable, definable neighborhoods with authentic architecture and a distinct sense of character, clustered development that preserves natural open space areas, a mixed-use center near the I-15 freeway that provides local- and regional-serving retail uses, and an extensive network of open space and walking and biking trails designed to promote health and fitness. Lytle Creek Ranch will offer a wide variety of housing sizes and styles designed to meet the needs of a families, couples, and singles. In addition, an age-restricted, Active-Adult neighborhood will offer a mix of residences designed specifically for the needs of individuals aged 55 and older who wish to remain in the Rialto area.

Lytle Creek Ranch offers a range of amenities that will be accessible to all of the residents of Rialto. These public recreational amenities include neighborhood parks, a sports park, two joint-use park/school facilities with sports fields and/or playgrounds, a central "Grand Paseo," and a public 18-hole golf course. The project incorporates and further builds and refines upon the efforts to rehabilitate and redevelop the underperforming El Rancho Verde Royal Vista Golf Club that began in 2006 to create an entirely new public golfing experience. Meandering greens and scenic vistas

will be interspersed by a series of small lakes and water features. The golf course will include a dramatic new clubhouse that will be available for City and community events and banquets, golf tournaments, weddings, and other social events. In addition to the golf course improvements that are proposed, the project will make the golf course the featured recreational and community amenity for the proposed Active Adult community. The community also proposes new elementary and K-8 schools, which will be owned, maintained, and operated by the Rialto Unified School District.

A new northern gateway into the City will be provided as a component of Lytle Creek Ranch, which will identify Rialto and serve as a community landmark. The gateway design will include an iconic representation of the celebrated Rialto Bridge near the Sierra Avenue/Riverside Avenue intersection, which will help to increase the visibility of the City to passing motorists. Lytle Creek Ranch will include several smaller “Welcome to Rialto” signs as well.

Lytle Creek Ranch also incorporates Green building techniques designed to conserve energy and water, promote recycling and re-use of materials, and ensure that only clean water enters Lytle Creek from the development. Planned as an environmentally conscious community, the project will set aside a total of 1,253.8 acres (51 percent of the total project area) as open space, including natural open space, trails, parkways, and paseos. A minimum of 829.2 acres of the 1,253.8 acres will be preserved in its existing natural habitat as part of the Open Space and Conservation Plan prepared specifically for Lytle Creek Ranch.

Lytle Creek Ranch will result in many benefits to Rialto and the community, including the following:

1. A quality residential and mixed-use master planned community.
2. An exciting new Active Adult community for residents aged 55 and older.
3. A minimum of 829.2 acres of natural open space that will protect important habitat.
4. More than 300 acres of parks, recreation areas, paseos, trails, and golf course uses — most of which will be available for use by the general public and citizens of Rialto.
5. A mix of housing products to meet a wide variety of housing needs.
6. Village Center Commercial development including retail centers that will generate important tax revenue for the City and provide residents with additional shopping opportunities close to home.
7. Improvements to the El Rancho Verde Royal Vista Golf Club that will further enhance the public golf course.

8. Road and landscape improvements to Glen Helen Parkway, Riverside Avenue, Sierra Avenue/Lytle Creek Road, and Country Club Drive.
9. A new decorative gateway element on Riverside Avenue at the northern entrance into the City of Rialto.
10. A community that incorporates sustainable design strategies and offers potential homebuyers an opportunity to live in an environmentally-conscious community.
11. Two potential new school sites – an elementary school and a K-8 school.

When built-out in 2030, this new community will benefit the entire City of Rialto through the provision of new housing neighborhoods, additional parks and recreational amenities, new schools, and enhanced retail opportunities. Its residents will enjoy a lifestyle and level of amenities unsurpassed elsewhere in Rialto. Truly, Lytle Creek Ranch will be a model of the latest “state-of-the-art” planning and design techniques in the Inland Empire and serve as a legacy project in Rialto.

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1.0 INTRODUCTION

1.1 PURPOSE AND INTENT OF THE SPECIFIC PLAN

The Lytle Creek Ranch Specific Plan, hereafter referred to as “Lytle Creek Ranch Specific Plan” or “Specific Plan,” provides a detailed description of the proposed land uses and infrastructure requirements for the Lytle Creek Ranch project, which will be processed through the City of Rialto, California. The design and development standards contained in this document will assist in creating architectural themes and landscape character for development within Lytle Creek Ranch. The Specific Plan is expected to be adopted by Resolution with the exception of Chapter 5.0, Development Standards, which will be adopted by Ordinance and serve as the zoning for the Lytle Creek Ranch Specific Plan area.

This Specific Plan is intended to serve the following purposes:

- Promote quality development consistent with the goals and policies of the City of Rialto General Plan.
- Provide for comprehensive planning that assures the orderly development of the project site in relation to surrounding existing development.
- Assure appropriate phasing and financing for community facilities, including circulation and streetscape improvements, domestic water, urban runoff and flood control facilities, sewage disposal facilities, educational facilities, and parks.
- Establish development regulations permitting a wide variety of detached and attached residential products.
- Develop a plan that is economically feasible and capable of being implemented based on existing and anticipated future economic conditions such that no economic burden to the City occurs.
- Provide for the creation of a compact, walkable community that concentrates development, accommodates residential and commercial/retail development, and establishes a strong “sense of place.”

1.2 AUTHORITY AND FORMAT OF THE SPECIFIC PLAN

The State of California Legislature has established the authority and scope to prepare and implement specific plans. The State requires that all cities and counties in California prepare and adopt a comprehensive General Plan for the physical development of their areas of jurisdiction. To implement the policies described in the General Plan, regulating programs need to be adopted (i.e.,

zoning ordinances, subdivision ordinances, building and housing codes, etc.). California State law authorizes cities with complete General Plans to prepare and adopt specific plans (Government Code Section 65450 – 65457). Local planning agencies or their legislative bodies may designate areas within their jurisdiction as areas for which a specific plan is “necessary or convenient” (Government Code Section 65451).

Specific plans are intended to serve as bridges between the local General Plan and individual development proposals. Specific plans contain both planning policies and regulations, and may combine zoning regulations, capital improvement programs, detailed development standards, and other regulatory requirements into one document, which are designed to meet the needs of a specific area.

The Lytle Creek Ranch Specific Plan has been created through the authority granted to the City of Rialto by the California Government Code, Sections 65450 through 65453. This Specific Plan has been prepared in accordance with the provisions of the California Government Code, which stipulate that a specific plan contain text and diagrams that specify the following:

Land Use

The specific plan must specify the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

Public Facilities

The specific plan must show the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities located within the area covered by the plan, and needed to support the land uses described in the plan.

Development Standards

The specific plan must include standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

Implementation Measures

The specific plan must include a program of implementation measures, including regulation, programs, public works projects, and financing measures.

General Plan Consistency

The specific plan must include a statement of the relationship of the specific plan to the General Plan.

Optional Contents

The specific plan may address any other subject that, in the judgment of the planning agency, is necessary or desirable for implementation of the General Plan.

All future development plans, tentative parcel and/or tract map(s), and/or other similar entitlements for the Lytle Creek Ranch Specific Plan area shall be consistent with the regulations set forth in this Specific Plan and with all other applicable City of Rialto regulations. Furthermore, all regulations, conditions, and programs contained herein shall be deemed separate, distinct, and independent provisions of the Lytle Creek Ranch Specific Plan. In the event that any such provision, standard, or clause is held invalid or unconstitutional, the validity of all remaining provisions, standards, and clauses of this Specific Plan shall not be affected.

1.3 PROJECT LOCATION

The Lytle Creek Ranch Specific Plan project site is located partially within the city limits of Rialto and mostly within the City's sphere of influence in unincorporated San Bernardino County. The site is bisected partially by both the Interstate 15 (I-15) Freeway and Lytle Creek Wash, an intermittent stream. The location of the Lytle Creek Ranch Specific Plan in relation to the local and regional setting is displayed in Figure 1-1, Regional Map, and Figure 1-2, Local Vicinity Map.

Regionally, the City of Rialto is located approximately 60 miles east of downtown Los Angeles and 103 miles north of San Diego, in the western portion of the San Bernardino Valley, in the center of the Inland Empire. The primary regional transportation linkages include the Foothill Freeway (State Route 210), which traverses through the central portion of the City in an east-west direction, and the Ontario Freeway (Interstate 15), which borders the City to the north, providing regional access to the project area. Secondary regional transportation linkages include the Interstate 215 Freeway and U.S. Highway 66 to the northeast and, further south, Interstate. From the I-15, direct access to the project site is provided by Sierra and Riverside Avenues, which run along the southwestern boundary of the site. Access to the site from State Route 210 is available via an interchange at Riverside Avenue.

1.4 PROJECT OBJECTIVES

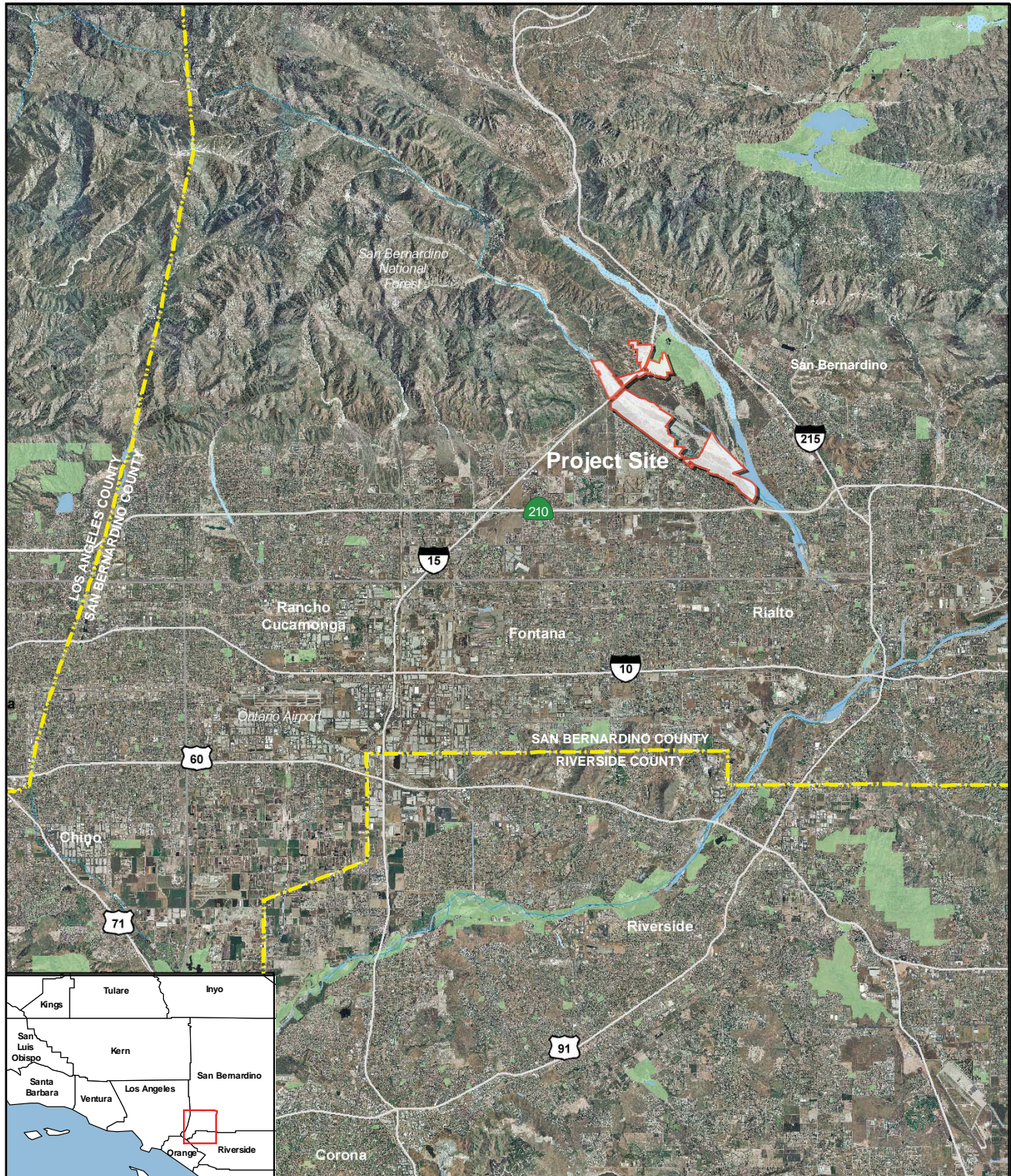
The Lytle Creek Specific Plan is designed to implement a series of project-related objectives that have been carefully crafted to ensure that the project develops as a high-quality master planned community that meets realistic and achievable objectives. These objectives, which are identified below, have been refined throughout the planning and design process for Lytle Creek Ranch:

- Build upon the platform of high-quality design, architecture, and landscaping established by neighboring residential communities to provide a northern gateway to the City of Rialto that offers new and exciting amenities to residents.
- Establish open space preservation areas that will provide functioning habitats for sensitive, threatened, and endangered species, preserve Lytle Creek Wash and minimize impacts to its riparian and alluvial fan sage scrub habitats, while providing other wildlife benefits and accommodating growth and development opportunities within the City.

- Locate and integrate the design of native habitat open space areas into the community by providing and promoting connectivity with significant blocks of wildlife habitat off-site and habitat linkages and wildlife movement corridors in the region.
- Maximize opportunities for using native plant material/species in the project landscaping, especially in areas where such landscaping is located in proximity to areas of preserved native habitat.
- Develop freeway-oriented commercial areas to serve regional needs and stimulate job and revenue growth in the City.
- Concentrate development within neighborhoods to promote greater efficiency of land use and promote walking and bicycling.
- Respond to the unmet need for Active Adult communities in the Rialto area by providing residents with a golf course-oriented community and a variety of conveniently located on-site amenities.
- Provide the City and surrounding community with a redesigned public golf course and clubhouse, recreation and open space areas, parks, and trails to meet the City's General Plan goals to provide such facilities to maintain and enhance the City's quality of life.
- Address the City of Rialto's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-family residences, as well as an Active Adult golf course community.
- Establish a mix of land uses and local-serving activities that meet the General Plan's objectives concerning community character and pedestrian-friendly design.
- Implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.
- Create a transportation network that will fulfill the policies of the Rialto General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and by minimizing vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional freeways, transit, and trains/Metrolink.
- Provide a network of pleasant, safe, and convenient pedestrian trails and bike lanes.

- Address regional infrastructure concerns by locating development in areas where opportunities for groundwater recharge are maintained and the life of groundwater aquifers are protected.
- Incorporate “Green” and sustainable practices, as practicable, in developing buildings and infrastructure in Lytle Creek Ranch.
- Identify and address safety hazards, such as wildfire and flooding dangers, through implementation of design safety features and levee improvements.
- Undertake development of the project site in a manner that is economically feasible and balanced to address both the Applicant’s and the City’s economic concerns.

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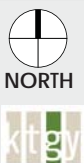
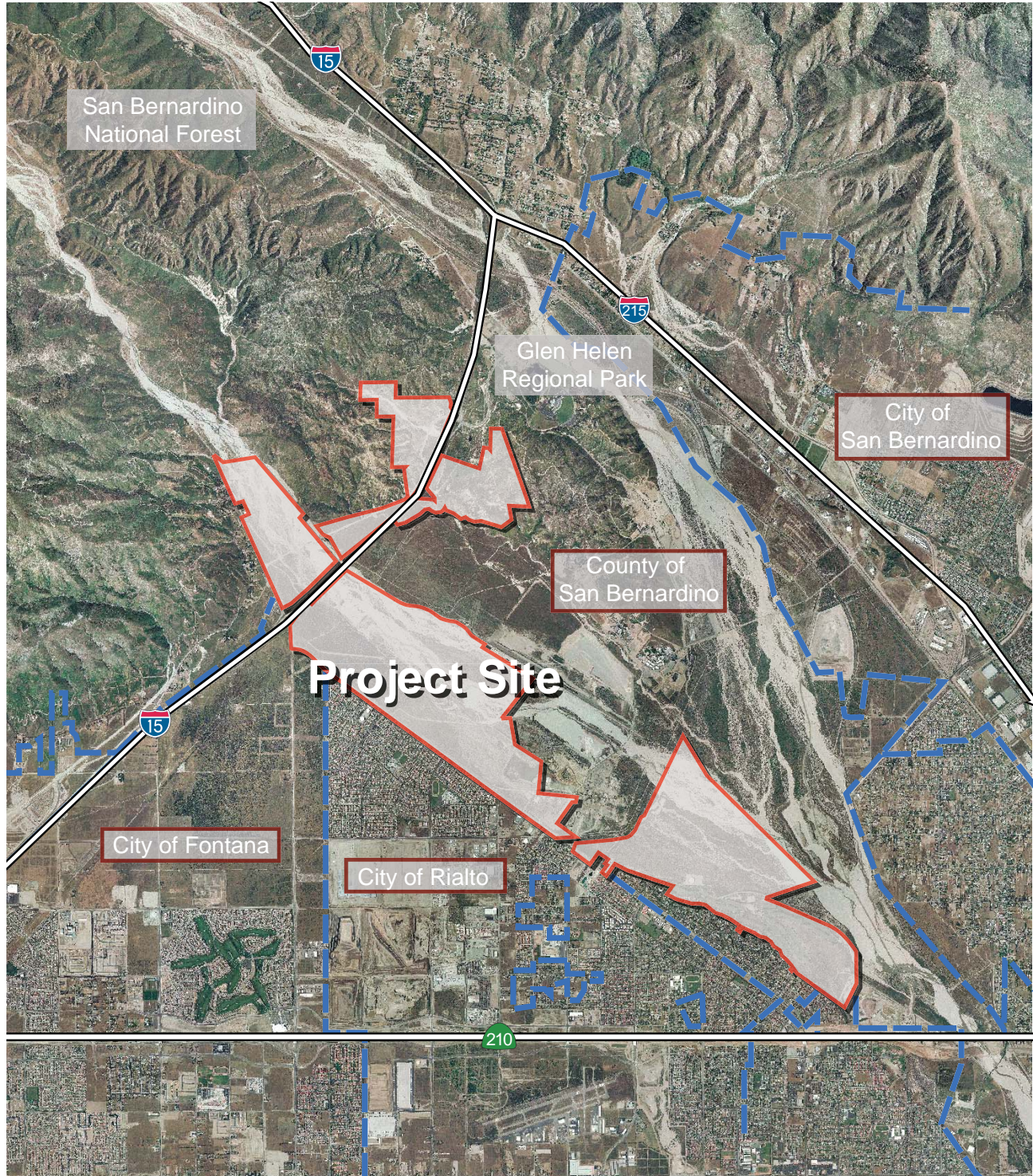


Not to Scale



Figure 1-1
Regional Location

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Not to Scale

Figure 1-2
Local Vicinity Map

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1.5 PROJECT OVERVIEW

Lytle Creek Ranch is the result of years of intensive planning and careful design to create one of the foremost master-planned communities in the Inland Empire and, indeed, in all of Southern California. The project site has been owned and protected by one family for several decades. Now that Rialto is nearing build-out, this family has decided the timing is right to develop portions of the last large remaining vacant land in the City with a beautiful, new master-planned community on approximately 2,447 acres. Portions of the site are located within the city limits of Rialto, while remaining areas of the site are located within the City's sphere of influence in unincorporated San Bernardino County.

The Lytle Creek Ranch community is designed as four separate and unique neighborhoods:

- **Neighborhood I** – includes approximately 417 acres of land. A portion of this land (“Sycamore Flats East” and “Sycamore Flats West”) is located within the boundaries of the 3,400-acre Glen Helen Specific Plan. The remaining land in Neighborhood I includes acreage located within the boundaries of the Lytle Creek North Planned Development. The Lytle Creek North Planned Development encompassed parts of Sycamore Flats East and Sycamore Flats West, including the community of Rosena Ranch. Once approved, the “Lytle Creek Ranch Specific Plan” will supersede portions of the “Glen Helen Specific Plan” (County of San Bernardino) and the “Lytle Creek North Preliminary Development Plan” (County of San Bernardino). Areas to be removed from these adopted plans include Planning Areas 1 through 15 of the Lytle Creek Ranch Specific Plan.
- **Neighborhood II** – is planned as a gated Active Adult golf course community on approximately 802 acres and includes the entire 221-acre El Rancho Verde Specific Plan area. Once approved, the “Lytle Creek Ranch Specific Plan” will supersede the City-approved “El Rancho Verde Specific Plan.” Areas to be removed from the adopted El Rancho Verde Specific Plan include a portion of Planning Area 95, and all of Planning Areas 96 through 103 of the Lytle Creek Ranch Specific Plan.
- **Neighborhood III** – is located south of the I-15 and is planned to appeal to young families and families with children and will include a mix of single-family detached and attached homes, as well as Village Center Commercial development on approximately 969 acres.
- **Neighborhood IV** – includes multi-family residential and Village Center Commercial development on approximately 259 acres located north of the I-15.

Each of the neighborhoods will have a separate and unique identity based on its physical features and public amenities. Three of the neighborhoods will be built-out with housing targeted at a variety of family sizes, couples, and singles, while the fourth neighborhood will be built as a gated, age-qualified community for residents age 55 and older. In all, a maximum of 8,407 dwelling units may

be constructed in Lytle Creek Ranch. The community will build-out at an overall gross density of approximately 3.5 dwelling units per acre.

Approximately 95.6 acres of Village Commercial Center uses are planned on-site. These areas will develop with retail, commercial, office, business park, and medical/dental uses. One of the Village Center Commercial areas, located at the juncture of Sierra Avenue and Riverside Avenue, is expected to build-out as a major retail shopping center.

Lytle Creek Ranch will include a wide variety of housing types in community settings that reflect the aesthetic charm and neighborhood structure reminiscent of traditional Southern California towns. The community is designed as a mix of family-oriented and Active Adult homes clustered into four distinct neighborhoods. Each neighborhood will have its own unique identity and character. This will be accomplished by promoting authentic architecture and creating iconic streets with consistent design elements and a unified landscape palette to create a readily identifiable streetscape.

Like most areas, the baby boomer segment of the San Bernardino County population is quickly approaching retirement age. The southern portion of Lytle Creek Ranch (Neighborhood II) is planned as a lifestyle community targeted at households within the expanding active adult (age 55 and older) population. Active adult communities such as Lytle Creek Ranch offer residents of similar ages and interests a place to come together to enjoy an active lifestyle and sense of community. Lytle Creek Ranch will focus on the health, wellness, and fitness of its residents. The project will include an extensive network of sidewalks, which will link together the Active Adult neighborhood. In addition, there will be a public 18-hole public golf course. The age-qualified community is designed to accommodate housing without burdening parks and local schools.

An Active Adult recreation center is planned in Neighborhood II especially for those residents. The recreation center will be beautifully landscaped and designed to serve as a community focal and gathering point. It is anticipated that the Neighborhood II recreation center will include a community center building that may contain such amenities as meeting and game/craft rooms, exercise facilities, locker rooms, restrooms, and other facilities. There will also be a swimming pool with a spa, and an outdoor area with barbecues for picnics and special events.

Of the 2,447 acres comprising the project site, half of the property will be preserved as open space by clustering development along Riverside Avenue, Lytle Creek Road, Glen Helen Parkway, Clearwater Parkway, and the I-15 corridor. Lytle Creek Wash bisects a portion of the project site. A minimum of 829.2 acres will be preserved as undisturbed open space in its natural condition for habitat and wildlife potential, including the areas located along and within Lytle Creek Wash and portions of the hillsides adjacent to Glen Helen Regional Park and the San Bernardino National Forest.

Another 296 acres will be devoted to open space, neighborhood parks, golf, and recreation areas. The project proposes an extensive system of green spaces, such as neighborhood parks, paseos, and recreation areas linked together by a network of trails and paseos.

A comprehensive trail system is planned throughout Lytle Creek Ranch. This system includes multi-purpose trails that run adjacent to Lytle Creek Wash in Neighborhoods II, III, and IV. Other trails include a pedestrian walkway along the length of Riverside Avenue in Neighborhoods II, III, and IV, and a variable width “Grand Paseo” that runs the length of Neighborhood III. A multi-purpose trail in the Grand Paseo will be a minimum of eight feet in width and will accommodate both bicycle and pedestrian traffic. In addition, a trail system will be provided in Neighborhood I that will link up to the pedestrian trail system planned in the adjacent Rosena Ranch community (formerly known as “Lytle Creek North”).

Lytle Creek Ranch also includes three public neighborhood parks that will include a mix of passive uses including, but not limited to, picnicking areas, shade structure(s), playgrounds, gardens, seating areas, informal turf play areas, and attractive landscaping. Each of the neighborhood parks in Neighborhood III will contain private recreation facilities designed especially to serve the recreational needs of Lytle Creek Ranch residents of Neighborhood III. In addition, there will be two joint-use parks located adjacent to the two schools, which will include playgrounds and/or sports fields.

In addition to the above recreational amenities, the project will include a re-designed and reconfigured 18-hole public golf course. The golf course will include a new 19,000-square-foot minimum clubhouse facility with pro shop, locker rooms, offices, bar, restaurant, and banquet facilities. Other features include a tournament lawn, driving range, and carts storage barn. Although the golf course will be surrounded by active adult housing, the course and clubhouse will be open for use by the general public.

A key feature of Lytle Creek Ranch is the establishment of a new northern gateway into the City of Rialto. At present, there is no clearly defined edge to the northern portion of the City. Lytle Creek Ranch is designed as the gateway into the City from the north. A dramatic entry featuring an interpretation of the City’s symbol, the Rialto Bridge, will be constructed on Riverside Avenue, near the I-15. This gateway will become a community landmark and will announce to both residents and visitors that they are entering Rialto. The project will also include two “Welcome to Rialto” monument signs, one each in Neighborhoods I and IV.

1.6 DISCRETIONARY ACTIONS AND APPROVALS

The City of Rialto is the Lead Agency for purposes of California Environmental Quality Act (CEQA) compliance and has prepared an Environmental Impact Report (EIR) to consider the following discretionary actions, for which applications have been submitted to the City. These actions are required to implement this Specific Plan:

- **Approval of the General Plan Amendment:** A General Plan Amendment will be necessary to change the entire property from the current General Plan land use designations of “Special Study Areas,” “Edison Easement,” “Residential – Low Density (0-3),” and “Residential – Medium Density (3-6)/Recreation-Golf Course” to “Specific Plan Area” on the City’s General Plan Land Use Map.
- **Approval of the Specific Plan:** The Lytle Creek Ranch Specific Plan has been prepared to realize the objectives of the proposed project as defined here in this Specific Plan. The Specific Plan will be adopted by resolution by the City of Rialto City Council, with the Development Standards chapter adopted by ordinance. The existing “El Rancho Verde Specific Plan,” a portion of the existing “Glen Helen Specific Plan,” and a portion of the “Lytle Creek North Planned Development” will be superseded by the Lytle Creek Ranch Specific Plan, once the Lytle Creek Ranch Specific Plan is approved.
- **Approval of Prezoning:** Once the Specific Plan is approved by the City, the Specific Plan will serve as the “pre-zoning” for the project site. The Specific Plan will pre-zone the property from the mix of current Rialto and San Bernardino County zoning designations to “Specific Plan Zone.”
- **Approval of Tentative Tract Maps (TTM):** Concurrently with the General Plan Amendment, Specific Plan, and other entitlement requests, the master developer intends to process Tentative Tract Maps for portions of the Specific Plan area. The Tentative Tract Maps will be prepared and processed through the City in accordance with Section 17.16 of the City of Rialto Municipal Code and in accordance with the Subdivision Map Act of the California Government Code.
- **Approval of Grading Plans:** In conjunction with the Tentative Tract Maps, the City will process the corresponding grading plans based on the grading permit process established by the City’s Building Codes. Grading permits will be required prior to commencement of on-site grading activities.
- **Certification of the Environmental Impact Report (EIR):** The City of Rialto has determined that an EIR is required to analyze the potential environmental impacts of the project and include mitigation measures, as appropriate, to reduce potential environmental impacts. The EIR has been prepared in accordance with CEQA and the CEQA Guidelines. The City of Rialto will consider certification of the EIR prior to taking action on the requested approvals.
- **Adoption of Mitigation Monitoring Program:** The City will evaluate and adopt a Mitigation Monitoring Program (MMP), which will be considered by the City related to the changes made to the project or conditions of project approval that were adopted in order to mitigate or avoid significant effects on the environment.

- **Approval of a Development Agreement/Pre-Annexation Development Agreement:** A Development Agreement/Pre-Annexation Development Agreement will be negotiated between the City of Rialto and the Project Applicant that will establish vesting of development rights and entitlements, identify project improvements, timing of improvements, as well as the responsibilities and rights of both the City and the project Applicant applying to development of the Lytle Creek Ranch project.
- **Annexation Determination:** All of the above land use entitlements will be acted on by the City prior to annexation of the unincorporated areas into the City. The above entitlements, including the Pre-Annexation Development Agreement, are premised upon “pre-annexation” approvals that will become “in effect” upon completion of the annexation process. Cities are permitted to process pre-annexation General Plan amendments, zone changes, and specific plans prior to Local Agency Formation Commission (LAFCO) action on the proposed annexation; however, these land use entitlements are not considered in effect for the portions of the property located outside the city limits until the property is actually incorporated into the City. The annexation determination will involve the filing of a petition by the landowner(s) with the San Bernardino County LAFCO to annex the unincorporated portions of Lytle Creek Ranch into the City of Rialto. At the time of approval by the City Council, the land use entitlements for those portions of the project site located within the city limits will become effective immediately or as provided for by state law.

The approximately 2,447.3-acre Lytle Creek Ranch project site is located partly within the City of Rialto (approximately 694.2 acres) and partly within an unincorporated portion of southwestern San Bernardino County (approximately 1,753.1 acres). The jurisdictional boundaries are depicted in Figure 1-3, Annexation Areas. As part of project entitlements for Lytle Creek Ranch, the following annexations/boundary adjustments will need to occur:

- Annexation of all unincorporated lands (approximately 1,753.1 acres) within the project area into the City of Rialto;
- Removal of Neighborhood I from the San Bernardino County GH-70 Service District for Fire and Sewer Service;
- Adjustments between the Rialto Unified School District/San Bernardino Unified School District service boundaries in Neighborhood I; and
- Annexation of those portions of the project site located within the Sphere of Influence (i.e., portions of Neighborhoods II, III, and IV) into the West Valley Water District.

All entitlements will require approval by the Rialto City Council. The annexation request will require approval by LAFCO, as well.

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Figure 1-3
Annexation Areas

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