

# **AGENDA**

## **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

**NORTON REGIONAL EVENT CENTER  
1601 EAST THIRD STREET, SAN BERNARDINO**

**REGULAR MEETING OF SEPTEMBER 19, 2018**

### **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.

1. Presentation of Resolution of Appreciation to Kathleen Rollings-McDonald for her 39 Years of LAFCO Service

### **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

2. [Approval of Minutes for Regular Meeting of August 15, 2018](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for Month of July 2018](#)
5. [Consideration of: \(1\) CEQA Statutory Exemption for LAFCO SC#429; and \(2\) LAFCO SC#429 – City of Redlands OSC 17-02, Out-of-Agency Service Agreement for Water Service \(APN 0298-013-23\)](#)
6. Consent Items Deferred for Discussion

### **PUBLIC HEARING ITEMS:**

7. [Consideration of: \(1\) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for the General Plan Amendment to change the Agua Mansa Specific Plan Land Use Designation from Single Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 Sq. Ft. Warehouse Building and a 30,059 Sq. Ft. Warehouse Building, and Tentative Parcel Map 19603 to create 3 parcels on 31+/- acres, as CEQA Responsible Agency for LAFCO SC#427; and \(2\) LAFCO SC#427 – City of Rialto Out-of-Agency Service Contract for Sewer Service \(Bridge Point South Rialto, LLC\)](#)
8. [Consideration of: \(1\) Review of Mitigated Negative Declaration Prepared by the County of San Bernardino for the Planned Development \(Preliminary and Final Development Plan\) to Establish 30 Single Family Residences with a Recreation Area and Tentative Tract Map 20030 to Create 30 Residential Lots and Six Lettered Lots on 5.48+/- acres, as CEQA Responsible Agency for LAFCO SC#430; and \(2\) LAFCO SC#430 – City of](#)

Redlands OSC 18-27, Out-of-Agency Service Agreement for Water and Sewer Services  
(Tentative Tract 20030)

**DISCUSSION ITEMS:**

9. LAFCO SC#431 – Request for Exemption from Provisions of Government Code Section 56133 for Agreement between City of Upland and Cucamonga Valley Water District for Wastewater Collection Services
10. Appointment of Voting Delegate for CALAFCO Business Meeting at October CALAFCO Annual Conference

**INFORMATION ITEMS:**

11. Legislative Update Report
12. Executive Officer's Oral Report
  - a. New Proposals Received
  - b. Update on Proposals Filed with LAFCO
13. 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.)
14. Comments from the Public  
(By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

**ADJOURN TO CALAFCO ANNUAL CONFERENCE IN YOSEMITE –  
OCTOBER 3 THROUGH 5, 2018**

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 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://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](http://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.

**DRAFT - ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF AUGUST 15, 2018**

**REGULAR MEETING**

**9:00 A.M.**

**AUGUST 15, 2018**

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
Kimberly Cox	Steven Farrell
James Curatalo, Vice Chair	Acquanetta Warren
Larry McCallon	
James Ramos, Chair	
Diane Williams	

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa Mills, LAFCO Legal Counsel  
Michael Tuerpe, Project Manager  
Jeffrey Lum, LAFCO Analyst  
La Trici Jones, Clerk to the Commission  
Kathleen Rollings-McDonald, Former Executive Officer  
Bob Aldrich, LAFCO Consultant

**ABSENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Robert Lovingood	Janice Rutherford

**STAFF:**

None

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION  
– CALL TO ORDER – 9:04 A.M. – NORTON REGIONAL EVENT CENTER**

Chair Ramos calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

**ANNOUNCEMENT OF CONTRIBUTIONS**

Chair Ramos requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past 12 months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution was made, and the matter of consideration with which they are involved. There were none.

**ITEM 1.** Swear in Alternate City Commissioner (Mayor Acquanetta Warren)

**CONSENT ITEMS – STAFF RECOMMENDATION APPROVED**

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.

**ITEM 2.** Approval of Minutes for Regular Meetings of July 18, 2018

**ITEM 3.** Approval of Executive Officer's Expense Report

**ITEM 4.** Ratify Payments as Reconciled for Month of June 2018 and Note Cash Receipts

**ITEM 5.** Consent Items Deferred for Discussion

Commissioner McCallon moves approval of the staff recommendation, Second by Commissioner Curatalo. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, Ramos, and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead) and Lovingood

**PUBLIC HEARING ITEMS:**

**ITEM 6.** **CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO SC#424 – CITY OF COLTON EXTRA-TERRITORIAL WATER SERVICE AGREEMENT (APN 1178-371-15) - STAFF RECOMMENDATION APPROVED**

Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and made a part of the record by its reference here. The item has been advertised through publication in a newspaper of general circulation within the county, the *San Bernardino Sun*, as required by law.

Mr. Martinez states that the City of Colton has submitted an application for Commissioner review, requesting authorization to provide water service outside its boundaries pursuant to Government Code Section 56133. He states that agreement relates to a single parcel, APN 1178-371-15. Mr. Martinez states that the parcel is generally located easterly of Reche Canyon Road, which is within the City of Colton's sphere of influence. He states that the County has processed and approved Tentative Parcel Map No.19850, which is to create three parcels on the 4.57-acre parcel. He states that the conditions of approval placed on this project require that it connect to the City of Colton's water facilities. He states that the City has identified water connection fees totaling approximately \$11,000; in addition, the property owner will be required to bear all costs for the water extensions. Mr. Martinez states that as CEQA lead agency, the Commission's Environmental Consultant has indicated that the approval of this service contract is exempt from CEQA and is based on the findings that the Commission's approval does not have the potential to have a significant impact on the environment, and therefore the proposal is exempt from CEQA.



**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

Executive Officer Martinez states that staff has reviewed this request to provide water service outside the boundaries of the City of Colton against the criteria established by State law and Commission policy and has determined the parcel to be served is within the sphere of influence assigned the City of Colton and is anticipated to become a part of the City in the future. He states that proposed development requires that it receive water service from the City as outlined in the Conditions of Approval for the project, and staff is supporting the City's request since its facilities are close by the proposed development. He states that staff is recommending the Commission approve LAFCO Service Contract #424 by taking the actions on page 1 of the staff report.

Chair Ramos asks for questions from the Commission.

There are none.

Chair Ramos asks if the applicant would like to make comments.

There are none.

Chair Ramos asks for public comment.

There are none.

Chair Ramos closes the public hearing.

Commissioner Warren comes to the dais at 9:09 A.M.

Commissioner McCallon moves approval of staff's recommendation, Second by Commissioner Bagley. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead) and Lovingood.

Mayor Warren is sworn in as the Alternate City Commissioner.

**ITEM 7.        CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3190 – COUNTYWIDE SERVICE REVIEW FOR WASTEWATER (COLLECTION, TREATMENT, DISPOSAL) CONTINUED FROM THE JULY 18, 2018 HEARING – STAFF RECOMMENDATION APPROVED**

Commissioner Cox comes to the dais at 9:13 A.M.

Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and made a part of the record by its reference here. The item has been advertised through publication in newspapers of general circulation within the county, the *Big Bear Grizzly*, *Daily Press*, *Hi-Desert Star*, *Inland Valley Daily Bulletin*, *Mountain News* and *San Bernardino Sun* as required by law.

Executive Officer Martinez states that the Commission will begin its discussions on the service review on wastewater, which includes collection, treatment and disposal. He states that LAFCO

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

is mandated by the State of California to conduct service reviews and LAFCO staff completed the first round of service reviews on a community-by-community approach looking at the community as a whole. He states that LAFCO is now in its second round service reviews which are being conducted from a service standpoint for the entire county. Mr. Martinez states that the water service review was done last year and now staff is presenting to the Commission the wastewater service review. He states that there is some overlap of agencies that provide both water and sewer; as well as agencies that only provide water and those that only provide wastewater.

Mr. Martinez states that the primary objective of the service review is to make recommendations to the Commission to update the determinations from the previous service review and to recommend sphere updates/amendments where appropriate, as well as monitor agencies where appropriate. He states that staff originally noticed the service review in July, but the item was continued. Staff provided notice again for this hearing. He states that the staff report and links to attachments were included in the mail out and is also available on the LAFCO website. Mr. Martinez outlines the "What was Learned" portion of the Executive Summary.

Michael Tuerpe, Project Manager, states that the service review will be split in four parts. He states that the first review will be of the Valley Region. Mr. Tuerpe states that the service review goes through the mandatory factors that are outlined in the Government Code. He states that the report objective is to update determinations from previous service reviews, initiate sphere of influence updates where appropriate and monitor specific agencies where appropriate. Mr. Tuerpe states that staff will also identify "hot spots," which are agencies that have significant wastewater issues.

He states that this service review also identifies areas where agencies are providing service outside their boundaries. He states that during this process, staff reached out to every agency and provided them with every LAFCO identified out of agency service contract and the corresponding parcel numbers. He states that some agencies responded back stating they actually do a little bit more. He states that those agencies providing service before 2001 will be exempt from Commission approval pursuant to the provisions of the Government Code. However, for services connected after 2001 for which no agreement exists or for which no LAFCO approval has been granted, he states that they have been identified with cooperation of the agencies, presented to the Commission in this service review, and that it is requested that the agencies come back with a comprehensive out of agency service agreement application.

Mr. Tuerpe states that for the Valley Region the City of Ontario, Inland Empire Utilities Agency and the County Department of Public Health provided additional comments which are located in the August staff report, not the service review. He states that for the City of Ontario, there were non-substantive changes to its table and profile and revised service area maps between the City of Ontario and the Cucamonga Valley Water District. He states that the two agencies were extremely cooperative. He states that the County Department of Public Health requested the insertion of language regarding replacement of cesspools and this has been included all four regions.

Mr. Tuerpe states there are opportunities for future consideration, not for Commission action or recommendation, but that LAFCO is doing its due diligence and adhering to the statute which is to identify needs and deficiencies. He states that City of Chino lacks sewer service in its sphere of influence, and currently the City council has authorized an economic feasibility study to analyze annexation of its sphere of influence in whole, part or not at all, and how that may affect

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

future connections to wastewater. He states that for the City of Montclair, LAFCO staff had extensive interaction with the City in identifying the number of services that are outside its boundary. He states that they have 555 parcels that are authorized to be connected outside its boundary.

Mr. Tuerpe references the City of Rialto and West Valley Water District with respect to the Bloomington community, which is generally not sewered. He states that a draft community plan for Bloomington is a part of the County's General Plan Update which identifies one of its major goals is to look further into providing wastewater collection to the Bloomington community. As part of this service review, the City of Rialto and the West Valley Water District reached out to LAFCO staff and have provided letters, included in Appendix "A" to the Service Review, stating that they should be considered as potential agencies to be the wastewater collection agency for the Bloomington community. He states that staff also sees opportunities for consideration for the City of San Bernardino unincorporated area, where portions of its islands are disadvantaged and largely served by septic. He states that this is similar to the City of Redlands unincorporated Mentone community. Mr. Tuerpe states that the Valley Region does not have any "hot spots."

Mr. Tuerpe outlines the recommendations for the Inland Empire Utilities Agency's service outside its boundary. He also states that the Inland Empire Utilities Agency's functions and services were not accurately described based on the historical and active provision of its services. He states that this service review can be the mechanism to clarify what they historically and actively provide. Mr. Tuerpe outlines the recommendations for the City of San Bernardino, the City of Upland and the City of Rialto related to its service outside its boundaries.

Mr. Tuerpe states that the recommendations for Commission action for the Valley Region are to update the previous service review determinations to include population, disadvantaged, unincorporated communities and regional information from Section IV, and agency specific information from Appendix B. He states the agency specific recommendations are for: Inland Empire Utilities Agency, and for the Cities of San Bernardino, Upland and Rialto.

Chair Ramos asks if there are questions from the Commissioners for staff.

Commissioner Amis states that she has a question on the Valley Region maps; she states that she noticed part of Yucaipa Valley goes into Riverside County.

Mr. Tuerpe states that part of the Yucaipa Valley Water District extends into Riverside County; and that San Bernardino is the principal county.

Commissioner Farrell states that the requests for application for the out of service boundary enabled by Napa and San Bernardino Counties, is this something the Commission would not be able to consider otherwise if that legislation had not passed.

Mr. Tuerpe states that this is correct; the Government Code reads that an agency cannot provide service outside its sphere of influence and that the special legislation Commission Farrell references provides an exception for San Bernardino LAFCO.

Executive Officer Martinez states that without this exception, the only time you can connect outside an agency's sphere is if there is an impending health and safety issue.

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

Commission Cox asks that during the course of this evaluation, did staff communicate at all with the respective regional boards.

Mr. Tuerpe states yes, staff visited the offices of all the regions. He states that all were excellent and provided staff with any information that was asked for.

Commissioner Cox asks if staff will be able to expedite processing of the applications that will be submitted to identify these out of area services, will they have to pay the full LAFCO fees, and how will staff be able to work with these agencies?

Executive Officer Martinez states that LAFCO staff will be asking them to file as a blanket request and then processed as one.

Commissioner Cox states the jurisdictions that staff met with; did they share the ordinances that require connection to the sewer system? She states that most cities have an ordinance on the books that if a septic system fails and they are within so many feet of the sewer system, they are required to connect.

Mr. Tuerpe states that inside the boundary and outside the boundary are separate issues. He states that outside the boundary, people may not know they are required to do so because the land-use jurisdiction of the city does not extend beyond its boundary and out of area service agreements are usually for a parcel or a tract. He states that it's his understanding that a city cannot require a connection outside its boundary, but inside the boundary is a different story.

Executive Officer Martinez states that Commissioner Cox is correct, if there is a failed septic system and it is within 200 feet of a collection line, they will be required to connect. He states that the Commission has authorized the Executive Officer, if it's a non-development related connection, to authorize those connections. Mr. Martinez states that the Commission does not review them, but LAFCO staff receives them frequently.

Chair Ramos asks if there are additional comments from the Commission.

There are none.

Chair Ramos asks if there are any comments from the Valley Region agencies.

There are none.

Chair Ramos asks if there are any public comments.

There are none.

Chair Ramos states that the discussion will now move on to the Mountain Region.

Mr. Tuerpe states that the Mountain Region is quite large as he begins to explain the map. Discussion continues.

Mr. Tuerpe states that comments were received since the June 20, 2018 release of the service review. He states that one comes from Santa Ana Regional Water Quality Control Board and points out the discharge prohibitions for the Mill Creek Area.

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

Mr. Tuerpe states the opportunities for future consideration for the Mountain Region.

Discussion continues.

Mr. Tuerpe states there are no “hot spots” in the Mountain Region, therefore there are no recommendation for Commission direction to monitor an agency and there are no out of agency service contract issues. He states that the Lahontan Regional Water Quality Board supports this review and its letter is part of Appendix “A” with LAFCO staff’s response. He states that specifically for the Mountain Region, the report identifies opportunities that exist in the Hilltop area. He states that Lahontan mentions that there is a direct connection between the LAMP (Local Agency Management Programs) and the recommendations made in the LAFCO wastewater service review for developing wastewater services. He states that the recommendations for Commission action are to update the previous service review determinations to include population, disadvantaged unincorporated communities, and regional information from Section VI, and agency Information form Appendix C.

Chair Ramos asks if there are any questions from the Commission for staff.

Commissioner Amis asks, in regards to page 6-10, to describe the term “close proximity.”

Mr. Tuerpe states close proximity is not defined and gives staff the leeway to analyze as fit.

Chair Ramos asks if there are additional questions from the Commission.

There are none.

Chair Ramos asks if there are any Mountain Region agencies that would like to provide comment related to the Mountain wastewater service review.

There are none.

Chair Ramos asks for public comment

There are none.

Chair Ramos states that the discussion will now move on to the North Desert Region.

Mr. Tuerpe states that the North Desert is quite big and explains the detailed maps to the Commission. He states that the report identifies opportunities for future consideration and again there is no Commission recommendation.

Discussion continues.

Mr. Tuerpe states that the City of Adelanto is identified as a “hot spot.” He states that LAFCO staff presented this to the Commission in 2009 and again in the last service review one year ago. He states that the recommendation from the water service review was to wait until the wastewater service review and if everything were constant and equal, staff would come back to the Commission and recommend a sphere of influence amendment for the City in order to determine the appropriate sphere of influence for the City. He states that the recommendation is

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

for the Commission to initiate a sphere of influence amendment today, and additionally a condition for the city and the county to discuss the City of Adelanto's sphere of influence in regards to development standards, planning, and zoning requirements to ensure that the sphere development occurs in an orderly manner.

Vice-Chair Curatalo states that with Adelanto, this is to initiate, correct?

Mr. Tuerpe states, "yes."

Vice Chair Curatalo states what is the typical time frame involved?

Mr. Tuerpe states that after Commission initiation, it would be LAFCO staff reaching out to the City and the application documents are circulated for review and comment to all parties affected, then there would be a staff level meeting with the City called a departmental review and then staff would fine tune the particulars, notice it, and come back to the Commission. He states that it could be anywhere from four to six months.

Discussion continues.

Mr. Tuerpe states that staff also identified a "hot spot" designation for the Victorville Water District/City of Victorville. He states that both of these entities provide collection, and the issue identified is the increasing operation and maintenance payments affecting debt service and needed capital expenditures. He states that the staff recommendation to the Commission is to continue monitoring the entities and direct staff to return to the Commission in six months following completion of the service review. Mr. Tuerpe states that the City has adopted a substantial rate increase for five years, and the rate increases are for future capital expenditures and also to eliminate the reliance on reserve spending.

Mr. Tuerpe states that the last "hot spot" is for the Victor Valley Wastewater Reclamation Authority. He states that the issues are threefold: (1) there has been a negative impact to revenue cash flows affecting ability to service debt due to the City of Victorville diversion of approximately 1 MGD of flow thereby reducing revenue; (2) the City of Hesperia withholding payment due to disagreement with VVWRA board of directors; and, (3) unresolved differences with the Federal Emergency Management Agency regarding a grant for constructing the Mojave Upper Narrows tunnel project. Mr. Tuerpe states that staff recommends that the Commission direct staff to continue to monitor VVWRA, and staff with return to the Commission six months following completion of this service review. He states that the recommendations for Commission action are to update the previous service review determinations to include population, disadvantaged unincorporated communities, and regional information from Section VII, agency Information form Appendix D, initiate a sphere of influence amendment for the City of Adelanto to determine the appropriate sphere of influence for the City; and direct that the City and County meet to discuss the current and proposed sphere areas, and direct staff to continue to monitor Victorville Water District/City of Victorville and the Victor Valley Wastewater Reclamation Authority.

Chair Ramos asks if there are any questions from the Commission for staff.

There is none.

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

Chair Ramos asks if there are any North Desert Agencies that would like to provide comment on the North Desert Water Service Review.

Chair Ramos call Jesse Flores.

Mr. Flores states that he is the interim City Manager for the City of Adelanto. He states that he is respectfully requesting that the Commission reconsider making a decision on reducing the City's northern sphere of influence.

Commissioner McCallon states that he would like to thank the City Manager for the letter, for they have made tremendous progress. He states staff is not proposing a sphere reduction, they are proposing an opportunity to get together and determine what the appropriate sphere is. Commissioner McCallon states that he does not see a reason not to proceed with discussion between the parties on what the sphere ought to be.

Vice-Chair Curatalo states to Executive Officer Martinez, that this is just to initiate the study, correct.

Executive Officer Martinez states that the recommendation is to initiate the sphere update/ amendment, and as Commission McCallon has stated, it's to evaluate the sphere and that whether or not there is to be a sphere reduction is up for discussion.

Commissioner Warren states that she would like to commend Mr. Flores on what he has done. She states that this is not for reduction; but to develop discussion.

Charles Rangel, Development Director for the City, states that what the City Manager was eluding to is that the northern quadrant of our sphere of influence is where the 395 corridor stands northward. He states that it will be the pathway of development and present more opportunities for our developers.

Misty Cheng, Contract Finance Director for the City of Adelanto, states that many of the comments that were picked up by LAFCO are actually coming from the APUA internal control management comment from the outside auditors. She states that she has responded to each of those with the updates that she knows of, but a lot of it has not been addressed or implemented during the time that she was not at the City.

Logan Olds, General Manager for Victor Valley Wastewater Reclamation, states that his comments relate specifically to item #3 in the "hot spot." He states that VVWA looks forward to resolving this matter.

Chair Ramos calls for public comment.

Jon Gypsin, states that he attends on behalf of LKQ Corporation and this is to do with the northern hemisphere of Adelanto. He states that he has been working with LAFCO and the City of Adelanto to annex land on the northern hemisphere for car salvage. He states that their concern is the sphere of influence and how it will affect the client.

Executive Officer Martinez states as of now staff has not evaluated the sphere and does not have an application. He states that staff has met with the property owners' representative and

**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

the City of Adelanto has not pre-zoned the area that is being proposed for annexation. He states that until LAFCO staff gets an application, staff cannot evaluate the proposal.

Chair Ramos states to Mr. Gypsin that there are processes at LAFCO and therefore cannot consider this proposal until an application is submitted.

Chair Ramos calls for additional public comment.

There is none.

Commissioner Bagley states that he is sorry that the officials from the North Desert Region has already left the room. He states that there are opportunities that came out in the staff report that would help expansion in the northern area. He states that the failure to produce responsible audits is a major concern and is beyond the scope of what the Commission is doing today but have had some in-depth reporting in the staff report about the problems. Discussion continues.

Chair Ramos states that the discussion will now move on to the South Desert Region.

Mr. Tuerpe states that the South Desert Region is quite vast and explains the maps to the Commission.

Discussion continues.

He states that the Twentynine Palms community is currently not connected and lacks a municipal system. He states that the City of Twentynine Palms and the Twentynine Palms Water District are aware that the Colorado River Basin Regional Water Quality Control Board is concerned about potential contamination and concerned that an order from the Regional Board to develop a wastewater system is imminent. He states that LAFCO staff has met with the Colorado Regional Board, and the neighboring Marine Corps Base has an aging wastewater treatment facility that is under order to either significantly upgrade or replace its system. Mr. Tuerpe states that staff recommends that the Commission identify the Twentynine Palms community as a "hot spot" and recognize that an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps Base.

Mr. Tuerpe states that the recommendations for Commission action are to update previous service review determinations to include population, disadvantaged unincorporated communities, regional information from Section X, and agency information from Appendix E. He also states that the staff recommends that the Commission identify the Twentynine Palms community as a "hot spot" and recognize that an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps Base.

Chair Ramos asks if there are any questions from the Commission for staff.

Commissioner Bagley states it makes sense that Twentynine Palms is a "hot spot," and this is a regional issue. He states the Marine Corps Base main side was annexed into the City of Twentynine Palms decades ago for the purposes of increasing its per capita count, and it was a wise move by LAFCO. He states that there is no land-use planning within that jurisdiction but that is essentially where the sewer system exists for the Federal agency, and any future sewer projects should be considered on a regional scale. He states in the staff report, it points out



**DRAFT - ACTION MINUTES FOR AUGUST 15, 2018 HEARING - DRAFT**

there is a separate special district that provides for the planning, but is not authorized at this point to take the sewer, is this correct?

Mr. Tuerpe states that the Twentynine Palms Water District is authorized the sewer function with a limitation to planning and engineering.

Chair Ramos asks for comment from any Southern Desert Region Agencies that would like to provide comments at this time.

There is none.

Chair Ramos calls for public comment.

There is none.

Chair Ramos asks staff to provide the Commission with final recommendations.

Mr. Tuerpe outlines staff's recommendations to the Commission as outlined in the staff report for LAFCO 3190 and the additional language outlined in the supplemental staff report for LAFCO 3190.

Chair Ramos asks if there are any questions or comments on the recommendations.

Commissioner Cox states that Commissioner Bagley brought up an excellent point on Adelanto's audits. She asks if there is a need to include something to that effect in item 3a to request that they submit current audits as part of this conversation.

Mr. Tuerpe states that it is his understanding that should the Commission choose to do so, it is its pleasure; however, as part of this initiation, there are items to consider by statute for a sphere of influence amendment and staff would then carry that out as part of those factors.

Commissioner Cox states that some of those statutory considerations include the ability for a city to serve, and as the finance director mentioned, the most recent audit LAFCO received was quite a few years old and it indicated some significant financial stresses.

Discussion continues.

Executive Officer Samuel Martinez states that if the Commission initiates the sphere, staff will include the requests for those audits.

Commissioner Warren states that although she appreciated the finance director's report, she is not sure that staff should take it for gospel. She states that she believes the letter is clear that they have some issues that they are trying to resolve. She states that she does not believe the process should be tied up with those audits.

Commissioner Bagley states that he does not want to interfere with things; he states that the Commission has given direction to staff, and the direction is that the Commission initiate this review.

Discussion continues.

Chair Ramos asks if there are additional questions or comments on the recommendation presented by staff.

There is none.

Chair Ramos asks if there is public comment

There is none.

Chair Ramos closes the public hearing and asks the Commission for determination.

Commissioner Bagley moves approval of the staff recommendation with an amendment to the City of Adelanto portion, Second by Commissioner Cox. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Lovingood.

**DISCUSSION ITEMS:**

**ITEM 8.      UPDATE ON LAFCO 3187: COUNTYWIDE SERVICE REVIEW FOR WATER – REQUIRED CONTINUED MONITORING FOR:**

- a. COUNTY SERVICE AREA 70 ZONE J (OAK HILLS)**
  - b. DAGGETT COMMUNITY SERVICES DISTRICT**
  - c. COUNTY SERVICE AREA 70 ZONE W-4 (PIONEERTOWN)**
- STAFF RECOMMENDATION APPROVED**

Mr. Tuerpe presents the staff report and states this is continued monitoring from last year's water service review. He states that the focus is on Zone J and Hesperia Water District boundary irregularities. He states that at this time, the City of Hesperia is moving towards adopting the agreement between Zone J and itself. Mr. Tuerpe states that it is LAFCO staff's hope to receive an exemption for the out of agency agreement between those agencies. He states that this staff report still has the recommendation to continue to monitor, however if the application comes in, the continued monitoring will cease.

He states that staff also have continued monitoring for the Daggett Community Services District. He states that the staff report provides an update and Daggett CSD has provided an unsigned letter, a copy of which has been placed on the dais for the Commission outlining some additional steps it has made. He states that that staff will come back and continue to monitor them for another six months.

Mr. Tuerpe states that CSA 70 Zone W-4 (Pioneertown) is west of Yucca Valley and at 2:00pm today, sealed bids will be submitted to the County to move forward with the pipeline project, so staff will continue monitoring for six more months.

Chair Ramos asks if there are questions from Commissioners for Staff.

There are none.

Chair Ramos asks if there are any public comment.

There are none.

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

**INFORMATION ITEMS:**

**ITEM 9. LEGISLATIVE ORAL REPORT**

Executive Officer Samuel Martinez states there is not much movement in the legislature. He states that we have our CALAFCO sponsored bills AB 2050 and AB 2258. He states that they are in appropriation but are currently in suspense so they may be taken up at another hearing. He states that hopefully next month he will have an updated report for the Commission.

**ITEM 10. EXECUTIVE OFFICER'S ORAL REPORT**

- a. New Proposals Received
- b. Update on Proposals Filed with LAFCO

Executive Martinez states that on Monday, Commissioners Curatalo, Amis, Farrell and he went to the Southern Region Meeting for LAFCOs and one of the main discussions was on the CALAFCO dues. He states that there is anticipation on the restructuring of those dues. He states that this week staff will be conducting the Protest Hearing for the Hesperia Fire Reorganization at the City of Hesperia City Hall and the week after, staff will be conducting the Protest Hearing for East Valley Water District. He states that next month there will be at least three service contracts on the agenda.

**ITEM 11. COMMISSIONER COMMENTS**

Commissioner Cox commends staff on the wastewater review stating that its an incredible body of work.

Commissioner Farrell states that he wants to acknowledge that he enjoyed attending the Southern Region Meeting for CALAFCO, and it was very informative.

Commissioner Williams commends Project Manager Tuerpe for presenting the service review and appreciates the amount of research that went into it.

Chair Ramos commends the staff for their work on the service review.

**ITEM 12. COMMENTS FROM THE PUBLIC**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS ADJOURNED AT 11:06 A.M**

**ATTEST:**

---

**LA TRICI JONES**  
Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**


---

**JAMES RAMOS, Chair**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE :** SEPTEMBER 10, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT: AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICERS' EXPENSE REPORTS**

---

## **RECOMMENDATION:**

Approve the Executive Officers' Expense Reports for Procurement Card Purchases from July 23, 2018 to August 22, 2018.

## **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 July 23, 2018 through August 22, 2018.

There are two Procurement Card Statements attached to this report. Although both statements are dated for August 22, 2018; one statement belongs to former Executive Officer Kathleen Rollings-McDonald, whose account was closed effective 7/1/2018. The other statement is for Executive Officer Samuel Martinez.

Staff recommends that the Commission approve the Executive Officers' expense reports as shown on the attachments.

SM/llj

Attachments

<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
James Ramos	09/19/18



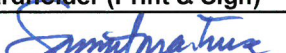
# PROCUREMENT CARD PROGRAM

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF

Card Number		Cardholder						Travel	Billing Period	
[REDACTED]		Samuel Martinez							7/23 - 8/22/18	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX
07/23/18	Language Network	1	Communications	Notice of Hearing Translation	8900005012	52002445	\$201.00		R	
07/30/18	CA Special District	2	Conference	CSDA Clerk Conference	8900005012	52942941	\$525.00		R	
08/02/18	Daisy IT	3	Supplies	Office Supplies	8900005012	52002305	\$113.78		R	
08/03/18	EB 2018 Annual Conf.	4	Conference	CALAFCO Annual Conference	8900005012	52942941	\$551.04		R	
08/13/18	Best Best & Krieger	5	Training	Anti-Sexual Harrassment Training	8900005012	52942941	\$150.00		R	
08/14/18	Storetrieve	6	Records	Records Maintenance	8900005012	52002315	\$59.62		R	
08/15/18	Southwest	7	Air Travel	CSDA Clerk Conference	8900005012	52942945	\$258.60		R	
08/18/18	Amazon Marketplace	8	Air Pot	Commissioners Coffee	8900005012	52002305	\$39.97		R	
08/20/18	Daisy IT	9	Supplies	Office Supplies	8900005012	52002305	\$61.45		R	

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)	Date
Samuel Martinez 	09/06/18

Approving Official (Print & Sign)	Date
James Ramos	09/19/18

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
E-mail: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE :** SEPTEMBER 6, 2018  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR  
MONTH OF JULY 2018 AND NOTE REVENUE RECEIPTS**

---

## **RECOMMENDATION:**

Ratify payments as reconciled for the month of July 2018 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 July 1, 2018 through July 31, 2018

Staff is recommending that the Commission ratify the payments for July 2018 as outlined on the attached listings and note the revenues received.

SM/Ilj

Attachment



MONTH OF JULY 2018 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900219104	52002075	7/9/2018	CALAFCO MEMBERSHIP DUES	INVOICE 2018-36	CALAFCO	\$8,926.00
1900226920	52002085	7/17/2018	DAILY JOURNAL WATER SERVICE REVIEW	INVOICE B3145203	DAILY JOURNAL	\$670.59
1900226935	52002085	7/17/2018	DAILY JOURNAL LAFCO 3190 SUN	INVOICE B3145203	DAILY JOURNAL	616.00
1900226940	52002085	7/17/2018	DAILY JOURNAL LAFCO 3190 DAILY PRESS	INVOICE B3145137	DAILY JOURNAL	1,017.66
1900226945	52002085	7/17/2018	DAILY JOURNAL LAFCO 3190 BB LIFE/GRIZZLY	INVOICE B3145139	DAILY JOURNAL	718.00
1900226948	52002085	7/17/2018	DAILY JOURNAL LAFCO 3190 IVDB	INVOICE B3145193	DAILY JOURNAL	1,005.36
1900226950	52002085	7/17/2018	DAILY JOURNAL LAFCO 3190 HI DESERT STAR	INVOICE B3145142	DAILY JOURNAL	547.06
1900226967	52002085	7/17/2018	NOTICE OF PROTEST LAFCO 3218 DAILY PRESS	INVOICE B3145208	DAILY JOURNAL	1,423.54
1900226971	52002085	7/17/2018	NOTICE OF HEARING LAFCO 3227	INVOICE B3145134	DAILY JOURNAL	298.00
1900219108	52002090	7/9/2018	JAN PRO CLEANING SERVICE	INVOICE 62390	JAN PRO	475.00
1900227555	52002115	7/17/2018	ECS IMAGING LASERFISCHE	INVOICE 13278	ECS IMAGING	1,313.00
1900226917	52002182	7/17/2018	SOUTHERN CALIFORNIA EDISON	INVOICE 2-39-945-2309	EDISON	\$478.94
1900218357	52002445	7/6/2018	SDRMA PROPERTY LIABILITY INSURANCE	INVOICE 64615	SDRMA	\$11,454.98
1900219103	52002445	7/9/2018	SDRMA WORKERS COMP INSURANCE	INVOICE 62911	SDRMA	\$2,735.46
1900227546	52002445	7/17/2018	SDRMA PROPERTY LIABILITY PROGRAM	INVOICE 64947	SDRMA	\$47.50
1900229639	52002305	7/19/2018	PETTY CASH	PETTY CASH	LA TRICI JONES	\$222.33
1900219114	52002400	7/9/2018	BBK SAHA CIVDS1715504	INVOICE 823574	BEST BEST & KRIEGER	2,286.90
1900219115	52002400	7/9/2018	BBK SAHA MATTER 24	INVOICE 823767	BEST BEST & KRIEGER	46.20
1900219117	52002400	7/9/2018	BBK EMPLOYEE BENEFITS	INVOICE 823575	BEST BEST & KRIEGER	69.30
1900219120	52002400	7/9/2018	BBK GENERAL	INVOICE 823572	BEST BEST & KRIEGER	7,777.94
1900229693	52002400	7/19/2018	BBK SAHA MATTER 24	INVOICE 826276	BEST BEST & KRIEGER	5,842.21
1900229701	52002400	7/19/2018	BBK EMPLOYEE BENEFITS	INVOICE 826278	BEST BEST & KRIEGER	115.50
1900229702	52002400	7/19/2018	BBK GENERAL	INVOICE 826275	BEST BEST & KRIEGER	3,550.84
1900229703	52002400	7/19/2018	BBK SAHA CIVDS1715504	INVOICE 826277	BEST BEST & KRIEGER	10,103.10
1900226924	52002424	7/17/2018	TOM DODSON & ASSOCIATES	LAFCO18-3R	TOM DODSON & ASSOC	2,320.00
1900226925	52002424	7/17/2018	TOM DODSON & ASSOCIATES	LAFCO18-4	TOM DODSON & ASSOC	595.00
1900218348	52002445	7/6/2018	IEMG COMMISSION HEARING 4/18	INVOICE 2050	IEMG	180.00
1900218350	52002445	7/6/2018	IEMG COMMISSION HEARING 6/20/18	INVOICE 2054	IEMG	360.00
1900218351	52002445	7/6/2018	IEMG COMMISSION HEARINGS 5/15/18 & 5/16/18	INVOICE 2052	IEMG	720.00
1900218355	52002445	7/6/2018	ALDRICH & ASSOCIATES	INVOICE 67	ADLRICH & ASSOCIATES	3,600.00
1900219131	52002445/2940	7/9/2018	BAGLEY STIPEND & MILEAGE	BAGLEY 6-20-18	JAMES BAGLEY	\$298.00
1900219240	52002445/2940	7/9/2018	FARRELL STIPEND & MILEAGE	FARRELL 6-20-18	STEVEN FARRELL	\$218.75
1900219245	52002445/2940	7/9/2018	WILLIAMS STIPEND & MILEAGE	WILLIAMS 6-20-18	DIANE WILLIAMS	\$225.73
1900219247	52002445/2940	7/9/2018	COX STIPEND & MILEAGE	COX 6-20-18	KIMBERLY COX	\$258.86
1900219274	52002445/2940	7/9/2018	CURATALO STIPEND & MILEAGE	CURATALO 6-20-18	JAMES CURATALO	\$227.25
1900219277	52002445/2940	7/9/2018	WARREN STIPEND & MILEAGE	WARREN 6-20-18	ACQUANETTA WARREN	\$217.44
1900219280	52002445	7/9/2018	AMIS STIPEND	AMIS 6-20-18	LOUISA AMIS	\$200.00
1900219335	52002445	7/9/2018	LOVINGOOD STIPEND	LOVINGOOD 6-20	ROBERT LOVINGOOD	\$200.00
1900219336	52002445	7/9/2018	MCCALLON STIPEND	MCCALLON 6-20-18	LARRY MCCALLON	\$200.00
1900219340	52002445	7/9/2018	RUTHERFORD STIPEND	RUTHERFORD 6-20-18	JANICE RUTHERFORD	\$200.00
1900227559	52002445	7/17/2018	RAMOS STIPEND	RAMOS 7-11-18	JAMES RAMOS	\$200.00
1900227560	52002445/2940	7/17/2018	COX STIPEND & MILEAGE	COX 7-11-18	KIMBERLY COX	\$258.86
1900227564	52002445/2940	7/17/2018	CURATALO STIPEND & MILEAGE	CURATALO 7-11-18	JAMES CURATALO	\$227.25
1900228698	52002445/2940	7/18/2018	BAGLEY STIPEND & MILEAGE	BAGLEY 7-18-18	JAMES BAGLEY	\$298.00
1900228700	52002445/2940	7/18/2018	FARRELL STIPEND & MILEAGE	FARRELL 7-18-18	STEVEN FARRELL	\$218.75
1900228703	52002445/2940	7/18/2018	WILLIAMS STIPEND & MILEAGE	WILLIAMS 7-18-18	DIANE WILLIAMS	\$225.73



1900228705	52002445/2940	7/18/2018	CURATALO STIPEND & MILEAGE	CURATALO	JAMES CURATALO	\$224.25
1900228706	52002445/2940	7/18/2018	WARREN STIPEND & MILEAGE	WARREN 7-18-18	ACQUANETTA WARREN	\$217.44
1900228715	52002445	7/18/2018	AMIS STIPEND	AMIS 7-18-18	LOUISA AMIS	\$200.00
1900228718	52002445	7/18/2018	MCCALLON STIPEND	MCCALLON 7-18-18	LARRY MCCALLON	\$200.00
1900228722	52002445	7/18/2018	RAMOS STIPEND 7/11/2018	RAMOS 7-18-18	JAMES RAMOS	\$200.00
1900233234	52002445	7/25/2018	RIVERSIDE LAFCO ROV - LAFCO SC#427	LAFCO SC#427	RIVERSIDE LAFCO	35.00
1900221869	52002449	7/10/2018	COLANTUANO HIGHSMITH WHATLEY	INVOICE 35945	COLANTUONO, HIGHSMITH	1,244.68
1900221870	52002449	7/10/2018	COLANTUANO HIGHSMITH WHATELY	INVOICE 35702	COLANTUONO, HIGHSMITH	54.00
1900230590	52002449	7/20/2018	COLANTUAONO HIGHSMITH WHATELY	INVOICE 36219	COLANTUONO, HIGHSMITH	1,917.00
1900232669	52002895	7/24/2018	KONICA MINOLTA	INVOICE 32147079	KONICA MINOLTA	856.23
1900214864	52002905	7/2/2018	TENANT AMORTIZATION PAYMENT	AMORTIZATION 5	CITYCOM	8,448.33
1900218345	52002905	7/6/2018	CITY COM GUARD SERVICE FOR 5/15	UNIT 150	CITY COM	15,152.06
1900227020	52002905	7/17/2018	IVDA HEARING ROOM RENTAL	INVOICE 600	INLAND VALLEY DEV AGCY	405.00
1900229765	52002941	7/19/2018	2018 ANNUAL CALAFCO CONFERENCE	CALAFCO 2018	CALAFCO	\$3,220.00
<b>TOTAL</b>						<b>\$96,639.02</b>

**MONTH OF JULY 2018 INTERNAL TRANSFERS PROCESSED**

	4200015007	7/3/2018	MAIL SERVICES - HAN	COUNTY MAIL	COUNTY MAIL	\$133.61
	4200015010	7/14/2018	MAIL SERVICES - FLAT	COUNTY MAIL	COUNTY MAIL	\$196.57
<b>TOTAL</b>						<b>\$330.18</b>

**MONTH OF JULY 2018 CASH RECEIPTS**

	40709555	7/9/2018	CITY OF UPLAND LAFCO 3216		LEGAL	\$2,049.44
	40709555	7/18/2018	CITY OF UPLAND LAFCO 3216		LEGAL	\$1,166.55
<b>TOTAL</b>						<b>\$3,215.99</b>

**MONTH OF JULY 2018 INTERNAL TRANSFERRED RECEIVED**


	40709555	7/17/2018	COUNTY FIRE LAFCO 3216		LEGAL	\$1,166.55
<b>TOTAL</b>						<b>\$1,166.55</b>

				9/6/2018		
LA TRICI JONES, Clerk to the Commission			DATE			
RECONCILIATION APPROVED BY:						
				9/6/2018		
SAMUEL MARTINEZ, Executive Officer			DATE			

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** SEPTEMBER 12, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #5: LAFCO SC#429 – City of Redlands OSC 17-02, Out-of-Agency Service Agreement for Water Service (APN 0298-013-23)

---

**INITIATED BY:**

City of Redlands, on behalf of the property owner

**RECOMMENDATION:**

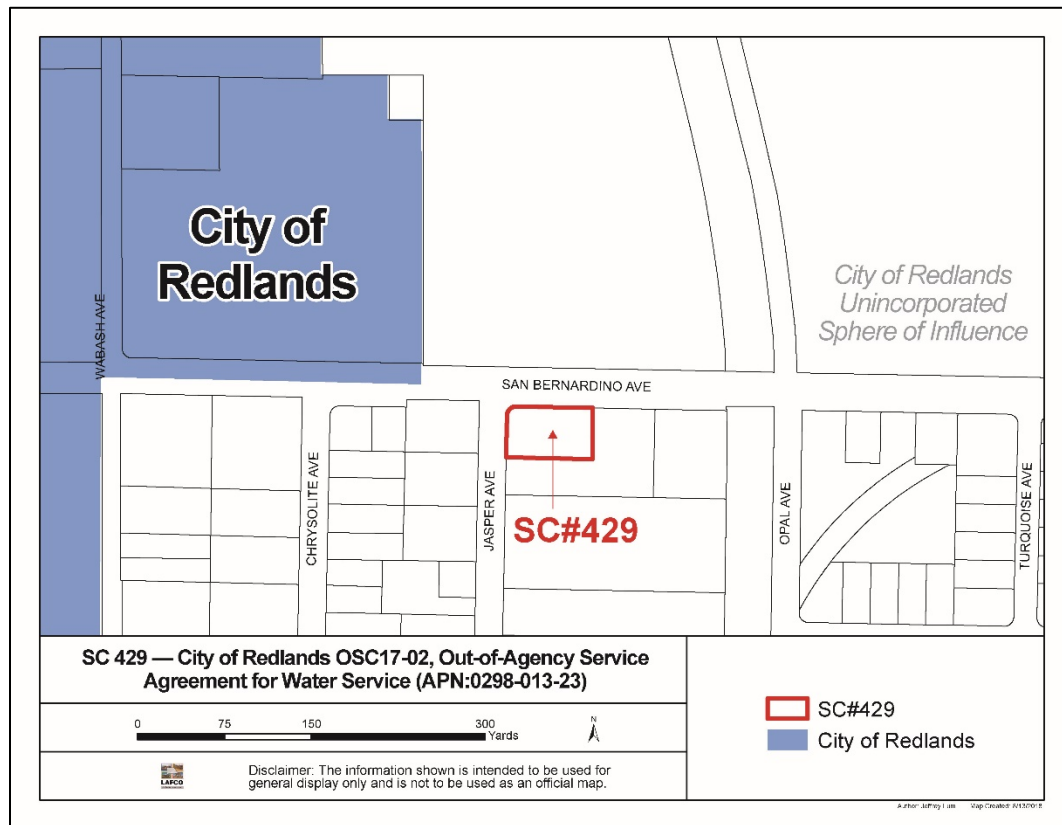
Staff recommends that the Commission approve LAFCO SC#429 by taking the following actions:

1. Certify that LAFCO SC #429 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC #429 authorizing the City of Redlands to extend water service outside its boundaries to Assessor Parcel Number 0298-013-23.
3. Adopt LAFCO Resolution #3273 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

**BACKGROUND:**

The City of Redlands (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend water service. The agreement relates to Assessor Parcel Number (APN) 0298-013-23, generally located on the southeast corner of San Bernardino and Jasper Avenues, within the City of Redlands' northeastern sphere of influence. The map below, which is also included as Attachment #1, provides a vicinity map of the site. In addition,

Attachment #2 outlines the City's application including a map that provides the location of the infrastructure to be extended.



The property owner intends to build a single-family residence on said parcel. Therefore, the City, on behalf of the property owner, has requested that the Commission authorize the extension of water service to the parcel pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

### **PLAN FOR SERVICE:**

The City's application identifies that water service will be provided to the proposed residential development through connection to an existing 8-inch water main in Jasper Avenue, along the west side of the property. A water lateral will also be extended into the property.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The provisions of Measure U within the City of Redlands require that the property owner pay the "sums equivalent to the City's development impact fees" as a condition for access to water service. The City of Redlands has identified an estimated cost of \$21,438 in sums equivalent in

development impact fees as well as water fees for the extension of water service to the property. The following table shows the cost to the applicant to fulfill this requirement:

<b>Sums Equivalent to City's DIF</b>	<b>Cost</b>
Transportation Facilities	1,512
Fire Facilities	577
Park/Community Center Facilities	3,960
General Government Facilities	686
Library Facilities	265
Police Facilities	30
Storm Drain Facilities	650
<b>TOTAL</b>	<b>\$7,680</b>

The table below is the City's water related fees:

<b>Water Fees</b>	<b>Cost</b>
Water Capital Improvement	\$4,350
Water Source Acquisition	783
Water Frontage	~8,400
Water Meter	225
<b>TOTAL</b>	<b>~\$13,758</b>

In addition to the cost outlined above, the property owner will be responsible for the entire cost of the construction and installation of the lateral extension from the water main.

### **ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#429 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency service agreement does not have the potential to cause a significant adverse impact 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).

### **CONCLUSION:**

The purpose of the service contract review is to receive authorization from LAFCO for the City to contract to provide water service outside its boundaries to a single-family-residence that is to be built on APN 0298-013-23.

Staff has reviewed this request for authorization to provide water service from the City of Redlands outside its corporate boundaries against the criteria established by

Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide water service to APN 0298-013-23 since its facilities are close to the parcel, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The parcel, identified as APN 0298-013-23, is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands water service.
2. The City of Redlands' OSC 17-02 being considered is for the provision of water service to APN 0298-013-23, generally located on the southeast corner of San Bernardino and Jasper Avenues, within the City of Redlands' northeastern sphere of influence. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner and the City of Redlands to proceed in finalizing the contract for the extension of water service.
3. The fees charged this project by the City of Redlands for the extension of water service are identified as totaling \$21,438 (for a breakdown of charges, see tables on page 3). Payment of these fees is required prior to connection to the City's water facilities. In addition, the property owner will be responsible for the entire costs of the construction and installation of the lateral extension.
4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Redlands and recommended that this application is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #3 to this report.

SM/MT

Attachments:

1. [Vicinity Map](#)
2. [City of Redlands' Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution #3273](#)

# **Vicinity Map**

**Attachment 1**

# City of Redlands

*City of Redlands  
Unincorporated  
Sphere of Influence*

SAN BERNARDINO AVE

**SC#429**

**SC 429 — City of Redlands OSC17-02, Out-of-Agency Service Agreement for Water Service (APN:0298-013-23)**

0 75 150 300 Yards



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



SC#429



City of Redlands



# **City of Redlands' Application and Contract**

**Attachment 2**



City of  
**REDLANDS**

Incorporated 1888  
Municipal Utilities & Engineering Department  
35 Cajon Street, Suite 15A  
Redlands, CA 92373  
909-798-7698

PAUL TOOR  
Director

SAVAT KHAMPHOU  
Deputy Director

August 17, 2018

Sam Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 W. Third Street, Unit 150  
San Bernardino, CA 92415

**APPLICATION FOR EXTENSION OF SERVICES BY CONTRACT FOR OUTSIDE CITY CASE 17-02 AT THE SOUTHEAST CORNER OF SAN BERNARDINO AVENUE AND JASPER AVENUE (APN 0298-013-23)**

Mr. Martinez,

The City of Redlands hereby requests the Local Agency Formation Commission consider the attached proposed contract for service pursuant to Government Code Section 56133. The agreement is for the provision of water service to a proposed single family residence located at the southeast corner of San Bernardino Avenue and Jasper Avenue. The location of the property is in the City of Redlands' sphere of influence in the Mentone area.

If you have any question, please contact me at (909) 798-7524, ext. 1.



---

**ROSS WITTMAN**  
Senior Project Manager

RW:rw

**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 REDLANDS  
CONTACT PERSON: ROSS WITTMAN  
ADDRESS: 35 CASON STREET SUITE 15A  
REDLANDS CA 92373  
PHONE: 909.798.7524 x1  
EMAIL: RWITTMAN@CITYOFREDLANDS.ORG

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: VICKIE LEE PLUNKETT  
CONTACT PERSON: VICKIE LEE PLUNKETT  
MAILING ADDRESS: 1415 E. 6TH STREET  
BEAUMONT CA. 92223  
PHONE: 951.845.2671  
EMAIL: SAVONDAMION@GMAIL.COM  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: SOUTHEAST CORNER OF SAN BERNARDINO  
AVENUE AND JASPER AVENUE  
CONTRACT NUMBER/IDENTIFICATION: OSC 17-02, PRE-ANNEXATION 17-03  
PARCEL NUMBER(S): 0298-013-23  
ACREAGE: 1 DWELLING UNIT

Extension of Service by Contract  
Application Form

LAFCO SC # 429  
(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.

WATER 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.

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 PRE-ANNEXATION AGREEMENT 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.

ANNEXATION WILL OCCUR WHEN PROPERTY BECOMES

CONTIGUOUS TO CITY

Extension of Service by Contract  
Application Form

LAFCO SC # 429  
(FOR LAFCO USE ONLY)

- (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.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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.
- \_\_\_\_\_
- \_\_\_\_\_
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.  
PROJECT WILL CONSTRUCT ONE SINGLE FAMILY RESIDENCE
- \_\_\_\_\_
- \_\_\_\_\_

Extension of Service by Contract  
Application Form

LAFCO SC # 429  
(FOR LAFCO USE ONLY)

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 checked="" type="checkbox"/>
Negative Declaration (Initial Study)	<input checked="" 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.

CITY OF REDLANDS HAS AN EXISTING 24" DIAMETER WATER PIPELINE  
IN SAN BERNARDINO AVENUE AND AN 8" DIAMETER WATER PIPELINE  
IN JASPER AVENUE. NEITHER WATER LINE WILL NEED TO  
BE EXTENDED AS BOTH WATER LINES TRAVERSE THE  
FRONTAGE OF THE PROPERTY.

---

---

---

---

**LAFCO SC #** 429  
(FOR LAFCO USE ONLY)

---

---

---

---

---

- | Description of Fees/Charges              | Cost | Total |
|--|------|-------|
| DEVELOPMENT REQUIREMENTS<br>ARE ATTACHED |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
|  |      |       |
| <b>Total Costs</b>                       |      |       |

- NOT APPLICABLE

Extension of Service by Contract  
Application Form

LAFCO SC # 429  
(FOR LAFCO USE ONLY)

- (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.

### CERTIFICATION

As a part of this application, the City/Town of REXHAMS, or the \_\_\_\_\_ District/Agency 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.

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.



*Extension of Service by Contract  
Application Form*

**LAFCO SC #** 429  
(FOR LAFCO USE ONLY)


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

NAME:

POSITION TITLE:

DATE:

  
\_\_\_\_\_  
ROSS WITTMAN  
SENIOR PROJECT MANAGER  
AUGUST 7, 2018

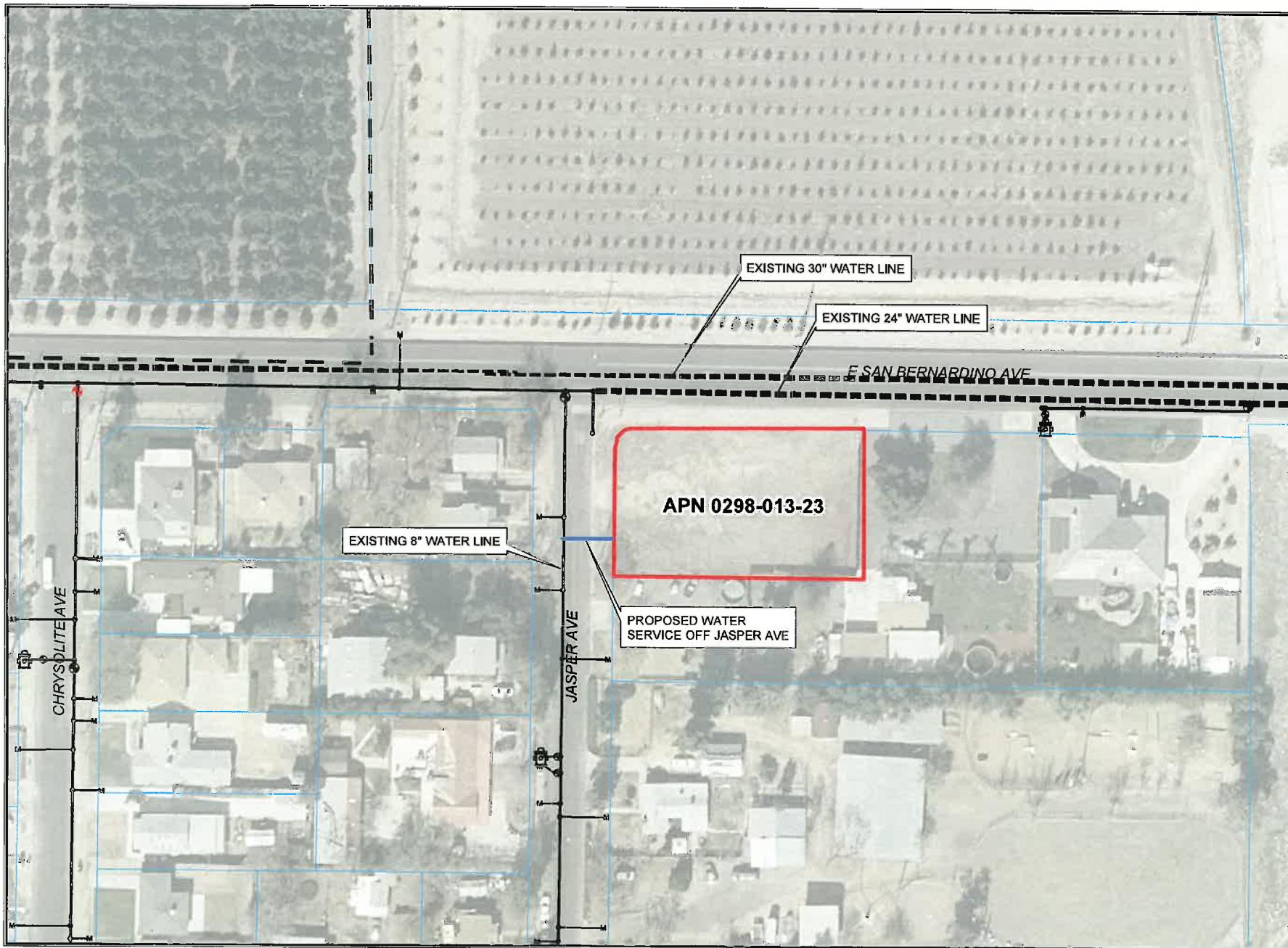
**REQUIRED EXHIBITS TO THIS APPLICATION:**

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.

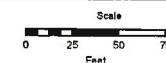
Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County  
1170 W. Third Street, Unit 150,  
San Bernardino, CA 92415-0490  
PHONE: (909) 388-0480 • FAX: (909) 388-0481

# OSC 17-02 WATER MAP



This map was produced by the City of Redlands, Geographic Information System. The City of Redlands assumes no warranty or legal responsibility for the information contained on this map. This data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.



**REDLANDS "A CITY THAT WORKS"**

City of  
**Redlands**  
Information Technology Services Department  
700 N. GARDEN AVENUE, SUITE 200  
REDLANDS, CA 92373-4000  
Geographic Information Systems

OneStop.mxd

**REDLANDS MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT  
DEVELOPMENT REQUIREMENTS  
OSC NO. 17-02**

**Date:** August 6, 2018  
**Applicant:** Vickie Lee Plunkett  
**Location:** APN: 0298-013-23  
**Project Description:** Low Medium Density Residential

The following is a list of Municipal Utilities and Engineering Department requirements which must be fulfilled prior to establishment of a water service connection for the property located at APN 298-013-23 at the southeast corner of San Bernardino Avenue and Jasper Avenue in Mentone, an unincorporated area of San Bernardino County.

**A. The following items are required prior to approval of APPLICATION FOR WATER SERVICE CONNECTION and prior to WATER METER INSTALLATION.**

1. All National Pollutant Discharge Elimination System (NPDES) Best Management Practices (BMPs) to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in place and shall be maintained throughout the course of the project.
2. Provide a copy of the approved site plan from the approved County building permit plan set.
3. Payment of all capital improvement and other development fees which would be applicable to the property if it were within the City limits. These fees will be the fees per ordinance in effect at time of the water meter installation. The exact amount will be determined based upon the review of the final building plan or project information. These fees shall include development impact fees for:
  - Water Capital Improvement;
  - Water Source Acquisition;
  - Transportation Facilities;
  - Fire Facilities;
  - Community Center Facilities;
  - General Government Facilities;
  - Library Facilities;
  - Open Space/Park;
  - Police Facilities;
  - Storm Drain Facilities; and
  - Solid Waste Capital Improvement Charge.

There shall also be waterline frontage charges and appropriate meter installation fees.

4. Although this project will have an on-going inspection throughout construction, a final inspection for all water improvements must be scheduled by developer to certify that these improvements comply with City specifications.
5. Requirements for San Bernardino Avenue:
  - a. Install residential fire hydrants as required by the County Fire Department. Provide fire flow calculations.
6. Requirements for Jasper Avenue:
  - a. Install residential fire hydrants as required by the County Fire Department. Provide fire flow calculations.

**B. The following items are required prior to issuance of the ENCROACHMENT PERMIT.**

1. Cash cleanup deposit shall be submitted (\$1,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request.
2. Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a "Permit to Excavate" will be valid. For your Dig Alert Identification Number, call Underground Service Alert toll free, 1-800-227-2600, two (2) working days prior to conducting any excavation.
3. Encroachment Permit application and two (2) sets of City approved plans must be submitted for all off-site improvements. Encroachment Permit fees shall be paid prior to issuance of Encroachment Permit (RMC Section 12.16.260).
4. A California OSHA Permit Number for all work that is 5 feet deep or deeper shall be provided. Call (909)383-4321.
5. A traffic control plan shall be prepared in accordance with the latest revision of (CA) MUTCD or W.A.T.C.H. manual, submitted and accepted by the City Engineer prior to issuance of an encroachment permit. The plan shall show all required construction signage, warning devices, road closures, detours, delineation, phasing schedules and anticipated durations of closures and detours for any work within the public right-of-way. The plans shall provide names and 24-hour phone numbers of individuals who can be contacted regarding traffic control measures (RMC Section 12.20.130).

**C. The following items are required prior to issuance of FINAL ACCEPTANCE.**

1. All requirements as described in Sections A and B of these conditions of approval shall be met.

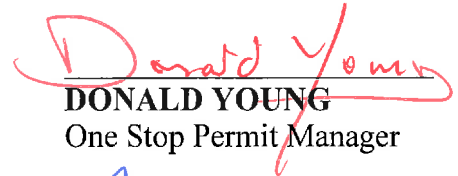
2. All work shall be completed to the satisfaction of the City Engineer (RMC Section 13.62.050) (RMC Section 13.58.200).

**D. The following items are required prior to release of DEPOSITS.**

1. All requirements as described in Section C of these conditions of approval shall be met.
2. The release of securities/warranties/deposits must be requested in writing to the City Engineer. Allow 30 days for processing.



**MICHAEL POOL**  
Assistant City Engineer



**DONALD YOUNG**  
One Stop Permit Manager



Initial

## Martinez, Samuel

---

**From:** Ross Wittman <[rwittman@cityofredlands.org](mailto:rwittman@cityofredlands.org)>  
**Sent:** Friday, August 17, 2018 4:07 PM  
**To:** Martinez, Samuel  
**Subject:** RE: Comments on the Plunkett and Didion projects  
**Attachments:** OSC 17-02 - PLUNKETT LAFCO Letter.pdf; OSC 18-27 LAFCO Letter.pdf; Tract 20030 30 lot DIF.pdf; OSC 17-02.pdf; OSC 18-27 WATER.PDF; OSC 18-27 SEWER.PDF

Hi Sam,

Please see my responses below regarding the Outside City Cases for Vickie Plunkett and Jim Didion. Please let me know if additional information is needed.

Thanks as always

**ROSS WITTMAN**  
SENIOR PROJECT MANAGER  
CITY OF REDLANDS  
[rwittman@cityofredlands.org](mailto:rwittman@cityofredlands.org)  
W: 909.798.7524 x1

---

**From:** Martinez, Samuel [<mailto:smartinez@lafco.sbcounty.gov>]  
**Sent:** Thursday, August 09, 2018 3:37 PM  
**To:** Ross Wittman  
**Subject:** Comments on the Plunkett and Didion projects

Ross,

After reviewing the applications you submitted, I have the following comments:

For the Plunkett project:

- cover letter requesting approval of the service contract (we can take care of this when you come back)
  - **Attached**
- Item 8, you checked conditions of approval and initial study, do you actually have these? As a single-family development on a parcel, I think they're just pulling building permits on this project.
  - ***One of the documents I submitted to you was entitled Development Requirements. Our development team sometimes uses the phrase development requirements and conditions of approval interchangeably so this may be part of the confusion. You are correct about there being no initial study***
- Item 10a, Plan for Service, I need clarification. Is the actual water service connection in San Bernardino Avenue or Jasper Avenue... or both?
  - ***Water service is anticipated to be on Jasper Avenue***
- Item 10b, Plan for Service, you reference the attached development requirements; however, I need to have a breakdown of all the fees.
  - ***Water Capital Improvement: \$4,350***
  - ***Water Source Acquisition: \$783***
  - ***Water Frontage: ~\$8,400***
  - ***Water Meter: \$225***
  - ***Transportation Facilities: \$1,512.36***
  - ***Fire Facilities: \$577.08***
  - ***Park/Community Center Facilities: \$3,959.94***
  - ***General Government Facilities: \$686.45***

- **Library Facilities:** **\$264.50**
- **Police Facilities:** **\$30.11**
- **Storm Drain Facilities:** **\$650**

- The map (required exhibit #2) needs to show the existing infrastructure and your lateral extension. This will also help explain Item 10a.

- ***See the attached map listed as OSC 17-02***

For the Didion project:

- cover letter requesting approval of the service contract (again, this can be done when you come back).
  - ***Attached***
- Item 8, you need to check Tentative Tract Map, NOD, and DFW receipt (I will email County planning and Didion to get all these documents including a copy of the Conditions of Approval and initial study).
  - ***Do you need action from me on this one or can you modify the existing application?***
- Item 10a, Plan for Service, it will help if you provide the required maps (one map for water and one map for sewer) showing the existing infrastructure and the additional improvements.
- Item 10b, again, I need a breakdown of all the fees.
  - ***See attachment Tract 20030 30 lot DIF.pdf***
- The required maps as identified earlier.
  - ***See the attached maps listed as OSC 18-27 Water and OSC 18-27 Sewer***

When are you coming back from your vacation? At the latest, I will need all the materials before the end of the month -  
- the sooner the better.

Thanks,  
Sam

**Samuel Martinez**

**Executive Officer, LAFCO for San Bernardino County**

1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490

Phone: 909-388-0480

Fax: 909-388-0481

www.sbclafco.org

**CONFIDENTIALITY NOTICE:**

The contents of this email message and any attachments are solely for the use of the intended recipient. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments.

LAFCD SC # 429

RECORDING REQUESTED BY  
CITY OF REDLANDS  
AND WHEN RECORDED MAIL DOCUMENT TO:

NAME City Clerk, City of Redlands  
STREET ADDRESS P.O. BOX 3005  
CITY, STATE & ZIP CODE Redlands, CA 92373

Electronically Recorded in Official Records, County of San Bernardino

8/01/2018  
12:04 PM  
CAD



BOB DUTTON  
ASSESSOR - RECORDER - CLERK  
367 City of Redlands Clerk

Doc# 2018-0279964



Titles	1	Pages	8
Fees			.00
Taxes			.00
CA SB2 Fee			.00
Others			.00
Paid			.00

FEES NOT REQUIRED PER  
GOVERNMENT CODE SECTION 6103

SPACE ABOVE FOR RECORDER'S USE ONLY

## Agreement for Annexation

Title of Document

# THIS AREA FOR RECORDER'S USE ONLY

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)



Recording requested by  
and when recorded mail to:

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

## AGREEMENT FOR ANNEXATION AND PROVISION FOR CITY UTILITY SERVICES

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 3<sup>rd</sup> day of July, 2018, by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and Vicki L. Plunkett Trust ("Property Owner"). The City and Property Owner are sometimes collectively referred to herein as the "Parties."

### RECITALS

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

WHEREAS, Property Owner owns a vacant parcel of land on the southeast corner of San Bernardino Avenue and Jasper Street and identified as County of San Bernardino Assessor's Parcel Number 0298-013-23-0000 (the "Property"), in the unincorporated area of the county of San Bernardino within the City's sphere of Influence, and has provided evidence satisfactory to the City that Property Owner is the fee owner of the Property; and

WHEREAS, Property Owner desires to connect to the City's domestic water system; and

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

WHEREAS, the City's General Plan and Chapter 13.60 of the Redlands Municipal Code establish policies and procedures for the approval of City utility services to land located within the City's sphere of influence and require, among other things, the owner of the property to be served

to enter into an agreement and record the same in the official records of the county of San Bernardino requiring the owner to annex the land to the City upon certain conditions; and

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

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

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

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

#### AGREEMENT

1. Recitals. The foregoing recitals are true and correct.
2. Provision of Utility Services. The City agrees to provide domestic water service to the Property consistent with the terms and conditions of this Agreement, provided that the connection complies with all rules and regulations of the City governing the extension and provision of utility services to properties located outside the City's boundaries at the time a request by the Property Owner for application for a water connection is approved by the City's Municipal Utilities and Engineering Department. Nothing herein represents a commitment by the City to provide such service unless and until Property Owner complies with all such rules and regulations. As a condition of approval of an application for water connection, and prior to receiving any service, the Property Owner agrees to pay the full cost of such service as established by the City for the extension of utility services to the Property.
3. Agreement to Develop by City Standards. In consideration of the City's agreement to provide City water service to the Property, Property Owner shall develop the Property in accordance with the Redlands General Plan and any applicable development standards of the Redlands Municipal Code.
4. Agreement to Annex. In consideration of the City's agreement to provide City water service to the Property, Property Owner hereby irrevocably consents to annexation of the Property

to City and agrees it shall take any and all reasonable and necessary actions, and fully and in good faith cooperate with City, to cause the annexation of the Property to the City. Property Owner and the City agree that in the event City initiates an annexation of the Property, the City shall be responsible for the costs of such annexation. In all other instances where the annexation of the Property is proposed to the City, Property Owner shall be responsible for such costs.

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

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

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

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

9. Indemnity and Cost of Litigation.

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

specifications relating to the development of the Property and regardless of whether or not any insurance policies of Property Owner relating to such development are applicable.

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

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

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

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

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

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

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

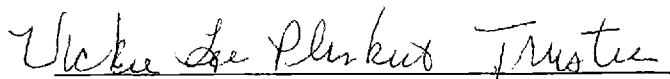
16. Waiver and Release. Property Owner hereby waives and releases any and all claims it may have against the City, and its elected and appointed officials, officers, employees and agents with respect to any City actions or omissions relating to the development of the Property and Property Owner's and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

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


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

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

PROPERTY OWNER

  
Vicki Lee Plunkett, Trustee  
Vicki L. Plunkett Trust

CITY OF REDLANDS

  
Paul W. Foster, Mayor

ATTEST:

  
Jeanne Donaldson, City Clerk

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

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.

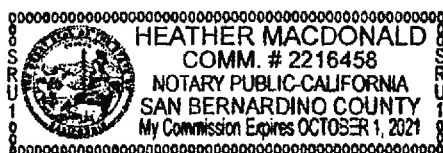
State of California )  
County of San Bernardino )

On July 24, 2018 before me, Heather MacDonald, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Paul W. Foster and Jeanne Donaldson  
Name(s) of Signer(s)

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 Heather MacDonald  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Agreement for Annexation  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

# ALL- PURPOSE CERTIFICATE OF 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 San Bernardino }

On July 10, 2018 before me, Jacquelyn Saintis, Notary Public  
(Here insert name and title of the officer)

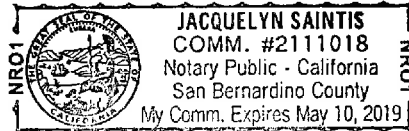
personally appeared Vicki Lee Plunkett  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their 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]  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement for Annexation and Provision

(Title or description of attached document)

for City Utility Services

(Title or description of attached document continued)

Number of Pages 5 Document Date 7/10/18

### CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)  
☐ Corporate Officer

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

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**Response from Tom Dodson  
and Associates**

**Attachment 3**



**TOM DODSON & ASSOCIATES**  
2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL [tda@tdaenv.com](mailto:tda@tdaenv.com)



September 7, 2018

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0480

**RECEIVED**  
SEP 10 2018  
**LAFCO**  
San Bernardino County

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, SC#429 for the Commission. LAFCO SC#429 would permit the City of Redlands to extend water service to single parcel of land (APN 0298-013-23) located in unincorporated territory on the east side of the City which is in the City's Sphere of Influence. The project site is located on the south side of San Bernardino Avenue at its intersection with Jasper Avenue. If approved, the service extension would provide water service and allow a single family residence to be constructed in the near term future on a lot that is currently vacant. If approved, the water line could be connected to City of Redlands water pipelines located in both roadways. In return, the owner makes a commitment to ultimately annex this parcel to the City. At the present time the property is noncontiguous with the City's boundary.

Based on the above proposal and the findings presented below, it appears that LAFCO SC#429 can be implemented without causing significant adverse environmental impacts. The administrative record does not identify any action to comply with the California Environmental Quality Act (CEQA) for this proposed project. Therefore, LAFCO will consider this extension of service contract as the CEQA lead agency. Based on the proposed single-family residence, this project has no potential to cause a significant adverse impact on the environment. Therefore, I conclude that LAFCO SC#429 does not constitute a project under CEQA and adoption of the Statutory Exemption (under the "General Rule" and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061 (b)(3) for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#429 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 (NOE) with the County Clerk to the Board for this action once a decision is made for this out-of-area service agreement.

Thus, after independent review of this proposed action, the proposed water service extension does not appear to have any potential to significantly alter the existing physical environment. Extending water service has no effect on land uses which are governed by the County. Thus, this service extension does not involve any change in the authorized end use, which will consist of one single-family residence in the near future. Since no other project is pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action. Further, extending water service to this parcel is not forecast to create growth inducement because most of the land surrounding this parcel is already development with residential uses.

Based on this review of LAFCO SC#429 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 "General Rule" exemption, as adequate documentation in accordance with the Commission's CEQA lead agency status. If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson". The signature is written in a cursive, slightly slanted style.

Tom Dodson

/TD

# **Draft Resolution #3273**

**Attachment 4**

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**PROPOSAL NO.: LAFCO SC#429**

**HEARING DATE: SEPTEMBER 19, 2018**

## **RESOLUTION NO. 3273**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#429 – CITY OF REDLANDS OSC 17-02, OUT OF AGENCY SERVICE AGREEMENT FOR WATER SERVICE (APN 0298-013-23)**

**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 San Bernardino County 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 his 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 September 19, 2018 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 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;

## RESOLUTION NO. 3273

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Agency Formation Commission for San Bernardino County does hereby determine, find, resolve and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The following determinations are noted in conformance with Commission policy:

1. The property identified as Assessor Parcel Number 0298-013-23 is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands' water service.
2. The City of Redlands' OSC 17-2 being considered is for the provision of water service to Assessor Parcel Number 0298-013-23. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner and the City of Redlands to proceed in finalizing the contract for the extension of water service.
3. The fees charged this project by the City of Redlands for water service are identified as totaling \$21,438 (a breakdown of charges is on file in the LAFCO office). Payment of these fees is required prior to connection to the City's water facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the water service to the parcel.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is statutorily exempt from environmental review since it does not have the potential for resulting in physical changes in the environment (Section 15161[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Statutory Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of Redlands shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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 Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Redlands to provide water service to Assessor Parcel Number 0298-013-23.

**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#429 – City of Redlands OSC 17-02, Out-of-Agency Service Agreement for Water Service (Assessor Parcel Number 0298-013-23), has been approved.

**RESOLUTION NO. 3273**

**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, SAMUEL MARTINEZ, 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 September 19, 2018.**

**DATED:**


---

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE:** SEPTEMBER 11, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #7: LAFCO SC#427 – LAFCO SC#427 – City of Rialto Out-of-Agency Service Contract for Sewer Service (Bridge Point South Rialto, LLC)

---

**INITIATED BY:**

City of Rialto, on behalf of the property owner/developer

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#427 by taking the following actions:

1. For environmental review as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the County's environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 sq. ft. warehouse building and a 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife 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 LAFCO SC#427 authorizing the City of Rialto to extend sewer service outside its boundaries to the project area comprised of 18 adjacent parcels identified as Assessor Parcel Numbers 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15; and,
3. Adopt LAFCO Resolution #3277 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

### **BACKGROUND:**

The City of Rialto (hereinafter the "City") has submitted a request for approval of an Irrevocable Agreement to Annex that outlines the terms by which it will extend sewer service. The agreement relates to a proposed development on 18 adjacent parcels, Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, comprising a total of approximately 31 acres, generally located on the west side of Agua Mansa Road (12050 Agua Mansa Road) and northerly of El Rivino Road, within the City of Rialto's southern sphere of influence. Figure 1 below outlines the location of the contract area and Attachment #1 includes the vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

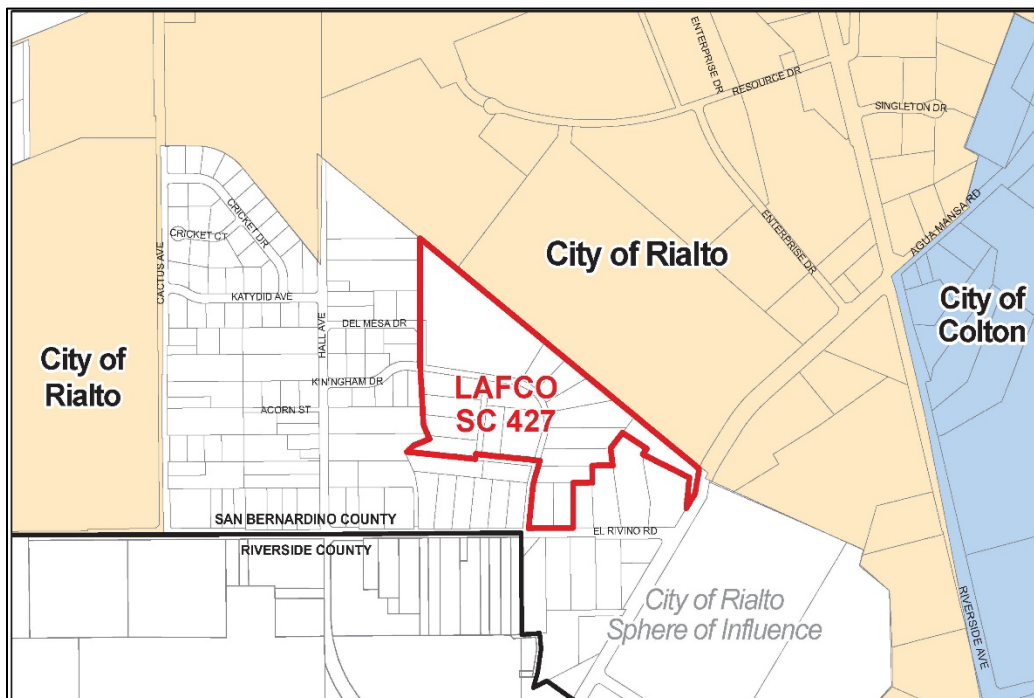


FIGURE 1 – Vicinity Map



In February 2017, the County Land Use Services Department (LUSD) processed and approved a General Plan Amendment, a Conditional Use Permit (CUP), and a Tentative Parcel Map (TPM) 19603 for the development of two warehouse facilities on the 31-acre project site. The Conditions of Approval for the project includes the requirement to connect to the City of Rialto's sewer facilities (Condition 88 of the CUP and Condition 19 of the TPM) and require LAFCO approval of the contract (Condition 20 of the TPM). A copy of the Conditions of Approval for the project are included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/develop, requests that the Commission authorize the extension of sewer service to the project site pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

#### **PLAN FOR SERVICE:**

The City's application (included as Attachment #2 to this report) indicates that sewer service will be provided by extending the 10-inch sewer main approximately 40 linear feet along Agua Mansa Road. The installation will also include a 6-inch sewer lateral extension from the sewer line extension in Agua Mansa Road that will serve the proposed development.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The City of Rialto has identified an estimated cost of \$498,968.67 in sewer fees and costs for lift station upgrade. The following table provides the breakdown of fees and upgrade costs:

<b>FEES</b>	<b>TOTAL</b>
Sewer treatment fees	\$178,161.55
Sewerage Collection fees (estimated)	\$20,807.12
Sewer lift station upgrade	\$300,000.00
(Project portion is to be determined)	
<b>Total</b>	<b>\$498,968.67</b>

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the sewer improvements to the project. All fees are calculated at 1.3 times the in-City sewer rates. The higher rates charged are intended to help offset the costs for service delivery outside the City's corporate boundaries.

#### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a

475,847 sq. ft. warehouse building and an additional 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project site. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County, as lead agency, has paid said fees for its environmental determination.

### **CONCLUSION:**

The proposed development of the warehouse facilities approved by the County of San Bernardino requires that it receive sewer service from the City of Rialto and the property owner/developer must show proof of its ability to connect to the City of Rialto's sewer infrastructure in order for the proposed development to proceed - which is the Commission's authorization for this agreement.

Staff has reviewed this request for the provision of sewer service from the City of Rialto outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned the City of Rialto and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to the proposed project since its facilities are close by the anticipated development, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The project area, which is comprised of 18 adjacent parcels identified as Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

The application requests authorization to receive City of Rialto sewer service. 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 sewer service is necessary in order to satisfy this condition of approval.

2. The Extraterritorial Wastewater Service Agreement being considered is for the provision of sewer service by the City of Rialto to the project site comprised of 18 adjacent parcels, Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, which are generally located on the west side of Agua Mansa Road (12050 Agua Mansa Road) and northerly of El Rivino Road, within the City of Rialto's southern sphere of influence. This contract will remain in force in perpetuity for the proposed development or until such time as the project area is annexed.

Approval of this application will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of this service.

3. The City of Rialto has identified a total of \$498,968.67 in sewer fees and upgrade costs (for a breakdown, see table on page 3). Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend the sewer service to the proposed development.
4. During the period from February 2016 to February 2017, acting as the CEQA lead agency, the County prepared an environmental assessment for a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 sq. ft. warehouse building and a 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres. The County's environmental 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 prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#427, the County's Initial Study and Mitigated

Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

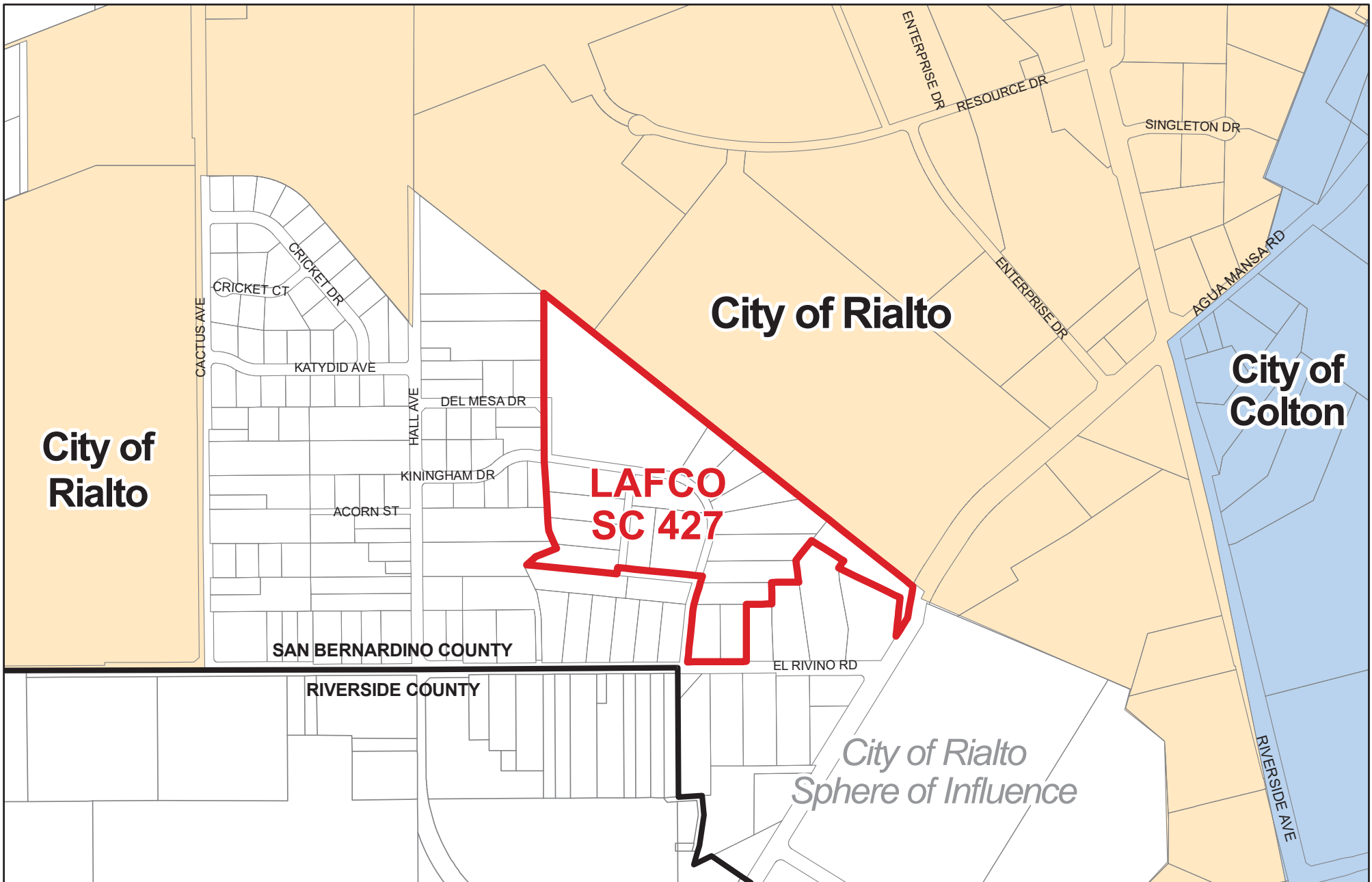
SM

Attachments:

1. [Vicinity Map](#)
2. [City of Rialto's Application and Contract](#)
3. [County Conditions of Approval for the Project](#)
4. [Tom Dodson and Associates' Response Including the County's Mitigated Negative Declaration for the Project](#)
5. [Draft Resolution #3277](#)

# **Vicinity Map**

**Attachment 1**



**SC 427 — City of Rialto Out-of-Agency Service Contract for Sewer Service  
(Bridge Point South Rialto, LLC)**

0 225 450 900 Yards



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

 SC427

 City of Rialto

 County Line

 City of Colton

# **City of Rialto's Application and Contract**

**Attachment 2**

SC# 427

(FOR LAFCO USE ONLY)

**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 Rialto  
CONTACT PERSON: Thomas Crowley, Utilities Manager  
ADDRESS: 150 S. Palm Avenue  
Rialto, CA 92376  
PHONE: (909) 820-8056  
EMAIL: tjcrowley@rialto.ca.gov

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: Bridge Point South Rialto LLC,  
a California limited liability company  
CONTACT PERSON: Gregory Woolway, Bridge Development Partners  
MAILING ADDRESS: 1334 Park View Avenue, Suite 310  
Manhattan Beach, CA 90266  
PHONE: (213) 267-0668  
EMAIL: gwoolway@bridgedev.com  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 12050 Agua Mansa Road  
Bloomington, CA 92316  
CONTRACT NUMBER/IDENTIFICATION: \_\_\_\_\_  
PARCEL NUMBER(S): 0260-032-11, 12, 13, 14 and 0260-033-01, 02 & 03 and  
0260-041-01 & 17 and 0260-051-06, 07, 08, 09, 10, 11, 12, 13 & 15  
ACREAGE: 30.55 net acres



*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.

Sanitary sewer connection and wastewater treatment 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.

Extraterritorial wastewater service agreement.

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.

A projected timeframe has not been determined at this time.

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

- (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.

An annexation of the territory is not being requested.

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?

The property is currently 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.

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.

This development consists of one industrial concrete tilt-up dock high warehouse building totaling 501,900 square feet. The project received all necessary Planning entitlement approvals from the County on 2-14-17.

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

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

County entitlement reference no's. P201400543 & TPM 19603

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 proposed building will be served by a new 6" lateral and an extension of an existing City 10" sewer main in Agua Mansa Road for approximately 40 lf. The City has treatment plant capacity for this project. However, this project will participate in upgrades to an existing sewer lift station.

---

---

---

---

---

---

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

---

---

---

---

---

- (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>
Sewage treatment fees	\$178,161.55	\$178,161.55
Sewerage Collection fees (estimated)	\$20,807.12	\$20,807.12
Sewer lift station upgrade - proj. por is T.B.D.	\$300,000.00	\$300,000.00
<b>Total Costs</b>	<b>\$498,968.66 +/-</b>	<b>\$498,968.66+/-</b>

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

Service rates will be calculated at 1.3 times the regular rate.

---

---

---

Extension of Service by Contract  
Application Form

(FOR LAFCO USE ONLY)

- (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).

See Extraterritorial wastewater service agreement (attached).

- 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.

### CERTIFICATION

As a part of this application, the City/Town of Rialto, or the \_\_\_\_\_ District/Agency 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.

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.

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

NAME:

POSITION TITLE:

DATE:

Thomas J. Crowley  
Thomas J. Crowley  
Utilities Manager  
7-12-2018

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  
1170 W. Third Street, Unit 150,  
San Bernardino, CA 92415-0490  
PHONE: (909) 388-0480 • FAX: (909) 388-0481

**EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT  
BRIDGE POINT SOUTH WAREHOUSE  
AT KININGHAM DRIVE, EL RIVINO ROAD AND AGUA MANSA ROAD  
APN NUMBERS 0260-033-01, 0260-033-02, 0260-033-03, 0260-032-11, 0260-032-12, 0260-032-13, 0260-032-14, 0260-041-01, 0260-041-17, 0260-051-06, 0260-051-07, 0260-051-08, 0260-051-09, 0260-051-10, 0260-051-11, 0260-051-12, 0260-051-13 and 0260-051-15**

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** ("Agreement") is made and entered into this 14th day of August, 2018 (the "Commencement Date"), between Bridge Point Rialto South, LLC, a California limited liability company ("Owner") and the City of Rialto, a California municipal corporation ("Rialto") with reference to the following facts:

**WHEREAS**, Owner represents they hold lawful title of a commercial parcel identified by Assessor's Parcel Numbers 0260-033-01, 0260-033-02, 0260-033-03, 0260-032-11, 0260-032-12, 0260-032-13, 0260-032-14, 0260-041-01, 0260-041-17, 0260-051-06, 0260-051-07, 0260-051-08, 0260-051-09, 0260-051-10, 0260-051-11, 0260-051-12, 0260-051-13 and 0260-051-15 located at Kiningham Drive, El Rivino Road and Agua Mansa Road, as identified on **Exhibit "A"** and shown on **Exhibit "B"**, attached hereto and made a part hereof (the "Property"); said Property is located outside the incorporated boundaries of Rialto and within in the unincorporated area of Bloomington within San Bernardino County; and

**WHEREAS**, Owner has received project approvals from the County of San Bernardino and intends to develop the Property with an industrial project consisting of approximately 505,906 square feet; and

**WHEREAS**, other wastewater collection systems are unavailable; and Owner desires to connect the Property to Rialto's wastewater collection system for the general health safety and welfare; and

**WHEREAS**, Rialto and the Owner acknowledge the need to retrofit the wastewater lift station that will serve the property identified above and referred to as the Agua Mansa Lift Station for the general health safety and welfare; and

**WHEREAS**, Owner desires to and in accordance with the terms of this Agreement has committed to or will commit to provide, at Owner's cost, a wastewater lateral with connections from the Owner's private building drain to Rialto's wastewater main, including all road cuts, patching, permits and inspections; and

**WHEREAS**, Rialto owns and operates the wastewater collection main running along and within Agua Mansa Road which is part of Rialto's wastewater collection system; and any other related and/or additional facilities used for the conveyance, treatment or disposal of wastewater originating in Rialto and areas located outside the incorporated boundaries of Rialto approved by Rialto for extraterritorial wastewater service (the "Service Area"), and any extensions, expansions or replacements of any of the above being hereinafter referred to as the "Rialto Disposal System"; and

**WHEREAS**, Rialto has defined and established by Council Resolution a policy and administrative guidelines to provide for wastewater service outside Rialto's corporate



boundaries; and has agreed to provide wastewater conveyance, treatment and disposal services for wastewater originating in the Service Area through the Rialto Disposal System on the terms and conditions contained herein; and

**WHEREAS**, in order to accommodate the conveyance, treatment and disposal of wastewater originating in the Service Area, Rialto has agreed to maintain and/or construct the Rialto Disposal System and such related and/or additional facilities as may be necessary to adequately provide such service for the Service Area in perpetuity; and

**WHEREAS**, in consideration of Rialto's agreement to provide adequate conveyance, treatment and disposal services to the Service Area, Owner has agreed to make payments described herein with respect to wastewater from the Service Area discharged into the Rialto Disposal System (such wastewater being "Service Area Wastewater") calculated at one point three (1.3) times the monthly rates charged by Rialto to customers within Rialto, all on terms and conditions more fully set forth herein.

Now, therefore, in consideration of the foregoing and subject to the terms and conditions contained herein, the parties hereto hereby agree as follows:

## **ARTICLE I. RIGHTS AND OBLIGATIONS**

**Section 1.01 Recitals Incorporated.** The recitals set forth above are true and correct and are hereby incorporated into and made a part of this agreement.

**Section 1.02 Delivery and Receipt of Wastewater.** At all times, except as may be restricted by unforeseen emergencies, Owner shall have the right to deliver to the Rialto Disposal System normal strength domestic wastewater, and Rialto shall have the obligation to receive all such wastewater into the Rialto Disposal System and to convey, treat and dispose of such wastewater.

**Section 1.03 Disposal of Service Area Wastewater; Ownership and Reclamation of Effluent.** The cost of constructing, expanding, extending, maintaining and operating the Rialto Disposal System and of conveying, treating and disposing of the Service Area Wastewater (including without limitation and effluent of by-product thereof) after delivery of such Service Area Wastewater to the Rialto Disposal System shall be the responsibility solely of Rialto, and Owner shall have no responsibility for, and shall not be liable to Rialto or any third party for, any costs or other expenses incurred by Rialto in connection with or related thereto, other than payment of the Wastewater User Fees set forth in Section 3.01, provided Owner complies with all aspects of Rialto's Municipal Code, ordinances and policies, incorporated herein by reference, as they relate to wastewater discharge for a Group II Commercial customer.

**Section 1.04 Ownership of Service Area Wastewater.** It is the intention and agreement of the parties that Rialto shall have total ownership and control of all Service Area Wastewater delivered to the Rialto Disposal System. Owner warrants that Owner shall comply with all aspects of the Rialto Municipal Code, Title 12 – Public Utilities, and Administrative Policies.

**Section 1.05 Connection Points.** Owner is authorized one (1) connection point to the Rialto Disposal System. Such connection point shall be located at a point mutually acceptable



to the Owner, City Engineer and the Building Official. Construction of laterals and connection points shall be in conformance with the specifications and details set forth in Rialto's Utility Design Standards, Building Safety Codes and other applicable laws and regulations as may apply. Maintenance of the lateral including the connection point within the right-of-way shall be the responsibility solely of the Owner. All construction work and maintenance shall be performed under permit from, inspected, and approved by Rialto.

## **ARTICLE II. PAYMENTS FOR CONSTRUCTION AND EXPANSION OF RIALTO DISPOSAL SYSTEM**

**Section 2.01 Initial Special Service Availability Payment.** In consideration of Rialto's agreements contained herein, Owner shall, promptly upon the effective date of this agreement, pay to Rialto a service connection fee for treatment, collections and related fees in the amount of **\$198,968.66** (the "Development Impact Fees") in accordance with the adopted fee schedule, Resolution 6069, approved by the Rialto City Council/Rialto Utility Authority on December 27, 2011. Any additional fees related to plan check(s), inspection or not named in this agreement shall be the responsibility of the Owner.

**Section 2.02 Retrofit of Existing Lift Station.** Owner agrees to retrofit, the existing Agua Mansa Lift Station to handle the initial requirement peak design flow of 400 GPM. Rialto and the Owner agree the cost for the retrofit is estimated not to exceed Three Hundred Thousand Dollars and Zero Cents (\$300,000). Rialto and the Owner also agree that Development Impact Fees owed by the Owner for the development of the Bridge Point South warehouse shall be utilized towards the actual costs to retrofit the Agua Mansa Lift Station and that any additional costs shall be paid by the Owner with reimbursement to the Owner for Rialto's share of costs. Finally, Rialto and the Owner agree the design and construction to upgrade the Lift Station is subject to the appropriate Rialto approvals, including but not limited to plan check(s) and inspections.

## **ARTICLE III. WASTEWATER USER CHARGES**

**Section 3.01 Monthly Wastewater User Fees.** After the Commencement Date, Owner shall pay to Rialto for the provision of wastewater conveyance, treatment and disposal services a wastewater fee calculated at a rate equal to one point three (1.3) times the rate then charged by Rialto to properties located within the incorporated boundaries of Rialto, in accordance with Chapter 12.08.200 of the Rialto Municipal Code, or as may be amended from time to time.

## **ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER**

**Section 4.01 Pre-Treatment Program; Quality Specifications and Standards.** Pretreatment of wastewater from the Service Area may not be required under this Agreement, provided the Owner complies with all aspects of the Rialto Municipal Code, Title 12 – Public Utilities, and Administrative Policies. Rialto shall have the right to monitor or restrict the discharge of wastewater to the Rialto Disposal System if Rialto suspects or discovers the Owner has discharged prohibited substances, as described in the Rialto Municipal Code, into the Collection System, or violated other provisions of said Municipal Code. Rialto may, at its option, allow discharge to resume with the Owner's installation, and proper maintenance of, an approved pretreatment device or system.

## **ARTICLE V. MISCELLANEOUS**

**Section 5.01 Effective Date; Term.** This Agreement shall become effective when the Agreement has been duly executed by both parties hereto, and shall be binding upon the heirs, assigns and successors of the parties. The Agreement shall continue in perpetuity, or until such time as the Property is annexed into the corporate boundaries of Rialto. At such time, the Owner shall have such rights, privileges and duties, including fees and rates, as all other Rialto citizens for the then current wastewater disposal classification.

**Section 5.02 Amendment, Etc.** No amendment or waiver of any provisions of this Agreement or consent to any departure from its terms shall be effective unless the same shall be in writing and signed by the parties hereto.

**Section 5.03 Notices.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by pre-paid First Class U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, or delivered or sent by facsimile with attached evidence of completed transmission, and shall be deemed received upon the earlier of (i) the date of delivery to the address of the person to receive such notice if delivered personally or by messenger or overnight courier; (ii) three (3) business days after the date of posting by the United States Post Office if by mail; or (iii) when sent if given by facsimile. Any notice, request, demand, direction, or other communication sent by facsimile must be confirmed within forty-eight (48) hours by letter mailed or delivered. Other forms of electronic transmission such as e-mails, text messages, instant messages are not acceptable manners of notice required hereunder. Notices or other communications shall be addressed as follows:

If to City:                   City of Rialto  
                                  150 S. Palm Ave.  
                                  Rialto, CA 92376  
                                  Attn: City Administrator  
                                  Tel: (909) 820-2525  
                                  Fax: (909) 820-2527

With copy to:               Aleshire & Wynder, LLP  
                                  18881 Von Karman Ave., Suite 1700  
                                  Irvine, CA 92612  
                                  Attn: Fred Galante, City Attorney  
                                  Tel: (949) 223-1170  
                                  Fax: (949) 223-1180

If to Owner:                Bridge Point South Rialto, LLC  
                                  1600 E. Franklin Ave., Suite D,  
                                  El Segundo, CA 90245  
                                  Tel: (213) 805-6350  
                                  Fax: (213) 418-0185

With copy to:               Bridge Development Partners, LLC  
                                  1000 W. Irving Park Road, Suite 150,  
                                  Itasca, IL, 60143

Tel: (312) 683-7230  
Fax: Not Available

Either Party may change its address by notifying the other Party of the change of address in writing.

**Section 5.04 Costs and Expense of Enforcement.** Should litigation be necessary to enforce any term or provision of this Agreement, the prevailing party shall be entitled to collect all litigation costs and attorney's fees incurred by the prevailing party.

**Section 5.05 Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

**Section 5.06 Indemnification.** Owner hereto agrees to indemnify, defend, save and hold harmless Rialto and its officers, agents and employees from and against all liability, claims, damages, losses and expense of any nature whatsoever, including but not limited to bodily injury, death, personal injury, property damages and attorney's fees, arising directly or indirectly from any acts or omissions of such indemnified party or its officers, agents or employees in connection with this Agreement.

**Section 5.07 Partial Invalidity.** The invalidity of any provision of this Agreement will not affect the validity of the remainder hereof.

**Section 5.08 Execution In Counterparts.** This Agreement may be executed in counterparts, all of which taken together shall constitute an original hereof.

**Section 5.09 Time of Essence.** Time is of the essence in the fulfillment by the parties hereto of their obligations under this Agreement.

**Section 5.11 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

\* \* \* \* SIGNATURES ON NEXT PAGE \* \* \* \*

IN WITNESS WHEREOF, Rialto and Owner have caused this Agreement to be executed the day and year first above written.

CITY:

CITY OF RIALTO, a municipal corporation

By: \_\_\_\_\_  
Deborah Robertson, Mayor

ATTEST:

By: \_\_\_\_\_  
Barbara A. McGee, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
Fred Galante, City Attorney

OWNER:

BRIDGE POINT SOUTH RIALTO, LLC

By: \_\_\_\_\_  
Name: Bever Wilson  
Title: MANAGER

By: \_\_\_\_\_  
Name: John Maduros  
Title: Manager  
Two signatures are required if a corporation.

## **EXHIBIT "A"**

That certain real property located in the unincorporated area of San Bernardino County identified as Bridge Point South Warehouse, located at Kiningham Drive, EL Rivino Road and Agua Mansa Road with and address of 12050 Agua Mansa Road, Bloomington, and the following APN Numbers: 0260-033-01, 0260-033-02, 0260-033-03, 0260-032-11, 0260-032-12, 0260-032-13, 0260-032-14, 0260-041-01, 0260-041-17, 0260-051-06, 0260-051-07, 0260-051-08, 0260-051-09, 0260-051-10, 0260-051-11, 0260-051-12, 0260-051-13 and 0260-051-15.

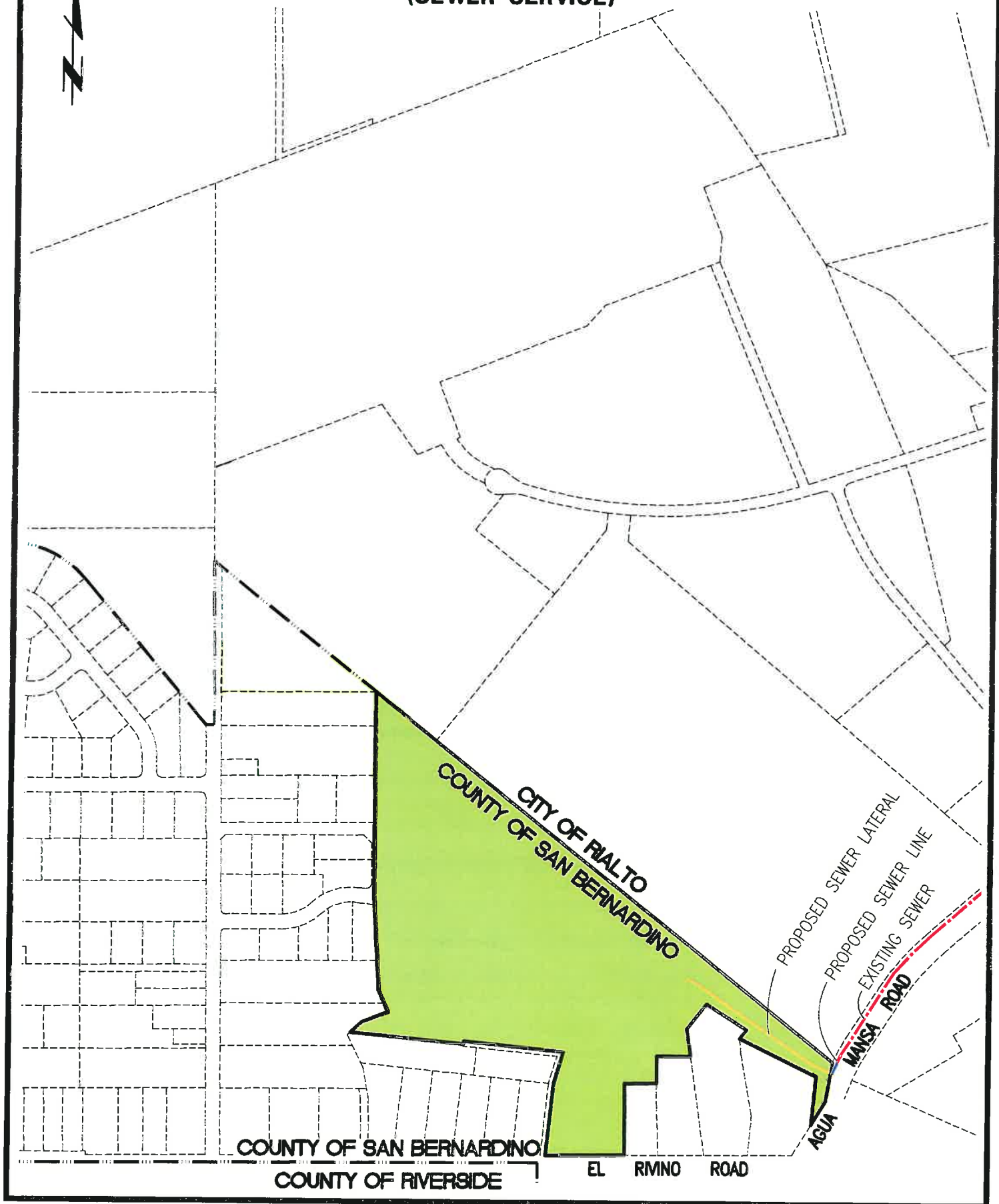
**EXHIBIT "B"**

SCALE: 1" = 500'

IRREVOCABLE AGREEMENT NO. \_\_\_\_\_

SHEET 1 OF 1

Agua Mansa Rd., El Rivino Rd., Kiningham Dr., Halbrook Ln.  
(SEWER SERVICE)



# **County Conditions of Approval for the Project**

**Attachment 3**



---

## CONDITIONS OF APPROVAL

### GENERAL REQUIREMENTS

#### Conditions of Operation and Procedure

*[Not subject to Condition Compliance Release Form (CCRF) signatures]*

#### LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

1. **Project Description.** The County conditionally approves the proposed Conditional Use Permit to establish a 475,847 square foot warehouse building and a 30,059 square foot warehouse building on 31 acres. In accordance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). APN: 0260-032-11\*, Project Number P201400543.
2. **Project Location.** The Project site is located at the northeast corner of the intersection of El Rivino Road and Kiningham Drive; east of Halbrook lane in the Agua Mansa Specific Plan area.
3. **Development Standards.** The Project site is located in the Valley Region within the Agua Mansa Specific Plan – Medium Industrial zoning district. The Agua Mansa Specific Plan lists the required Development Standards.
4. **Revisions.** Any proposed change to the approved use/activity on the site; 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 (clients and/or employees); or a proposed change in the Conditions of Approval, including operational restrictions from those shown either on the approved site plan and/or in the Conditions of Approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
5. **Continuous Effect/Revocation.** All Conditions of Approval applied to this Project shall be effective continuously throughout the operative life of the Project for the approved use. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
6. **Indemnification.** In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other

action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

7. **Expiration.** This Project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either:
- The permittee has commenced actual construction or alteration under a validly issued Building Permit, or 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:
      - Building and Safety does not issue construction permits for all or part of the Project or the construction permits expire before the completion of the structure and the final inspection approval.
      - The County determines the land use to be abandoned or non-conforming.
      - The County determines that the land use is not operating in compliance with these Conditions of Approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

**PLEASE NOTE:** This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

8. **Extension of Time.** County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff

may grant extensions of time based on a review of the Extension application, which must include a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised Conditions of Approval or site plan modifications. (SBCC §86.06.060)

9. **Development Impact Fees.** Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
10. **Project Account.** The Job Costing System (JCS) account number is P201400543. This is an actual cost project with a deposit account to which hourly charges is assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 must be in the Project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund closure and any other required post-occupancy review and inspection (e.g. landscape performance).
11. **Condition Compliance.** In order to obtain construction permits for grading, building, final inspection and/or 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 the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
  - **Grading Permits:** a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - **Building Permits:** a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
  - **Final Occupancy:** a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
12. **Additional Permits.** The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and Project site. These may include:
  - a) **FEDERAL:** Fish & Wildlife Service.
  - b) **STATE:** Fish & Wildlife, Santa Ana RWQCB, South Coast AQMD
  - c) **COUNTY:** Public Health - Environmental Health Services; Public Works; County Fire; and Hazardous Materials, Building and Safety; Land Development; Planning; Code Enforcement.
13. **Performance Standards.** The approved land uses shall operate in compliance with the general performance standards listed in SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the Project boundaries at adjoining property lines:
  - **Odors:** No offensive or objectionable odor.

- **Emissions:** No emission of dirt, dust, fly ash and other forms of particulate matter.
  - **Smoke:** No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any Project source.
  - **Radiation:** No dangerous amount of radioactive emissions.
  - **Toxic Gases:** No emission of toxic, noxious or corrosive fumes of gases.
  - **Glare:** No intense glare that is not effectively screened from view at any point outside the Project boundary.
14. **Continuous Maintenance.** The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- **Annual maintenance and repair:** The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - **Graffiti and debris:** The developer shall remove graffiti and debris immediately through weekly maintenance.
  - **Landscaping:** The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - **Dust control:** The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - **Erosion control:** The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - **External Storage:** The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - **Metal Storage Containers:** The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - **Screening:** The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - **Signage:** The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - **Lighting:** The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - **Parking and on-site circulation:** The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly

defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.

- **Fire Lanes:** The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

15. **Construction Hours.** Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
16. **Underground Utilities.** All new on-site utility lines (66KV or less) located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities.
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. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
18. **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.

#### **LAND USE SERVICES DEPARTMENT – Code Enforcement Division (909) 387-8311**

19. **Enforcement.** If any County enforcement activities are required to enforce compliance with the Conditions of Approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
20. **Weed Abatement.** The applicant shall comply with San Bernardino County weed abatement regulations [SBCC §23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

#### **LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage (909) 387-8311**

21. **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.
22. **Natural Drainage.** The natural drainage courses traversing the site shall not be occupied or obstructed.
23. **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.
24. **Continuous BMP Maintenance.** The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
25. **BMP Enforcement.** In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads (909) 387-8311**

26. **Access for APN 0260-032-15.** A physical access shall be provided and preserved at all times for APN 0260-032-15.

**PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283**

27. **Noise Standards.** Noise level shall be maintained at or below County Development Code Standards, §83.01.080. For information, contact DEHS at (800) 442-2283.
28. **Refuse Maintenance.** All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse containing garbage produced or accumulated in or about a residence shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage produced or accumulated in or about hotels, food establishments, or other businesses shall be removed from the premises at least 2 times per week or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved

solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

29. **Septic System Maintenance.** The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.

**PUBLIC WORKS – Solid Waste Management (909) 386-8701**

30. **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.
31. **Mandatory Organics Recycling.** As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.**
32. **Mandatory Commercial Recycling.** Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. Requirement is to assist the County in compliance with the recycling requirements of AB 341.
33. **Mandatory Trash Service** – This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners or 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.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

- 
34. Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
35. Fire Jurisdiction. The above referenced Project is under the jurisdiction of the San Bernardino County Fire Department, herein "Fire Department". Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
36. 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.
37. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.

**PUBLIC WORKS-Traffic Division (909) 387-8186**

38. Roadway. The project vehicles shall not back out into the public roadway.



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

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage (909) 387-8311**

39. **Drainage Improvements.** A Registered Civil Engineer shall investigate and design adequate drainage improvements 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. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
40. **Drainage Easements.** Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
41. **FEMA Flood Zone.** The easterly half of the project is located within Flood Zone D according to FEMA Panel Number 8686H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
42. **Topo Map.** A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
43. **On-site Flows.** On-site flows need to be directed to the drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
44. **Grading Plans.** Grading plans shall be submitted for review and approval. All drainage and WQMP improvements shall be shown on the grading plans according to the approved drainage study and WQMP reports. An \$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
45. **WQMP.** A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
46. **WQMP Inspection Fee.** The developer shall provide \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

---

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

47. **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.
  - e) Site preparation and grading contractors limit the daily disturbed area to 5 acres or less.
48. **Streambed Alteration.** Prior to development of the project, the applicant will process a Section 1602 Streambed Alteration Agreement thru CDFW that will mitigate impacts for the loss of CDFW jurisdictional streambed at a minimum of 1:1 or at a mitigation ratio negotiated with CDFW during the application process. To mitigate for project impacts to CDFW jurisdictional streambed and reduce impacts to less than significant levels, the applicant will be required to create and/or enhance riparian habitats and jurisdictional waters within a designated conservation site, purchase of off-site mitigation in an in-lieu-fee program or mitigation bank, or a combination of both.
49. **Assessment Concurrence.** Prior to development of the proposed project, the applicant will discuss the results of the DSF Habitat Suitability Assessment with USFWS to get their concurrence with the findings.
50. **Pre-Construction Clearance Surveys.** Burrowing owl and nesting bird pre-construction clearance surveys shall be conducted prior to project implementation. The first survey shall be conducted 14-30 days prior to the commencement of ground disturbing activities and the second survey shall be conducted 24-hours prior to ground disturbing activities. If no active avian nests and no burrowing owls are found during the clearance surveys, no additional mitigation will be required. All suitable habitat within 500 feet of the project site shall be thoroughly surveyed for the presence of nesting avian species. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to burrowing owl or active avian nests will occur from project implementation.

If an active avian nest is discovered during the pre-construction clearance survey, construction activities might have to be rerouted, a no-work buffer<sup>1</sup> might have to be established around the nest, or construction may be delayed until the nest is inactive. It is recommended that a biological monitor

be present to delineate the boundaries of the buffer area if an active nest is observed and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the qualified biologist has determined that young birds have successfully fledged or the nest has otherwise become inactive, a monitoring report shall be prepared and submitted to the County for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until authorization is received from CDFW.

If burrowing owl are found occupying the project site at the time of the pre-construction survey, a burrowing owl relocation plan will need to be prepared, approved by CDFW, and implemented prior to ground disturbing activities.

51. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce impacts to GHG and submitting documentation of compliance. The developer/construction contractors shall do the following:

- d) Implement the approved Coating Restriction Plans.
- e) Select construction equipment 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.
- f) Grading plans shall include the following statements:
  - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
  - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
- d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- f) 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.

52. AQ-Dust Control Plan. The "developer" shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed 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 requirements:

- a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day or as otherwise necessary.
- b) 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.
- c) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
- d) Storm water control systems shall be installed to prevent off-site mud deposition.
- e) All trucks hauling dirt away to the site shall be covered.
- f) Construction vehicle tires shall be washed, prior to leaving the project site.
- g) Rumble plates shall be installed at construction exits from dirt driveways.
- h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
- i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. 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 and after street sweeping.

**LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8311**

- 53. Retaining Wall Plans. Submit plans and obtain separate building permits for any required walls or retaining walls.
- 54. Geotechnical (Soil) Report. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
- 55. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
- 56. Demolition Permit. Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
- 57. Erosion & Sediment Control Plan. An erosion and sediment control plan shall be submitted to and approved by the Building Official.
- 58. Erosion Control Installation. An erosion control permit shall be obtained and devices installed prior to any land disturbance. No sediment is to leave the job site.
- 59. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)

- 
60. Regional Board Permit Letter. CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

61. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the California Fire Code. [F05]

**PUBLIC WORKS – Surveyor (909) 387-8149**

62. Monumentation. If any activity on this Project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (§8771(b) Business and Professions Code).

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

**LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8311**

63. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

**PUBLIC WORKS – Solid Waste Management (909) 386-8701**

64. Construction and Demolition Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at [www.sbcounty.gov/dpw/solidwaste](http://www.sbcounty.gov/dpw/solidwaste). An approved CDWMP Part 1 is required before a demolition permit can be issued.

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

65. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning, which include the following:
- Full landscaping of the building setback area along all street frontages.
  - A decorative pedestrian entrance from the side walk, through the landscape setback area
  - Decorative Wall. A minimum 8 foot high decorative concrete wall is required along the west, south, and southeastern property lines.
66. Signs. The developer shall submit all signs for review and approval. Each tenant shall submit for approval any additions or modifications to the approved signs. The signs shall adhere to the following:
- a) All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
  - b) All sign lighting shall not exceed one-half (0.5) foot-candle.
  - c) No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
  - d) There shall be no more than one freestanding sign per frontage. No freestanding sign shall be more than 25 feet above the road to which it is oriented.
  - e) Monument signs shall not exceed six feet above ground elevation and shall be limited to one per frontage.
  - f) Directional signs shall be allowed as shown on the sign plan submitted with landscape plans.
67. Recordation. TPM 19063 shall be recorded prior to the issuance of building permits.

- 
68. Irrigation and Landscaping (GHG Reduction Measure). The project shall include the following irrigation and landscaping water reduction measures:
- The project shall include drip irrigation and the installation of a water efficient landscaping system that utilizes a smart irrigation control system, with a demonstrated 20 percent reduced water use (5 points).
  - Water efficient landscaping shall be installed that includes only California Native Landscape plants (8 points).
69. Energy Efficiency for Commercial Development (GHG Reduction Measure R2E7). The project shall incorporate GHG reduction measures which include the specific features listed below, or equivalent measures that may be achieved through building code compliance. A certified statement from a qualified energy consultant is required to verify compliance as follows:
- a) Insulation – Modestly Enhanced Insulation – (Rigid Wall Insulation R-13, roof/attic R-38) (15 points)
  - b) Windows – Enhanced Window Insulation (.032 U-factor, .25 SHGC) (8points)
  - c) Air Infiltration (HERS Verified Quality Insulation QII or equivalent) (12 points)
  - d) Heating and Cooling Distribution System – Modest Duct Insulation (8 points)
  - e) Space Heating/cooling Equipment –High Efficiency HVAC (8 points)
  - f) Water Heaters – High Efficiency Water Heaters -.72 Energy Factor (16 points)
  - g) Daylighting – All rooms within the building have at least one window or skylight (1 Point)
  - h) Artificial Lighting –High Efficiency Lights (50 % of in-unit fixtures are high efficiency) (12 points)
70. Potable Water - Per Capita Water Use Reduction Goal (GHG Reduction Measure R2WC-1). The project shall include the following potable water reduction measures indicated below:
- The project shall include Water Efficiency toilets/urinals (3 points).
  - The project shall include Water Efficiency faucets (3 points).
71. Lighting. The "developer" shall submit for review and obtain approval from County Planning of a lighting (photometric) plan. Exterior lighting shall be kept to the minimum required for safety and shall support the preservation of night sky views. This lighting plan shall do the following:
- a) Show the type, height, and location of all outdoor lights.
  - b) Lighting shall be hooded, shielded, or directional in nature so that it does not extend beyond the property boundary and is directed downward.
  - c) All lighting shall not exceed one-half (0.5) foot-candle at the property line.
  - d) Utilize dimmers, photocells and motion detectors to reduce interior and exterior lighting, save energy and reduce night sky- light pollution
  - e) On-site lighting shall be designed in a manner to confine the area illumination to the site boundaries and in a manner to avoid glare to adjacent properties or motorists on adjacent roadways
  - f) No onsite lighting or glare from such lighting shall create any safety hazards for traffic on roadways.
-

**PUBLIC WORKS-Traffic Division (909) 387-8186**

72. Street Improvements- Agua Mansa Road at El Rivino Road. The applicant shall design as part of the street improvement plans a northbound through lane on Agua Mansa Road at El Rivino Road.
73. Street Improvements Agua Mansa/Project Access. The applicant shall design as part of the street improvement plans to add a northbound left-turn lane, southbound right-turn lane, and a traffic signal at the intersection of Agua Mansa Road and Project Access.
74. Fair share A fair share contribution for this project is required and will be based on the fair share percentages calculated in the traffic impact study (revised) from RK Engineering Group dated May 15, 2015. The study concluded that the additional traffic generated by this project will have a cumulative impact at the following intersections for the Opening Year (2017) and the Buildout Year (2035) traffic conditions:

The total fair share contribution shall be paid to the Department of Public Works - Traffic Division. At the present time, the total estimated fair share contribution is \$43,574 for impacts as detailed in the table below. When an application for a building permit is filed, this amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION	JURISDICTION
1. Hall Avenue at El Rivino Road  • Install one northbound left-turn lane.	• \$50,000	• 6.02%	• \$3,012	County/City of Jurupa Valley
2. Agua Mansa Road at El Rivino Road  • Install a traffic signal.	• \$598,400	• 3.07%	• \$18,381	County
3. Cedar Ave at El Rivino Road  • Install one westbound left-turn lane.	• \$50,000	• 1.21%	• \$607	City of Jurupa Valley



<p><b>4. Riverside Avenue at Agua Mansa Road</b></p> <ul style="list-style-type: none"> <li>• Install one northbound thru lane.</li> <li>• Reconfigure southbound right lane to be shared thru/right lane.</li> <li>• Install eastbound left-turn lane.</li> <li>• Install eastbound thru lane.</li> <li>• Install westbound thru lane.</li> </ul>	<ul style="list-style-type: none"> <li>• \$250,000</li> <li>• \$227,273</li> <li>• \$50,000</li> <li>• \$227,273</li> <li>• \$227,273</li> </ul>	<ul style="list-style-type: none"> <li>• 2.20%</li> <li>• 2.20%</li> <li>• 2.20%</li> <li>• 2.20%</li> <li>• 2.20%</li> </ul>	<ul style="list-style-type: none"> <li>• \$5,493</li> <li>• \$4,994</li> <li>• \$1,099</li> <li>• \$4,994</li> <li>• \$4,994</li> </ul>	<p>City of        Rialto/City of        Colton</p>
--	--	---	---	--

75. **Mitigation Fee Plan.** This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. Currently, the Plan Fee for High Cube use is \$1.82 per square foot and \$6.01 per square foot for Industrial use. There is one 475,847 sq. ft. high-cube warehouse building and one 30,059 sq. ft. industrial building per the revised traffic impact study dated May 15, 2015 prepared by RK Engineering Group, Inc. The Plan Fee for the high-cube warehouse building is \$866,041.54 (\$1.82 per sq. ft. x 475,847 sq. ft.). The Plan Fee for the industrial building is \$180,654.59 (\$6.01 per sq. ft. x 30,059 sq. ft.). Therefore, the total estimated Plan Fee is \$1,046,696.13 (\$866,041.54 + \$180,654.59). The Plan Fee is subject to change periodically. The current Regional Transportation Development Mitigation Plan and Fee Schedule can be found at the following website:

[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)

---

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads (909) 387-8311**

76. **Road Dedication/Improvements.** The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Agua Mansa Rd (Major Highway – 104')**

- **Road Dedication.** A 22 foot grant of easement is required to provide a half-width right-of-way of 52.
- **Street Improvements.** Design curb and gutter with match up paving 40 feet from centerline.
- **Sidewalks.** Design sidewalks per County Standard 109 Type "C".
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- **Curb Returns.** Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

**El Rivino Rd (Secondary Hwy – 88')**

- **Road Dedication.** A 14 foot grant of easement is required to provide a half-width right-of-way of 44'.
- **Curb Return Dedication.** A 50 foot radius return grant of easement is required at the intersection of El Rivino Rd and Kinningham Dr.
- **Street Improvements.** Design curb and gutter with match up paving 32 feet from centerline.
- **Sidewalks.** Design sidewalks per County Standard 109 Type "C".
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- **Curb Returns.** Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

**Kinningham Drive (Private-50')**

- **Road Dedication.** A 5 foot grant of easement is required to provide a half-width right-of-way of 25'.

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline with a minimum pavement section of 26 feet.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- Curb Returns. Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Cul-de-sac Design. The proposed cul-de-sac shall be designed and constructed to full width according to County Standard. The Tentative Parcel Map shall reflect the limits of the cul-de-sac design and all parcels encumbered.
- Street Vacation. Vacation of Kiningham Drive and Canfield Way shall be approved by Highway Planning Technical Committee (HPTC), Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7951 to obtain additional information.
- CMRS Exclusion. Kiningham Drive shall not be entered into the County Maintained Road System (CMRS).

**Halbrook Ln (Local Street – 60')**

- Road Dedication. A 10 foot grant of easement is required to provide a half-width right-of-way 30'.
  - Street Improvements. Design curb and gutter with match up paving 18 feet from centerline with a minimum pavement section of 26 feet.
  - Sidewalks. Design sidewalks per County Standard 109 Type "C".
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
  - Curb Returns. Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
77. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed 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 General Plan, Circulation Element.

78. **Street Improvement Plans.** The developer shall submit for review and obtain approval of street improvement plans prior to construction. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
79. **Encroachment Permits.** Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
80. **Construction Permits.** Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
81. **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.
82. **Turnarounds.** Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
83. **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.
84. **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.

**DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149**

85. **Monumentation.** If any activity on this Project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (§8771(b) Business and Professions Code).

---

**PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283**

86. **Acoustical Checklist.** Preliminary acoustical information must be submitted demonstrating that the proposed project maintains noise levels at/or below County Noise Standard(s), San Bernardino Development Code (§ 83.01.080, 87.0905). 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 DEHS for review and approval. For more information and to request an acoustical checklist contact DEHS.
87. **Water Purveyor.** Water purveyor shall be West Valley Water District or EHS approved. 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 project number P201400543 and the Assessor's Parcel Number: 0260-032-11+. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
88. **Sewer Purveyor.** Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS). 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. This letter shall reference the project number P201400543 and the Assessor's Parcel Number: 0260-032-11+.
89. **Water Quality Control Board.** Written clearance shall be obtained from the designated California Regional Water Quality control Board (listed below) and a copy forwarded to the Division of Environmental health Services.
- A. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

90. **Fire Flow Test.** Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.
91. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1
- Single Story Road Access Width:

All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

---

---

• **Multi-Story Road Access Width:**

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F41]

92. **Combustible Protection.** Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]
93. **Secondary Access Paved.** Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed.
94. **Water System Commercial.** A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
95. **Building Plans.** No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.

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

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311**

96. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
97. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

**PUBLIC WORKS – Solid Waste Management (909) 386-8701**

98. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 50% of total weight or volume of all construction waste.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

99. Condition Compliance Release Sign-off. Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

**PUBLIC WORKS-Traffic Division (909) 387-8186**

100. Road Improvements Installed. The applicant shall construct, at 100% cost to the applicant the following:
- A northbound through lane on Agua Mansa Road at El Rivino Road as shown on the approved street improvement plans.
  - A northbound left-turn lane, southbound right-turn lane, and a traffic signal at the intersection of Agua Mansa Road and the Project Access as shown on the approved street improvement plans.

---

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

101. **Commercial Addressing.** Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4
  102. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
  103. **Street Sign.** This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4
  104. **Key Box.** An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4
  105. **Override Switch.** Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required. Standard 902.4
  106. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. Standard 901.4.3.
  107. **Fire Alarm.** A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA.
  108. **Fire Sprinkler-NFPA #13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1.
-



---

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

109. **CCRF/Occupancy.** Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each affected agency.
  110. **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.
  111. **Parking Lot Installed:** On-site parking and circulation requirements shall be installed, inspected and approved as being in compliance with SBCC Chapter 83.11. The appropriate parking plan shall be implemented based on the identified tenant, and stalls painted accordingly. The following shall be completed:
    - a) **Surface.** All access drives shall be surfaced with all-weather paving with a minimum of three inches asphalt and six inches of base or greater as determined necessary by County Building and Safety to be adequate to accommodate long-term and extensive use by heavy hauling trucks.
    - b) **Markings.** All circulation markings shall be clearly painted and permanently maintained, including arrows painted to indicate direction of traffic flow.
    - c) **Crosswalks.** All on-site internal pedestrian crosswalks shall be delineated with a minimum 3" white or yellow painted line stripe. All pedestrian crossings in public right-of-way shall be per County Standards.
    - d) **Stops.** All internal parking lot driveway intersections shall be installed with a painted stop limit line and shall have either a breakaway pole "STOP" sign and/or painted "STOP" lettering on the paving in front of the limit line.
    - e) **Parking Space Striping.** All paved parking stalls shall be clearly striped and permanently maintained.
      - All paved non-truck parking stalls shall be striped with double/hairpin lines with the two lines being located an equal nine inches on either side of the stall sidelines. Each use shall have a minimum of four standard parking stalls (9'x19'), one loading zone (10' x 20' with 14' clearance) and one van accessible space for the disabled (9' + 8' x 19'), plus one additional space for each company vehicle.
      - All paved truck parking stalls and docks shall have at a minimum a single six-inch wide line per each side of the stall.
    - f) **Multi-modal.** All required multi-modal amenities (e.g. bike stands, motorcycle parking, mass transit access, carpool preferred parking, vanpool passenger pickup etc.) shall be installed per approved plans.
  112. **Screening Installed.** All required screening and buffering measures shall be installed. All rooftop 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.
  113. **Building Elevations.** The building construction shall be completed in conformance with the approved architectural elevations to the satisfaction of County Planning.
-

114. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201400543 shall be paid in full.
115. (GHG Reduction Measure R2T2). The developer shall provide proof of the completion of the following.
  - Car/Vanpools. The project applicant shall require that any future tenants institute a ride sharing program that is open to all employees with preferred parking. (1 points)
116. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.
117. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
  - a) Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
  - b) Vehicle Trip Reduction. The “developer” shall provide to all tenants County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, and/or providing a web site or message board for coordinating rides.
  - c) Provide Educational Materials. The developer shall provide to all tenants and employees education materials and about reducing waste and available recycling services. The education materials shall be submitted to County Planning for review and approval.
  - d) Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads (909) 387-8311**

118. Street Vacation. A proof of completion of the vacation process shall be provided to the Land Development Division prior to occupancy.
119. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
120. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
121. Private Roads/Improvements. All required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

- 
122. 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.
  123. 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.
  124. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

END OF CONDITIONS

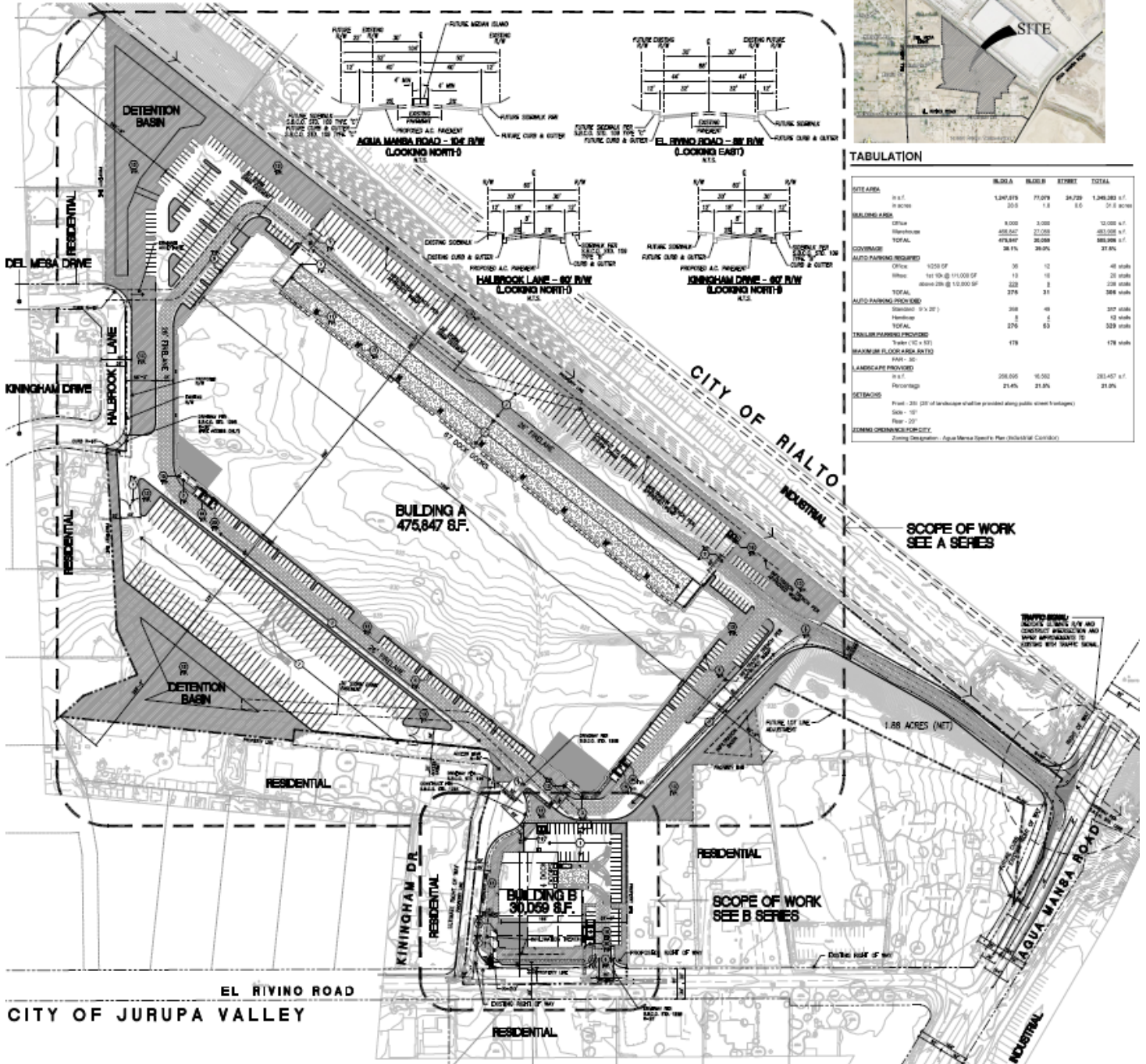
# SITE PLAN

## VICINITY MAP



## TABULATION

	BLDG A	BLDG B	STREET	TOTAL
<b>SITE AREA</b>				
In a.f.	1,247,818	77,079	24,728	1,349,625 a.f.
In acres	28.5	1.8	0.6	30.9 acres
<b>BUILDING AREA</b>				
Office	9,000	3,000		12,000 a.f.
Warehouses	458,547	27,000		485,547 a.f.
TOTAL	467,547	30,000		497,547 a.f.
	38.1%	39.0%		37.6%
<b>COVERAGE</b>				
<b>AUTO PARKING REQUIRED</b>				
Office	1000 SF	36	12	48 stalls
Warehouse	1st 10k @ 111,000 SF	13	10	23 stalls
	above 20k @ 110,000 SF	323	1	324 stalls
TOTAL		279	21	300 stalls
<b>AUTO PARKING PROVIDED</b>				
Warehouse (5' x 20')		304	49	353 stalls
Warehouse		8	4	12 stalls
TOTAL		276	53	329 stalls
<b>TRAILER PARKING PROVIDED</b>				
Trailer (10' x 50')		178		178 stalls
<b>MAXIMUM FLOOR AREA RATIO</b>				
MAX - 40				
<b>LANDSCAPE PROVIDED</b>				
In a.f.	258,005	16,502		284,507 a.f.
Percentage	21.4%	21.3%		21.0%
<b>REMARKS</b>	1. Street - 20% of landscape shall be provided along public street (to be planted). 2. Slope - 10% 3. Plant - 20% 4. Existing Conditions: CITY.			
<b>GENERAL DISCUSSION</b>	Zoning Ordinance - Agave/Maripa Street to Plan (Ordinance 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.			



## **Tentative Parcel Map 19603**

### **PROJECT DESCRIPTION**

1. Project Approval Description. Tentative Parcel Map 19603, is approved to create 3 parcels on 31 acres, and may be recorded in compliance with the conditions of approval, the approved stamped tentative map and the required Composite Development Plan. The project site is located at the northeast corner of the intersection of El Rivino Road and Kiningham Drive; east of Halbrook lane in the Agua Mansa Specific Plan area. APN: 0260-032-11\*, Project Number P201400543.

### **NOTICES**

2. Expirations/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation within 36 months following the effective approval 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.

3. Extension of Time/TPM. 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 Land Use Services 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.
4. Revisions/TPM. Any proposed change to the approved Tentative Parcel Map and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
5. Condition Compliance. Condition compliance confirmation for purposes of Parcel Map recordation will be coordinated by the County Surveyor.

6. Project Account. The Job Costing System (JCS) account number is P201400543. 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 the initiation of the Condition Compliance Review. 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.
7. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

8. Fire Condition Letter Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

APN: 0260-032-11\*  
Strategic Land Partners  
P201400543/TPM 19603  
Action Date: TBD

PAGE 3 OF 12  
Effective Date: TBD  
Expiration Date: TBD

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

9. Additional Permits. The property owner, developer and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These may include:

FEDERAL: U.S. Fish & Wildlife

STATE: Santa Ana Regional Water Quality Control Board, South Coast Air Quality Management District, Fish and Wildlife, State Fire Marshall, LAFCO

COUNTY: Land Use Services Department – Land Development Division & Building and Safety Division, Department of Public Works – Survey Division & Traffic Division, Department of Public Health – Environmental Health Services Division, County Fire Department – Community Safety Division

### CONDITIONS OF APPROVAL

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.



**PRIOR TO RECORDATION OF THE PARCEL MAP**  
**The Following Shall Be Completed**

**DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149**

11. Parcel Map. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
12. Non-Interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
13. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
14. Fees. Review of the Parcel Map by our office is based on actual cost, and requires an initial deposit of \$3,000. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
15. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
16. Monument Disturbance. If any activity on the project will disturb any land survey documentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and appropriate documents shall be filed with the County Surveyor pursuant to Section 8771(b) of the Business and Professions Code.

**PUBLIC HEALTH – Environmental Health Services [DEHS] (800) 442-2283**

17. Acoustical. Submit acoustical information sheet demonstrating that the County's exterior and interior residential noise standards will not be exceeded and if exceeded, the manner in which those levels will be mitigated to an acceptable level. Submit information/analysis to the Environmental Health Services (EHS) for review and approval.

[http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/project\\_acoustical\\_information.pdf](http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/project_acoustical_information.pdf)

18. Water Purveyor. Water purveyor shall be West Valley Water District or EHS approved. 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 project number P201400543 and the Assessor's Parcel Number: 0260-032-11+. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
19. Sewer Purveyor. Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS). Applicant shall procure a verification letter from the sewer agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer agency. This letter shall reference the project number P201400543 and the Assessor's Parcel Number: 0260-032-11+.
20. LAFCO. Submit verification of annexation to EHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO at (909) 383-9900.
21. Water Quality Control Board. Written clearance shall be obtained from the designated California Regional Water Quality control Board (listed below) and a copy forwarded to the Division of Environmental health Services.

A. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130.

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

22. Geotechnical (Soil) Report: When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval.

23. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

**LAND USE SERVICES DEPARTMENT-Land Development-Drainage (909) 387-8311**

24. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements 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. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
25. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
26. Grading Plans. Grading plans shall be submitted for review and approval obtained if grading occurs prior to Final Map recordation. All drainage and WQMP improvements shall be shown on the grading plans according to the approved drainage study WQMP reports. An \$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**LAND USE SERVICES DEPARTMENT-Land Development-Road (909) 387-8311**

27. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Agua Mansa Rd (Major Highway – 104')**

- Road Dedication. A 22 foot grant of easement is required to provide a half-width right-of-way of 52.

- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- Curb Returns. Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any sidewalk improvements are within Public right-of-way.

**El Rivino Rd (Secondary Hwy – 88')**

- Road Dedication. A 14 foot grant of easement is required to provide a half-width right-of-way of 44'.
- Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersection of El Rivino Rd and Kinningham Dr.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- Curb Returns. Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

**Kinningham Drive (Private – 50')**

- Road Dedication. A 5 foot grant of easement is required to provide a half-width right-of-way of 25'.
- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline with a minimum pavement section of 26 feet.

- **Sidewalks.** Design sidewalks per County Standard 109 Type "C".
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- **Curb Returns.** Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- **Cul-de-sac Design.** The proposed cul-de-sac shall be designed and constructed full width to County Standards. The Tentative Parcel Map shall reflect the limits of the cul-de-sac design and all parcels encumbered.
- **Street Vacation.** Vacation of Kiningham Drive and Canfield Way shall be approved by Highway Planning Technical Committee (HPTC), Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7951 to obtain additional information.
- **CMRS Exclusion.** Kiningham Drive shall not be entered into the County Maintained Road System (CMRS).

**Halbrook Ln (Local Street – 60')**

- **Road Dedication.** A 10 foot grant of easement is required to provide a half-width right-of-way 30'.
- **Street Improvements.** Design curb and gutter with match up paving 18 feet from centerline.
- **Sidewalks.** Design sidewalks per County Standard 109 Type "C".
- **Driveway Approach.** Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
- **Curb Returns.** Curb Returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

28. Access for APN 0260-032-15. A Legal access shall be provided for APN 0260-032-15.
29. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed 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 General Plan, Circulation Element.
30. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
31. Improvement Securities. Any required public or private road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
32. Maintenance Bond. Once all required public and private road, drainage, WQMP, and/or 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.
33. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
34. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report

and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

35. 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.
36. 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.
37. Turnarounds. Turnarounds at dead end streets shall be in accordance with the requirements of the County Department of Public Works and Fire Department.
38. 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.
39. 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.
40. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
41. Structural Section Testing. Prior to map recordation, 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.

APN: 0260-032-11\*  
Strategic Land Partners  
P201400543/TPM 19603  
Action Date: TBD

PAGE 12 OF 12

Effective Date: TBD  
Expiration Date: TBD

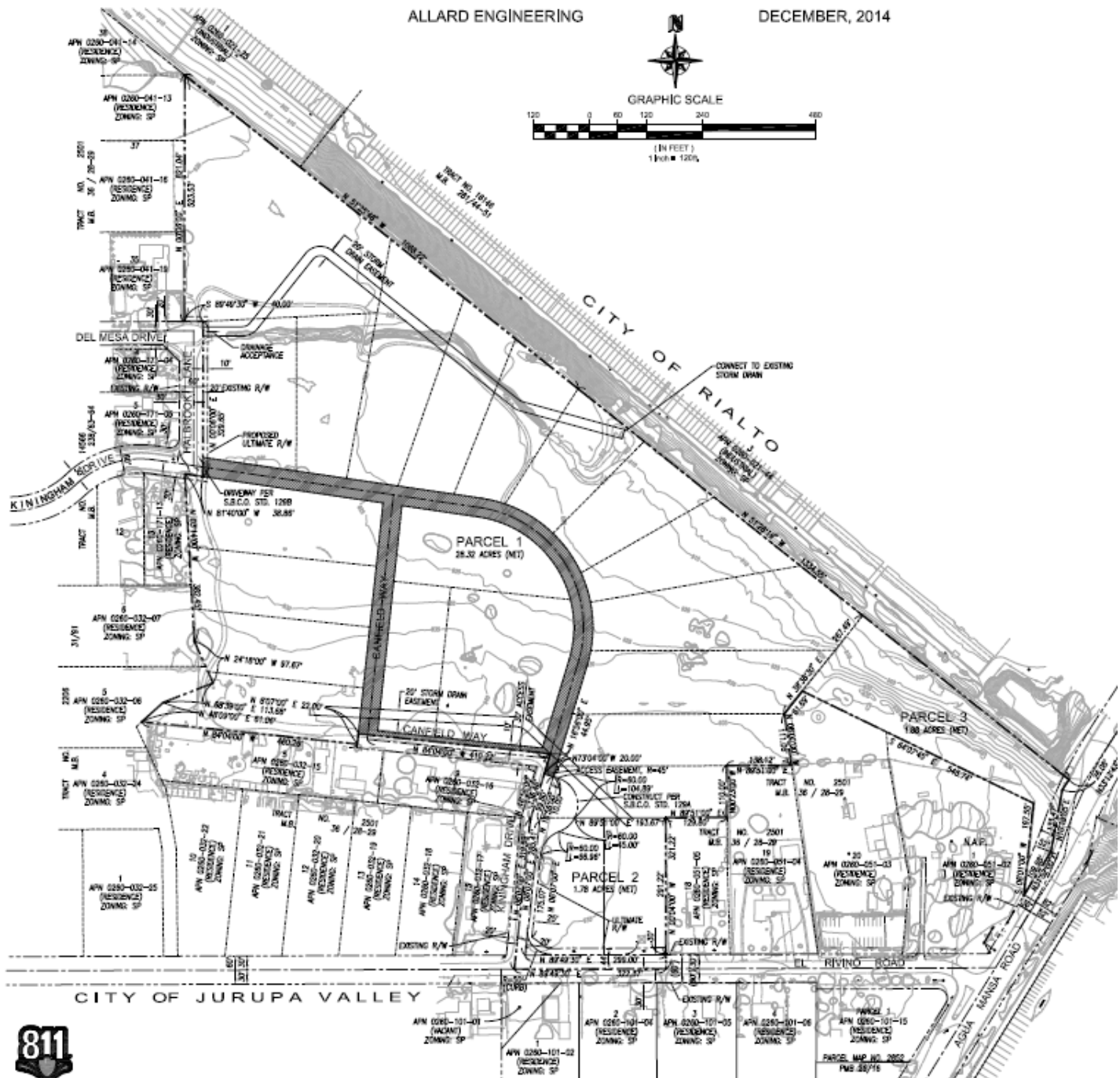
42. Private Roads/Improvements. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

**END OF CONDITIONS**



BEING A SUBDIVISION OF LOTS 1-4, 6-8, 16, 17 AND 22-34 OF RIVINO ORCHARDS, TRACT NO. 2501, MB 36/28-29, WITHIN THE SOUTH ONE-HALF OF SECTION 35, T1S, R5W, S.B.M., IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

DECEMBER, 2014



Know what's below.  
Call before you dig.

**Tom Dodson and Associates'  
Response Including the  
County's Mitigated Negative  
Declaration for the Project**

**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](mailto:tda@tdaenv.com)



September 7, 2018

**RECEIVED**  
SEP 10 2018

**LAFCO**  
San Bernardino County

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Suite 150  
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO SC#427 consists of a proposal by the City of Rialto (City) to extend sewer service to a site of about 31 acres generally located on the west side of Agua Mansa Road and northerly of El Rivino Road, within the City's southern sphere of influence. The area proposed to receive sewer service through an out-of-area service agreement is being developed with a 475,847 square foot warehouse building and a 30,059 square foot warehouse building and supporting facilities. The site will be developed in accordance with Tentative Parcel Map No. 19603 which was approved on February 14, 2017 by San Bernardino County. The County also adopted a Mitigated Negative Declaration (MND) for the project. If the Commission approves LAFCO SC#427, the project site can be developed with the above referenced project.

As indicated, the County of San Bernardino prepared an Environmental Assessment/Initial Study and adopted a Mitigated Negative Declaration (MND) for this project. The extension of sewer service by the City is required for the two warehouses being developed within the approximately 31-acre site. The project site will be served by a new 6" lateral and an extension of an existing City 10" sewer main in Agua Mansa Road for approximately 40 lineal feet. The City has identified adequate capacity at the treatment plant, and the project will participate in an upgrade to an existing sewer lift station. Based on the surrounding level of development as determined by a site visit, a limited potential exists to induce growth from this lateral extension to the proposed development site.

The County prepared MND Study which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of numerous mitigation measures (such as air quality). These mitigation measures 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#427.

Based on a review of LAFCO SC#427 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 environmental documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2016 and 2017. Based on a field review and review of the environmental issues in the County's document, I could not identify any substantial changes in circumstances that may have occurred since its adoption that would require additional environmental documentation. The County's Notice of Determination was filed on February 15, 2017. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#427, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Mitigated Negative Declaration/Initial Study and found them adequate for the extension of service decision.
2. The Commission needs to indicate that it has considered the Mitigated 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 Mitigated Negative Declaration adequate for approval of the extension of 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 remain the responsibility of the County 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, appearing to read "Tom Dodson". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Dodson".

Tom Dodson

/TD

## 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 BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

From:

Receipt No: 36-021517-082Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave. First Floor San  
Bernardino, CA 92415-0187Contact: Kevin WhitePhone: 909-387-3067

Lead Agency (if different from above):

Address:

**COUNTY OF  
SAN BERNARDINO**

Contact:

**FEB 15 2017**

Phone:

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 of 21152 of the Public Resources Code.**State Clearinghouse Number (if submitted to State Clearinghouse): 2016031056Project Title: Agua Mansa Distribution Center P201400543Project Applicant: Strategic Land PartnersProject Location (include county): Northeast corner of El Rivino Road and Kinningham Drive, east of  
Halbrook Lane.Project Description: A) A General Plan Amendment to change the Agua Mansa Specific Plan Land Use  
Designation from Single Family Residential to Medium Industrial On 31 Acres. B) A Conditional Use Permit  
to establish a 475,847 square foot warehouse building and a 30,059 square foot warehouse building on 31  
acres. C) Tentative Parcel Map 19603 to create 3 parcels on 31 acres.This is to advise that the San Bernardino County Board of Supervisors has approved the  
above (☒ Lead Agency or ☐ Responsible Agency)described project on 02/14/2017 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 record of project approval and the Mitigated Negative Declaration are available  
to the General Public at:385 N. Arrowhead Ave., San Bernardino, CA 92415

Signature (Public Agency):

  
Terri RahhalTitle: Planning DirectorDate: 02-14-17

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



State of California - Department of Fish and Wildlife  
**2017 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
DFW 753.5a (Rev. 01/01/17) Previously DFG 753.5a

LAPCO SC # 427

Print Start Over Finalize & Email

RECEIPT NUMBER:

36 — 021517 — 082

STATE CLEARINGHOUSE NUMBER (If applicable)

2015061085

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

San Bernardino County, LUSD

LEAD AGENCY EMAIL

DATE

021517

COUNTY/STATE AGENCY OF FILING

San Bernardino

DOCUMENT NUMBER

PROJECT TITLE

Agua Mansa Distribution Center P201400543

PROJECT APPLICANT NAME

Strategic Land Partners

PROJECT APPLICANT EMAIL

PHONE NUMBER

(909) 387-3067

PROJECT APPLICANT ADDRESS

385 North Arrowhead Avenue, First Floor

CITY

San Bernardino

STATE

CA

ZIP CODE

92415-0187

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,078.25	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,216.25	\$	2,216.25
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,046.50	\$	0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ 0.00

☒ County documentary handling fee \$ 50.00

☐ Other \$

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☒ Other **TDF** TOTAL RECEIVED \$ 2,266.25

SIGNATURE

*Jennifer Luna*

AGENCY OF FILING PRINTED NAME AND TITLE

Jennifer Luna, Deputy Clerk

## 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:**

<b>APNs:</b>	0260-032-11
<b>Applicant:</b>	Strategic Land Partners
<b>Project No:</b>	P201400543
<b>Staff:</b>	Kevin White, Planner
<b>Rep</b>	Allard Engineering
<b>Proposal:</b>	A) A General Plan Amendment to change the Agua Mansa Specific Plan Zoning Designation from Single Family Residential to Medium Industrial on 31 acres. B) A Conditional Use Permit to establish a 475,847 square foot warehouse building and a 30,059 square foot warehouse building on 31 acres. C) A Tentative Parcel Map to create 2 parcels on 31 acres.

**USGS Quad:** Bloomington  
**Lat/Long:** 34°02'12.20"N/117°22'32.22"W  
**T, R, Section:** T01S R05W Sec. 38 SW1/4

**Community Plan:** N/A  
**LUZD:** AM/SP - SFR  
**Overlays:** Biotic Overlay

### **PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> 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@lus.sbcounty.gov](mailto:Kevin.White@lus.sbcounty.gov)

### **PROJECT DESCRIPTION:**

#### ***Summary***

The project is General Plan Amendment to change the zoning from Agua Mansa Specific Plan – Single Family Residential (AM/SP –SFR) to Agua Mansa Specific Plan – Medium Industrial (AM/SP-MED IND) on 31 acres. The project also includes a Conditional Use Permit to establish a 475,847 square foot "high cube" warehouse facility and a 30,059 square foot warehouse on 31 acres. Additionally, the project includes a Tentative Parcel Map to create 2 parcels, the vacation of a portion of Kinningham Dr, truck and passenger vehicle parking, fences, gates, hardscape areas, as well as some ornamental trees and vegetation. The proposed project is located north of El Rivino Road, east of Halbrook Lane.

### ***Existing General Plan Land Use Zoning Designations***

Land uses on the project site and surrounding parcels are governed by the County's Development Code, the Agua Mansa Specific Plan, and the City of Rialto. The following table list the existing land uses and zoning districts.

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	<b>Vacant Land</b>	<b>AM/SP - SFR</b>
<b>North</b>	<b>Distribution Warehouses</b>	<b>City of Rialto</b>
<b>South</b>	<b>Single Family Residences</b>	<b>AM/SP – SFR</b>
<b>East</b>	<b>Warehouse, Industrial, Single Family Residence</b>	<b>AM/SP –SFR, City of Rialto</b>
<b>West</b>	<b>Single Family Residence</b>	<b>AM/SP - SFR</b>

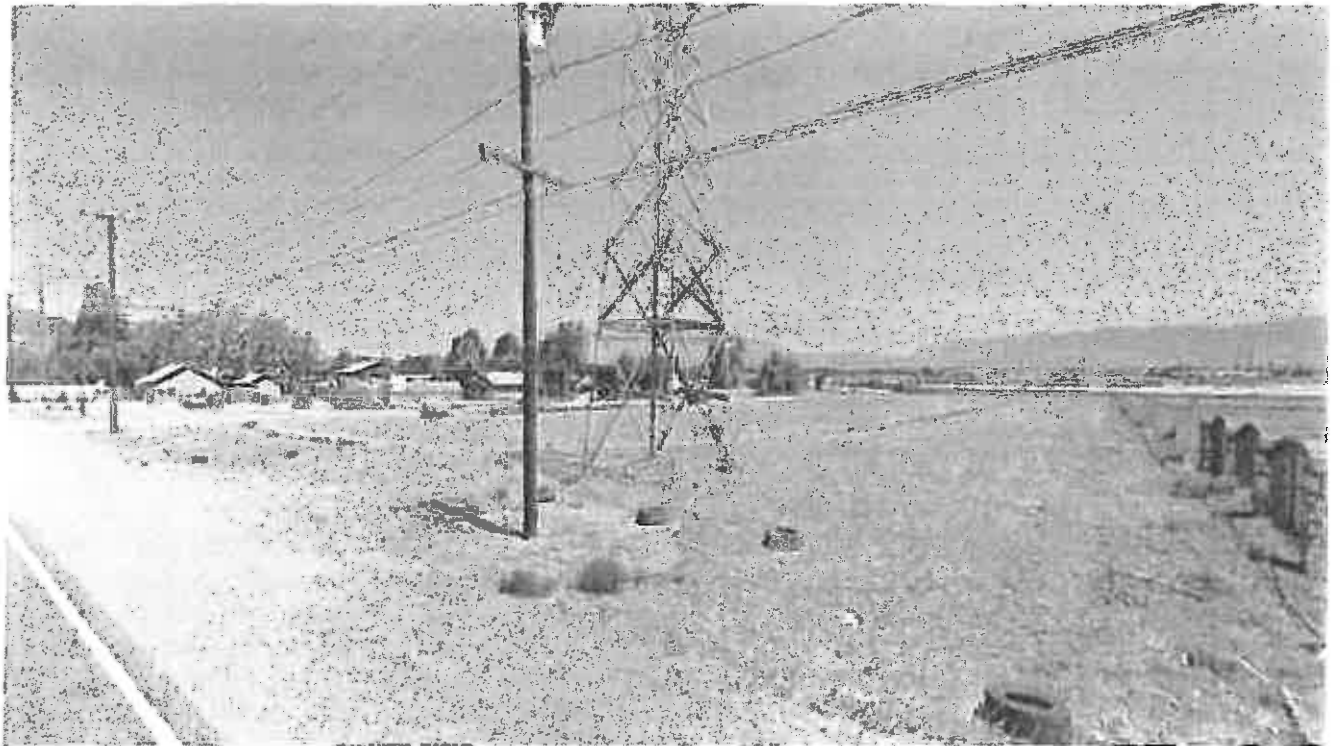
### ***Project Site Location, Existing Site Land Uses and Conditions***

The site consists of 17 parcels all of which are vacant. The project site is basically flat with a slight fall in elevation from the west side of the parcel at 943 amsl to the southern edge of the parcel at 924 amsl. A drainage channel reinforced with concrete and riprap traverses the northern portion of the project area along a generally southeast-northwest course. Several dirt roads also crisscross the property.



***Project site looking Southeast from the Intersection of Del Mesa Drive and Kiningham Drive.***





***Project site looking Northwest from El Rivino Road.***

SCOPE OF WORK SEE A. & B.

SCOPE OF WORK SEE C. & D.

EXISTING ROAD

NEW ROAD

SITE

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

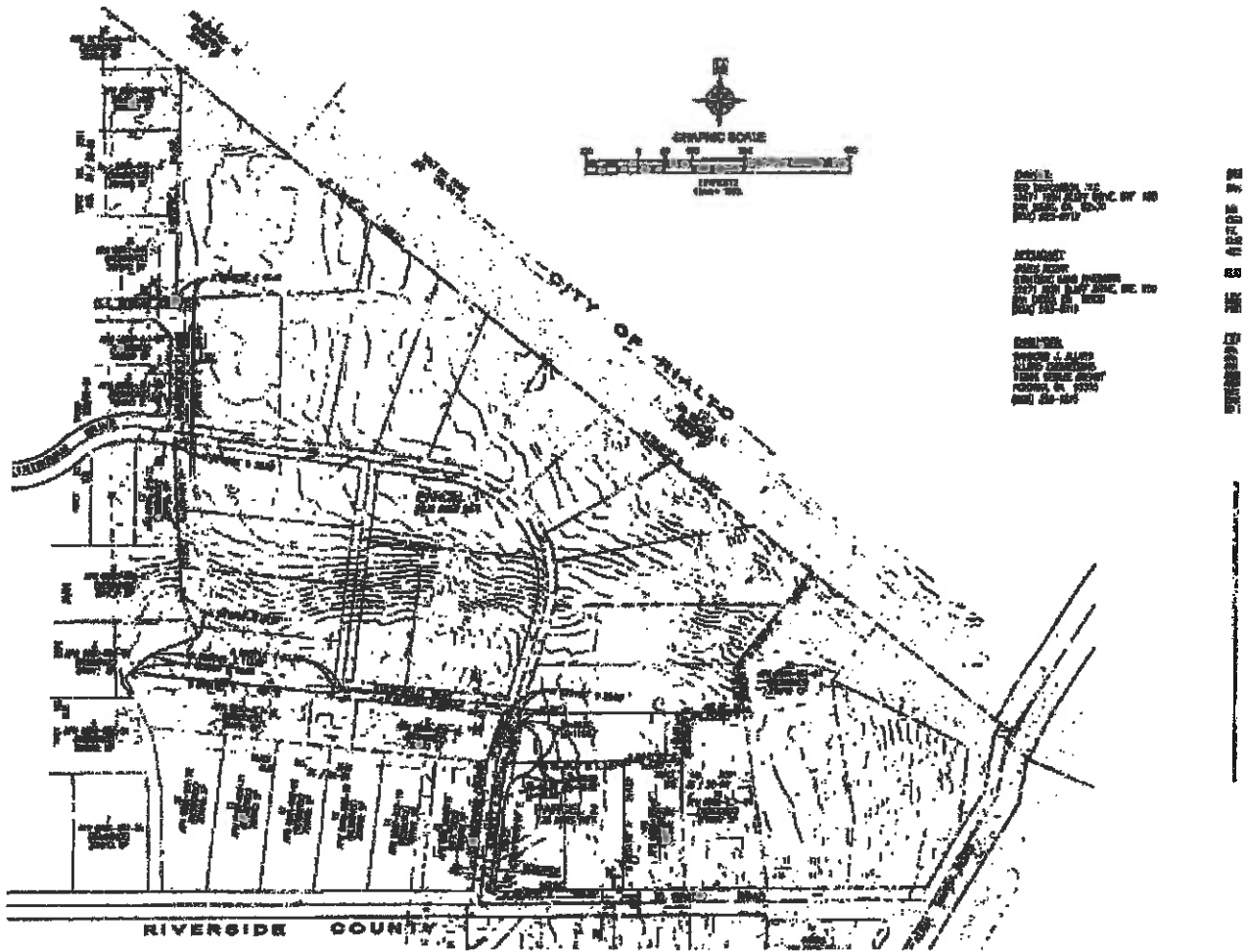
534

535

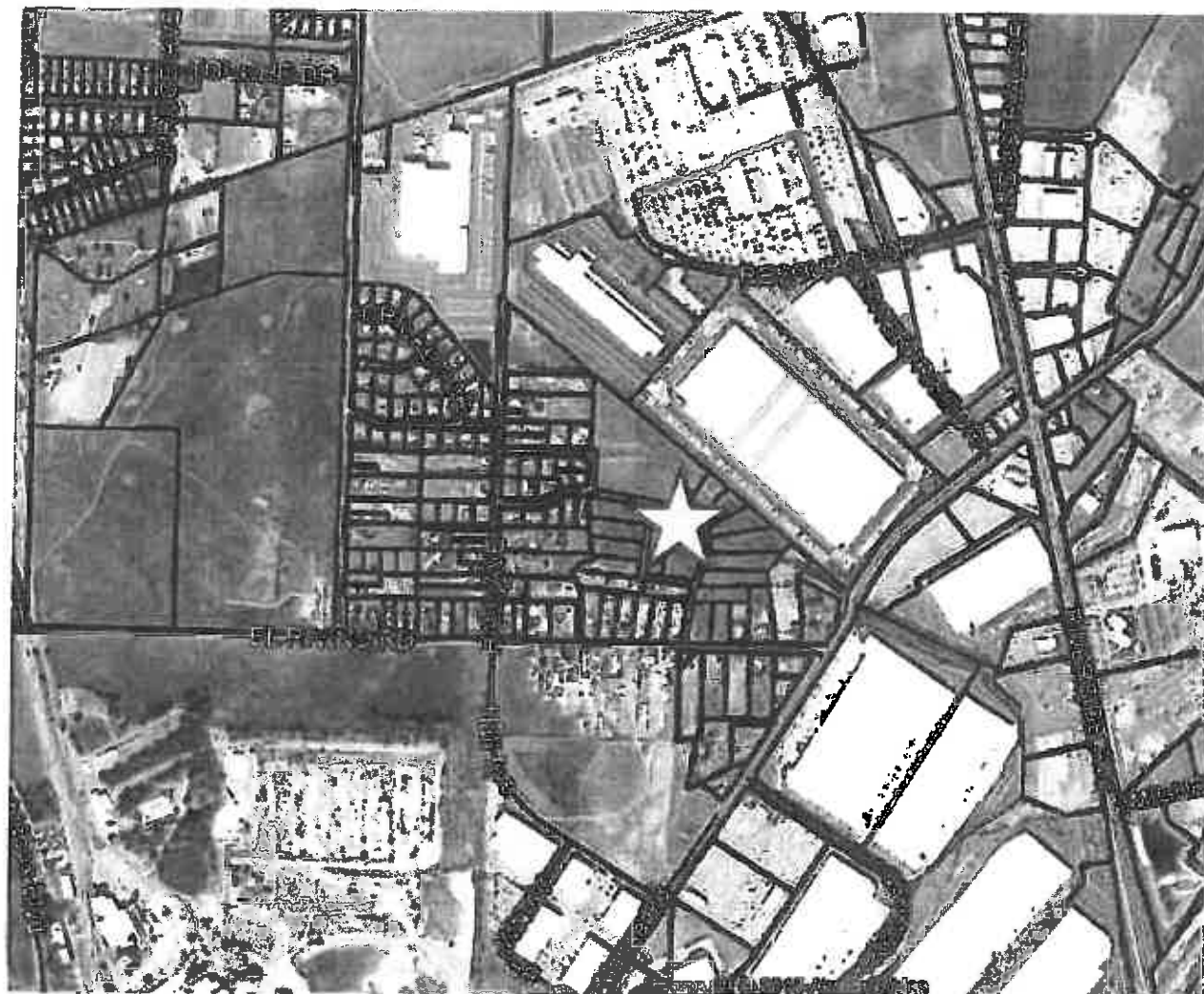
536

537

# **Tentative Parcel Map**



### Exhibit 1: Vicinity Map



## **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 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

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
<b>I. AESTHETICS - Will the project</b>				
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 checked="" type="checkbox"/>	<input 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):

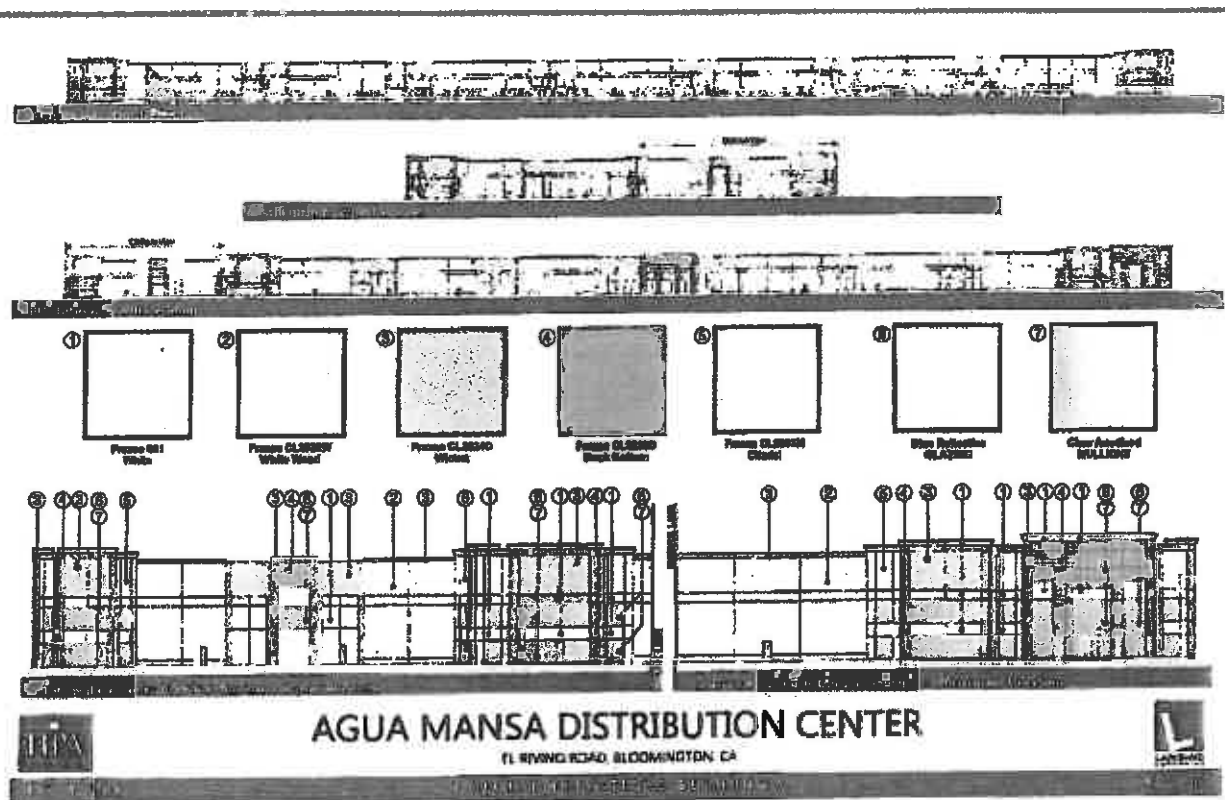
- a) **No Impact.** The proposed project is located within an area where surrounding lands are already substantially developed with industrial and residential uses. The proposed project is not located within a Scenic Corridor. The site is also not located in the proximity of a scenic vista. Therefore the project will not have an impact on a scenic vista.
- 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 with mitigation.** 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, and ornamental landscaping (e.g., groundcover, shrubs and trees). The proposed project would allow the development of the site with a warehouse use which would be at a similar scale and character as the existing industrial uses north of the site (See Exhibit 2 below). The site is also adjacent to residential uses to the South and West. To ensure that the proposed development is an aesthetic enhancement to the area, a mitigation measure will be needed to ensure adequate landscape setback exists to help buffer the project from the residential uses. In addition, the conditions of approval will include the requirement to submit exterior architectural elevations of the proposed development for review and approval by the Planning Division prior to issuance of building permits. Landscaping in compliance with the State Water Model Ordinance and the County Development Code is also a requirement in the conditions of approval. 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 will create a new source of light in the area. Any proposed on site lighting must comply with the Glare and Outdoor Lighting requirements in the Valley Region, which includes shielding. Therefore, the project would result in less than substantial impacts relative to light and glare.

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.

- I-1 **Landscape setback.** A minimum 15 foot landscape setback is required along every property line shared with a residential use. Where a wall is required, the landscape setback shall be located between the existing property line and the proposed decorative wall.

## Exhibit 2





Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>II. AGRICULTURE AND FORESTRY RESOURCES -</b> 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 California Department of Conservation, Farmland Mapping and Monitoring Program, is responsible with mapping Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance (Farmland) across the state. This site is designated as "Other" land (VACANT AND NONAGRICULTURAL LAND SURROUNDED ON ALLSIDES BY URBAN DEVELOPMENT ACRES IS MAPPED AS OTHER LAND). The project would not convert Farmland to non-agricultural use, since the project site is not designated as such.
- b) **No Impact.** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. 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 zoned Timberland Production. The proposed project area has never been designated as forest land or timberland because the site is within the valley region which does not contain forested lands.
- 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 within the valley region of the county and does not contain forested lands. 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 proposed project site is within the valley region of the county, an urbanized area, and does not contain forested lands. 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
<b>III. AIR QUALITY</b> - 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 South Coast Air Quality Management Plan, if applicable):

The information contained in this section is based in part on an Air Quality Analysis that was prepared RK Engineering.

- a) **Less Than Significant Impact.** A project is consistent with the regional Air Quality Management Plan (AQMP) if it does not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or if the project is already included in the AQMP projection. The conclusion of the air quality analysis was that the project does not exceed the thresholds of concern. (See section B below).
- b) **Less than Significant Impact with Mitigations Incorporated.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation as the proposed project will be required to mitigate the emission to a level that is less than significant. Air quality impacts include construction exhaust emissions generated from diesel- and gasoline-powered construction equipment, vegetation clearing, grading, fugitive dust, construction worker commuting, construction material deliveries, and operational activities upon project completion.

### Construction Phase

Constructions emissions were estimated utilizing CalEEMod to evaluate the construction of the industrial buildings parking lots, grading and vehicles. Construction is anticipated to last 2 years. Fugitive dust is a concern during construction. 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. A mitigation measure is required to limit tractors, grader, dozers, or any other land disturbance equipment to impact a maximum of 5 acres per hour per day. With this mitigation, peak daily construction activity emissions are estimated to be below SCAQMD CEQA with the incorporation of mitigation measures.

**Construction Activity Emissions  
Maximum Daily Emissions (pounds/day)**

<b>Maximal Construction Emissions</b>	<b>VOC</b>	<b>NOx</b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM-10</b>	<b>PM-2.5</b>
<b>Peak Daily</b>	<b>38.69</b>	<b>79.6</b>	<b>593.44</b>	<b>0.1</b>	<b>103.76</b>	<b>6.81</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>

### Operational Impacts

Project uses would generate 1009 daily trips according to trip generation estimates provided in the project traffic impact analysis. The project would not cause any operational emissions to exceed their respective SCAQMD CEQA significance thresholds. Based on the modeling analysis the Regional and Local operational emission impacts are less than significant.

Project operations would neither violate any air quality standard nor contribute substantially to an existing or projected air quality violation. Impacts are less than significant and no mitigation measures are required.

**Table 4: Daily Operational Impacts**

	<b>Operational Emissions (lbs/day)</b>					
<b>Source</b>	<b>VOC</b>	<b>NOx</b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM-10</b>	<b>PM-2.5</b>
<b>Total</b>	<b>25.73</b>	<b>26.85</b>	<b>77.98</b>	<b>.016</b>	<b>9.03</b>	<b>2.7</b>
<b>SCAQMD Threshold</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

- 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. Mitigation measure will require the developer to provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.

- 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.

A Diesel Emissions Health Risk Assessment was prepared as part of the Air Quality Analysis to assess the health effects from air toxics. The health risk assessment measured the increase in Potential Cancer Risk and Non-Cancer Risk. According to the SCAQMD CEQA Handbook, any project that has the potential to expose the public to toxic air containments in excess of the following thresholds would be considered to have a significant impact:

- If the Maximum Incremental Cancer Risk is 10 in one million or greater; or
- Toxic air containments from the proposed project would result in a Hazard Index Increase of 1 or greater.

The project diesel emissions would result in a cancer risk increase of .08 per million people. The Hazard Index (HIDPM) increase is .009. Therefore the project will result in a less than significant impact.

- 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 Land Disturbance.** The developer shall ensure that site preparation and grading contractors limit the daily disturbed area to 5 acres or less.

*Mitigation Measure III-1] Grading Permits/Planning*

**AQ-2 Construction Mitigation.** The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:

- a) Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.
- b) Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.
- c) Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.
- d) All gasoline-powered equipment shall have catalytic converters.
- e) Provide onsite electrical power to encourage use of electric tools.
- f) Minimize concurrent use of equipment through equipment phasing.
- g) Provide traffic control during construction to reduce wait times.
- h) Provide on-site food service for construction workers to reduce offsite trips.
- i) Implement the County approved Dust Control Plan (DCP)
- j) Suspend use of all construction equipment operations during second stage smog alerts.

**NOTE:** For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).

*[Mitigation Measure III-2] Grading Permits/Planning*

**AQ-3 Operational Mitigation.** The "developer" shall implement the following air quality mitigation measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:

- a) County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)]
- b) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
- c) All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
- d) Engines shall be maintained in good working order to reduce emissions.
- e) Ultra low-sulfur diesel fuel shall be utilized.
- f) Electric, CNG and gasoline-powered equipment shall be substituted for diesel-powered equipment, where feasible.
- g) On-site electrical power connections shall be made available, where feasible.

- h) All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.

**[Mitigation Measure III-3] General Requirements/Planning**

**AQ-4 Dust Control Plan.** The "developer" shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed 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 requirements:

- a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
- b) 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.
- c) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
- d) Storm water control systems shall be installed to prevent off-site mud deposition.
- e) All trucks hauling dirt away from the site shall be covered.
- f) Construction vehicle tires shall be washed, prior to leaving the project site.
- g) Rumble plates shall be installed at construction exits from dirt driveways.
- h) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
- i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. 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 and after street sweeping.

**[Mitigation Measure III-4] Grading Permits/Planning**

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Will the project:</b>				
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 ☐):

- a) **Less than significant impact.** A Habitat Assessment was prepared, with field work occurring on May 21, 2015. The project site was described as relatively flat and is undeveloped vacant land that has been heavily disturbed from previous maintenance activities, illegal dumping and equestrian use. No undisturbed, natural plant communities were observed within the boundaries of the project site during the habitat assessment. One (1) plant community was observed on-site: non-native grassland. The assessment found that the site no longer supports suitable habitat for any of the identified sensitive plant species or wildlife.



No sensitive plant species were observed on-site during the habitat assessment, as the project site no longer supports native plant communities, and primarily supports a non-native grassland. The biologist determined that the project site does not provide suitable habitat that would support any of the sensitive plant species known to occur in the general vicinity of the project site.

Special attention was given to the suitability of the on-site habitat to support burrowing owl (*Athene cunicularia*) and Delhi Sands flower-loving fly (*Rhaphiomidas terminates abdominalis*) (DSF), as well as several other sensitive species identified by the California Natural Diversity Database (CNDDDB) and other electronic databases as potentially occurring on or within the general vicinity of the project site. The Burrowing Owl was not observed in the course of the survey. In addition, no sign of the species, including pellets, plumage, insect parts, or tracks were observed. A Delhi Sands Flower Loving Fly survey concluded the site consists of moderately clean, regularly disturbed Delhi sand layer. The site was rated as unsuitable/very low quality. No areas on the site provide restorable Delhi Sands soils, or soils that are considered suitable.

Based on habitat requirements for specific species along with the availability and quality of habitats needed by each sensitive wildlife species, it was determined that the project site has a moderate potential to support suitable foraging habitat for Cooper's Hawk (*Accipiter cooperii*), and a low potential to support burrowing owl, coastal whiptail (*Aspidoscelis tigris stejnegeri*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), lark sparrow (*Chondestes grammacus*), and coast horned lizard (*Phrynosoma blainvillii*). All other special-status plant and wildlife species are presumed absent.

- b) **Less than Significant Impact with Mitigations Incorporated.** A single unnamed, ephemeral drainage feature (Drainage A) was observed on the northern portion of the project site. Generally, Drainage A runs east to southeast from the Del Mesa Drive and Halbrook Lane intersection to an existing detention basin located on the central portion of the project site. No undisturbed, natural plant communities were observed within the boundaries of the project site during the habitat assessment. The project site consists of heavily disturbed non-native grassland plant community that is sparsely vegetated with a variety of non-native and early successional weedy plant species.
- c) **Less than Significant Impact with Mitigations Incorporated.** A jurisdictional delineation was prepared for the proposed project. A single unnamed, ephemeral drainage feature (Drainage A) was observed on the northern portion of the project site. Generally, Drainage A runs east to southeast from the Del Mesa Drive and Halbrook Lane intersection to an existing detention basin located on the central portion of the project site. Based on the results of the Delineation of State and Federal Jurisdictional Waters Report (RBF 2015), prepared under separate cover, Drainage A was determined to exhibit a surface hydrologic connection to the Santa Ana River (Relatively Permanent Water) and ultimately the Pacific Ocean (Traditional Navigable Water). Therefore, Drainage A qualifies as waters of the United States and falls

under the jurisdiction of the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and California Department of Fish and Wildlife (CDFW). Based on a review of conceptual grading plans, the project applicant must obtain the following regulatory approvals prior to development of the project site: Corps Clean Water Act (CWA) Section 404 Nationwide Permit No. 39: Commercial and Institutional Developments, Regional Board CWA Section 401 Water Quality Certification, and CDFW Section 1602 Streambed Alteration Agreement. There is no impact to federally protected wetlands.

- d) **Less than Significant Impact with Mitigations Incorporated.** The site does not have native wildlife species and the likelihood for such species to breed on the site is low because the site surrounded by residential and industrial uses. Pursuant to the Migratory Bird Treaty Act and California Fish and Game Code, construction activities and/or the removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, but can vary slightly from year to year based upon seasonal weather conditions. If construction or vegetation clearing activities occur during the avian nesting season a pre-construction nesting bird clearance survey will be required and should specifically focus on the presence/absence of burrowing owl.
- e) **No Impact.** The project does not conflict with 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 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:

- IV-1 **Regulatory Permits.** The project applicant must obtain the following regulatory approvals prior to development of the project site: Corps Clean Water Act (CWA) Section 404 Nationwide Permit No. 39: Commercial and Institutional Developments, Regional Board CWA Section 401 Water Quality Certification, and CDFW Section 1602 Streambed Alteration Agreement.
- IV-2 **Avian Nesting Season.** If construction or vegetation clearing activities occur during the avian nesting season a pre-construction nesting bird clearance survey will be required and should specifically focus on the presence/absence of burrowing owl.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Will the project</b>				
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"/>
e) Cause a substantial adverse change in the significance of a tribal cultural resource pursuant to PRC 21073 et seq?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a) **Less than Significant Impact.** A cultural resources study was performed by CRM Tech for the subject property. CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, contacted Native American representatives, and carried out a systematic field survey. The results of these research procedures indicate that no "historical resources" are present within or adjacent to the project area. The field survey produced negative results for potential cultural resources, and no buildings, structures, objects, site, features, or artifact deposits of prehistoric or historical origin were encountered on the property.

An apparent ranch complex occupied a portion of the project area during the late historic period, none of the buildings, structures, or other associated cultural features survives today. The only items noted during the survey that may represent remnants of the ranch complex are scattered fragments of building materials that evidently date to the modern era. These items, mixed with refuse from elsewhere, retain no integrity to relate to the history of the ranch complex even if they are indeed part of its remains, nor do they demonstrate any archaeological data potential. As such, they are not considered potential "historical resources," and require no further study. Based on these findings, the present study concludes that no "historical resources" are present within or adjacent to the project area.

- b) **Less than Significant Impact.** A cultural resources study was performed by CRM Tech for the subject property. The field survey produced negative results for potential cultural resources, and no buildings, structures, objects, site, features, or artifact deposits of prehistoric or historical origin were encountered on the property. Therefore the project will not cause a substantial adverse change in the significance of an archeological resource, because no resources have been identified on the site.
- c) **Less than Significant Impact.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no resources have been identified on the site. To further reduce the potential for impacts, a condition shall be added to the project which requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- d) **Less than Significant Impact.** This project will not disturb any human remains, including those interred outside of formal cemeteries, because no such burials grounds are identified on this project site. If any human remains are discovered, during construction of this project, the developer is required to contact the County Coroner, the South Central Coastal Information Center at Cal State University – Fullerton for determination of appropriate mitigation measures and a Native American representative, if the remains are determined to be of Native American origin.
- e) **Less than significant Impact.** A Cultural Resources Assessment was prepared by CRM TECH. On August 17, 2015, CRM TECH submitted a written request to the State of California's Native American Heritage Commission for a records search in the commission's sacred lands file. CRM TECH also contacted a total of 11 local Native American representatives in the region in writing on August 24, 2015, to solicit additional information and inquire about potential cultural resources concerns over the proposed project. Tasks completed for the scope of work include a cultural resources records search, a reconnaissance-level pedestrian cultural resources survey, technical report, and Native American Heritage Commission Sacred Lands File Search (Appendix A). In compliance with AB 52, notification was sent to the Native American Tribes who requested notices. Two Tribes (San Manuel and Soboba) responded to the notifications requesting consultation. Consultations were completed with both tribes and no concerns were raised by either Tribe.

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. ☐ ☐ ☒ ☐

ii. Strong seismic ground shaking? ☐ ☐ ☒ ☐

iii. Seismic-related ground failure, including liquefaction? ☐ ☐ ☒ ☐

iv. Landslides? ☐ ☐ ☐ ☒

b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☐

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

- 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. 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 known regional active and potentially active faults that could produce the most significant ground shaking at the site include the 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 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. The project site is not located in a Geologic Hazard Overlay, nor is it located on soils known to expose people or structures to liquefaction.

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 has been prepared, which specifies permanent BMPs to control erosion and sedimentation once construction is complete. 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 site is not expected to be prone to adverse effects of: slope instability or adverse differential settlement from cut/fill transition).

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.

- 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 will be served by the City of Rialto sewer system. No septic system or alternative wastewater treatment system will be located on site, and therefore no impacts would occur.

**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
<b>VII GREENHOUSE GAS EMISSIONS - Will the project:</b>				
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.** The County's Greenhouse Gas Emissions Reduction Plan (GHG Plan) was adopted on December 6, 2011 and became effective on January 6, 2012. The GHG Plan establishes a GHG emissions reduction target for the year 2020 that is 15 percent below 2007 emissions. The plan is consistent with AB 32 and sets the County on a path to achieve more substantial long-term reductions in the post-2020 period. Achieving this level of emissions will ensure that the contribution to greenhouse gas emissions from activities covered by the GHG Plan will not be cumulatively considerable.

In 2007, the California State Legislature adopted Senate Bill 97 (SB97) requiring that the CEQA Guidelines be amended to include provisions addressing the effects and mitigation of GHG emissions. New CEQA Guidelines have been adopted that require: inclusion of a GHG analyses in CEQA documents; quantification of GHG emissions; a determination of significance for GHG emissions; and, adoption of feasible mitigation to address significant impacts. The CEQA Guidelines [Cal. Code of Regulations Section 15083.5 (b)] also provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project's incremental contribution of GHG emissions will not be considered cumulatively significant if the project is consistent with the adopted GHG plan.

Implementation of the County's GHG Plan is achieved through the Development Review Process by applying appropriate reduction requirements to projects, which reduce GHG emissions. All new development is required to quantify the project's GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per year is used to identify and mitigate project emissions. Based on a CalEEMod statistical analysis, warehouse projects that exceed 53,000 square feet typically generate more than 3,000 MTCO<sub>2</sub>e. For projects exceeding 3,000 MTCO<sub>2</sub>e per year of GHG emissions, the developer may use the GHG Plan Screening Tables as a tool to assist with calculating GHG reduction measures and the determination of a significance finding. Projects that garner 100 or more



points in the Screening Tables do not require quantification of project-specific GHG emissions. The point system was devised to ensure project compliance with the reduction measures in the GHG Plan such that the GHG emissions from new development, when considered together with those from existing development, will allow the County to meet its 2020 target and support longer-term reductions in GHG emissions beyond 2020. Consistent with the CEQA Guidelines, such projects are consistent with the Plan and therefore will be determined to have a less than significant individual and cumulative impact for GHG emissions.

The proposed project garnered 111 points on the Screening Tables and as a result, the project is considered to be consistent with the GHG Plan. The GHG reduction measures proposed by the developer through the Screening Tables Review Process have been included in the project design or will be included as Conditions of Approval for the project. Therefore, no significant adverse impacts related to individual and cumulative impact for GHG emissions are anticipated and no mitigation measures are required.

- b) **Less than Significant Impact.** The proposed project is not anticipated to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. In January of 2012, the County of San Bernardino adopted a Greenhouse Gas Emissions Reduction Plan (GHG Plan). The proposed project is consistent with the GHG Plan because more than 111 points were garnered through the Screening Table Analysis as described in Section a) above. Therefore, no significant adverse impacts are anticipated and no mitigation measures are 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
<b>VIII HAZARDS AND HAZARDOUS MATERIALS - Will the project:</b>				
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:**

- 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.

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.** 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 project does not propose the use of hazardous materials.
- 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 an Airport. The site is not within the boundaries of the airport land use plan and would not impose 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.
- 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 significant 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
<b>IX HYDROLOGY AND WATER QUALITY - Will the project:</b>				
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:**

---

- 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 Land Development Division as part of the building permit(s) process. As detailed in the Preliminary WQMP, an infiltration basin is proposed to be installed on both the southwest and northwest portions of the project site to reduce flows to pre-development levels and to treat the storm water.

The project will not violate any water quality standards or waste discharge requirements, because the project will be served by the West Valley Water District, an established water purveyor that is subject to independent regulation by local and state agencies that ensure compliance with water quality requirements. The project will be served by sewer from the City of Rialto.

- 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 West Valley Water District, not directly from groundwater.
- 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. Onsite the water runoff flows in a Northeast direction to a drainage inlet located within the proposed development. The inlet connects into an existing masterplan storm drain adjacent to the Federal Express Building north of the project site. 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.
- 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. The proposed development will decrease all flow events from their pre-development conditions for flow and volume. This decrease in flow will be accomplished by the construction of two detention basins. In addition, a catch basin is proposed to capture offsite water. In total the onsite predeveloped conditions produces 44.8 CFS, and the proposed developed site produces 32.6 CFS during the 100 year storm event.
- e) **Less than Significant Impact.** 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 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 that 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 project is an extension of industrial land uses that occur north of the project site.
- b) **Less Than Significant Impact.** The project would not conflict with the County General Plan or the Specific Plan because the project includes a General Plan Amendment to change the zoning from Single Residential to Medium Industrial. The warehouse facility has been designed to minimize conflicts between this proposed industrial use, and surrounding non-industrial uses. The project will be screened from all residential land uses with a minimum 15 foot landscaping buffer.
- 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
<b>XI. MINERAL RESOURCES - Will the project:</b>				
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
<b>XII. NOISE - Will the project result in:</b>				
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 ☐).

- a) **Less than Significant Impact with mitigation.** The project vicinity is characterized by a mix of developed properties. The project site is adjacent to residential development which occurs primarily to the west and south, and industrial uses to the north. A noise study was prepared by RK Engineering Group to assess the projects impacts to noise levels. To determine the existing noise level, RK Engineering conducted four short-term noise measurements. In addition traffic and stationary noise was projected to estimate the future noise levels during typical conditions.

The study concluded noise from traffic would increase up to .05 dBA, which is below the 3dBA level that is perceptible to the human ear. Therefore traffic operations would not exceed the County's daytime or night time noise standards. Stationary Sources have the potential to exceed the County's noise levels due to truck loading and unloading activities, including low gear shifting from trucks, braking activities, dock doors, etc.

- b) **Less than Significant Impact.** 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.** As discussed in section A above, the project as designed would not cause off-site noise impacts to surrounding off-site noise-sensitive uses. 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. Short-term impacts associated with construction would be limited to the greatest extent practical 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-2, 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 or within 2 miles of an airport.

- f) **No Impact.** The proposed project area is not located within the vicinity of a private 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 Decorative Wall.** A minimum 8 foot high decorative concrete wall is required along the west, south, and southeastern property lines.

**N-2 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
<b>XIII. POPULATION AND HOUSING - Will the project:</b>				
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 project will not induce substantial population growth in an area either directly or indirectly. The project will generate several new jobs and employment opportunities. This may generate a need for housing for new employees. However, considering the unemployment rate for the area, the existing and currently developing housing stock should accommodate the housing needs for those employed by the type of jobs generated by the project.

The project proposes a new warehouse facility, however no tenant has been proposed so the number of employees cannot be determined. Typically, new uses such as the proposed use generate 75-150 jobs including warehouse employees and drivers that will be on site in shifts. Employees could be full-time or part-time depending on the ultimate tenant. The Inland Empire has been considered to be housing rich with employees having to travel out of the area to work.

- b,c) **No Impact.** The proposed project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere because the project site only contains one single family residence which will be purchased by the developer.

**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
<b>XIV. PUBLIC SERVICES</b>				
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:**

- a) **Less than Significant Impact.** The proposed project will not result 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 will 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. Therefore, no significant adverse impacts are anticipated and no mitigation measures are 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
<b>XV. RECREATION</b>				
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.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project will not generate any new residential units and the impacts to parks generated by the employees of this project will be minimal. Therefore, no significant adverse impacts are anticipated and no mitigation measures are required.
- b) **Less than Significant Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment, because the type of project proposed, will not result in an increased demand for recreational facilities. Therefore, no significant adverse impacts are anticipated and no mitigation measures are 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
<b>XVI. TRANSPORTATION/TRAFFIC – Will the project:</b>				
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 checked="" type="checkbox"/>	<input 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.** The project includes three new commercial driveways that are located on Agua Mansa Road, El Rivino Road via Kiningham Drive. The project also proposes an emergency access drive on Kiningham Drive. The roads do not meet current county standards and the project will be conditioned to improve all three streets to the satisfaction of the Land Development Division and Public Works. 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.



This project falls within the Regional Transportation Development Mitigation Fee Plan for the Rialto Subarea. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and building permits are paid.

- b) **Less than Significant Impact with mitigation.** A traffic study was prepared by RK Engineering Group, dated May 15, 2015. A CMP (Congestion Management Program) traffic impact analysis is not required for this project based on the project's trip generation. The proposed development is projected to generate approximately 104 vehicles during the AM peak hour and 112 vehicles during the PM peak hour, which are less than the 250 trips per hour threshold necessary for requiring a CMP traffic impact analysis. It should be noted that the project trip generation has been converted to passenger car equivalents

(PCE). The traffic analysis examines the following scenarios:

- Existing Conditions
- Project Opening Year (2017) Without Related Projects Without Project Conditions
- Project Opening Year (2017) Without Related Projects With Project Conditions
- Project Opening Year (2017) With Related Projects Without Project Conditions
- Project Opening Year (2017) With Related Projects With Project Conditions
- Buildout Year (2035) Without Project Conditions
- Buildout Year (2035) With Project Conditions.

The project is projected to generate an adjusted total of 1,321 trip-ends per day, with 104 vehicles per hour during the AM peak hour and 112 vehicles per hour during the PM peak hour.

The following intersections are projected to continue to operate below the acceptable levels of service during Buildout Year (2035) with Project peak hour traffic conditions.

- Cedar Avenue (NS) at El Rivino Road (EW)
- Hall Avenue (NS) at El Rivino Road (EW)
- Agua Mansa Road (NS) at El Rivino Road (EW)
- Riverside Avenue (NS) at Agua Mansa Road (EW)

Recommended improvements have been made to the above listed intersections to mitigate project impacts and restore the level of delay established prior to project traffic being added for Buildout Year (2035) conditions. This impact is considered cumulative and the project would be responsible to contribute fair share towards the cost of improvements. The improvement costs and fair share contributions are shown in Table 1 fair share contribution for this project is required and will be based on the fair share percentages calculated in the traffic impact study (revised) from RK Engineering Group dated May 15, 2015. The study concluded that the additional traffic generated by this project will have a cumulative impact at the following intersections for the Opening Year (2017) and the Buildout Year (2035) traffic conditions:

Table 1 fair share contribution

INTERSECTION	ESTIMATED COST	FAIR SHARE PERCENTAGE	ESTIMATED CONTRIBUTION
Hall Avenue at El Rivino Road – (County –City of Jurupa) • Install one northbound left-turn lane.	• \$50,000	• 6.02 %	• \$3,012
Agua Mansa Road at El Rivino Road (County) • Install a traffic signal.	• \$598,400	• 3.07%	• \$18,381
Cedar Ave at El Rivino Road •(City of Jurupa Valley) Install one westbound left-turn lane.	• \$50,000	• 1.21%	• \$607
Riverside Avenue at Agua Mansa Road. (City of Rialto/City of Colton) • Install one northbound thru lane.	• \$250,000	• 2.20%	• \$5,493
• Reconfigure southbound right lane to be shared thru/right lane.	• \$227,273	• 2.20%	• \$4,994
• Install eastbound left-turn lane.	• \$50,000	• 2.20%	• \$1,099
• Install eastbound thru lane.	• \$227,273	• 2.20%	• \$4,994
• Install westbound thru lane.	• \$227,273	• 2.20%	• \$4,994

- c) **No Impact.** The proposed project would not affect 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 there are no incompatible uses proposed by the project that would impact surrounding land uses. Design of driveways will be based on County Code, which sets the standard for such design. It is not anticipated that traffic hazards will increase. 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.
- 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 will have three access paths. 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.

**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:

- T-1) **Fair Share Contribution.** A fair share contribution for this project is required and will be based on the fair share percentages calculated in the traffic impact study (revised) from RK Engineering Group dated May 15, 2015. The study concluded that the additional traffic generated by this project will have a cumulative impact at the following intersections for the Opening Year (2017) and the Buildout Year (2035) traffic conditions:

The total fair share contribution shall be paid to the Department of Public Works - Traffic Division. At the present time, the total estimated fair share contribution is \$43,574 for impacts as detailed in the table below. When an application for a building permit is filed, this amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

- T-2) **Regional Transportation Fee.** This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. Currently, the Plan Fee for High Cube use is \$1.82 per square foot and \$6.01 per square foot for Industrial use. There is one 475,847 sq. ft. high-cube warehouse building and one 30,059 sq. ft. industrial building per the revised traffic impact study dated May 15, 2015 prepared by RK Engineering Group, Inc. The Plan Fee for the high-cube warehouse building is \$866,041.54 (\$1.82 per sq. ft. x 475,847 sq. ft.). The Plan Fee for the industrial building is \$180,654.59 (\$6.01 per sq. ft. x 30,059 sq. ft.). Therefore, the total estimated Plan Fee is \$1,046,696.13 (\$866,041.54 + \$180,654.59). The Plan Fee is subject to change periodically. The current Regional Transportation Development Mitigation Plan and Fee Schedule can be found at the following website:

[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS - Will the project:</b>				
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.** 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 will be served by sewer from the City of Rialto.
- 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 water lines in close proximity to the project, provided by the West Valley Water District.

- c) **Less than Significant Impact.** The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. A Preliminary Water Quality Management Plan (WQMP), has been approved by the San Bernardino County Land Development Division. The site design includes on-site infiltration/retention basins within the landscape areas, as well as a vegetated swale, and all drainage is directed towards these areas. As a result of the use of Best Management Practices (BMPs) as described in the WQMP, it is not expected that there will be any run-off entering the storm drain system during post construction operation.
- d) **Less than Significant Impact.** The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources as the local water purveyor (West Valley Water District) has given assurance that it has adequate water service capacity to serve the projected demand for the project, in addition to the provider's existing commitments.
- e) **Less than Significant Impact.** The proposed project has been given assurance from service providers that the project can be served.
- 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 system wide 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. 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 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
--------	--------------------------------	--	-----------------------	-----------

## 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 (CNDDB) 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 Land Disturbance.** The developer shall ensure that site preparation and grading ~~or~~ limit the daily disturbed area to 5 acres or less.

**Mitigation Measure III-1] Grading Permits/Planning**

**AQ-2 Construction Mitigation.** The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all contracts/subcontracts requirements to reduce vehicle and equipment emissions and impacts to air quality by implementing the following measures and submitting documentation for compliance: The developer/construction contractors shall do the following:

- k) Provide documentation prior to beginning construction demonstrating that the project complies with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 14
- l) Each contractor shall certify to the developer prior to construction-use that all engines are properly maintained and have been tuned-up within last 6 months.
- m) Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall use aqueous diesel filters and diesel particulate filters.
- n) All gasoline-powered equipment shall have catalytic converters.
- o) Provide onsite electrical power to encourage use of electric tools.
- p) Minimize concurrent use of equipment through equipment phasing.
- q) Provide traffic control during construction to reduce wait times.
- r) Provide on-site food service for construction workers to reduce offsite trips.
- s) Implement the County approved Dust Control Plan (DCP)
- t) Suspend use of all construction equipment operations during second stage storm

**NOTE: For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).  
[Mitigation Measure III-2] Grading Permits/Planning**



**AQ-3 Operational Mitigation.** The “developer” shall implement the following air quality mitigation measures, during operation of the approved land use: All on-site equipment and vehicles (off-road/ on-road), shall comply with the following:

- i) County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)]
- j) Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
- k) All engines shall not idle more than five minutes in any one-hour period on the project site. This includes all equipment and vehicles.
- l) Engines shall be maintained in good working order to reduce emissions.
- m) Ultra low-sulfur diesel fuel shall be utilized.
- n) Electric, CNG and gasoline-powered equipment shall be substituted for diesel-powered equipment, where feasible.
- o) On-site electrical power connections shall be made available, where feasible.
- p) All transportation refrigeration units (TRU's) shall be provided electric connection when parked on-site.

**[Mitigation Measure III-3] General Requirements/Planning**

**AQ-4 Dust Control Plan.** The “developer” shall prepare, submit for review and obtain approval from the County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed 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 requirements:

- j) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.
- k) 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.
- l) Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.
- m) Storm water control systems shall be installed to prevent off-site mud deposition.
- n) All trucks hauling dirt away from the site shall be covered.
- o) Construction vehicle tires shall be washed, prior to leaving the project site.
- p) Rumble plates shall be installed at construction exits from dirt driveways.
- q) Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.
- r) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. 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 and after street sweeping.

**[Mitigation Measure III-4] Grading Permits/Planning**

**NOISE MITIGATION MEASURE:**

- N-1** A minimum 8 foot high decorative concrete wall is required along the west, south, and southeastern property lines.
- N-2** 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.

#### **TRAFFIC MITIGATION MEASURE**

- T-1** Fair Share Contribution. A fair share contribution for this project is required and will be based on the fair share percentages calculated in the traffic impact study (revised) from RK Engineering Group dated May 15, 2015. The study concluded that the additional traffic generated by this project will have a cumulative impact at the following intersections for the Opening Year (2017) and the Buildout Year (2035) traffic conditions:

The total fair share contribution shall be paid to the Department of Public Works - Traffic Division. At the present time, the total estimated fair share contribution is \$43,574 for impacts as detailed in the table below. When an application for a building permit is filed, this amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

- T-2** Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. Currently, the Plan Fee for High Cube use is \$1.82 per square foot and \$6.01 per square foot for Industrial use. There is one 475,847 sq. ft. high-cube warehouse building and one 30,059 sq. ft. industrial building per the revised traffic impact study dated May 15, 2015 prepared by RK Engineering Group, Inc. The Plan Fee for the high-cube warehouse building is \$866,041.54 (\$1.82 per sq. ft. x 475,847 sq. ft.). The Plan Fee for the industrial building is \$180,654.59 (\$6.01 per sq. ft. x 30,059 sq. ft.). Therefore, the total estimated Plan Fee is

***\$1,046,696.13 (\$866,041.54 + \$180,654.59). The Plan Fee is subject to change periodically. The current Regional Transportation Development Mitigation Plan and Fee Schedule can be found at the following website:***

***[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)***

## **GENERAL REFERENCES**

California Department of Resources Recycling and Recovery (CalRecycle) website. Accessed January 27, 2014. <http://www.calrecycle.ca.gov/>

CEQA Guidelines, Appendix G.

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](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](http://www.co.san-bernardino.ca.us/landuseservices/general_plan/Default.asp).

County of San Bernardino Geologic Hazards Overlays Map

County of San Bernardino Hazard Overlay Map

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/>.

**Project Specific Reports**

Noise Impact Study, Robert Khan Engineering Group, August 29, 2014  
Traffic Impact Study, Robert Khan Engineering Group, May 15, 2015  
West Valley Water District Will-serve letter  
Preliminary Water Quality Management Plan, Allard Engineering, November 16, 2015  
Preliminary Drainage Report, Allard Engineering, January 13, 2016  
Delineation of State and Federal Jurisdictional Waters, RBF Consulting, June 2015  
Habitat Assessment, RBF Consulting, June 2015  
Historical and Archaeological Resources Survey Report, CRM TECH, September 1, 2015

## **Draft Resolution #3277**

**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](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**PROPOSAL NO.: LAFCO SC#427**

**HEARING DATE: SEPTEMBER 19, 2018**

## **RESOLUTION NO. 3277**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#427 – CITY OF RIALTO OUT-OF-AGENCY SERVICE CONTRACT FOR SEWER SERVICE (BRIDGE POINT SOUTH RIALTO, LLC)**

**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, approve with conditions, 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 his 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 September 19, 2018 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; 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 for San Bernardino County does hereby determine, find, resolve and order as follows:

## RESOLUTION NO. 3277

### **DETERMINATIONS:**

**SECTION 1.** The following determinations are noted in conformance with Commission policy:

1. The project area, which is comprised of 18 adjacent parcels identified as Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

The requirement for sewer connection is conditions of approval as identified in the County's conditions of approval for the warehouse facility. Therefore, approval of the City's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

2. The Extraterritorial Wastewater Service Agreement being considered is for the provision of sewer service by the City of Rialto to the project site comprised of 18 adjacent parcels, Assessor Parcel Numbers (APNs) 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15, which are generally located on the west side of Agua Mansa Road (12050 Agua Mansa Road) and northerly of El Rivino Road, within the City of Rialto's southern sphere of influence. This contract will remain in force in perpetuity for the proposed development or until such time as the project area is annexed.
3. The fees charged this project by the City of Rialto for the extension of sewer service are identified as totaling \$498,968.67 in sewer fees and sewer upgrade costs (a breakdown of charges is on file in the LAFCO office). Payment of these charges is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the proposed project.
4. During the period from February 2016 to February 2017, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of a General Plan Amendment to change the Agua Mansa Specific Plan land use designation from Single-Family Residential to Medium Industrial, Conditional Use Permit to establish a 475,847 sq. ft. warehouse building and a 30,059 sq. ft. warehouse building, and Tentative Parcel Map 19603 to create three parcels on approximately 31 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County subsequently approved a revision to the project that is smaller than the original project. The County's Initial Study and Mitigated 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 Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation



## RESOLUTION NO. 3277

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 implementation of the Conditions of Approval.

The Commission, as a responsible agency, finds that proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA lead agency. 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 Rialto shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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 Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Rialto to provide sewer service to the project site comprised of 18 adjacent parcels identified as Assessor Parcel Numbers 0260-032-11, -12, -13, and -14, 0260-033-01, -02, and -03, 0260-041-01 and -17, and 0260-051-06, -07, -08, -09, -10, -11, -12, -13 and -15.

**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#427 - City of Rialto Out-of-Agency Service Contract for Sewer Service (Bridge Point South Rialto, LLC), 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, SAMUEL MARTINEZ, 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 September 19, 2018.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** SEPTEMBER 12, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #8: LAFCO SC#430 – City of Redlands OSC 18-27, Out-of-Agency Service Agreement for Water and Sewer Services (Tentative Tract 20030)

---

## **INITIATED BY:**

City of Redlands, on behalf of the property owner/developer

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#430 by taking the following actions:

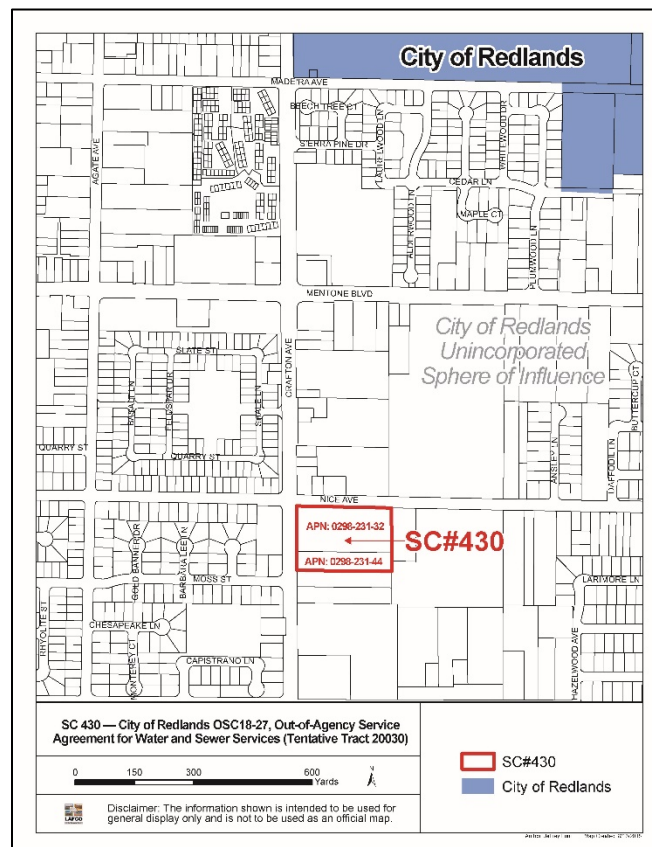
1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Preliminary and Final Development Plan and Tentative Tract Map 20030 to create 30 single-family residential lots and seven lettered lots for a recreation area on approximately 5.48 acres, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife 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 LAFCO SC#430 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Tentative Tract 20030, proposed for a 30-lot single-family residential subdivision with recreation area, on Assessor Parcel Numbers 0298-231-32 and 44; and,
3. Adopt LAFCO Resolution #3274 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

### **BACKGROUND:**

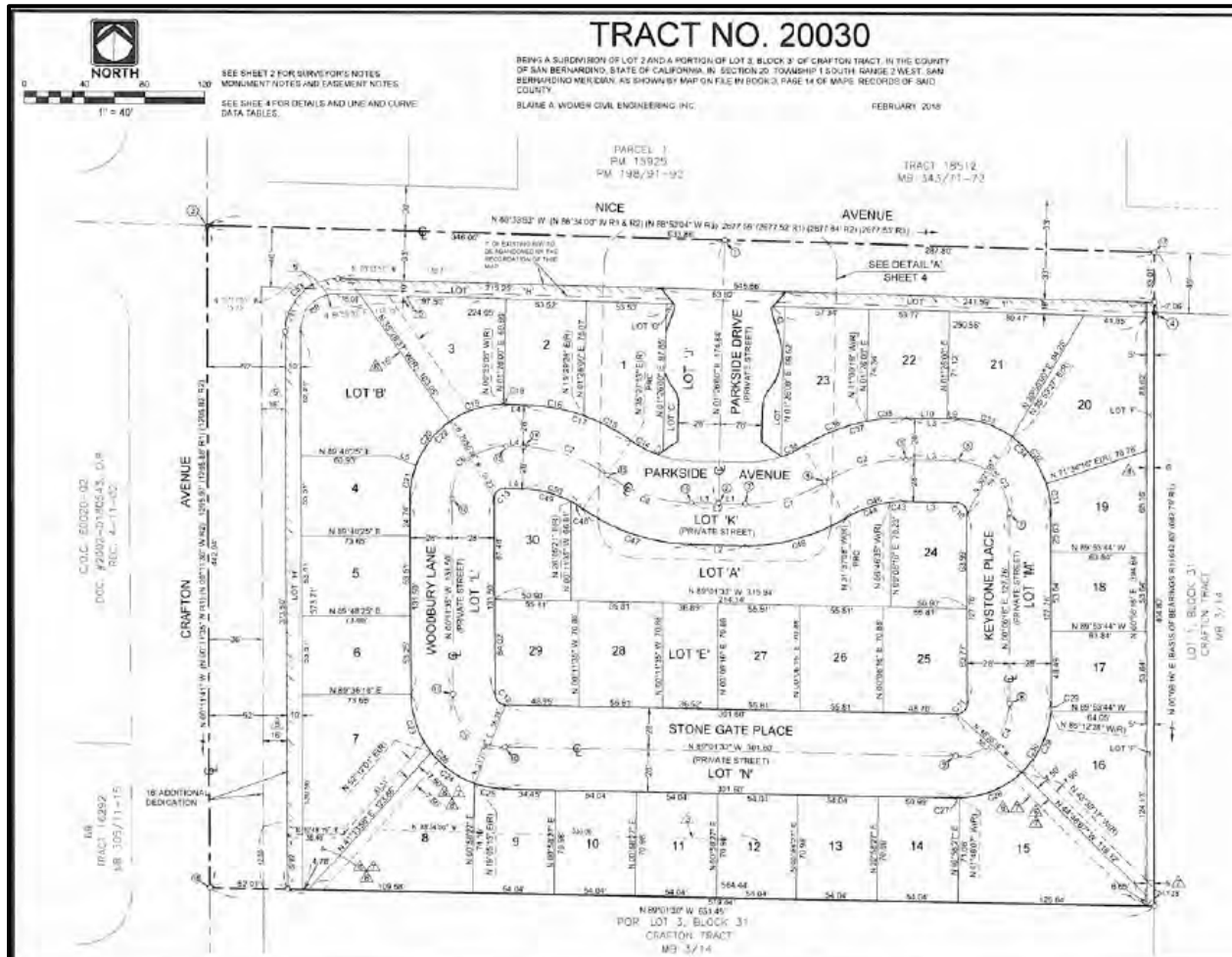
The City of Redlands (hereinafter the "City") has submitted a request for approval of a out-of-agency service agreement that outlines the terms by which it will extend water and sewer service. The agreement relates to two parcels (Assessor Parcel Numbers 0298-231-32 and 44) comprising approximately 5.48 acres, which are generally located at the northeast corner of Nice and Crafton Avenues within the City of Redlands' eastern sphere of influence within the community known as "Mentone" (see Figure 1 below). Attachment #1 also provides a location and vicinity map of the contract area along with maps outlining the location of the water and sewer infrastructure to be extended.

**FIGURE 1 – Vicinity Map**



In August 2017, the County Board of Supervisors conditionally approved Tentative Tract Map 20030 (see Figure 2 below) to create 30 single-family residential lots and recreational area on the 5.48-acre project site.

**FIGURE 2 – Site Plan for Tentative Tract 20030**



The Conditions of Approval placed upon this project included the requirement to connect to the City of Redlands' water and sewer facilities prior to recordation of the final map (see Conditions 60-63) and requires LAFCO approval of said out-of-agency connection (Condition 64). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of water and sewer service to the parcels pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

**PLAN FOR SERVICE:**

The City's application (included as Attachment #2 to this report) indicates that water service will be provided to Tentative Tract 20030 by extending the 8-inch water main approximately 892 linear feet along Crafton and Nice Avenues, with 781 feet of that being existing frontage and the remaining 111 linear feet beyond property limits. An additional 1,465 linear feet of water main will be constructed within the tract. For sewer service, 1,220 linear feet of sewer main will be constructed within the tract that will connect to the existing 8-inch sewer main in Nice Avenue.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The provisions of Measure U within the City of Redlands require that the property owner/developer pay the "sums equivalent to the City's development impact fees" as a condition for access to water and sewer service. The City of Redlands has identified an estimated cost \$522,422 in sums equivalent in development impact fees as well as water and sewer fees for the extension of water and sewer service to the tentative tract. The following table shows the cost to the applicant to fulfill this requirement:

<b>FEES</b>	<b>TOTAL</b>
Transportation	\$45,371
Fire	17,312
Government	20,594
Library	7,937
Open Space/Park/Community Facility	118,798
Police	903
Storm Drain	21,000
<b>Total Sums Equivalent to City's DIF</b>	<b>\$231,916</b>

The table below is the City's water and sewer related fees:

<b>FEES</b>	<b>TOTAL</b>
Sewer Capacity	\$93,900
Water Capacity	143,861
Water Source	25,835
Water Frontage	8,280
Sewer Frontage	18,630
<b>Total Water and Sewer Fees</b>	<b>290,506</b>

In addition, the property owner/developer will be responsible for the entire cost of the construction and installation of the water and sewer improvements for the project. The City has indicated that there is no rate difference for providing service outside the City's

boundaries; therefore, the proposed single-family residences will be charged the normal in-City monthly rate for water and sewer service.

**ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration for a Preliminary and Final Development Plan and Tentative Tract Map 20030 to create 30 single-family residential lots and seven lettered lots on approximately 5.48 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the County, as lead agency, has paid said fees for its environmental determination.

**CONCLUSION:**

The development of Tentative Tract 20030, approved by the County of San Bernardino, requires that it receive water and sewer service from the City of Redlands. In order for the project to proceed to record the Final Tract Map, the property owner/developer must show proof of his ability to connect to the City of Redlands' water and sewer infrastructure – which is the Commission's authorization for the agreement pursuant to Government Code Section 56133.

Staff has reviewed this request for the provision of water and sewer service from the City of Redlands outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcels to be served are within the sphere of influence assigned the City of Redlands within the Mentone community, and is 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 either adjacent to or in close proximity to the anticipated development, and there is no other existing entity available to provide the level of service required by the approved residential development within the area.

**DETERMINATIONS:**

1. The project area, identified as Assessor Parcel Numbers 0298-231-32 and 44, is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future.

The application requests authorization to receive City of Redlands water and sewer service for Tentative Tract 20030, a proposed 30-lot single-family residential development. The requirements for water and sewer connection are conditions of approval as identified in the County's approval of Tentative Tract 20030. Therefore, approval of the City of Redlands' request for authorization to provide water and sewer service is necessary in order to satisfy the conditions of approval for the project.

2. The City of Redlands' Pre-Annexation Agreement being considered is for the provision of water and sewer service by the City of Redlands to the project site, identified as Assessor Parcel Numbers 0298-231-32 and 44, which is generally northeast corner of Nice and Crafton Avenues, within the City of Redlands' eastern sphere of influence. This contract will remain in force in perpetuity for the proposed residential development or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Redlands to proceed in finalizing the contract for the extension of the water and sewer service.
3. The fees charged by the City of Redlands for water and sewer service are identified as totaling \$522,422 (for a breakdown of fees, see tables on pages 3 and 4). Payment of these fees is required prior to connection to the City's water and sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend both water and sewer service to the proposed residential development.
4. During the period from January 2017 to August 2017, acting as the CEQA lead agency, the County prepared an environmental assessment for a Preliminary and Final Development Plan and Tentative Tract Map 20030, a project to create 30 single-family residential lots and seven lettered lots on approximately 5.48 acres. The County's environmental 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 prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#430, the County's Initial Study and Mitigated

Negative Declaration are adequate for the Commission's use as CEQA responsible agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

SM/MT

Attachments:

1. [Vicinity Map and Maps of the Contract Area](#)
2. [City of Redlands' Application and Signed Contract](#)
3. [County's Conditions of Approval for Tentative Tract Map 20030](#)
4. [Tom Dodson and Associates' Response Including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution #3274](#)



# **Vicinity Map and Maps of the Contract Area**

**Attachment 1**

# City of Redlands

MADEIRA AVE

BEECH TREE CT

SIERRA PINE DR

LAURELWOOD LN

WHITEWOOD DR

CEDAR LN

MAPLE CT

ALDERWOOD LN

PLUMWOOD LN

MENTONE BLVD

*City of Redlands  
Unincorporated  
Sphere of Influence*

CRAFTON AVE

SLATE ST

BASALT LN

FELDSPAR DR

SHALE LN

QUARRY ST

QUARRY ST

NICE AVE

APN: 0298-231-32

APN: 0298-231-44

**SC#430**

LARIMORE LN

HAZELWOOD AVE

MOSS ST

BARBARA LEE LN

GOLD BANNER DR

CHESAPEAKE LN

CAPISTRANO LN

MONTEREY CT

RHYOLITE ST

**SC 430 — City of Redlands OSC18-27, Out-of-Agency Service Agreement for Water and Sewer Services (Tentative Tract 20030)**

0 150 300 600 Yards



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



SC#430

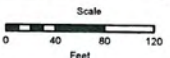


City of Redlands

**OSC 18-27  
SEWER MAP**



This map was produced by the City of Redlands, Geographic Information System. The City of Redlands assumes no warranty or legal responsibility for the information contained on this map. The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.

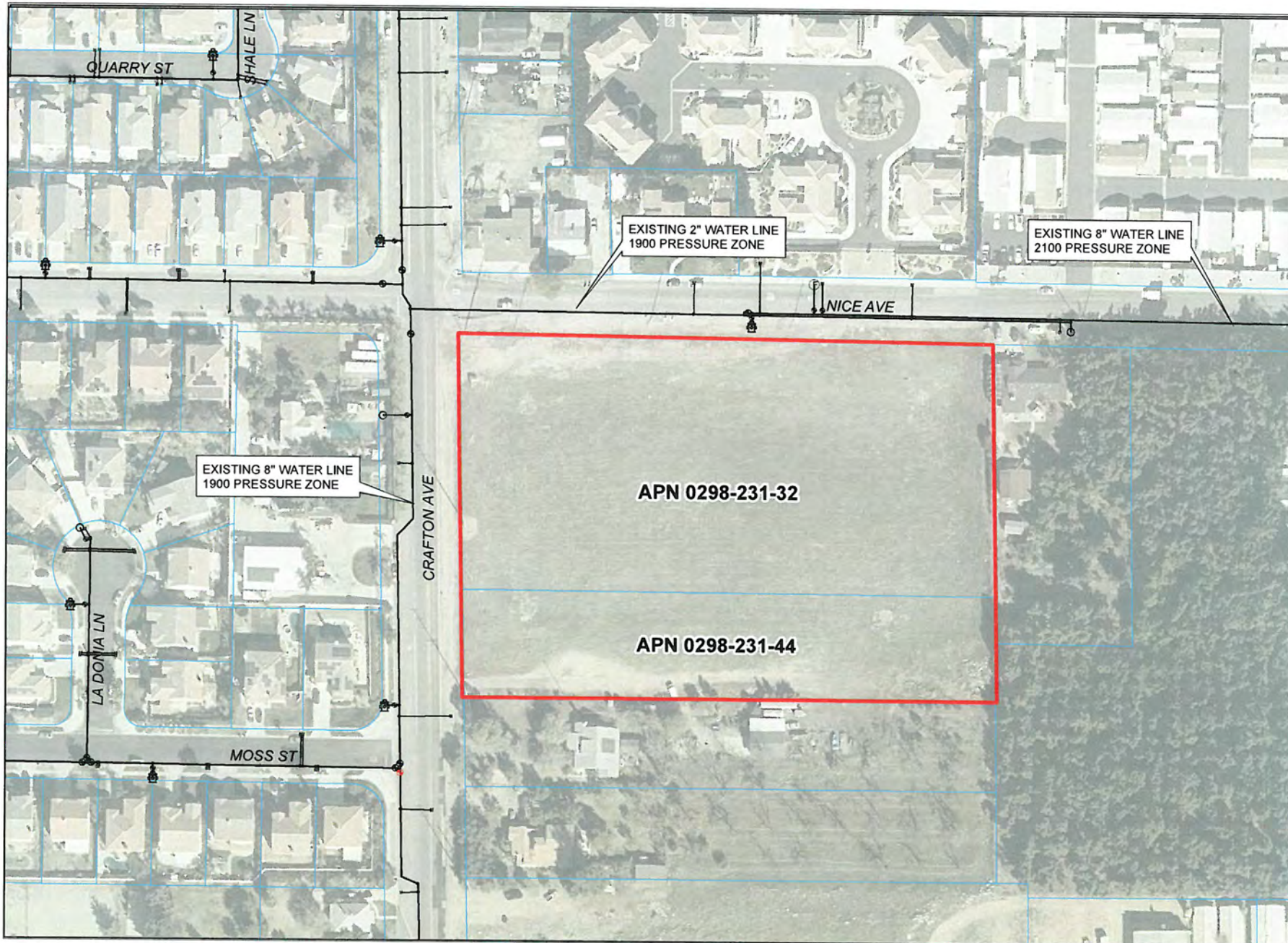


**REDLANDS "A CITY THAT WORKS"**

City of  
**Redlands**  
Information Technology Services Department  
Geographic Information System



**OSC 18-27  
WATER MAP**



This map was produced by the City of Redlands, Geographic Information System. The City of Redlands assumes no warranty or legal responsibility for the information contained on this map. The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.



**REDLANDS** "A CITY THAT WORKS"

City of  
**Redlands**  
Information Technology Services Department  
Geographic Information System

OneStop.mxd

**City of Redlands' Application  
and Signed Contract**

**Attachment 2**





City of  
**REDLANDS**

Incorporated 1888  
Municipal Utilities & Engineering Department  
35 Cajon Street, Suite 15A  
Redlands, CA 92373  
909-798-7698

PAUL TOOR  
Director

SAVAT KHAMPHOU  
Deputy Director

August 17, 2018

Sam Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 W. Third Street, Unit 150  
San Bernardino, CA 92415

**APPLICATION FOR EXTENSION OF SERVICES BY CONTRACT FOR OUTSIDE CITY CASE 18-27 AT THE SOUTHEAST CORNER OF CRAFTON AVENUE AND NICE AVENUE (APN 0298-231-32 & 44)**

Mr. Martinez,

The City of Redlands hereby requests the Local Agency Formation Commission consider the attached proposed contract for service pursuant to Government Code Section 56133. The agreement is for the provision of water and sewer service to Tract No. 20030 located at the southeast corner of Crafton Avenue and Nice Avenue. The location of the property is in the City of Redlands' sphere of influence in the Mentone area.

If you have any question, please contact me at (909) 798-7524, ext. 1.



---

**ROSS WITTMAN**  
Senior Project Manager

RW:rw

**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 REDLANDS  
CONTACT PERSON: ROSS WITTMAN  
ADDRESS: 35 CATON STREET SUITE 154  
REDLANDS, CA. 92373  
PHONE: 909.798.7524 x1  
EMAIL: RWITTMAN@CITYOFREDLANDS.ORG

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: TIM DION  
CONTACT PERSON: TIM DION  
MAILING ADDRESS: 8213 WHITE OAK AVENUE  
RANCHO CUCAMONGA, CA 91730  
PHONE: 909.240.0735  
EMAIL: TIM.DION@GMAIL.COM  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: \_\_\_\_\_  
CONTRACT NUMBER/IDENTIFICATION: OSC 18.27, PRE-ANNEXATION 18.01  
PARCEL NUMBER(S): 0298-231-32 & 44  
ACREAGE: 5.5 ACRES

Extension of Service by Contract  
Application Form

LAFCO SC # 430  
(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.

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.

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 PRE-ANNEXATION AGREEMENT 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.

ANNEXATION WILL OCCUR WHEN PROPERTY  
BECOMES CONTIGUOUS TO CITY LIMITS



Extension of Service by Contract  
Application Form

LAFCO SC # 430  
(FOR LAFCO USE ONLY)

- (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.

---

---

---

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.

---

---

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.

PROPOSED SUBDIVISION INCLUDES 30 SINGLE FAMILY  
RESIDENTIAL LOTS

---

---

Extension of Service by Contract  
Application Form

LAFCD SC # 430  
(FOR LAFCD USE ONLY)

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)

☐  
☐  
☒  
☒  
☐  
☐  
☐

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.

WATER MAIN WILL BE EXTENDED APPROXIMATELY 892  
LINEAR FEET ALONG CRAFTON AND NICE, WITH 781 OF THAT  
BEING EXISTING FRONTAGE AND REMAINING 111 LINEAR  
FEET BEYOND PROPERTY LIMITS. AN ADDITIONAL 1,765 LINEAR  
FEET OF WATER MAIN WILL BE CONSTRUCTED WITHIN THE TRACT.  
SEWER WILL NOT BE EXTENDED ALONG NICE OR CRAFTON.  
HOWEVER 1,220 LINEAR FEET OF SEWER WILL BE  
CONSTRUCTED WITHIN THE TRACT. WORK WILL BE COMPLETED  
UNDER BOTH CITY AND COUNTY ENCROACHMENT PERMITS.

**LAFCO SC # 430**  
(FOR LAFCO USE ONLY)

---

---

---

---

---

- [illegible]

- 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.

## CERTIFICATION

As a part of this application, the City of REDLANDS, or the \_\_\_\_\_ District/Agency 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.


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.

Extension of Service by Contract  
Application Form

**LAFCO SC #** 430  
(FOR LAFCO USE ONLY)

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



NAME:

ROSS WITTMAN

POSITION TITLE:

SENIOR PROJECT MANAGER

DATE:

AUGUST 7, 2018

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  
1170 W. Third Street, Unit 150,  
San Bernardino, CA 92415-0490  
PHONE: (909) 388-0480 • FAX: (909) 388-0481



**Proposed Development**

Applicant

Project

Address

Prior project

(Include Agriculture if water supplied by City)

**Project Data:****Jim Didion****TR 20030 - 30 lots - Outside City****Apn 0298-231-32, 44****Vacant**

Date: 7/11/2018

Prepared by: ac

DIF Preliminary Estimate

DIF Preliminary Credit

**PW DIF:**

	Fee	Credit	Est. NET DIF
Transportation	\$45,370.80	\$0.00	\$45,370.80
Fire	\$17,312.40	\$0.00	\$17,312.40
Government	\$20,593.50	\$0.00	\$20,593.50
Library	\$7,937.40	\$0.00	\$7,937.40
Open Space/Park/Community Fac	\$118,798.20	\$0.00	\$118,798.20
Police	\$903.30	\$0.00	\$903.30
Storm Drain	\$21,000.00	\$0.00	\$21,000.00
Subtotal:	<b>\$231,915.60</b>	<b>\$0.00</b>	<b>\$231,915.60</b>

**Water and Sewer DIF:**

Sewer Capacity	\$93,900.00	\$0.00	\$93,900.00
Recycled Irr	\$0.00	\$0.00	\$0.00
Water Capacity	\$143,861.25	\$0.00	\$143,861.25
Water Source	\$25,835.33	\$0.00	\$25,835.33
Solid Waste	\$0.00	\$0.00	\$0.00
Subtotal:	<b>\$263,596.57</b>		<b>\$263,596.57</b>

**Frontage Fees:**

Frontage Fee 8" Water	\$8,280.00	\$0.00	\$8,280.00
Frontage Fee 12" Water:	\$0.00	\$0.00	\$0.00
Frontage Fee 6" Non-Potable	\$0.00	\$0.00	\$0.00
Frontage Fee 8" Sewer:	\$18,630.00	\$0.00	\$18,630.00
Subtotal	<b>\$26,910.00</b>		<b>\$26,910.00</b>

With Credits -

Grand Total: **\$522,422.17** Adjusted Total: **\$522,422.17**

**REDLANDS MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT  
DEVELOPMENT REQUIREMENTS  
TENTATIVE TRACT NO. 20030**

**Date:** June 28, 2018  
**Applicant:** James Didion Consulting  
**Location:** APN: 0298-231-32 and 0298-231-44  
**Project Description:** 31 Single Family Residential Lots and 4 Lettered Lots (County Project P201600258)

The following is a list of Municipal Utilities and Engineering Department requirements which must be fulfilled prior to establishment of a water service connection for the property located at APN 298-231-32 and 0298-231-44 at the southeast corner of Crafton Avenue and Nice Avenue in Mentone, an unincorporated area of San Bernardino County.

**A. The following items are required prior to approval of APPLICATION FOR WATER SERVICE CONNECTION and prior to WATER METER INSTALLATION.**

1. Pay plan check fee as established per resolution. The amount will be determined at plan check submittal. (RMC Section 13.62.050) (RMC Section 13.24.060)
2. Plans required to be submitted shall include (RMC Section 13.62.050B):
  - a. Potable Water Main and Lateral Installation; and
  - b. Sewer Main and Lateral Installation.

All plans used as reference for design shall be listed on title sheet of all plans with reference numbers. All plans shall be submitted on 24" x 36" size sheets. Two (2) copies of each are required. After final review, plans shall be submitted on 24" x 36" size, min. 4 mil, mylar sheets for City's approval.

3. Submission of plan sets shall be complete and include all required engineering designs and drawings listed in No. 2 above. All plans submitted shall be substantially complete, and no plan check queue place-holder plans will be accepted. An incomplete plan submittal will not be accepted for plan check.
4. All support documentation shall be submitted with the plans to be checked. Submission shall include:
  - a. Easement Documents.
5. All City water and sewer improvements shall be designed by owner's Civil Engineer in accordance with City Standard Specifications and Detail Drawings and Standard Specifications for Public Works Construction (Green Book) latest revision thereof. All existing utilities shall be pot-holed to determine the actual

depth if no signed plan is available. Field notes will be submitted at time of submitting the plan for review and plan checking (RMC Section 13.62.050).

6. The approximate locations of existing underground utilities shall be shown on the improvement/site/grading plans. The utilities shall be plotted from record and field data. The City of Redlands and the Engineer assume no liability as to the exact location of said lines where locations are not shown.
7. All National Pollutant Discharge Elimination System (NPDES) Best Management Practices (BMPs) to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in place and shall be maintained throughout the course of the project.
8. Payment of all capital improvement and other development fees which would be applicable to the property if it were within the City limits. These fees will be the fees per ordinance in effect at time of the water meter installation. The exact amount will be determined based upon the review of the final building plan or project information. These fees shall include development impact fees for:
  - Water Capital Improvement;
  - Water Source Acquisition;
  - Transportation Facilities;
  - Fire Facilities;
  - Community Center Facilities;
  - General Government Facilities;
  - Library Facilities;
  - Open Space/Park;
  - Police Facilities;
  - Storm Drain Facilities; and
  - Solid Waste Capital Improvement Charge.

There shall also be waterline and sewer frontage charges and appropriate meter installation fees.

9. Final City approved mylars for all City sewer and water improvements shall be on file with the Municipal Utilities and Engineering Department.
10. Although this project will have an on-going inspection throughout construction, a final inspection for all water and sewer improvements must be scheduled by developer to certify that these improvements comply with City specifications.
11. Requirements for Crafton Avenue:
  - a. Install a minimum 8 inch diameter potable water main including necessary valves and appurtenances; and
  - b. Install residential fire hydrants as required by the County Fire Department. Provide fire flow calculations.



12. Requirements for Nice Avenue:

- a. Install a minimum 8 inch diameter potable water main including necessary valves and appurtenances; and
- b. Install residential fire hydrants as required by the County Fire Department. Provide fire flow calculations.

13. Requirements for Interior Streets:

- a. Install a minimum 8 inch diameter potable water main including necessary valves and appurtenances; and
- b. Install residential fire hydrants as required by the County Fire Department. Provide fire flow calculations; and
- c. Install a minimum 8 inch diameter sewer main with manholes and appurtenances.

14. Install reduced pressure principle backflow devices as required by City Engineer (RMC Section 13.20.040) and (RMC Section 13.20.050).

**B. The following items are required prior to issuance of the ENCROACHMENT PERMIT.**

1. Cash cleanup deposit shall be submitted (\$1,000.00). Deposit will be reimbursed after the work is completed and accepted by the City upon written request.
2. Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a "Permit to Excavate" will be valid. For your Dig Alert Identification Number, call Underground Service Alert toll free, 1-800-227-2600, two (2) working days prior to conducting any excavation.
3. Encroachment Permit application and two (2) sets of City approved plans must be submitted for all off-site improvements. Encroachment Permit fees shall be paid prior to issuance of Encroachment Permit (RMC Section 12.16.260).
4. A California OSHA Permit Number for all work that is 5 feet deep or deeper shall be provided. Call (909)383-4321.
5. A traffic control plan shall be prepared in accordance with the latest revision of (CA) MUTCD or W.A.T.C.H. manual, submitted and accepted by the City Engineer prior to issuance of an encroachment permit. The plan shall show all required construction signage, warning devices, road closures, detours, delineation, phasing schedules and anticipated durations of closures and detours for any work within the public right-of-way. The plans shall provide names and 24-hour phone numbers of individuals who can be contacted regarding traffic control measures (RMC Section 12.20.130).

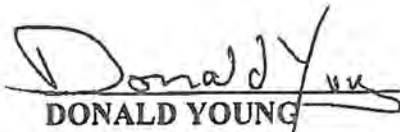

**C. The following items are required prior to issuance of FINAL ACCEPTANCE.**

1. All requirements as described in Sections A and B of these conditions of approval shall be met.
2. The Engineer of Record shall file a Final Certification for all water and sewer improvements relating to the project development. (RMC Section 13.62.050)
3. All work shall be completed to the satisfaction of the City Engineer (RMC Section 13.62.050) (RMC Section 13.58.200). All as-built plans shall be delivered to the Municipal Utilities and Engineering Department for.
4. A list of as-built infrastructure improvement quantities shall be provided in the Excel format provided by the City showing quantities for each street segment; i.e., pipe, valves, etc. (GASB 34)
5. Backflow Test and Maintenance Form(s) completed by a tester certified with the County of San Bernardino for all backflow prevention devices directly connected to City water facilities (RMC Section 13.58.190) (CCR Title 17 Section 7605).

**D. The following items are required prior to release of DEPOSITS.**

1. All requirements as described in Section C of these conditions of approval shall be met.
2. The release of securities/warranties/deposits must be requested in writing to the City Engineer. Allow 30 days for processing.

  
**MICHAEL POOL**  
Assistant City Engineer

  
**DONALD YOUNG**  
One Stop Permit Manager  
  
Initial

akc

FILE P201600258

RECORDING REQUESTED BY  
CITY OF REDLANDS  
AND WHEN RECORDED MAIL DOCUMENT TO:

NAME City Clerk, City of Redlands  
STREET ADDRESS P.O. BOX 3005  
CITY, STATE & ZIP CODE Redlands, CA 92373

Electronically Recorded in Official Records, County of San Bernardino

7/17/2018  
12:24 PM  
CG



BOB DUTTON  
ASSESSOR - RECORDER - CLERK  
367 City of Redlands Clerk

Doc# 2018-0258451



Titles	1	Pages	9
Fees			.00
Taxes			.00
CA SB2 Fee			.00
Others			.00
Paid			.00

FEES NOT REQUIRED PER  
GOVERNMENT CODE SECTION 6103

SPACE ABOVE FOR RECORDER'S USE ONLY

Annexation and Provision for City Utility Services

Title of Document

**THIS AREA FOR  
RECORDER'S  
USE ONLY**

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)



Recording requested by  
and when recorded mail to:

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

## AGREEMENT FOR ANNEXATION AND PROVISION FOR CITY UTILITY SERVICES

This Agreement for Annexation and Provision of City Utility Services ("Agreement") is made and entered into this 19th day of June, 2018, by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and Apex Pacific Asset Management, LLC ("Property Owner"). The City and Property Owner are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

### RECITALS

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

WHEREAS, Property Owner owns two vacant parcels of land on the southeast corner of Crafton Avenue and Nice Avenue (Assessor's Parcel Numbers 0298-231-32-0000 and 0298-231-44-0000) in the unincorporated area of the County of San Bernardino and has provided evidence satisfactory to the City, that Property Owner is the fee owner of the said property which is also identified as County of San Bernardino Assessor's Parcel Numbers (APN) 0298-231-32-0000 and 0298-231-44-0000 (the "Property"), which are located in an unincorporated area within the City's sphere of influence; and

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

WHEREAS, the City's General Plan and Chapter 13.60 of the Redlands Municipal Code establish policies and procedures for the approval of City utility services to land located within the

City's sphere of influence and require, among other things, the owner of the property to be served to enter into an agreement and record the same in the official records of the county of San Bernardino requiring the owner to annex the land to the City upon certain conditions; and

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

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

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

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of Redlands and the parties comprising the Property Owner, agree as follows:

#### AGREEMENT

1. Recitals. The foregoing recitals are true and correct.
2. Provision of Utility Services. The City agrees to provide domestic water service to the Property consistent with the terms and conditions of this Agreement, provided that the connection complies with all rules and regulations of the City governing the extension and provision of utility services to properties located outside the City's boundaries at the time a request by the Property Owner for application for a water connection is approved by the City's Municipal Utilities and Engineering Department. Nothing herein represents a commitment by the City to provide such service unless and until Property Owner complies with all such rules and regulations. As a condition of approval of an application for water connection and sewer connection, and prior to receiving any service, the Property Owner agrees to pay the full cost of such service as established by the City for the extension of utility services to the Property.
3. Agreement to Develop by City Standards. In consideration of the City's agreement to provide City water service and City sewer service to the Property, Property Owner shall develop the Property in accordance with the Redlands General Plan and any applicable development standards of the Redlands Municipal Code.

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

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

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

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

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

9. Indemnity and Cost of Litigation.

a. Hold Harmless - Development. Property Owner agrees to and shall hold the City, and its elected and appointed officials, officers, agents and employees free and harmless from any and all liability for damage or claims for damage for personal injury, including death, and claims for property damage which may arise from the operations, errors, or omissions of Property Owner or those of its contractors, subcontractors, agents, employees or any other persons acting on Property Owner's behalf which relate to development of the Property. Property Owner agrees to and shall defend, indemnify and hold harmless the City, its elected officials, officers, agents, employees and representatives from all actions for damages caused or alleged to have been caused by reason of Property Owner's acts, errors or omissions in connection with the development of

the Property. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of Property Owner's or its representatives' acts, errors or omissions regardless of whether or not the City supplied, prepared or approved plans or specifications relating to the development of the Property and regardless of whether or not any insurance policies of Property Owner relating to such development are applicable.

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

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

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

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

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

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

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

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

"A general release does not extend to claims which the creditor does not know or

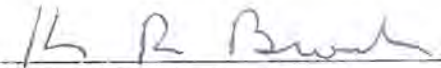


suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."


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

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

PROPERTY OWNER

  
\_\_\_\_\_  
Kevin R. Brooks, President  
Apex Pacific Asset Management, LLC

CITY OF REDLANDS

  
\_\_\_\_\_  
Paul W. Foster, Mayor

ATTEST:

  
\_\_\_\_\_  
Jeanne Donaldson, City Clerk



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 San Bernardino )

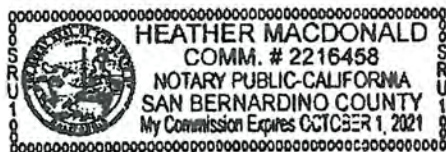
On July 12, 2018 before me, Heather MacDonald, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Paul W. Foster and Jeanne Donaldson  
Name(s) of Signer(s)

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 Heather MacDonald  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Agreement For Annexation

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

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

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

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

Signer Is Representing: \_\_\_\_\_

## 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 San Bernardino

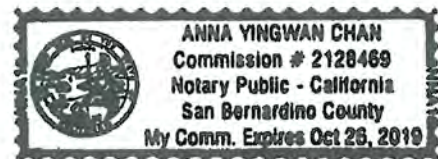
On 7/10/2018 before me, Anna Yingwan Chan, notary public  
(insert name and title of the officer)

personally appeared Kevin R. Brooks  
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  (Seal)





0 40 80  
1" = 40'

SEE SHEET 2 FOR SURVEYOR'S NOTES  
MONUMENT NOTES AND EASEMENT NOTES

SEE SHEET 4 FOR DETAILS AND LINE AND CURVE  
DATA TABLES.

# TRACT NO. 20030

BEING A SUBDIVISION OF LOT 2 AND A PORTION OF LOT 3, BLOCK 31 OF CRAFTON TRACT, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, IN SECTION 20, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, AS SHOWN BY MAP ON FILE IN BOOK 3, PAGE 14 OF MAPS RECORDS OF SAID COUNTY.

BLAINE A. WOMER CIVIL ENGINEERING, INC.

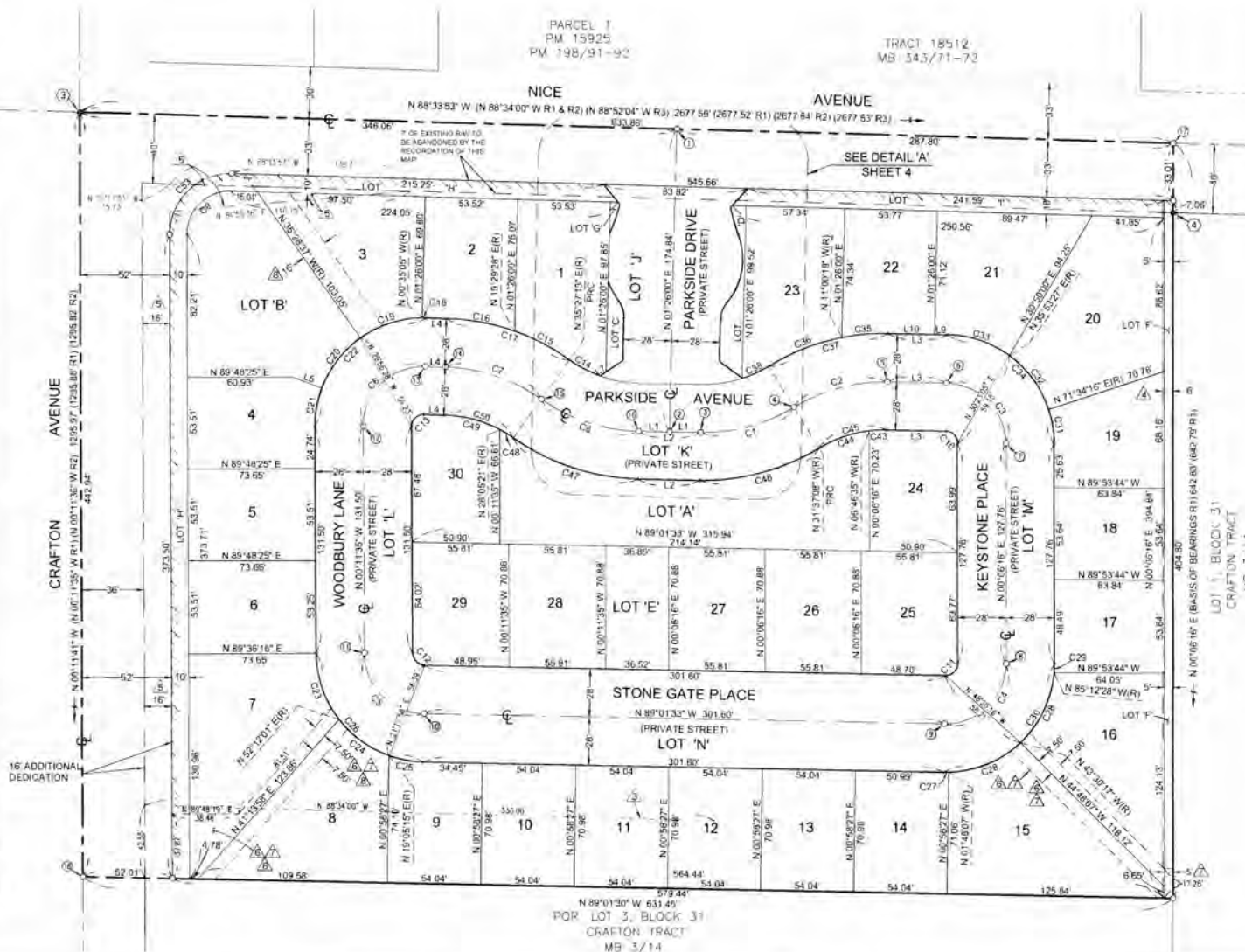
FEBRUARY 2018

SHEET 3 OF 4 SHEETS

PARCEL 1  
PM 15925  
PM 198/91-92

TRACT 18512  
MB 34.3/71-73

NOTE  
LOT 'A' IS RESERVED HEREON FOR OPEN SPACE AND RECREATIONAL USE.  
LOTS 'B' AND 'F' ARE RESERVED HEREON FOR DRAINAGE EASEMENT PURPOSES.  
LOTS 'C', 'D', 'E' AND 'G' ARE RESERVED HEREON FOR LANDSCAPE AND MAINTENANCE PURPOSES.  
LOTS 'H' AND 'I' ARE RESERVED HEREON FOR WALLS, LANDSCAPING, AND MAINTENANCE PURPOSES.



C.O.C. E0020-02  
DOC. #2007-0180543, D.B.  
REC. 4-11-02

D.B.  
TRACT 16292  
MB 305/11-15

16' ADDITIONAL  
DEDICATION

LOT 1, BLOCK 31  
CRAFTON TRACT  
MB 3/14

**County's Conditions of  
Approval for Tentative Tract  
Map 20030**

**Attachment 3**



SC#430

**SAN BERNARDINO  
COUNTY**

**Land Use Services Department  
Planning**

Tom Hudson  
Director

August 25, 2017

James Didion  
8213 White Oak Ave.  
Rancho Cucamonga, CA 91730

**RE: RE: A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP 31 SINGLE FAMILY RESIDENTIAL LOTS WITH AN OPEN SPACE/RECREATION AREA AND A TENTATIVE TRACT MAP TO CREATE 31 RESIDENTIAL LOTS AND 4 LETTERED LOTS ON 5.48 ACRES. MENTONE/3RD SUPERVISORIAL DISTRICT; APN: 0298-231-32, 41; PROJECT # P201600258**

Dear Applicant,

The above referenced application has been reviewed and conditionally approved by the Board of Supervisors subject to the enclosed Conditions of Approval. The applicant shall comply with all applicable requirements of Federal, State, County and Local agencies.

This decision becomes effective on September 6, 2017, unless an appeal is filed. Any interested person may file an appeal to the Planning Commission prior to the effective date. The appeal, accompanied by the \$1,712 appeal fee, must be made in writing on forms available from the Public Information Counter or on the San Bernardino County Land Use Services webpage (<http://cms.sbcounty.gov/lus>).

In accordance with Chapter 86.06.060 of the San Bernardino County Development Code, all Conditions of Approval specified on the enclosed pages shall be completed, a building permit issued and actual construction commenced within sixty (60) months of the effective date or the approval shall expire. An extension of time, not to exceed thirty-six (36) months, may be granted upon approval of an Extension of Time Application and the necessary fee to this office not less than thirty (30) days prior to the expiration date.

If you have any questions regarding this approval, I can be reached directly at (909) 387-3067 or via email at [kwhite@lud.sbcounty.gov](mailto:kwhite@lud.sbcounty.gov).

Sincerely,

  
Kevin White, Senior Planner

KW/mh

**BOARD OF SUPERVISORS**

**ROBERT A. LOYNGOOD**  
Chairman, First District

**JANICE RUTHERFORD**  
Second District

**JAMES RAMOS**  
Third District

**CURT HAGMAN**  
Vice-Chairman, Fourth District

**JONIL GONZALEZ**  
Fifth District

## **CONDITIONS OF APPROVAL**

### **STONEGATE RESIDENTIAL JAMES DIDION: Tentative Tract 20030 & Planned Development**

#### **GENERAL REQUIREMENTS Of Operation and Procedure**

#### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. Project Approval Description. This Tentative Tract Map 20030 is approved to be recorded and constructed in compliance with the San Bernardino County Code (SBCC), the conditions of approval stated herein and the approved stamped tentative tract maps. This approval includes the requirements of any approved reports (e.g. traffic study, noise study). Tentative Tract Map No. 20030 is approved to create 30 numbered lots and 7 lettered lots on 5.48 acres. APN: 0298-231-32 & 44, Project No: P201600258.
2. Concurrent Filings. The project includes a Preliminary and Final Development Plan to construct 30 single-family homes on 5.48 acres.
3. Code Compliance. The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, , and the following conditions of approval, the approved tentative tract map and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and approved tentative tract map to every current and future developer to facilitate compliance with these conditions of approval and continuous use requirements for the project site.
4. Project Location. The project is located at the Southeast corner of Crafton Avenue and Nice Avenue in the Community of Mentone (3rd<sup>d</sup> supervisorial District).
5. Revisions. 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 to County Planning for review and approval.
6. "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.
7. Expiration. This conditional approval shall become null and void unless all conditions have been completed and the Tentative Map has been deemed complete by the County Surveyor for purposes of recordation within thirty-six (36) months following the effective approval date, unless an extension of time is granted.

8. 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.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The "developer" is responsible for initiation of any extension request.

9. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
10. Extension of Time. 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.



11. Project Account. The Job Costing System (JCS) account number is P201600258. 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 \$3,000.00 shall be in the project account at the time of project approval and the initiation of the Condition Compliance Review. 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 final inspection, occupancy and/or operation of each approved use in each approved structure or land use activity area. There shall be sufficient funds (\$1000.00) remaining in the account to properly fund file closure and any other required post-occupancy compliance review and inspection requirements (e.g. landscape performance).
12. Condition Compliance. Condition compliance confirmation for purposes of the Final Map recordation will be coordinated by the County Surveyor.
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:
  - a) Grading Permits - a copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
  - b) Building Permits - a copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
  - c) Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
14. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.\_
15. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
  - a) FEDERAL: United States Fish and Wildlife Service, Army Corp of Engineers
  - b) STATE: California Department of Fish and Wildlife, Regional Water Quality Control Board (RWQCB) – Santa Ana Region, South Coast Air Quality Management District (SCAQMD).
  - c) COUNTY: Land Use Services Department; Public Health-Environmental Health Services (DEHS), Department of Public Works, County Fire Department AND
  - d) LOCAL: City of Redlands; Local Agency Formation Commission (LAFCO)



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, including during construction.
17. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
  - a. Waste Stream Reduction. The developer shall provide to all tenants and homeowners County-approved informational materials about methods and need to reduce the solid waste stream and available recycling services.
  - b. Vehicle Trip Reduction. The developer shall provide to all tenants and homeowners County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, and/or providing a web site or message board for coordinating rides.
  - c. Provide Educational Materials. The developer shall provide to all tenants and homeowners education materials and about reducing waste and available recycling services. The education materials shall be submitted to County Planning for review and approval.
  - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards.
19. Improvements. All improvements, including but not limited to, landscaping, fencing, walls, ditches, sewer/wastewater treatment, open space, detention basins and related pumping systems, parkways, walkways, medians, trails and streetlights, shall be maintained in good condition by the subdivider until such improvements are conveyed to individual property owners, or until an association or public agency accepts the maintenance responsibility.

**LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311**

20. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
21. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

22. Fire Jurisdiction. The above referenced Project is under the jurisdiction of the San Bernardino County Fire Protection 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 California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
23. Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
24. 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.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage (909) 387-8311**

25. 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.
26. 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.
27. Continuous BMP Maintenance. The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.

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

**DEPARTMENT OF PUBLIC WORKS – Traffic Division (909) 387-8186**

29. Traffic. The project vehicles shall not back out into the highway.

**DEPARTMENT OF PUBLIC WORKS - Solid Waste Management (909) 387-8701**

30. 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 Assembly Bill (AB) 2176.
31. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling is implemented in 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**

**The following shall be completed:**

**LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387- 8311**

32. Retaining Wall Plans. Submit plans and obtain separate building permits for any required walls or retaining walls.
33. Geotechnical (Soil) Report. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
34. 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.
35. Erosion & Sediment Control Plan. An erosion and sediment control plan shall be submitted to and approved by the Building Official.
36. Erosion Control Installation. An erosion control permit shall be obtained and devices installed prior to any land disturbance. No sediment is to leave the job site.



37. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
38. Regional Board Permit. CONSTRUCTION projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387- 8311**

39. Archaeological and Native American Monitoring. *The Project archaeologist must contact the Cultural Resources Monitoring (CRM) Department of the San Manuel Band of Mission Indians to provide for a Native American Monitor at least one week in advance of initial ground – disturbing activity. The Archaeological and Native American monitors must be present during initial ground-disturbing activities, including: grubbing, grading, filling, drilling, trenching, excavation, placement of irrigation lines, digging for electrical lines, water lines, plantings, tree removal, and fence posts. Should subsurface archaeological deposits, cultural resources, or Tribal cultural resources are discovered, archaeological and Native American monitoring will continue until, through consultation, both parties, County of San Bernardino and San Manuel Band of Mission Indians (SMBMI), determine daily monitoring can be shifted to periodic spot checks or concluded.*

*If potential significant archaeological deposits are encountered, all ground disturbance within a 60-ft radius of the significant deposit shall halt until a Secretary of the Interior-qualified archaeologist and the Native American monitor can assess the discovery. Work on the project may continue outside of the 60-ft radius of the discovery. Should the discovery be assessed as significant, the SOI-qualified archaeologist shall develop and implement a Cultural Resources Treatment Plan (CRTP), in consultation (i.e. review and comment on CRTP) with SMBMI, that would reduce potential impacts through avoidance or, if avoidance is not practicable, data recovery. Discovery of potentially significant archaeological deposits and implementation of data-recovery investigations will include a plan for detailed recording, collection of artifacts, cataloging artifacts, curation or reburial of artifacts after analyses are complete, and the preparation of additional archaeological technical reports,*

*During the project, the monitors shall submit monitoring reports to the archaeological consultant and SMBMI on a schedule that has been agreed upon. After ground-disturbing activities have been completed, an archeological monitoring report shall be completed by the archaeological consultant. Technical reports, the monitoring report, and other necessary archaeological documentation shall be submitted to the SMBMI for review and comments. Permanent curation of archival documentation, artifacts, and any other materials will be determined through consultation between the County of San Bernardino and SMBMI.*

40. Human Remains. *In the unlikely event of inadvertent discovery of human remains, the Coroner will be notified and all work in the area must cease immediately, nothing disturbed, and the area is to be secured. Protocol will follow all applicable state and federal laws [California state law (California Health and Safety Code 7060.6) and federal law and regulations {[Archaeological Resources Protection Act (ARPA 16 USC 470 & 43 CFR 7], [Native American Graves Protection*

*& Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Land , Interior 43 CFR 8365.1-7]]]*

- A) 100-ft radius area will be established around the location of the human remains; no disturbance of the area will take place until the remains are assessed by the Coroner. Work may continue in other areas of the project.
- B) No photographs will be taken of the remains unless the County Coroner identifies the remains as non-Native American.

41. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce impacts to GHG and submitting documentation of compliance. The developer/construction contractors shall do the following:
- d) Implement the approved Coating Restriction Plans.
  - e) Select construction equipment 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.
  - f) Grading plans shall include the following statements:
    - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
    - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
  - d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
  - e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
  - f) 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.
42. AQ-Dust Control Plan. *The “developer” shall prepare, submit for review and obtain approval from County Planning of both a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a signed 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 requirements:*
- a) *Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day.*
  - b) *Any portion of the site to be graded shall be pre-watered to a depth of three feet prior to the onset of grading activities.*
  - c) *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.*



- d) *Any area that will remain undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers and/or a desert wildflower mix hydroseed on the affected portion of the site.*
  - e) *Storage piles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated.*
  - f) *Imported fill and exported excess cut shall be adequately watered prior to transport, covered during transport, and watered prior to unloading on the project site.*
  - g) *Storm water control systems shall be installed to prevent off-site mud deposition.*
  - h) *All trucks hauling dirt away from the site shall be covered.*
  - i) *Construction vehicle tires shall be washed, prior to leaving the project site.*
  - j) *Rumble plates shall be installed at construction exits from dirt driveways.*
  - k) *Paved access driveways and streets shall be washed and swept daily when there are visible signs of dirt track-out.*
  - l) *Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. 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 and after street sweeping.*
43. AQ - Construction Mitigation. *The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:*
- a) *Provide documentation prior to beginning construction demonstrating that the project will comply with all SCAQMD regulations including 402, 403, 431.1, 431.2, 1113 and 1403.*
  - b) *Each contractor shall certify to the developer prior to construction-use that all equipment engines are properly maintained and have been tuned-up within last 6 months.*
  - c) *Each contractor shall minimize the use of diesel-powered vehicles and equipment through the use of electric, gasoline or CNG-powered equipment. All diesel engines shall have aqueous diesel filters and diesel particulate filters.*
  - d) *All gasoline-powered equipment shall have catalytic converters.*
  - e) *Provide onsite electrical power to encourage use of electric tools.*
  - f) *Minimize concurrent use of equipment through equipment phasing.*
  - g) *Provide traffic control during construction to reduce wait times.*
  - h) *Provide on-site food service for construction workers to reduce offsite trips.*
  - i) *Implement the County approved Dust Control Plan (DCP)*
  - j) *Suspend use of all construction equipment operations during second stage smog alerts.*
- NOTE: For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).*
44. 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.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

- 45. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. [F05]
- 46. Street Signs. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management Division (909) 386-8701**

- 47. Construction and Demolition Waste Management Plan (CDWMP) – Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a "Construction Waste Management Recycling Plan (CDWMP), Part I. The CDWMP 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 percent of total volume.

Upon completion of construction, the developer shall complete SWMD's CDWMP Part 2. This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification regarding reuse of materials on site.

**Public Health – Environmental Health Services (DEHS) (800) 442-2283**

- 48. Vector Clearance. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

**DEPARTMENT OF PUBLIC WORKS– Surveyor (909) 387-8149**

- 49. Monumentation. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to

disturb said monumentation, and appropriate documents shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

**LAND USE SERVICES DEPARTMENT - Land Development Division - Drainage (909) 387-8311**

50. Grading Plans. Grading plans shall be submitted to Land Development Division for review and approval obtained, prior to construction. All drainage and WQMP improvements shall be shown on the grading plans along with the supporting hydrology, hydraulics and WQMP calculations. An \$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
51. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements 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. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
52. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
53. On-site Flows. On-site flows need to be directed to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
54. FEMA Flood Zone. The project is located within Flood Zone \_X-Shaded\_ according to FEMA Panel Number \_8730J\_ dated \_09-02-2016\_ and will require the lowest floor(s) to be elevated one foot (1ft) above the natural highest adjacent ground (HAG) in compliance with SBC regulations. The requirements may change based on the most current Flood Map prior to issuance of grading permit.
55. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
56. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)
57. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.



**PRIOR TO RECORDATION OF THE FINAL MAP**  
**The Following Conditions Shall Be Completed**

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

58. HOA required. The Developer shall establish a Homeowners' Association (HOA) for the purpose of monitoring and maintaining common area amenities and where applicable, private lot areas with HOA maintenance easements. The HOA shall include all lots in Village A and shall be formed to the satisfaction of County Planning. The Developer shall submit the following to County Planning for review and approval:
- a) Cover Letter. Reference the project case number P201600258 and identify the contact individual (with contact information) for any questions concerning the submitted documents.
  - b) By-Laws/CC&R. The proposed HOA By-Laws, Declaration of Covenants, Conditions and Restrictions (CC&R's), and HOA Rules and Regulations shall be submitted for review and approval obtained from County Planning. The By-laws and the CC&R's, as approved by the County, shall not be modified or rescinded without County approval. The CC&R's shall:
    - Provide for a minimum term of 60 years.
    - Provide for the establishment of an HOA comprised of the owners of each individual lot or unit as tenants in common.
    - Provide for common area ownership to be by either the HOA or the owners of each individual lot or unit as tenants in common.
    - Contain the following note verbatim: "Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply: The property owners' association established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit 'A', attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the County of San Bernardino or the County's successor-in-interest. The property owners' association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be paid in full prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien. This Declaration shall not be terminated, 'substantially' amended, or property deannexed there from absent the prior written consent of the County of San Bernardino or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'common area' established pursuant to the Declaration., In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."
  - c) Sample Title. A sample document conveying title to the purchaser of an individual lot or unit, which provides that the declaration of covenants, conditions, and restrictions is incorporated therein by reference.
  - d) Recordation. After approval by the County, the HOA By-Laws, the Declaration of Covenants, Conditions and Restrictions (CC&R's) shall be recorded and a copy of the recorded documents shall be provided to County Planning. The submitted documents shall include: One (1) copy and one (1) original, wet signed, notarized and ready for recordation

declaration of covenants, conditions, and restrictions; attached to these documents there shall be included a legal description of the property included within the covenants, conditions and restrictions and a scaled map or diagram of such boundaries, both signed and stamped by a California registered civil engineer or licensed land surveyor.

- e) HOA Responsibilities. The HOA documents (CC&R's) shall indicate that the HOA is required to maintain the private streets (including snow removal where appropriate) street landscaping, common area landscaping, fuel modification measures, slopes, fencing, retaining walls, drainage facilities, and water quality facilities. The HOA shall enforce architectural controls to insure compatibility of colors, materials, landscaping and overall aesthetic appearance, including prompt removal of graffiti. The HOA shall require that roof mounted mechanical equipment shall be screened from view, on all sides to minimize any visual and aesthetic adverse impacts. Homeowners shall be required to incorporate drought-resistant, fire retardant, and water conserving plants and irrigation systems in their landscaping designs. Homeowners will be required to maintain any required fuel modification and sound attenuation measures.
- f) Landscaped Area Maintenance. The maintenance of landscaped areas shall be the sole responsibility of the developer until the transfer to individual ownership of the lots or until the maintenance is officially assumed by the required Homeowners' Association (HOA). A separate water meter shall be installed in any common easement landscaped area, in conformance with an approved landscaping plan.

**LAND USE SERVICES DEPARTMENT - Building & Safety Division (909) 387-8311**

59. Geotechnical (Soil) Report. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval.

**Public Health - Environmental Health Services (DEHS) (800) 442-2283**

60. Water Purveyor. The water purveyor shall be City of Redlands.
61. Water Verification. Applicant shall procure a verification letter from the City of Redlands. This letter shall state whether or not water connection and service shall be made available to the project by the City of Redlands. This letter shall reference the File Index Number and Assessor's Parcel Numbers.
62. Sewage Disposal. Method of sewage disposal shall be a City of Redlands
63. Sewer Verification. Applicant shall procure a verification letter from the City of Redlands. This letter shall state whether or not sewer connection and service shall be made available to the project by the City of Redlands. The letter shall reference the Assessor's Parcel Numbers.
64. LAFCO. The provision of water and sewer service to the project from the City of Redlands will require an Out-of-Agency service agreement for service outside its boundaries. Such a contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement for water and sewer service to DEHS.

65. Preliminary Acoustic Information. 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 (800) 422-2283.
66. Existing Wells. Any existing wells on the lot shall (1) be properly destroyed under permit OR (2) have been constructed to "California Well Standards" and be used as a source of water (industrial and/or domestic) for the project. Contact DEHS/Water Section for more information at (800) 442-2283.
67. Water/Sewer Requirements 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, submit a signed statement to DEHS from the approved utility of jurisdiction confirming 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 evidence of financial arrangements agreeable to the water purveyor and/or sewerage entity to DEHS for review and approval.

**LAND USE SERVICES DEPARTMENT - Land Development Division - Drainage (909) 387-8311**

68. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements 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. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
69. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
70. On-site Flows. On-site flows need to be directed to drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
71. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana Watershed Region. Copies of the WQMP guidance and template can be found at: (<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)



72. Grading Plans. Grading plans shall be submitted for review and approval obtained if grading occurs prior to Final Map recordation. All drainage and WQMP improvements shall be shown on the grading plans along with the supporting hydrology, hydraulics and WQMP calculations. All Land Development conditions prior to issuance Grading/land disturbance permits shall be applied.

**LAND USE SERVICES DEPARTMENT - Land Development Division - Roads (909) 387-8311**

73. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**Crafton Avenue (Major Highway – 104')**

- Road Dedication. A 16-foot grant of easement is required to provide a half-width right-of-way of 52-feet.
- Street Improvements. Design curb and gutter with match up paving 40-feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed with a 35-foot radius per County Standard 110 at the intersection of Crafton Avenue and Nice Avenue. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

**Nice Avenue (Collector – 66')**

- Road Vacation. Vacate 7 feet of right-of-way on the south side of Nice Avenue along Project Frontage. Recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), Department of Public Works shall be submitted to Land Development. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to recordation. Contact Transportation Right-of-Way at (909) 387-7951 to obtain additional information.
- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed with a 35-foot radius per County Standard 110 at the intersection of Crafton Avenue and Nice Avenue. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

**“A” Street (Private-56’)**

- Private Street “A” shall be designed according to Figure 12-2 of the San Bernardino County Road Planning and Design Standards.
- Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- Road Dedication. A 56-foot grant of easement is required to provide a full-width right-of-way along “A” Street.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 at the intersection of Nice Avenue and “A” Street, and “A” Street and “B” Street. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way. The accessible route from the handicap ramps shall be ADA compliant and shall be delineated with handicap striping, or textured pavers.
- CMRS Exclusion. Road improvements required for this development will not be entered into the County Maintained Road System (CMRS).

**“B”, “C”, “D”, and “E” Streets (Private – 56’)**

- Road Dedication. A 56-foot grant of easement is required to provide a full-width right-of-way.
- Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- Street Improvements. Design a 36-foot full width paved section with curb and gutter.
- Curb Returns. Curb returns shall be designed per County Standard 110 at intersections of the internal private streets.
- Handicap Ramp. A handicap ramp shall be placed mid-block located directly south from the north-westerly curb return ramp located at the intersection of “A” Street and “B” Street. The accessible route shall be ADA compliant and shall be delineated with handicap striping, or textured pavers.
- Sidewalks. Design sidewalks per County Standard 109 Type “C”.
- 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.
- CMRS Exclusion. Road improvements required for this development will not be entered into the County Maintained Road System (CMRS).

74. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed 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 General Plan, Circulation Element.
75. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
76. CMRS Exclusion. Road improvements required for this development will not be entered into the County Maintained Road System (CMRS).
77. Improvement Securities. Any required public road, drainage, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
78. Maintenance Bond. Once all required public road, drainage, and/or 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.
79. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
80. Structural Section Testing. Prior to map recordation, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
81. Private Roads/Improvements. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
82. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.



83. 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.
84. 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.
85. Access Restriction. An approved type wall/barrier shall be required along the rear of double frontage lots and shall be constructed outside of public right-of-way.
86. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
87. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
88. 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.

**DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149**

89. Final Map. A Tentative and Final Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
90. Non-interference Letter. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
91. Easements of Record. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
92. Payment of Actual Cost Fees. Review of the Final Map by our office is based on actual cost, and requires an initial \$8,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
93. Title Report. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

94. Final Monumentation. Final Monumentation, not set prior to recordation, shall be bonded for with a cash deposit to the County Surveyor's Office as established per the current County Fee Ordinance on file with the Clerk of the Board.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed

**DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149**

95. Monumentation. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and appropriate documents shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

96. Signs. The developer shall submit all signs for review and approval.
97. Recordation. Tentative Tract Map (TTM) 20030 shall be recorded prior to the issuance of building permits.
98. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning, which include the following:
- a) Full landscaping of the building setback area along all street frontages.
  - b) A decorative pedestrian entrance from the side walk, through the landscape setback area

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

99. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
100. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads (909) 387-8311**

101. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans.



Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

102. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan for the Redlands Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. These fees are subject to change periodically. Currently, the fee is \$7,063 per unit for Single Family use. The proposed tract development has 30 single family lots per the site plan dated June 2017. Therefore, the total estimated Regional Transportation Fee for the tract is \$211,890 (\$7,063 per single family lot x 30 single family lots). The current Regional Transportation Development Mitigation Plan can be found at the following website:  
[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)

103. 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.

#### **SPECIAL DISTRICTS (909) 387-5940**

104. Streetlights. This project lies within the sphere area of County Service Area SL-1. If streetlighting is required, annexation to the district or formation of an improvement zone within CSA 70 will occur and the developer is requirement to provide the street lighting plans, plan check fees and (3) three-year advanced energy charges for review and approval. Development plans are to be submitted to the Special Districts Department at 157 W. 5<sup>th</sup> St., 2<sup>nd</sup> Floor, San Bernardino, CA 92415-0450. For additional information regarding annexation or street light plans, please call Special Districts Department, Lien Administration Section at (909) 387-5829 or Streetlighting Section at (909) 387-9617

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

105. Fire Fee. The required fire fees (currently \$863.0) shall be paid to the San Bernardino
106. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]
107. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1
108. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

109. Building Plans. Not less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
110. Water System Residential. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single family structure. Standard 901.4 [F54B]

**DEPARTMENT OF PUBLIC WORKS - Solid Waste Management (909) 387-8701**

111. Construction and Demolition Waste Management Plan (CDWMP) Part 1. The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a demolition permit can be issued.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

112. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

113. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each affected agency.
114. Underground Utilities. All new and existing local on-site utility distribution lines (less than 66 kv) located on or around the perimeter of the site, shall be placed underground. The developer will work cooperatively with the County and appropriate utility agencies to underground these facilities. Transmission lines with higher voltages (66 kv or greater) are not required to be placed underground. In addition, utility lines located on existing poles that contain transmission lines may also remain overhead.

115. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201600258 shall be paid in full.
116. 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.

**DEPARTMENT OF PUBLIC WORKS - Solid Waste Management (909) 387-8701**

117. Construction and Demolition Waste Management Plan (CDWMP) Part 2. The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 50% of total weight or volume of all construction waste.

**COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465**

118. 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. [F01A]
119. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]
120. Fire Sprinkler-NFPA #13D. An automatic life safety fire sprinkler system complying with NFPA Pamphlet #13D and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor, or be the approved homeowner/installer. The fire sprinkler contractor/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with hydraulic calculations and manufacture's specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. Minimum water supply shall be in accordance with current fire department standards
121. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]
122. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved



roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

123. Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F81]

**DEPARTMENT OF PUBLIC WORKS - Traffic Division (909) 387-8186**

124. Road Improvement Installation. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

**LAND USE SERVICES DEPARTMENT - Land Development Division – Drainage (909) 387-8311**

125. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development Division, Drainage Section.
126. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

**LAND USE SERVICES DEPARTMENT - Land Development Division – Roads (909) 387-8311**

127. Road Improvements. Construction of internal roads and related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer, identifying all supporting engineering criteria. Only the off-site improvements on Nice Avenue will be inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
128. 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. Nice Avenue shall be accepted by County Public Works, and interior road improvements shall be accepted by the Land Development Division through Certification provided by the private Engineer.
129. CMRS Exclusion. Roads within this development will not be entered into the County Maintained Road System (CMRS).

130. Landscape Maintenance. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Public Works/Planning, maintained by the adjacent property owner or other County-approved entity.

**END OF CONDITIONS**

**Tom Dodson and Associates'  
Response Including the  
County's Mitigated Negative  
Declaration**

**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](mailto:tda@tdaenv.com)



September 7, 2018

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Suite 150  
San Bernardino, CA 92415-0490

**RECEIVED**  
SEP 10 2018

**LAFCO**  
San Bernardino County

Dear Sam:

LAFCO SC#430 consists of a proposal by the City of Redlands (City) to extend water and sewer service to a site of about 5.5 acres generally located at the southeast corner of Nice Avenue and Crafton Avenue, within the City's eastern sphere of influence. The area proposed to receive water and sewer service through an out-of-area service agreement is being developed with 30 single-family residential lots and supporting facilities. The site will be developed in accordance with Tentative Tract Map No. 20030 which was approved on August 22, 2017 by San Bernardino County. The County also adopted a Mitigated Negative Declaration (MND) for the project. If the Commission approves LAFCO SC#430, the project site can be developed with the above referenced project.

As indicated, the County of San Bernardino prepared an Environmental Assessment/Initial Study and adopted a Mitigated Negative Declaration (MND) for this project. The extension of water and sewer service by the City is required for the 30 single-family residences being developed within the 5.5-acre site. Water mains are being extended about 891 feet (most along the project's frontage) from the connections available at the corner of Crafton and Nice avenues, and water and sewer mains are also being extended within the subdivision. Based on the surrounding level of development as determined by a site visit, a limited potential exists to induce growth from this extension of water and sewer mains to the proposed development site.

The County prepared MND Study which concluded that implementation of the proposed project would not result in significant adverse environmental impacts to the environment with implementation of numerous mitigation measures (such as air quality). These mitigation measures 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#430.

Based on a review of LAFCO SC#430 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 environmental documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2017. Based on a field review and review of the environmental issues in the County's document, I could not identify any substantial changes in circumstances that may have occurred since its adoption that would require additional environmental documentation. The County's Notice of Determination was filed on August 24, 2017. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#430, acting as a CEQA Responsible Agency:



1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Mitigated Negative Declaration/Initial Study and found them adequate for the extension of service decision.
2. The Commission needs to indicate that it has considered the Mitigated 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 Mitigated Negative Declaration adequate for approval of the extension of 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 remain the responsibility of the County 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, appearing to read "Tom Dodson".

Tom Dodson

/TD

SC#430

## DATE FILED &amp; POSTED

Posted On: 8-24-17Removed On: 10-6-17Receipt No: SC-080417-511

## 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 BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second Floor  
San Bernardino, CA 92415-0130

## From:

Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave, First Floor San  
Bernardino, CA 92415-0182

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): 2017021014Project Title: Stonegate at Mentone Residential DevelopmentProject Applicant: James Didion ConsultingProject Location (include county): Southeast corner of Crafton Avenue and Nice Avenue. - Community of  
Mentone - San Bernardino County.

## Project Description:

A) A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ESTABLISH 30 SINGLE FAMILY RESIDENCES WITH A RECREATION AREA ON 5.48 ACRES.

B) A TENTATIVE TRACT MAP TO CREATE 30 RESIDENTIAL LOTS AND SIX LETTERED LOTS ON 5.48 ACRES.

This is to advise that the County of San Bernardino has approved the  
above (☒ Lead Agency or ☐ Responsible Agency)described project on 08/22/2017 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 RahhalTitle: Planning DirectorDate: 8-14-17

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

**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:** 0298-231-32,44  
**Applicant:** James Didion  
**Project No:** P201600258

**Staff:** Kevin White, Planner  
**Proposal:** A) A PRELIMINARY AND FINAL DEVELOPMENT  
PLAN TO ESTABLISH 30 SINGLE FAMILY  
RESIDENCES WITH A RECREATION AREA ON  
5.48 ACRES  
B) A TENTATIVE TRACT MAP TO CREATE 30  
RESIDENTIAL LOTS AND SIX LETTERED  
LOTS ON 5.48 ACRES.

**USGS:** Redlands  
**LAT/LONG:** 34.065245248, -  
117.12045480  
**T, R, Section:** 1S, 2W, 20  
**Community:** Mentone  
**OLUZD:** Multiple Residential

**PROJECT CONTACT INFORMATION:**

**Lead agency:** County of San Bernardino  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> 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@luzd.sbcounty.gov](mailto:kevin.white@luzd.sbcounty.gov)

**PROJECT DESCRIPTION:**

***Summary***

The proposed project is a Planned Residential Development to allow 30 homes on 5.48 acres and a Tentative Tract Map (TT 20030) to subdivide 5.48 acres into 30 lots and 6 lettered lots. The site is located in unincorporated San Bernardino County (County), within the Sphere of Influence of City of Redlands. See Exhibit 1 (Vicinity Map).

***Local Setting***

The area immediately surrounding the project site consists of residential uses. Roadways in the project vicinity are paved. Crafton Avenue is adjacent to the project site to the west and Nice Avenue to the north.

***Project Site Location, Existing Site Land Uses and Conditions***

The project site is currently vacant. The site and surrounding vicinity is predominantly flat terrain. The project site has an elevation between 1759 and 1776 msl with a slight decrease in elevation to the east.

***Existing General Plan Land Use Zoning Designations***

Land uses on the project site and surrounding parcels are governed by the County's Zoning Code. The site's land use zoning designation is Multiple Residential. The project site is within the City of Redlands's Sphere of Influence Area. The City of Redlands's General Plan Land Use Designation for the site is Residential.

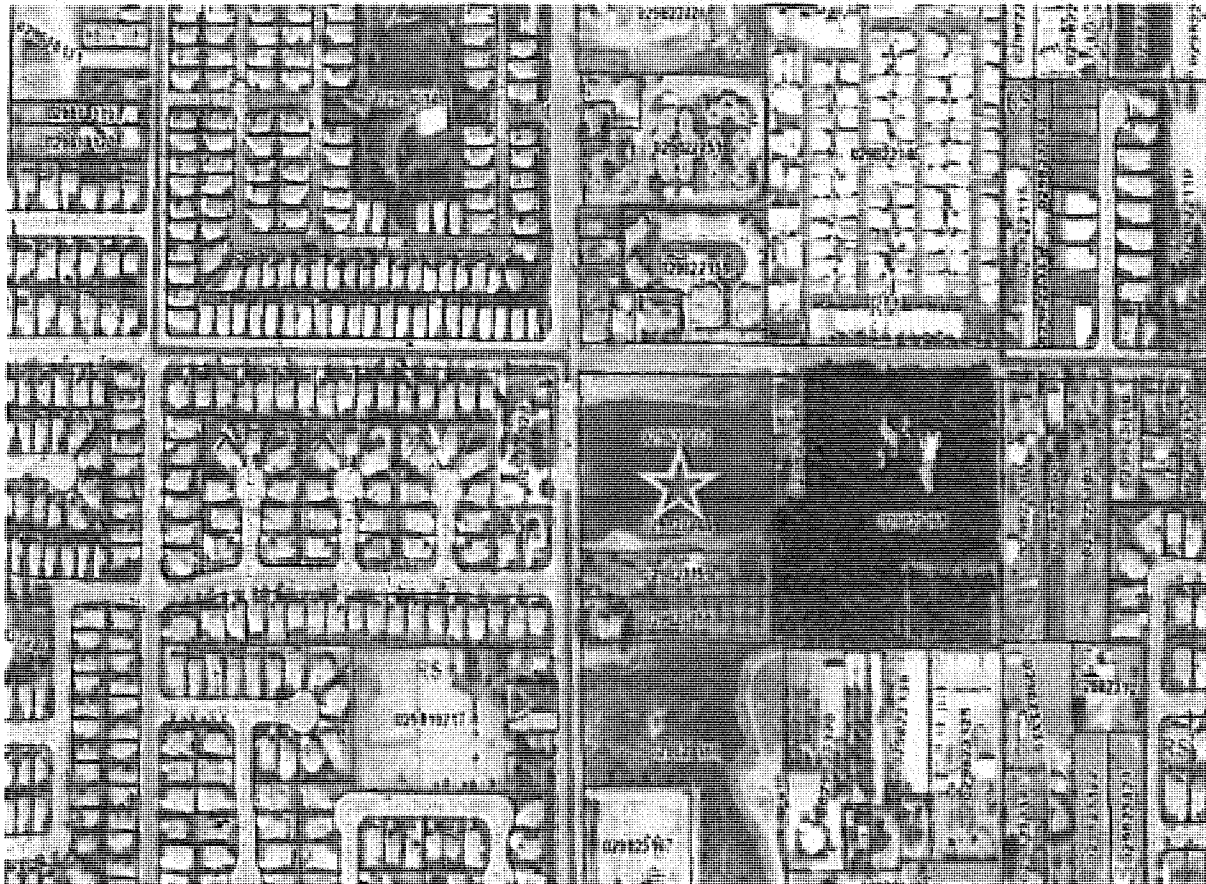
<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	<b>Vacant</b>	<b>Multiple Residential (RM)</b>
<b>North</b>	<b>Multi-family Homes</b>	<b>Multiple Residential (RM)</b>
<b>South</b>	<b>Single Family Home</b>	<b>Multiple Residential (RM)</b>
<b>East</b>	<b>Single Family Home - Agriculture</b>	<b>Multiple Residential (RM)</b>
<b>West</b>	<b>Single Family Homes</b>	<b>Single Residential (RS)</b>

***Tentative Tract Map***

The proposed Tentative Tract Map will subdivide the property into 30 residential lots and 6 lettered lots. The residential lots range in size from 4,122 square feet to 7,970 square feet. The tract map has a proposed maximum density of 6 units per acre (net). The lettered lots are proposed to be common areas. Lot A and lot E are proposed to be utilized as park. The remainder of the lettered lots will be utilized by the landscape areas for beautification of the existing and proposed streets, and one will be used as water quality basin.

The Tract map includes one dedicated points of ingress and egress, which is located on Nice Avenue. The development will be a gated community and the interior streets are designed to be private streets. The City of Redlands will provide water and sewer services for the proposed lots. The project site is located within the boundaries of the Redlands Unified School District.

**Exhibit 1: Vicinity Map**





## **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
-----------------------------------	---	--------------------------	--------------

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 <b>NEGATIVE DECLARATION</b> 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 <b>MITIGATED NEGATIVE DECLARATION</b> shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> 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 <b>ENVIRONMENTAL IMPACT REPORT</b> 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 <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , 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
<b>I. AESTHETICS - Will the project</b>				
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.
- 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, and ornamental landscaping (e.g., groundcover, shrubs and trees). The project site is vacant. The proposed project would allow the development of the site with single-family homes and related infrastructure and improvements (e.g., streets, curbs, street trees, perimeter walls, fire hydrants, and park, which would be at a similar scale and character as existing uses and improvements surrounding the site. The project will also require the following condition to address existing utilities along Nice Avenue and the proposed 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.*

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 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
<b>II. AGRICULTURE AND FORESTRY RESOURCES -</b> 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) **Less than Significant 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. This site is designated as Farmland of Local Importance and therefore is not Prime, Unique, or Farmland of Statewide Importance. The project would convert Farmland, as shown on the FMMP maps, to a non-agricultural use. This loss of a potential agricultural uses was analyzed as part of the County's General Plan Environmental Impact Report. The property is designated Multi-Family Residential and no agricultural uses exist on the site.
- 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 RM. 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 zoned Timberland Production. The proposed project area has never been designated as forest land or timberland because the site is within the valley region which does not contain forested lands.
- 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 within the valley region of the county, and is vacant. 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 RM. 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
<b>III. AIR QUALITY</b> - 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):

- 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.

Projects such as the proposed Stonegate 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 basis 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, and emissions will be 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.

- 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 Phase**

Dust is a concern during grading, 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.

Peak daily construction activity emissions are estimated to be below SCAQMD CEQA thresholds without the need for added mitigation. The only mitigation measure applied for this project is 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.

Based on the project size, project construction 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-2 are incorporated to facilitate monitoring and compliance with SCAQMD's Rule 403.

**Operational Impacts**

The proposed project is projected to generate approximately 286 daily trips, 23 AM peak hour trips and 30 PM peak hour trips on the surrounding roadway network. Based on the project size, and expected number of trips, the project would neither violate any air quality standard nor contribute substantially to an existing or projected air quality violation. Impacts are less than significant.

- 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.
- 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 operational phases 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/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-2** **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
<b>IV. BIOLOGICAL RESOURCES - Will the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
<b>SUBSTANTIATION:</b> (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database <input checked="" type="checkbox"/> ): Burrowing owl				

- a) **Less than significant Impact.** A general biological assessment was completed by Natural Resource Assessment, Inc. The field assessment was conducted on July 21, 2016. The survey team noted the site is currently vacant and unimproved. In addition, the site area has previously been disked, likely for weed control. Ruderal (weedy) plant community is the only plant community on site.

Burrowing owl was the principal species of concern for this property. Habitat for burrowing owl was assessed in accordance with standard practice. The assessment included looking for burrowing owl burrows, whitewash, pellets, animal remains and other burrowing owl indicators. Burrowing owls need sparse shrubby habitat (such as grasslands and desert

scrub) to provide food for their insect and other small prey items. The site does not contain any sparse shrubby habitats or similar grassland habitats preferred by this species. No burrows were observed suitable or in use by this species. All Beechey ground squirrel burrows were in use by ground squirrels. No sign of burrowing owl use was observed. Therefore the property is considered unsuitable for burrowing owl use.

The project may have direct construction-related impacts to ground nesting birds, such as killdeer, that use the site. There may also be indirect impacts to nesting bird species off-site. Therefore a preconstruction nesting survey shall be conducted to determine the status of nesting species.

- b) **No Impact.** The site does not contain any riparian habitat. Vegetation on the site consists of a weedy plant community. Neither desert plant species nor riparian plant species exist or have the potential to exist on the project site.
- c) **No Impact.** A general biological assessment was completed by Natural Resource Assessment, Inc. The field assessment was conducted on July 21, 2016. The assessment concluded that there are 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. Water may have historically flowed across the project site, but the natural flow was altered years ago by the development of agriculture and more recently by the construction of adjacent residential development. There are no waters or wetland habitats that would come under the jurisdiction of the Corps. 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.** A general biological assessment was completed by Natural Resource Assessment, Inc. The field assessment was conducted on July 21, 2016. The habitat on site is highly disturbed and is located adjacent to human use areas. No native wildlife utilize the project site for migration purposes. 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.
- e) **No Impact.** The project does not conflict with 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.

**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
<b>V. CULTURAL RESOURCES - Will the project</b>				
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 in part on the Cultural Resources Assessment, dated September 19, 2016 by SRS, Inc.

- a) **Less than Significant Impact with mitigation.** The Cultural field survey conducted on the project site identified no historic-period resources on the site with 29 recorded resources identified within one-mile of the project area. Isolated historic debris identified on the property do not qualify as significant. The report however indicated the project area has a low to moderate risk of containing subsurface cultural resources. However, the Cultural Resources report recommended monitoring of the grading activities. The mitigation measures below will further reduce the potential for impacts, if anything should be found during project construction.
- b) **Less than Significant Impact with mitigation.** The Cultural field survey conducted on the project site identified no archaeological resources on the site with 29 recorded resources identified within one-mile of the project area. The report however indicated the project area has a low to moderate risk of containing subsurface cultural resources. Therefore, development of the subject property is not expected to result in any adverse impacts to historical or archaeological resources. The proposed mitigation measures below will further reduce the potential for impacts, if anything should be found during project construction.
- 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 resources survey of the site. The proposed mitigation measures below will 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.

**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:

*V-1) Archaeological and Native American Monitoring. The Project archaeologist must contact the Cultural Resources Monitoring (CRM) Department of the San Manuel Band of Mission Indians to provide for a Native American Monitor at least one week in advance of initial ground – disturbing activity. The Archaeological and Native American monitors must be present during initial ground-disturbing activities, including: grubbing, grading, filling, drilling, trenching, excavation, placement of irrigation lines, digging for electrical lines, water lines, plantings, tree removal, and fence posts.*

*Should subsurface archaeological deposits, cultural resources, or Tribal cultural resources be discovered, archaeological and Native American monitoring will continue until, through consultation, both parties, County of San Bernardino and San Manuel Band of Mission Indians (SMBMI), determine daily monitoring can be shifted to periodic spot checks or concluded.*

*If potential significant archaeological deposits are encountered, all ground disturbance within a 60-ft radius of the significant deposit shall halt until a Secretary of the Interior-qualified archaeologist and the Native American monitor can assess the discovery. Work on the project may continue outside of the 60-ft radius of the discovery. Should the discovery be assessed as significant, the SOI-qualified archaeologist shall develop and implement a Cultural Resources Treatment Plan (CRTP), in consultation (i.e. review and comment on CRTP) with SMBMI, that would reduce potential impacts through avoidance or, if avoidance is not practicable, data recovery. Discovery of potentially significant archaeological deposits and implementation of data-recovery investigations will include a plan for detailed recording, collection of artifacts, cataloging artifacts, curation or reburial of artifacts after analyses are complete, and the preparation of additional archaeological technical reports,*

*During the project, the monitors shall submit monitoring reports to the archaeological consultant and SMBMI on a schedule that has been agreed upon. After ground-disturbing activities have been completed, an archaeological monitoring report shall be completed by the archaeological consultant. Technical reports, the monitoring report, and other necessary archaeological documentation shall be submitted to the SMBMI for review and comments. Permanent curation of archival documentation, artifacts, and any other materials will be determined through consultation between the County of San Bernardino and SMBMI.*

---

**V-2) Human Remains.** *In the unlikely event of inadvertent discovery of human remains, the Coroner will be notified and all work in the area must cease immediately, nothing disturbed, and the area is to be secured. Protocol will follow all applicable state and federal laws [California state law (California Health and Safety Code 7060.6) and federal law and regulations {[Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Land , Interior 43 CFR 8365.1-7]}]*

**A)** 100-ft radius area will be established around the location of the human remains; no disturbance of the area will take place until the remains are assessed by the Coroner. Work may continue in other areas of the project.

**B)** No photographs will be taken of the remains unless the County Coroner identifies the remains as non-Native American.



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. GEOLOGY AND SOILS - Will the project:</b>				
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

- 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. 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 Redlands Fault which is capable of generating seismic activity. The known regional active and potentially active faults that could produce the most significant ground shaking at the site include the Redlands-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 Opal 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. The project site is not located in a Geologic Hazard Overlay, nor is it located on soils known to expose people or structures to liquefaction.

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 has been prepared, which specifies permanent BMPs to control erosion and sedimentation once construction is complete. 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.** The site is not expected to be prone to adverse effects of: slope instability or adverse differential settlement from cut/fill transition).

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. 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.

- 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.

**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
<b>VII GREENHOUSE GAS EMISSIONS - Will the project:</b>				
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.

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 (CO<sub>2</sub>) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (N<sub>2</sub>O) and methane (CH<sub>4</sub>), 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 CO<sub>2</sub>-equivalent (CO<sub>2</sub>e) 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 screening level operational threshold is 3,000 metric tons (MT) of

CO<sub>2</sub>e per year. The total operational emissions and annualized construction emissions of will be 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 MTCO<sub>2</sub>e 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." 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.

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 MTCO<sub>2</sub>e 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
<b>VIII</b>	<b>HAZARDS AND HAZARDOUS MATERIALS - Will the project:</b>				
	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:**

- 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.

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.** 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 located in the vicinity of the Redlands Municipal Airport. The site is not within the boundaries of the airport land use plan and would not impose 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.
- 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 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
<b>IX</b>	<b>HYDROLOGY AND WATER QUALITY - Will the project:</b>				
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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or offsite?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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:**

---

- 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 Land Development Division as part of the building permit(s) process. As detailed in the Hydrology Study and the Preliminary WQMP, the proposed development would include a Retention Basin within Lot B located at the corner of Nice and Crafton Avenue. The retention basin will be utilized to treat the flow from the site from the proposed streets and will be maintained by a Homeowners Association.

The conditions will also require the following as standard conditions of approval:

1. **NPDES Permit:** An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
2. **Regional Board Permit Letter:** CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

- 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 Redlands not from groundwater wells at the site. The City of Redlands currently serves the existing structures located on the project site. The City of Redlands has indicated sufficient water supplies are available but the number of "outside City connections" is limited on a yearly basis. Therefore, the timetable for water connections may be restricted, depending on the other development in the area.

- 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. Drainage will continue to leave the site on Crafton Avenue. The proposed development will decrease all flow events from their pre-development conditions for flow and volume. The reduction in drainage flow would be due to the proposed Retention Basins within Lot B located at the intersection of Crafton Avenue and Nice Avenue. 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.
- 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 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. With the installation of the retention basins, the existing runoff to downstream properties will be reduced. Storm drains are not required for the project as the site is not a part of the Masterplan. Therefore 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 that 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 Project is located within Flood Zone X Shaded according to FEMA Panel Number 8709H dated 08/28/2008 and will require the first floor to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
- 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
<b>X. LAND USE AND PLANNING - Will the project:</b>					
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 adjacent zoned for residential uses and adjacent to existing residential land uses. The proposed project is sited and designed to enhance and be integrated with an established community, and is a logical and orderly extension of residential uses.
- 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 project approval includes a General Plan Amendment to change the site's Land Use District to Single Residential. The project would be consistent with all applicable land use policies and regulations of the County Development Code and General Plan.
- 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
<b>XI. MINERAL RESOURCES - Will the project:</b>				
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. 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
<b>XII. NOISE - Will the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 ☐):

**a) Less than Significant Impact.**

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.

Lots along the existing streets of Nice Avenue and Crafton Avenue may be exposed to noise levels above the standard with windows open because of the traffic on those respective streets. However homes will have Air Conditioning units installed to ensure that windows can remained closed for prolonged periods of time.

- 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 groundborne 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 groundborne 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 proposed project is expected to result in 232 daily trips. This limited increase in traffic will not cause off-site noise impacts to surrounding off-site noise-sensitive uses. 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. Short-term impacts associated with construction would be limited to the greatest extent practical 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 located within the boundaries of an airport land use plan, and is in the vicinity of the Redlands Municipal, located approximately 1.5 miles to the north. The project is outside of the adopted noise contours as the airport runway runs in an east-west direction.
- f) **No Impact.** The proposed project area is not located within the vicinity of a private 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
<b>XIII. POPULATION AND HOUSING - Will the project:</b>				
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 30 lots.

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 Redlands. 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 contains no existing housing that will be removed.

- 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 not developed with any homes that will be demolished. 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.**

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIV. PUBLIC SERVICES</b>				
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:**

- 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.

This project includes a small neighborhood park. 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 open space uses onsite the impact 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
<b>XV. RECREATION</b>					
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 30 unit single family residential project is not expected to result in an significant 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 a small on site neighborhood park. Community parks are available throughout the City of Redlands, and existing regional parks are adequate to handle regional park needs of future residents of the project.
- 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 recreational facilities 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
<b>XVI. TRANSPORTATION/TRAFFIC – Will the project:</b>				
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 checked="" type="checkbox"/>	<input 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.** The project includes new residential roadways that would be constructed per the tentative tract, and will also require street improvements so that the existing roads meet current county standards. 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.

This project falls within the Regional Transportation Development Mitigation Fee Plan for the Redlands Subarea. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for.

- b) **Less than Significant Impact with mitigation.**

A traffic study was prepared by TJW Engineering, Inc, dated December 1, 2016. The proposed project is projected to generate approximately 286 daily trips, 23 AM peak hour trips and 30 PM peak hour trips on the surrounding roadway network.

The following two (2) intersections in the vicinity of the project site have been included in the intersection level of service (LOS) analysis:

- Crafton Avenue (NS) at Mentone Boulevard (SR-38) (EW); and
- Crafton Avenue (NS) at Nice Avenue (EW).

The study intersections are analyzed for the following study scenarios:

- Existing Conditions;
- Existing Plus Project Conditions;
- Year 2018 Without Project Conditions; and
- Year 2018 With Project Conditions.

#### Existing Conditions

The study intersections are currently operating at an acceptable LOS (LOS D or better) during the AM and PM peak hours.

#### Existing Plus Project Conditions

The study intersections are projected to continue to operate at an acceptable LOS (LOS D or better) during the AM and PM peak hours for existing plus project conditions.

No off-site mitigation measures were identified since the proposed project is projected to result in no significant impacts at the study intersections for all analysis scenarios.

- c) **No Impact.** The proposed project would not affect air traffic patterns. The project is residential and 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 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.
- 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. 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.

**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:

**T-1)Regional Transportation Fee.** This project falls within the Regional Transportation Development Mitigation Fee Plan for the Redlands Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. Currently, the fee is \$7,063 for single family dwelling unit. There are 30 single family residential units per the Tentative Tract Map 20030 dated February 20, 2014. Therefore, the estimated Regional Transportation Fees are \$211,890 (30 units x \$7,063 per unit). These fees are subject to change periodically. The current Regional Transportation Development Mitigation Plan can be found at the following website:

[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS - Will the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- a) **Less than Significant Impact.** Wastewater sewer service for the project would be provided by the City of Redlands. Sewage would be conveyed in public sewer lines in the public street rights-of-way on the project site to the existing sewer lines. 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.** 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 Redlands.

- c) **Less than Significant Impact.** As detailed in the Hydrology Study and the Preliminary WQMP, the proposed development would include a Retention Basin within Lot B located at the corner of Nice and Crafton Avenue. The retention basin will be utilized to treat the flow from the site from the proposed streets and will be maintained by a Homeowners Association.

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.** 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 Redlands'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.** 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 Redlands 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) **Less than Significant Impact.** The project includes 30 residential units. Disposal Rates for single family units within San Bernardino County is .41 tons per residence, per year, resulting in an estimated tonnage for the development of 12 tons per year.

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 six landfills and seventeen transfer stations operated by the County. According to the 2012 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 system wide characteristics indicate that the County has an estimated site-life capacity of 63 years. 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 55,715 tons and 511,524 tons per year of throughput with approximately 46,705,231 tons of remaining capacity. The San Timoteo Landfill has a maximum permitted capacity of 11,220,000 cubic yards and 152,172 tons per year with approximately 7,600,562 cubic yards of remaining capacity. Therefore the solid waste system has sufficient permitted capacity to accommodate the project's solid waste disposal needs.

With respect to demolition of the existing structures, the conditions of approval will require the developer to prepare, submit, and obtain approval from SWMD of a CWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from demolition. The CWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at [www.sbcounty.gov/dpw/solidwaste](http://www.sbcounty.gov/dpw/solidwaste). An approved CWMP Part 1 is required before a demolition permit can be issued.

Upon completion of demolition, the developer shall complete SWMD's CWMP Part 2 and shall provide documentation of diversion of materials including but not limited to receipts, invoices or letters showing material type(s) and weights or volume from diversion facilities or certification of reuse of materials on site. An approved Part 2 of the CWMP is required prior to issuing building permits.

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.

This project falls within a Uniform Handling Service area. All owners of a dwelling 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 service area includes waste and recycling services.

- 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
--------	--------------------------------------	---	--------------------------	--------------

**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/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-2** **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.

### **Cultural Resources Measures**

**C-1 Archaeological and Native American Monitoring.** The Project archaeologist must contact the Cultural Resources Monitoring (CRM) Department of the San Manuel Band of Mission Indians to provide for a Native American Monitor at least one week in advance of initial ground – disturbing activity. The Archaeological and Native American monitors must be present during initial ground-disturbing activities, including: grubbing, grading, filling, drilling, trenching, excavation, placement of irrigation lines, digging for electrical lines, water lines, plantings, tree removal, and fence posts. Should subsurface archaeological deposits, cultural resources, or Tribal cultural resources be discovered, archaeological and Native American monitoring will continue until, through consultation, both parties, County of San Bernardino and San Manuel Band of Mission Indians (SMBMI), determine daily monitoring can be shifted to periodic spot checks or concluded.

If potential significant archaeological deposits are encountered, all ground disturbance within a 60-ft radius of the significant deposit shall halt until a Secretary of the Interior-qualified archaeologist and the Native American monitor can assess the discovery. Work on the project may continue outside of the 60-ft radius of the discovery. Should the discovery be assessed as significant, the SOI-qualified archaeologist shall develop and implement a Cultural Resources Treatment Plan (CRTP), in consultation (i.e. review and comment on CRTP) with SMBMI, that would reduce potential impacts through avoidance or, if avoidance is not practicable, data recovery. Discovery of potentially significant archaeological deposits and implementation of data-recovery investigations will include a plan for detailed recording, collection of artifacts, cataloging artifacts, curation or reburial of artifacts after analyses are complete, and the preparation of additional archaeological technical reports,

During the project, the monitors shall submit monitoring reports to the archaeological consultant and SMBMI on a schedule that has been agreed upon. After ground-disturbing activities have been completed, an archaeological monitoring report shall be completed by the archaeological consultant. Technical reports, the monitoring report, and other necessary archaeological documentation shall be submitted to the SMBMI for review and comments. Permanent curation of archival documentation, artifacts, and any other materials will be determined through consultation between the County of San Bernardino and SMBMI.

**C-2 Human Remains.** In the unlikely event of inadvertent discovery of human remains, the Coroner will be notified and all work in the area must cease immediately, nothing disturbed, and the area is to be secured. Protocol will follow all applicable state and federal laws [California state law (California Health and Safety Code 7060.6) and federal law and regulations ([Archaeological Resources Protection Act (ARPA 16 USC 470 & 43 CFR 7), [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Land , Interior 43 CFR 8365.1-7]]]

- C) 100-ft radius area will be established around the location of the human remains; no disturbance of the area will take place until the remains are assessed by the Coroner. Work may continue in other areas of the project.
- D) No photographs will be taken of the remains unless the County Coroner identifies the remains as non-Native American.

#### **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.*

#### **TRAFFIC MITIGATION MEASURE**

**T-1 Regional Transportation Fee.** *This project falls within the Regional Transportation Development Mitigation Fee Plan for the Redlands Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. Currently, the fee is \$7,063 for single family dwelling unit. There are 30 single family residential units per the Tentative Tract Map 20030. Therefore, the estimated Regional Transportation Fees are \$211,890 (30 units x \$7,063 per unit). These fees are subject to change periodically. The current Regional Transportation Development Mitigation Plan can be found at the following website:*

*[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)*

#### **GENERAL REFERENCES**

California Department of Resources Recycling and Recovery (CalRecycle) website. Accessed January 27, 2014. <http://www.calrecycle.ca.gov/>

CEQA Guidelines, Appendix G.

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](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](http://www.co.san-bernardino.ca.us/landuseservices/general_plan/Default.asp).

County of San Bernardino Geologic Hazards Overlays Map FH30C (Redlands).

County of San Bernardino Hazard Overlay Map FH30C (Redlands).

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/>.

**Project Specific:**

Biological Resources Report

Cultural Resources Assessment

Traffic Study

City of Redlands Will-serve letter

Preliminary Water Quality Management Plan

Pre- and Post-Developed Hydrology Study



# **Draft Resolution #3274**

**Attachment 5**

# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**PROPOSAL NO.: LAFCO SC#430**

**HEARING DATE: SEPTEMBER 19, 2018**

## **RESOLUTION NO. 3274**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#430 – CITY OF REDLANDS OSC 18-27, OUT-OF-AGENCY SERVICE AGREEMENT FOR WATER AND SEWER SERVICES (TENTATIVE TRACT 20030)**

**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, approve with conditions, 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 his 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 September 19, 2018 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; 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;

## RESOLUTION NO. 3274

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Agency Formation Commission for San Bernardino County does hereby determine, find, resolve and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The following determinations are noted in conformance with Commission policy:

1. The project area, identified as Assessor Parcel Numbers 0298-231-32 and 44, is within the sphere of influence assigned the City of Redlands and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of Redlands water and sewer service for Tentative Tract 20030, a proposed 30-lot single-family residential development, the requirement which are conditions of approval as identified by the County. Therefore, approval of the City of Redlands' request for authorization to provide water and sewer service is necessary in order to satisfy the conditions of approval for the project.
2. The City of Redlands' out-of-agency service contract being considered is for the provision of water and sewer service by the City of Redlands to the project site, identified as Assessor Parcel Numbers 0298-231-32 and 44, which is generally located at the northeast corner of Nice and Crafton Avenues, within the City of Redlands' eastern sphere of influence. This contract will remain in force in perpetuity for the proposed residential development or until such time as the area is annexed.
3. The fees charged by the City of Redlands for extension of water and sewer service are identified as totaling \$522,422 (a breakdown of charges is on file in the LAFCO office). Payment of these fees is required prior to connection to the City's water and sewer facilities. In addition, the property owner shall bear all costs to complete improvements needed to extend both water and sewer service to the proposed residential development.
4. During the period from January 2017 to August 2017, acting as the CEQA lead agency, the County of San Bernardino, as a function of its review of a Preliminary and Final Development Plan and Tentative Tract Map 20030 to create 30 single-family residential lots and seven lettered lots for a recreation area on approximately 5.48 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated 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 Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission further finds that it does not intend to adopt alternatives or additional 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 implementation of the Conditions of Approval.

The Commission, as a responsible agency, finds that proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as the CEQA

**RESOLUTION NO. 3274**

lead agency. 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 Redlands shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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 Local Agency Formation Commission for San Bernardino County does hereby determine to authorize the service extension contract submitted by the City of Redlands to provide water and sewer service to the project area identified to Assessor Parcel Numbers 0298-231-32 and 44.

**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#430 - City of Redlands OSC 18-27, Out-of-Agency Service Agreement for Water and Sewer Services (Tentative Tract 20030), 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, SAMUEL MARTINEZ, 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 September 19, 2018.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** SEPTEMBER 12, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #9: LAFCO SC#431 – Request for Exemption from Provisions of Government Code Section 56133 for Agreement between City of Upland and Cucamonga Valley Water District for Wastewater Collection Services

---

## **RECOMMENDATION:**

Staff recommends that the Commission:

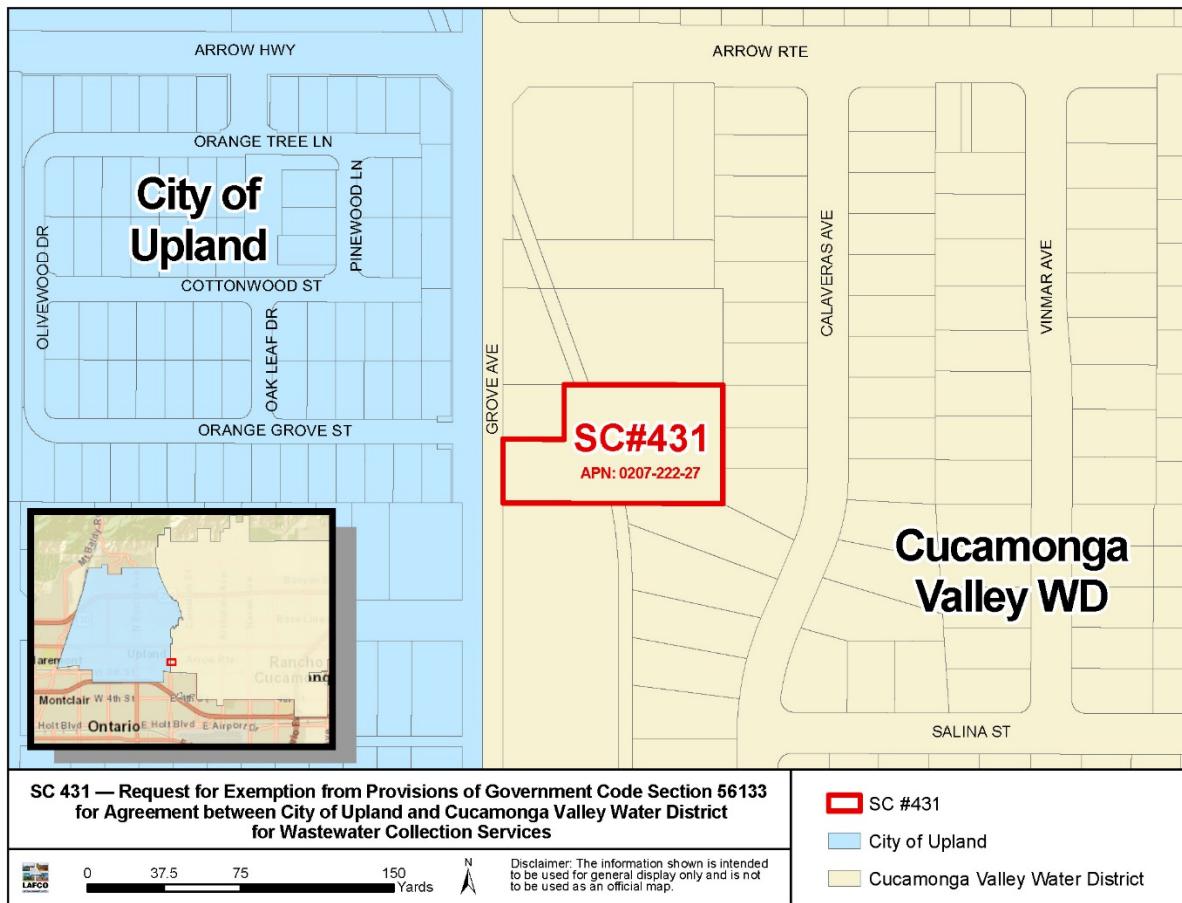
Determine that LAFCO SC#431 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval.

## **BACKGROUND:**

On August 21, 2018, the City of Upland ("City") submitted a request that the Commission determine that the proposed agreement between the City and the Cucamonga Valley Water District ("CVWD") is exempt from the provisions of Government Code Section 56133 as outlined in Subsection (e). Per the Commission's policy, this is being presented to the Commission since the exemption request is development-related.

The agreement is for the City to provide wastewater collection service to Assessor Parcel Number 0207-222-27 (8591 Grove Avenue, Rancho Cucamonga) located within the boundary and sphere of influence of a neighboring wastewater agency – CVWD. Grove Avenue forms the jurisdictional and sphere boundary between the City and CVWD/City of Rancho Cucamonga. The reason for the agreement is that CVWD does not have collection lines in the immediate area, and it would be more feasible for the property to connect to the City's wastewater facilities. The agreement relates to a

proposed development of a medical building (dialysis center) on the east side of Grove Avenue.



A copy of the exemption request letter (Attachment #1) and signed agreement (Attachment #2) are included as a part of this report.

The request has cited the relevant exemption language within Government Code Section 56133 (e) for its request. The section reads as follows:

*“(e) This section does not apply to... ..[t]wo 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.”*

In the present case, staff believes that the exemption outlined above is based on the following facts:

1. The agreement is between the City and CVWD both of which are public agencies.
2. The public service to be provided is wastewater collection, which both agencies actively provide. Therefore, this is a substitute for public services currently being provided in compliance with requirements of 56133 (e).
3. The level of service to be provided through this contractual relationship is consistent with the level of service currently provided by each agency.

## **CONCLUSION:**

Based on the determinations outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 (e), the wastewater collection agreement between the City of Upland and Cucamonga Valley Water District is exempt from further review and approval by the Commission.

SM/MT

Attachments:

1. [LAFCO SC#431 Request for Exemption Submitted August 29, 2018](#)
2. [Copy of Agreement for Service between City and CVWD](#)

**LAFCO SC#431 Request for  
Exemption Submitted**

**August 29, 2018**

**Attachment 1**



RECEIVED  
AUG 29 2018



**LAFCO**  
San Bernardino County

**Public Works Department**  
1370 N. Benson Avenue  
Upland, CA 91786  
Telephone (909) 291-2930  
Facsimile (909) 291-2974

August 21, 2018

Ms. Kathleen Rollings-McDonald, Executive Officer  
Local Agency Formation Commission  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490

Dear Ms. McDonald:

The City of Upland hereby requests that the Local Agency Formation Commission determine that the agreement between the City of Upland and the Cucamonga Valley Water District is exempt from the provisions of Government Code Section 56133 as allowed under subsection (e), for the following reasons;

1. The agreement for wastewater service is between the City of Upland and the Cucamonga Valley Water District, both two public agencies;
2. The Public service to be provided is an alternative to, or substitute for, public services already being provided by an existing service provider; and,
3. The level of service to be provided is consistent with the level of service contemplated by the existing service provider.

Enclosed with this request for exemption is a copy of the agreement.

Let me know if you have any questions.

Sincerely,

CITY OF UPLAND  
PUBLIC WORKS DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert Herbster", is written over the typed name.

Robert Herbster  
Assistant Engineer

Encl.: Application for extension of service by contract.  
Required exhibits

**Copy of Agreement for  
Service between City and  
CVWD**

**Attachment 2**

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

City of Upland  
460 North Euclid Avenue  
Upland, CA 91785  
Attn: City Manager

No Recording Fee Required  
Per Government Code Section 27383

(Space above this line for Recorder's Use)

APN: 0207-222-27

### AGREEMENT FOR SEWER SERVICE

THIS AGREEMENT ("Agreement") is made as of August 14, 2018, by and between the Cucamonga Valley Water District, a public agency ("District"), the City of Upland, a municipal corporation ("City"), and Wecare Dialysis Center, a California Corporation, and its transferees, successors and assigns ("Customer").

### RECITALS

WHEREAS, Customer owns that certain real property generally described as follows, at 8591 Grove Avenue, Rancho Cucamonga, CA 91730 ("Property"). The legal description for the Property is set forth in Exhibit "A" attached hereto and incorporated herein by reference. Said Property is located within the service area of District for water and sewer service. Customer desires to initiate water and sewer service to the Property; and

WHEREAS, the closest available connection to a sewer system for sewer service is owned by City ("City Sewer Facilities"). As of the date of this Agreement, it is not cost effective to Customer and/or District to construct the facilities and pay costs which would be necessary in order to extend and connect the Property to District's sewer system; and

WHEREAS, City is willing to provide sewer service to the Property by way of the City Sewer Facilities and to collect said sewer flows from the Property. It is more cost effective and convenient for the amounts due for sewer service to be collected together on District's water bill than to have two separate billings from two separate utility providers; and

WHEREAS, pursuant to the provisions of this Agreement, City is willing to provide sewer service to the Property, and District is willing to include the amounts due and owing for City sewer service on District's water bills to the Property.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and conditions set forth in this Agreement, and for other good, valuable, and adequate consideration, the Parties hereto agree as follows:



## 1. Sewer Service To The Property

(a) Construction And Installation Of Facilities City and Customer shall be responsible for installation and ownership of facilities necessary for connection of the Property to the City Facilities as said requirements are set forth in City's rules and regulations. City, and not District, shall be responsible for imposing and collecting from Customer any and all fees and charges for service connection and commencement of sewer service.

(b) Sewer Service City, and not District, shall be responsible for the provision of sewer service to the Property. City, and not District, shall be responsible for receipt of the sewer flow at City's collection facilities.

(c) Customer Obligations Customer shall pay all fees and charges and make all deposits required by City to connect to and to receive sewer service, and further agrees to be bound by all City ordinances, rules and regulations respecting the provision of City sewer service. Such obligations may include, for example and not by way of limitation, application for service from City and payment of fees and charges imposed by, or on behalf of, City for service or delinquent payments.

(d) Enforcement by City District shall provide City with any billing or customer information, in regard to the sewer service, which City may request in regard to City's enforcement of its rules and regulations for sewer service. For example, and not by way of limitation, City may request information in order for City to impose rates and charges for sewer service and any other fees and charges of City, as well as City's collection of delinquent payments through any means available to City, such as liens which may be available to City as the result of City and Customer being parties to this recordable Agreement.

## 2. Collection Of Sewer Service Charges

(a) Inclusion On District Water Bills City may impose and collect its sewer service charges for sewer service to the Property by way of District's water bills to the Property as follows. District shall include City's sewer service charges on District's water bills sent to Customer for water service to the Property. District shall only be required to forward said amounts to City which are actually received from Customer and which are still available after the following deductions: From the amounts actually received, District shall have the right to first deduct amounts for the Administrative Charge, as set forth below. Following said deduction and in the event there are amounts still available, District shall forward directly to the Inland Empire Utilities Agency the portion of said amounts which are due and owing to the Inland Empire Utilities Agency for its monthly sewer fee. Following said deduction and in the event there are amounts still available, District shall forward the remaining balance to City on a schedule at the same frequency noted in the Administrative Charge set forth below as determined in District's reasonable discretion.

(b) Limitation Of District's Responsibilities District shall not be responsible for issuing water bills at any time other than the regular billing cycle(s) of District. District shall only be responsible for imposing sewer service charges and late charges, if any, and shall not be required to impose other rates and charges of City. District shall not be responsible for taking any action



to enforce, or assist City in enforcing, the amounts due and owing for sewer service including, but not limited to, pursuing collection through liens or tax rolls. City shall indemnify, defend and hold harmless District from and against any claims, actions, damages or liability which may arise in connection with the establishment, imposition, collection and enforcement of any rates, charges or bills for sewer service to the Property and Customer.

(c) Administrative Charge The District may elect to apply an Administrative Charge to cover the cost to District of including sewer service charges on the water bills. Said amount shall be deducted from amounts actually received as set forth in Section 2(a). The amount of the Administrative Charge, as of the effective date of this Agreement, shall be twenty-five dollars (\$25.00) per semi-annual. Said amount shall be subject to adjustment from time to time in District's reasonable discretion.

### 3. General Provisions

(a) Effective Date This Agreement shall be effective on the date of full execution of this Agreement by all parties.

(b) Term and Termination of Agreement This Agreement shall remain in effect unless this Agreement is terminated under any of the following circumstances and procedures:

(i) Notice and Opportunity to Cure If any party believes that another party has failed to perform any obligation of that party in accordance with the terms of this Agreement ("Default"), the party alleging the Default shall provide written notice ("Default Notice") to the other party, setting forth the nature of the alleged Default. Unless otherwise provided by a specific term of this Agreement, the party claimed to be in Default shall have: (i) with respect to a Default involving the payment of money, ten (10) days after its receipt of the Default Notice to completely cure such Default, and (ii) with respect to any other type of Default, thirty (30) days from the receipt of the Default Notice to completely cure such Default or, if such Default cannot reasonably be cured within such thirty (30) day period, to commence the cure of such Default within the thirty (30) day period and diligently prosecute the cure to completion thereafter. Failure to cure such Default as provided herein shall be grounds for termination of this Agreement by a non-defaulting party and shall entitle said non-defaulting party to pursue any and all applicable legal or equitable remedies, as determined in said non-defaulting party's discretion.

(ii) District's Election to Terminate In the event District elects to terminate its participation in this Agreement, the District shall provide ninety (90) days prior written notice to the other parties. Upon expiration of said 90-day period, the City shall commence to perform all activities under this Agreement which were previously performed by the District hereunder.

(iii) City's Election to Terminate In the event City elects to terminate the provision of sewer service, in all or in part, City shall provide written notice to the other parties. In that event, all parties to this Agreement shall, in good faith, develop and execute an agreement to supersede this Agreement. In the event the City terminates the provision of sewer service for causes, the City shall have the right to physically disconnect the sewer connection serving the

Customer's Property and, in this case, the Customer or Property owner shall be responsible for payment of all costs associated with the sewer service disconnection.

(c) Indemnification Each party ("Indemnitors") hereby agrees to defend, indemnify and hold free and harmless the other parties ("Indemnitees") from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, personal injury, death or property damage, arising from or connected with Indemnitors' activities under this Agreement, including any Worker's Compensation suits, liability, or expense, arising from or connected with services performed on behalf of Indemnitors by any person pursuant to this Agreement, whether such claims, damages, liabilities, costs and/or judgments are based upon alleged negligence, a dangerous condition of public property, or any other theory of liability. Indemnitors' duty to indemnify Indemnitees shall survive the expiration or other termination of this Agreement as to any injuries, occurrences or claims occurring or alleged to have occurred prior to its expiration or termination.

(d) Amendments This Agreement may be modified only upon the mutual written agreement of the parties hereto.

(e) Entire Agreement This Agreement is intended by the parties as a complete and exclusive statement of the terms of their agreement and it supersedes all prior agreements, written or oral, as to this subject matter.

(f) Notices Written notices to be given to a party must be given by personal delivery or by registered or certified mail addressed and delivered as set forth below. Other correspondence and invoices may be sent by first-class mail, addressed and delivered as set forth below:

District:

Cucamonga Valley Water District  
10440 Ashford Street  
Rancho Cucamonga, CA 91730  
Attn: General Manager

City:

City of Upland  
460 North Euclid Avenue  
Upland, CA 91785  
Attn: City Manager

Customer:

WeCare Dialysis Center  
21218 Running Branch Road  
Diamond Bar, CA 91765  
Attn: Yu Hang Shu, CEO



(g) Laws and Regulations All parties shall keep themselves fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of their respective activities under this Agreement.

(h) Incorporation of Recitals The Recitals set forth above are incorporated herein and made an operative part of this Agreement.

(i) Representation of Authority Each party represents to the other that they are duly authorized to sign this Agreement and to bind their respective parties hereto.

(j) California Law This Agreement is entered into within the State of California, and all questions concerning the validity, interpretation and performance of any of its terms or provisions or any of the rights or obligations of the parties hereto shall be governed by and resolved in accordance with the laws of the State of California. The parties agree that any action or proceeding to enforce this Agreement shall be brought in courts in San Bernardino County, California.

(k) Covenants Running with the Property The terms and provisions set forth in this Agreement shall be deemed provisions, terms and/or covenants running with the Property in accordance with applicable law, including, without limitation, Section 1468 of the California Civil Code and shall pass to and be binding upon the successors. As such, all successors will have the rights, responsibilities and liabilities of Customer, as if such person or entity originally executed this Agreement in place and stead of Customer. Each and every contract, deed or other instrument hereafter executed covering or conveying the Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the terms and conditions of this Agreement regardless of whether such terms and conditions are set forth in such contract, deed or other instrument.

(l) Transfer of Ownership Customer shall provide written notice to District and City of any change in the title or ownership of the Property, or a change in the identification of the individual or entity which is the Customer. Said notice shall be provided within thirty (30) days from the date of any such change. Failure of Customer to provide such notice within the required time period shall be grounds for termination of this Agreement and provide District and/or City with the authority to pursue legal and equitable remedies as set forth in Section 3(b)(i).

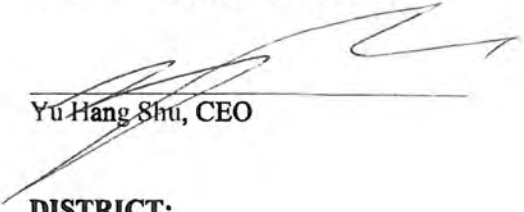
(m) Construction The provisions of the Agreement shall be construed in accordance with their fair meaning, and not for or against either party based upon any attribution to such party as the source of language in question.

(n) No Waiver No delay on the part of any party hereto in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any waiver on the part of any party hereto of any right, power or privilege hereunder operate as a waiver of any other right, power or privilege hereunder, nor shall any single or partial exercise of any right, power or privilege hereunder, preclude any other or further exercise of any other right, power or privilege hereunder.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date first hereinabove written.

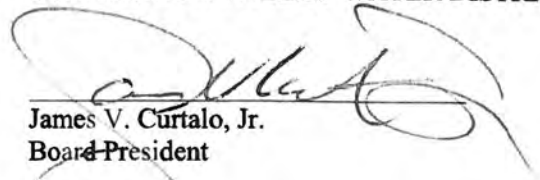
**CUSTOMER:**

WECARE DIALYSIS CENTER

  
Yu Hang Shu, CEO

**DISTRICT:**

CUCAMONGA VALLEY WATER DISTRICT


  
James V. Curtalo, Jr.  
Board President

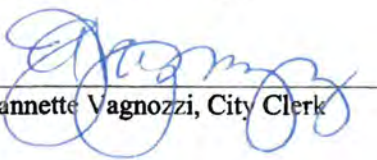
**CITY:**

CITY OF UPLAND

  
Debbie Stone, Mayor

**ATTEST:**

  
Martin E. Zvirbulis  
District General Manager

  
Jeannette Vagnozzi, City Clerk

**APPROVED:**

  
James L. Markman, City Attorney



ACKNOWLEDGEMENT

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 LOS ANGELES    )

On JULY 24, 2018 before me, S. KAWIBAWA,  
 Notary Public, personally appeared YU HANG SHU,  
 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




(Seal)

ACKNOWLEDGEMENT

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 )

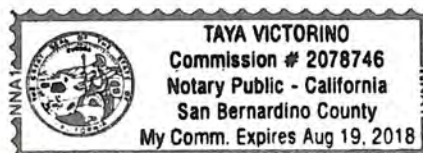
COUNTY OF San Bernardino )

On August 14, 2018 before me, Taya Victorino,  
 Notary Public, personally appeared James V. Caratale, Jr.,  
 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

(Seal)

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

**Exhibit A**  
**Legal Description**

All that certain real property in the County of San Bernardino, State of California, described as follows:

The South 1/2 of the West 1/2 of the West 1/2 of Lot 20, Section 9, Township 1 South, Range 7 West, San Bernardino Base and Meridian, in the City of Rancho Cucamonga, County of San Bernardino, State of California, as per plat recorded in Book 4, Page 9 of Maps, records of said County.

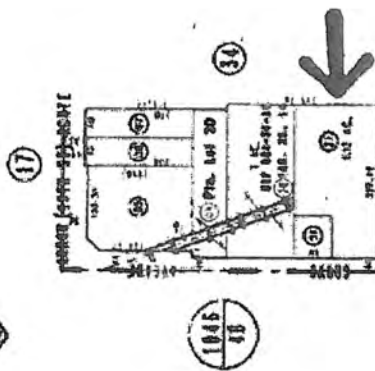
Excepting therefrom the North 1 acre thereof and the North 80 feet of the West 120 feet thereof.

APN: 0207-222-27-0-000

Pin. Cucamonga Fruit Lands, M.B. 4/9

City of Rancho Cucamonga  
Tax Refe Area  
15013

THIS MAP IS FOR THE PURPOSE  
OF THE CITY OF RANCHO CUCAMONGA ONLY.



Assessor's Map  
Book 0207 Page 22  
San Bernardino County

Pin. S.W. 1/4, Sec. 9  
T.15., R.7W.

LAFCO SC # 431

July 2004

Description: San Bernardino, CA Assessor Map - Book Page 207.22 Page: 1 of 1  
Order: sk Comment:






LAFCO SC # 431



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
E-mail: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE:** SEPTEMBER 11, 2017   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #10: Appointment of Voting Delegate for CALAFCO  
Business Meeting and Regional Caucus Delegate

---

## **RECOMMENDATION:**

Staff recommends that the Commission select James Curatalo as voting delegate and Samuel Martinez as alternate voting delegate for the Southern Region Caucus for CALAFCO Board of Directors and CALAFCO Business Meeting.

## **BACKGROUND:**

At the CALAFCO Annual Conference, elections will occur for the Southern Region representatives on the Board of Directors. The positions up for election are City and Public Member representatives. The position will be for a two year term.

Pursuant to CALAFCO bylaws the voting delegates for the regional caucuses must be forwarded to the CALAFCO Executive Director prior to the opening of the Annual Conference. Therefore, LAFCO staff is recommending that the Commission designate:

- Vice Chair James Curatalo as the voting delegate; and,
- Executive Officer Samuel Martinez as the alternate voting delegate.

Discussions at the Southern Region meeting held on August 13 identified the candidates for the open seats as:

For City Member: Cheryl Brothers, city member representing Orange LAFCO (*incumbent*)  
Bill Wells, city member representing San Diego LAFCO, as alternate

For Public Member: David West, public member representing Imperial LAFCO (*current co-alternate representative*)  
Derek McGregor representing Orange LAFCO, as alternate (*current co-alternate representative*).

Staff will be happy to answer any questions prior to or at the hearing.