

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

REGULAR MEETING OF MARCH 20, 2019

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. Swear In Alternate City Commissioner – Rick Denison, Council Member, Town of Yucca Valley
2. **PUBLIC COMMENTS ON CLOSED SESSION**
3. **CONVENE CLOSED SESSION** – Conference Room Adjacent to Event Center Auditorium:
 - Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1715504
 - Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1712771
 - Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, San Bernardino County Superior Court Case No CIVDS1906437
4. **RECONVENE PUBLIC SESSION**

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.

5. [Approval of Minutes for Regular Meeting of February 20, 2019](#)
6. [Approval of Executive Officer's Expense Report](#)
7. [Ratify Payments as Reconciled and Note Cash Receipts for Month of January 2019](#)

8. [Consideration of: \(1\) CEQA Statutory Exemption for LAFCO 3228, as Revised; and \(2\) LAFCO 3228 – Annexation to the Running Springs Water District, as Revised \(CONTINUED FROM JANUARY 16, 2019 HEARING\)](#)

9. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

10. [Consideration of: \(1\) CEQA Statutory Exemption for LAFCO SC#437; and \(2\) LAFCO SC#437 – City of Redlands OSC 17-50 for Water Service \(Assessor Parcel Number 0298-411-96\)](#)

INFORMATION ITEMS:

11. Legislative Update Report
12. Executive Officer's Oral Report
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.)

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.sbclafo.org, and at the hearing.

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

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

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

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

2/6/19:as

**DRAFT - ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
HEARING OF FEBRUARY 20, 2019**

REGULAR MEETING

9:00 A.M.

FEBRUARY 20, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
Kimberly Cox	Steven Farrell
James Curatalo, Vice Chair	
Robert Lovingood, Chair	
Larry McCallon	
Acquanetta Warren	
Dawn Rowe	

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
Angerose Schell, Administrative Assistant**

ABSENT:

COMMISSIONERS: Janice Rutherford, Alternate Member

9:07 A.M. – CALL TO ORDER – FLAG SALUTE

Chair Robert Lovingood calls the meeting to order and requests Commissioner Cox to lead the flag salute.

ITEM 1. Swear In Regular County Commissioner – Dawn Rowe

Ms. La Trici Jones, Clerk to the Commission, administers the Oath of Office to Supervisor Dawn Rowe, Regular County member. Ms. Rowe will serve the unexpired Term of Office for Mr. James Ramos, expiring in May 2021.

ITEM 2. PUBLIC COMMENTS ON CLOSED SESSION

There are no comments provided.

ITEM 3. 9:11A.M. - CONVENE CLOSED SESSION – Conference Room Adjacent to Event Center Auditorium:

DRAFT - ACTION MINUTES FOR FEBRUARY 20, 2019 HEARING - DRAFT

- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1715504
- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1712771
- Conference with Legal Counsel - Significant Exposure to Litigation (Government Code Section 54956.9(d)(2)) -- Number of Potential Cases: Five (5)

ITEM 4. 9:41 A.M. - RECONVENE PUBLIC SESSION

LAFCO Legal Counsel Paula de Sousa Mills states that the Commission met in closed session for the three closed session items noted on the agenda and there is no reportable action.

ANNOUNCEMENT OF CONTRIBUTIONS

Chair Lovingood 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.

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 5.** Approval of Minutes for Regular Meeting of January 16, 2019 and Strategic Planning Workshop of January 22, 2019
- ITEM 6.** Approval of Executive Officer's Expense Report
- ITEM 7.** Ratify Payments as Reconciled and Note Cash Receipts for Month of December 2018
- ITEM 8.** 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, Cox, Curatalo, McCallon, Lovingood, McCallon, Rowe and Warren. Noes: None. Abstain: None. Absent: None

DISCUSSION ITEMS:

ITEM 9. REVIEW AND ACCEPT AUDIT REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018 – STAFF RECOMMENDATION APPROVED

Executive Officer Samuel Martinez states that the Auditor provided a draft of the audit and the Admin Committee reviewed the draft audit with the Auditor. He states that staff has provided a staff report that summarizes the information from the draft audit. He states that Jennifer Farr from Davis Farr LLP is present to make the presentation to the Commission.

Jennifer Farr states that she has brief comments regarding the audit results. She states that we have completed the audit for fiscal year ending June 30, 2018 and issued an unmodified audit opinion on February 13, 2019. She states that this is the highest-level opinion that can be received on financial statements and it means that both the financial statements and the disclosures do not contain any material misstatements. She states that there were no new accounting standards implemented for this year's financial statements and the financial statements and disclosures are consistent with the prior year's report, however, there is an updated footnote disclosure on the amended office lease and you will see some capital asset activity related to tenant improvements made at the facility during the year. She states that the net pension liability increased from \$769,000 to \$865,000. She states that it was largely due to a change in the SBCERA discount rate from 7.65% to 7.15%. She states that all the change really means is that the actuary calculation of how much the Commission will have in investments to pay the liability in the future is a smaller number now than what SBCERA previously calculated.

Chair Lovingood asks the Commission for questions.

Commissioner Bagley states that on page 31 of the report, where there are some percentages he states that he does not understand such as the plan fiduciary net position percentage of the total pension liability. He questions what exactly this means.

Jennifer Farr states this is the percentage that the plan is funded as of the measurement date, which is June 30, 2017. She states that this is the total available investments divided by the total liabilities.

Commissioner Bagley states that the proportionate share of the collective net pension liability as percentage of covered payroll, which he identifies is 234%, he states again, he does not know what this number means.

Jennifer Farr states that all the numbers are derived from the actuarial evaluation that's prepared for the plan and this is a summary that comes out of the actuary evaluation. She states that it might be helpful to look at the actuarial evaluation to understand where all these numbers come from because it goes into great detail about how everything is calculated.

Commissioner Bagley states that in the Auditor's letter, it was noted that this was prepared by another party, which is SBCERA. He states that he does not unfairly want Ms. Farr to defend SBCERA's numbers, but the unfunded pension liability is one of the greatest concerns he has for every public entity.

Chair Lovingood asks if there are any additional questions from the Commission.

There is none.

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

ITEM 10. UPDATE ON LAFCO 3187 – COUNTYWIDE SERVICE REVIEW FOR WATER, REQUIRED CONTINUED MONITORING FOR: STAFF RECOMMENDATION APPROVED

- a. Dagget Community Services District**
- b. County Service Area 70 Zone W-4**

Project Manager Michael Tuerpe presents the staff report. He states that nearly a year and a half ago, the Commission was presented with the countywide service review for water and it included monitoring for two other agencies that are not on the slide. He states that discussion relates to continuing monitoring for Daggett CSD and County Service Area 70 Zone W-4, Pioneertown. He states that for Daggett CSD, they have water quality issues which relate to water quantity issues and it's because they are in the Baja sub basin of the Mojave basin, which is at 45% ramp down. He states that Daggett CSD is in an area with limited resources and the LAFCO service reviews have stated this. He states that Daggett CSD has also had historical managerial issues, however, the district is trying the best that it can with the resources that it has. He states that in conjunction with the Mojave Water Agency and its small water assistance program, the Cal Rural Water Association has been working with Daggett CSD. He states as of the last update, applications have been put forth to the state for grant funding to look for additional well locations. He states that another issue is that Daggett CSD is adjacent to another water system, the former Yermo Water Company which has been assumed by Liberty Utilities. He states that at some point a potential consolidation of two systems could be undertaken by the State Water Board. He states that at this time there is nothing more to report but there are representatives from Daggett CSD present.

Chair Lovingood asks if there are any questions from the Commission.

There is none.

Chair Lovingood opens public comment and calls for Lee Heitt.

Mr. Lee Heitt states that his primary purpose for attending the hearing is to see what is happening. He states that Daggett Water District is not adjacent to Yermo Water District. He states that the ramp down is at 35% from what they initially started with. He states that the main concern right now is to get back the amount that they ramped down.

Chair Lovingood asks Mr. Heitt to reach out to his office to have an additional meeting.

Chair Lovingood closes public comment.

Project Manager Michael Tuerpe states that staff will return in 6 months with an update on Daggett CSD. He states that for County Service Area 70, Zone W-4, Pioneertown, staff is not recommending further monitoring. He states that there is no LAFCO solution. He indicates that the situation is not a man-made problem; it's a water quality problem in the ground with arsenic and uranium and the County has put forth bottled water money etc. He states that a physical solution is needed and it involves multiple agencies coming together to figure out a water moving solution and it is out of LAFCO's hands and is in the sphere of influence of the High Desert Water District. He states that significant movement has taken place to obtain financing, but the Commission does not have a direct purview over CSA 70 Zone W-4. He states that LAFCO staff recommends that no further monitoring occur.

Chair Lovingood asks if there are any questions from the Commission.

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

ITEM 11. UPDATE ON LAFCO 3190 – COUNTYWIDE SERVICE REVIEW FOR WASTEWATER, REQUIRED CONTINUED MONITORING FOR: STAFF RECOMMENDATION APPROVED

- a. City of Victorville/Victorville Water District**
- b. Victor Valley Wastewater Reclamation Authority**

Project Manager Michael Tuerpe presents the staff report. He states that in August the Commission considered the wastewater service review and continued monitoring for two systems; the City of Victorville/Victorville Water District and the Victor Valley Wastewater Reclamation Authority. He states that for the Victorville systems, the service review identified increasing operation and maintenance payments, which were affecting debt service and needed capital expenditures. He states that the City/Victorville Water District went a long time without a rate increase and the bill became due. He states that a five-year rate increase was passed and that will allow the City/Victorville Water District the mechanism to obtain funding. He states that the staff report has the water district's response that the wastewater system now has the mechanisms in place to further improvements and cash position. He states that staff went back and looked at the City's rate study and the plan it has moving forward are in line with the rate study and that satisfied staffs' concern and therefore staff is recommending no further monitoring. He states that

there is a city/water district representative in attendance should the Commission have any questions.

Chair Lovingood asks the Commission if there are any questions.

There is none.

Chair Lovingood asks if there are any questions or comments from the City of Victorville.

There is none.

Project Manager, Michael Tuerpe states that in regards to VVWRA, the City of Victorville diverted approximately 1 MGD of flow reducing revenue. He states that the City of Hesperia is withholding payment due to disagreement with VVWRA board of directors and there are unresolved differences with FEMA regarding a grant for construction. He states that the service review went into these issues in detail and the VVWRA general manager provided an update as part of this staff report. He states that the general manager could not be in attendance today as he is satisfying a couple of the items of the update (at a VVWRA Commission meeting scheduled on this day). He states that due to this, staff is recommending to the Commission to come back in six months and provide another update. He states that things look positive but the issue with VVWRA is a cash matter regarding other agencies. He states that if these issues get satisfied, then hopefully, the cash position of the agency improves which will reduce its risk in paying off its debt in the future.

Chair Lovingood states that he will take a motion to receive and file.

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

ITEM 12. REPORT ON STRATEGIC PLANNING WORKSHOP OF JANUARY 22, 2019

Executive Officer Samuel Martinez states that this is a review of the strategic planning workshop held on January 22, 2019. He states that there were three items staff felt needed the Commissions immediate consideration. He states that as the Commission was ending our workshop, Commissioner McCallon suggested a vision statement. He states that the Commission should also take into consideration the Commission's mission statement. He states that he would like the Commission to review the draft vision statement, provide suggestions, or alternative statements and come back with a subsequent hearing with a vision statement or discussion. He states that he understands that the Commission wants to look at the policies and procedures and eliminate policies that are not current and modify those that need changing. He states that at this point, he would ask the Commission to direct staff to review all of its policies and procedures. He states that he would also ask the Commission to put together a policy committee that staff can work with in the next few

months. He states that finally, there was a request that staff look at drafting policies on open space and agriculture preservation. He states that staff would like to move forward with this and formulate draft policies for consideration and possible adoption. He then identifies other items that were discussed at the workshop that did not require any follow-up action. He states that there was some discussion concerning service reviews and the distribution for said service reviews, to not only staff members, but also to the legislative bodies. He states that the Commission also outlined and affirmed the service review cycles which include the healthcare districts, solid waste, street lighting, park and recreation and roads. He states that staff also identified issues with healthcare districts and that staff will be working on the healthcare service review after the fire service review. He states that there was also a request to have a training program on net pension liability and staff will inquire and come back at the budget hearing for a plan. He states there was also discussion on LAFCO outreach and coordination and some of the items identified included; educating local legislators about LAFCO, better coordination with public agencies including school districts, and making notices more user-friendly and continued presence in CALAFCO and participation in the Southern Region LAFCOs. He states there was much discussion about core values, and staff would like to identify its core values, which are: integrity and ownership of the work process, excellence in work, innovation in work product and having an environment that fosters ideas that promote efficient and effective local services as well as valuing its role in local and state governance including participation in CALAFCO and its Legislative Committee. He asks the Commission if there is anything else that it would like to discuss that was not discussed at the workshop?

Commissioner Bagley states that on the review of the open space and agricultural preservation policy, in the workshop, he states that he was attempting to define a broader definition of open space which includes recreational opportunities and that mining is part of it. He states that there is a perceived prejudice in the management of open space because sometimes there's more on the no-use side rather than the preservation of the ability for the public to use open lands and that is an important part of the economy. He states that he does not want to be limited in those discussions and would like to see it broader.

Executive Officer Samuel Martinez states that he will ensure the discussions will not be limited.

Commission Bagley states that in review of the policies there was also discussion about the need to expand the Executive Committee of LAFCO through the rotation of the chair. He states there is no note of this discussion in the staff report. He states that he does not want that discussion to go by the wayside. He states that he believes that the Commission need to have an institutional memory from a strong executive committee through the rotation of the chair so that the Commission will have a perpetual effective working group for the future, no matter what happens to Commission's composition.

Executive Officer Samuel Martinez states to clarify that Commission Bagley discussed rotation of the chair and of the admin committee.

Commissioner Bagley states that rotation of the admin committee is part of that. He states that the intent is to groom a vice-chair to be the chair. He states that the Executive Committee should be the immediate vice-chair, the chair and every member of LAFCO

should participate. He states that the Commission should rotate the chair around so there will be full participation and no matter what happens with elections and changes on LAFCO, in perpetuity the Commission will have a very effective working group, full of knowledge of the internal workings of LAFCO.

LAFCO Counsel Paula de Sousa Mills states that this can be captured as part of the review of the Commissions policies.

Chair Lovingood asks if the Commission has more questions or comments

Commissioner McCallon states that it's not ownership on the vision statement, but he does not know what local public agencies mean. He states that he would prefer it to say, "...public interest to ensure that our County, municipalities and special districts are providing efficient and..." He states that is what municipalities and special districts do. He states that he does not know what public agencies mean and that it's too broad.

Commissioner Farrell states that one of the policies that the Commission talked about was a policy regarding endorsing legislation that goes beyond LAFCO. He states this was specifically mentioned in the past and he does not see it in the staff report.

Executive Officer Samuel Martinez states that no one identified legislative policies during the workshop, but indicated staff will include policies related to legislation as well.

Commissioner Farrell states that he has a question about the vision. He states that he sometimes struggle with understanding the distinction between efficient and cost-effective. He states that if the Commission would like to clarify it for him, it may be helpful for everyone. He states that what the Commission is missing is the word "sustainable". He states that one of the key issues is a sufficient revenue stream. He states that he does not know how the Commission can capture that, but it is one of its goals.

Executive Officer Samuel Martinez states that staff is taking all of this into consideration and will come back to the Commission.

Commissioner Cox states that during the workshop when she mentioned the Commission's policies, she specifically talked about the indemnification policy. She states that in a recent attempt to form a new CSD, proponents were not willing to sign the indemnification, which now has been delayed because the county has to provide said indemnification. She states that the formation of that district would have been put in peril had the county not embraced that local government structure. She states that it is an unintended consequence that the Commission was not looking at when the policy was adopted. She also states that with regard to open space, there will be different interpretation but what she has been concerned about, particularly related to agricultural preservation, is that the Commission is allowing mitigation outside the community that is impacted by that loss of open-space. She states that the Commission needs to consider policies that if open-space is lost, the mitigation land should be within that same community. She references the orange groves in Redlands and the loss of those groves as it gets eaten up one bite at a time by the residential and commercial development.

DRAFT - ACTION MINUTES FOR FEBRUARY 20, 2019 HEARING - DRAFT

Chair Lovingood states that he agrees with Commissioner Bagley from a standpoint of rotation for the Chair, as the Commission will keep a broad brush of institutional knowledge alive. He states that within the First Supervisorial District, there is quite a bit of federal lands and that the Commission also has to incorporate the county plan that is taking place today for the uniqueness of the communities and how each one wants to look.

Commissioner Rowe states that she concurs with Commissioner Bagley's comments that open-space in the high desert means allowing that access to public lands and keeping them open for multiple things, whether it is mining or recreation in particular, not just wildlife corridors, not just closing off lands. She states that she would like to clarify that as well.

Executive Officer Samuel Martinez states that staff will try to capture this and hopefully come up with some policies that will capture all of that.

Commissioner Warren states that the Commission has to be clear to the local municipalities that the Commission is not trying to infringe on what municipalities have planned. She states that there are elements in the General Plan that allow for open-space and dictates a city's efforts to maintain said lands. She states that the Commission needs to keep in mind that it does not want to be in violation or fighting with cities on what the municipalities have committed to.

Chair Lovingood also identifies that the County has an overlay with the Antiquities Act that prevents operation access of federal property. He states that what the County is finding troubling is the National Park Service has no mechanism within the organization to allow access to roads. He states that it has always belonged to the Bureau of Land Management (BLM) but current don't have that ability so the County is hoping at some point, that power can be restored to the BLM because they have the management ability as well.

Commissioner Curatalo states that the whole effort put into the workshop was great. He states that it was great to work with Mr. Chiat, our staff and the Commission. He states that the Commission all agree that change presents new opportunities and he believes that this will be a refinement and improvement on LAFCO's service to all the communities that it serves. He states the suggestion by staff that possibly an ad hoc committee be appointed for policies and procedures; should that take place, he would be very interested to be part of that committee. Commissioner McCallon and Commissioner Bagley also expressed interest in being part of the policy committee.

Executive Officer Samuel Martinez states that he would also like to know how the Commission felt about the workshop. He asks the Commission if it was what it expected? He states that staff felt that not much was done, but at the same time it was a good refresher for the Commission, which is a good start.

Commissioner Curatalo states that he thinks it is going to be a good north star for the Commission, as a LAFCO, as the Commission continue moving forward. He states that the sentiments Executive Officer Samuel Martinez expressed early on in his interview of being more proactive with agencies and solicit input will help the Commission refine the decisions it makes.

Commissioner McCallon states that he thought it was a good workshop. He states that it provided an opportunity for the Commission to get together as a Commission and formally talk about goals, how it wants to operate and look at what staff is suggesting. He states that he congratulates Executive Officer Samuel Martinez on the workshop.

Commissioner Bagley states that he commends Executive Officer Samuel Martinez on what he is doing, as this is a nice direction for the Commission to go. He states that there was some discussion about LAFCO having a municipal service review of its own. He states that this is sort of a way for us to do it and suggest that it be done on a 3 to 5 year cycle. He states the review of LAFCO 101 is important for all Commissioners and review the basics on what the Commission is legally entitled and responsible for doing.

Commissioner Farrell states that he wants to express his appreciation, as it was very useful. He states that he has not been a Commissioner long enough to remember the 2010 workshop. He states that he does not see this as a single event but every 3 to 5 years. He states that this was the beginning of a process, which he hopes, carries the Commission through this year.

Commissioner McCallon states to address the concern about the vision statement, he suggests adding sustainability or sustainable where it says, "...providing efficient, sustainable and cost-effective services..." He states that if this should cover it.

Chair Lovingood asks if there are any other statements.

There is none.

Executive Officer Martinez asks if the Commission feel comfortable with having a policy committee.

Chair Lovingood states yes, and Commissioner Curatalo is going to head it.

The Commissioners discuss who will be on this committee. The Committee will consist of Vice Chair Curatalo, Commissioner Bagley and Commissioner McCallon.

Chair Lovingood states this item is a receipt and file and calls for the reading of the roll.

There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Rowe and Warren. Noes: None. Abstain: None. Absent: None

INFORMATION ITEMS:

ITEM 13. LEGISLATIVE UPDATE ORAL REPORT

Executive Officer Samuel Martinez states for the legislative oral report, there has not been much action in the Legislature. He states that even the omnibus items submitted to the Assembly Local Government Committee have not been responded to. He states that this

week is the last week to introduce bills so the Commission will see several legislations coming in this week. It is anticipated that the Commission will have a report in March.

ITEM 14. EXECUTIVE OFFICER'S ORAL REPORT

Executive Officer Samuel Martinez states the City Selection Committee will be selecting the alternate city member on March 6, 2019 so the Commission will have an alternate city member at the next hearing. He states that the Commission will also have the formal approval of the revised LAFCO 3228, the annexation to Running Springs Water District, and an out-of-agency service agreement with the City of Redlands.

ITEM 15. COMMISSIONERS COMMENTS

Commissioner Cox states that in light of comments made in a previous meeting, related to having no applications received to date, she states that the Commission is on the cusp of beginning preparation of a new budget year. She states that she would like discussion to occur regarding how minutes are taken. She states that maybe the Commission can go a different way of preparing of minutes which would save staff time. She also states that staff is always diligent in sending staff reports out and copious notifications. She asks if there a different way this can be accomplished. She states that she has her iPad, and that is how she reads the agenda, not from the paper copies. She states that she would really like the Commission to turn over rocks in how it can save costs here and there, as it adds up over the course of the year. She states that if the Commission continue the current trajectory of not having applications, and costs maintain the same, the Commission is just passing that cost on to each of our sector groups. She states that the Commission need to look at everything in our budget, see where the Commission can be more practical, and come more in to the 21st Century with technology and save some of these costs.

Executive Officer Samuel Martinez states that only the Commissioners who want the paper copies are the ones who get hard copies. He states that staff will look at the minutes as it takes a lot of staff time. He states he will come back to the Commission with some suggestions.

ITEM 16. COMMENTS FROM THE PUBLIC

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING ADJOURNS AT 10:36 A.M.

ATTEST:


LA TRICI JONES
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

James Curatalo, Vice Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : MARCH 11, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6 – APPROVAL OF EXECUTIVE OFFICERS' EXPENSE REPORTS

RECOMMENDATION:

Approve the Executive Officers' Expense Report for Procurement Card Purchases from January 23, 2018 to February 22, 2019.

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 January 23, 2018 through February 22, 2019.


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

SM/llj

Attachments

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : MARCH 11, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #7 - RATIFY PAYMENTS AS RECONCILED FOR
MONTH OF JANUARY 2019 AND NOTE REVENUE RECEIPTS**

RECOMMENDATION:

Ratify payments as reconciled for the month of January 2019 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 January 1 through January 31, 2019.

Staff is recommending that the Commission ratify the payments for January 2019 as outlined on the attached listings and note the revenues received.

SM/llj

Attachments

MONTH OF JANUARY 2019 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900364116	52002041	1/24/2019	CONFERENCE CALLS	CONFERENCE CALLS	CENTURY LINK	\$44.87
1900354538	52002085	1/15/2019	NOTICE OF HEARING SC#436	INVOICE B3203912	DAILY JOURNAL	\$523.60
1900346639	52002090	1/17/2019	HVAC	UNIT 150	CITY COM	\$325.50
1900346660	52002090	1/17/2019	OFFICE CLEANING SERVICES	INVOICE 64643	JAN PRO	\$475.00
1900364117	52002180	1/24/2019	UTILITY BILL	INVOICE 2399452309	SO CAL EDISON	\$11.16
1900350919	52002305	1/9/2019	PETTY CASH	PETTY CASH 1-9-19	LA TRICI JONES FUND CUSTODIAN	\$225.51
1900362939	52002305	1/23/2019	PETTY CASH	PETTY CASH 1-22-19	LA TRICI JONES FUND CUSTODIAN	\$234.32
1900346658	52002405	1/7/2019	AUDITING SERVICES FY ENDING 6/30/2018	INVOICE 4883	DAVIS FARR	\$6,500.00
1900329205	52002445	1/7/2019	COMMISSIONER LOVINGOOD STIPEND	LOVINGOOD 12-5-19	ROBERT LOVINGOOD	\$200.00
1900329210	52002445	1/7/2019	COMMISSIONER AMIS STIPEND	AMIS 12-5-19	LOUISA AMIS	\$200.00
1900329213	52002445/2940	1/7/2019	COMMISSIONER WARREN STIPEND & MILEAGE	WARREN 12-5-19	ACQUANETTA WARREN	\$217.44
1900329218	52002445/2940	1/7/2019	COMMISSIONER CURATALO STIPEND & MILEAGE	CURTALO 12-5-19	JAMES CURATALO	\$227.25
1900331840	52002445	1/7/2019	COMMISSIONER COX STIPEND EXEC. CMTEE. MTG.	COX 12-10-19	KIMBERLY COX	\$200.00
1900331844	52002445	1/7/2019	COMMISSIONER CURATALO STIPEND EXEC. CMTEE. MTG.	CURATALO 12-10-19	JAMES CURATALO	\$200.00
1900346797	52002445	1/7/2019	ALDRICH & ASSOCIATES	INVOICE 77	ALDRICH & ASSOCIATES	\$2,025.00
1900349385	52002445	1/8/2019	ALDRICH & ASSOCIATES	INVOICE 78	ALDRICH & ASSOCIATES	\$1,650.00
1900360015	52002445/2940	1/17/2019	COMMISSIONER CURATALO STIPEND & MILEAGE - CALAFCO MTG	CURATLAO 1-14-19	JAMES CURATALO	\$339.20
1900360018	52002445/2940	1/17/2019	COMMISSIONER BAGLEY STIPEND & MILEAGE	BAGLEY 1-16-19	JAMES BAGLEY	\$304.28
1900360020	52002445/2940	1/17/2019	COMMISSIONER COX STIPEND & MILEAGE	COX 1-16-19	KIMBERLY COX	\$264.64
1900360023	52002445/2940	1/17/2019	COMMISSIONER CURATALO STIPEND & MILEAGE	CURATALO 1-16-19	JAMES CURATALO	\$229.00
1900360024	52002445/2940	1/17/2019	COMMISSIONER FARRELL STIPEND & MILEAGE	FARRELL 1-16-19	STEVEN FARRELL	\$219.95
1900360029	52002445/2940	1/17/2019	COMMISSIONER WARREN STIPEND & MILEAGE	WARREN 1-16-19	ACQUANETTA WARREN	\$218.56
1900360035	52002445	1/17/2019	COMMISSIONER AMIS STIPEND	AMIS 1-16-19	LOUISA AMIS	\$200.00
1900360039	52002445	1/17/2019	COMMISSIONER MCCALLON STIPEND	MCCALLON 1-16-19	LARRY MCCALLON	\$200.00
1900360041	52002445	1/17/2019	COMMISSIONER LOVINGOOD STIPEND	LOVINGOOD 1-16-19	ROBERT LOVINGOOD	\$200.00
1900360042	52002445	1/17/2019	COMMISSIONER RUTHERFORD STIPEND	RUTHERFORD 1-16-19	JANICE RUTHERFORD	\$200.00
1900360900	52002445	1/18/2019	LASERFISCHE SCANNING PROJECT	INVOICE 13727	ECS IMAGING	\$4,582.46
1900362972	52002445/2940	1/23/2019	COMMISSIONER BAGLEY STIPEND & MILEAGE	BAGLEY 1-22-19	JAMES BAGLEY	\$304.40
1900362976	52002445/2940	1/23/2019	COMMISSIONER COX STIPEND & MILEAGE	COX 1-22-19	KIMBERLY COX	\$264.96
1900362979	52002449/2940	1/23/2019	COMMISSIONER CURATALO STIPEND & MILEAGE	CURATALO 1-22-19	JAMES CURATALO	\$224.59
1900362983	52002445/2940	1/23/2019	COMMISSIONER FARRELL STIPEND & MILEAGE	FARRELL 1-22-19	STEVEN FARRELL	\$220.41
1900362987	52002445/2940	1/23/2019	COMMISSIONER WARREN STIPEND & MILEAGE	WARREN 1-22-19	ACQUANETTA WARREN	\$217.98
1900362998	52002445/2940	1/23/2019	COMMISSIONER AMIS STIPEND & MILEAGE	AMIS 1-22-19	LOUISA AMIS	\$212.99
1900363002	52002445	1/23/2019	COMMISSIONER MCCALLON STIPEND	MCCALLON 1-22-19	LARRY MCCALLON	\$200.00
1900363005	52002445	1/23/2019	COMMISSIONER LOVINGOOD STIPEND	LOVINGOOD 1-22-19	ROBERT LOVINGOOD	\$200.00
1900364114	52002445	1/24/2019	ALDRICH & ASSOCIATES	INVOICE 79	ALDRICH & ASSOCIATES	\$1,575.00
1900364451	52002445	1/24/2019	COMMISSION MEETING VIDEO RECORDING 7/18/18	INVOICE 2059	CITY OF SAN BERNARDINO	\$180.00
1900364452	52002445	1/24/2019	COMMISSION MEETING VIDEO RECORDING 8/15/18	INVOICE 2060	CITY OF SAN BERNARDINO	\$270.00
1900364453	52002445	1/24/2019	COMMISSION MEETING VIDEO RECORDING 9/19/18	INVOICE 2061	CITY OF SAN BERNARDINO	\$225.00
1900364454	52002445	1/24/2019	COMMISSION MEETING VIDEO RECORDING 10/17/18	INVOICE 2062	CITY OF SAN BERNARDINO	\$225.00
1900364455	52002445	1/24/2019	COMMISSION MEETING VIDEO RECORDING 12/5/18	INVOICE 2063	CITY OF SAN BERNARDINO	\$180.00
1900349389	52002895	1/8/2019	RENTAL OF COPIER	INVOICE 32811565	KONICA MINOLTA	\$435.02
1900364123	52002895	1/24/2019	RENTAL OF COPIER	INVOICE 32945678	KONICA MINOLTA	\$450.41
1900346639	52002905	1/7/2019	OFFICE LEASE & CAM	INVOICE UNIT 150	CITY COM	\$15,041.47
1900346644	52002905	1/7/2019	AMORTIZATION PAYMENT UNIT 150	PAYMENT 7	SBCTA	\$8,448.33
1900346657	52002905	1/7/2019	COMMISSION MEETING ROOM RENTAL JAN. 2019	INVOICE 690	IVDA	\$405.00

1900329214	52002445/2940	1/7/2019	COMMISSIONER BAGLEY STIPEND & MILEAGE	BAGLEY 12-5-18	JAMES BAGLEY	\$298.00
1900329215	52002445/2940	1/7/2019	COMMISSIONER COX STIPEND & MILEAGE	COX 12-5-18	KIMBERLY COX	\$258.86
1900329216	52002445/2940	1/7/2019	COMMISSIONER WILLIAMS STIPEND & MILEAGE	WILLIAMS 12-5-18	DIANE WILLIAMS	\$225.73
1900366801	52002308	1/24/2019	PROCUREMENT CARD 12/24/2018	CAL CARD	US BANK	\$1,781.24
1900352474	52942940	1/10/2019	MILEAGE REIMBURSEMENT SDRMA CONFERENCE	TRIP 500210	LA TRICI JONES	\$57.34
1900352475	52942940	1/10/2019	MILEAGE REIMBURSEMENT OFFICE ERRANDS	TRIP 500230	LA TRICI JONES	\$59.46
1900346647	40608842	1/7/2019	REIMBURSEMENT DOUBLE APPORTIONMENT PAYMENT	APPORTIONMENT	BIG BEAR FIRE AUTHORITY	\$5,190.00
TOTAL						\$57,368.93

MONTH OF JANUARY 2019 INTERNAL TRANSFERS PROCESSED



4200023425	40809930	1/10/2019	LAFCO #436	ROV	REGISTRAR OF VOTERS	\$44.62
4100659726	52002037	1/1/2019	DECEMBER 2018 DIAL TONE	ISD BILLING	ISD BILLING	\$291.33
4100659731	52002410	1/1/2019	JAN 2019 2410 EQUAL MONTHLY CHARGES	ISD BILLING	ISD BILLING	\$1,071.00
4100659733	52002420	1/1/2019	DECEMBER 2018 WIRELESS DEVICE	ISD BILLING	ISD BILLING	\$18.72
4100660201	52002421	1/1/2019	DECEMBER 2018 DESKTOP SUPPORT SERVICES	ISD BILLING	ISD BILLING	\$1,346.40
4200023566	52002180	1/10/2019	FUND CORRECTION	SO CAL EDISON	SO CAL EDISON	\$958.77
4200023515	52002310	1/8/2019	MAIL SERVICES - DEL	COUNTY MAIL	COUNTY MAIL	\$169.20
4200023516	52002310	1/8/2019	MAIL SERVICES - FLAT	COUNTY MAIL	COUNTY MAIL	\$27.66
4200023517	52002310	1/8/2019	MAIL SERVICES - HAN	COUNTY MAIL	COUNTY MAIL	\$149.26
4200024167	52002424	1/23/2019	NOTICE OF DETERMINATION LAFCO SC#436	COB	COB	\$50.00
TOTAL						\$4,126.96

MONTH OF JANUARY 2019 CASH RECEIPTS

4100663672	40709545	1/8/2019	SC#437 - CROSS DEVELOPMENT	INDIVIDUAL NOTICE		\$600.00
4100663672	40709545	1/8/2019	SC#437 - CITY OF REDLANDS	INDIVIDUAL NOTICE		\$100.00
4100663672	40709555	1/8/2019	LAFCO 3216 - CITY OF UPLAND	LEGAL		\$61.00
4100663472	40709555	1/8/2019	LAFCO #437 - CITY OF REDLANDS	LEGAL		\$1,000.00
4100669328	40709555	1/15/2019	LAFCO 3218 - CITY OF HESPERIA	LEGAL		\$61.00
4100678511	40709595	1/23/2019	LAFCO 3229 - TOWN OF APPLE VALLEY	PROTEST DEPOSIT		\$1,500.00
4100678511	40709655	1/23/2019	LAFCO 3229 - TOWN OF APPLE VALLEY	GIMS		\$825.00
4100663672	40709660	1/8/2019	LAFCO #437 - CITY OF REDLANDS	ENVIRONMENTAL		\$700.00
4100663672	40709800	1/8/2019	LAFCO #437 - CITY OF REDLANDS	LAFCO FEES		\$1,000.00
TOTAL						\$5,847.00


MONTH OF JANUARY 2019 INTERNAL TRANSFERRED RECEIVED

100139261	40308500	1/30/2019	INTEREST APPORTIONMENT		COUNTY OF SANBERNARDINO	\$5,600.63
TOTAL						\$5,600.63

 LA TRICI JONES, Clerk to the Commission			3/11/2019	
			DATE	
RECONCILIATION APPROVED BY:				
 SAMUEL MARTINEZ, Executive Officer			3/11/2019	
			DATE	

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MARCH 13, 2019
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3228 – Annexation to the Running Springs Water District, As Modified

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO 3228, as modified:

1. For environmental review, certify that LAFCO 3228, as modified, is statutorily exempt from the provisions of the California Environmental Quality Act, and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3228, as modified – Annexation to the Running Springs Water District, with the following determination/conditions:
 - a) Determination: The San Bernardino County Fire Protection District and its Mountain Service Zone, both of which will continue to overlay the annexation area, will remain the responsible agency for fire protection and emergency medical response; and,
 - b) The standard LAFCO conditions including the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3278, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3228, as modified.

BACKGROUND:

LAFCO 3228 was originally considered by the Commission on October 17, 2018. The original proposal was a reorganization to annex the Pali Mountain Retreat/Adventure/Institute campsite (formerly Camp O-ongo) into the Running Springs Water District (District) and detach the camp property from the San Bernardino County Fire Protection District (County Fire) and its Mountain Service Zone. However, after hearing testimony from representatives from both the District and County Fire, the Commission discussed the option of continuing the overlay of County Fire and its Mountain Service Zone. The Commission then continued the item to the January 16, 2019 hearing in order to evaluate further the provision of fire services to the camp property.

At the January hearing, the Commission was presented a staff report (included as Attachment #1) and again heard testimony from both the District and County Fire, including the property owner's representative. In the end, the Commission voted to modify LAFCO 3228 by removing the detachment of the San Bernardino County Fire Protection District and its Mountain Service Zone from the original reorganization proposal and deferred formal approval of the modified proposal to the March 20, 2019 hearing following completion of the property tax transfer renegotiation process, if requested by either the District or County Fire.

County Fire requested renegotiation of the property tax transfer and the County will be considering approval of the renegotiated property tax transfer resolution at the March 19, 2019 Board of Supervisors meeting.

Meanwhile, the District continues to object to the modified proposal and has submitted a letter (see Attachment #2) requesting that the Commission reconsider its decision related to LAFCO 3228.

WAIVER OF PROTEST PROCEEDINGS:

The annexation area is legally uninhabited and LAFCO staff verified that the annexation area possesses 100% landowner consent (see Attachment #3). Therefore, if the Commission approves LAFCO 3228, as modified, and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Commission direct the Executive Officer to complete the action following completion of the mandatory 30-day reconsideration period.

ENVIRONMENTAL CONSIDERATIONS:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3228, as modified, is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the Commission's approval of the modified proposal does not contribute to any additional potential for a physical change

in the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Staff recommends that the Commission adopt the General Rule Statutory Exemption for this proposal.

CONCLUSION:

At the January hearing, the Commission took the action to modify LAFCO 3228 by removing the detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone and continued the item in order to complete the property tax transfer renegotiation process and adoption of the revised property tax resolution by the County Board of Supervisors.

The Commission's action now is to formally approve its recommendation on LAFCO 3228, which will continue the overlay of the San Bernardino County Fire Protection District and its Mountain Service Zone and remain the responsible agency for fire protection and emergency medical response to the area. Therefore, LAFCO staff recommends approval of LAFCO 3228, as modified, by taking the recommended actions on page one of the staff report.

DETERMINATIONS:

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any annexation proposal:

1. The annexation area is legally uninhabited containing one registered voter as certified by the County Registrar of Voters as of September 21, 2018.
2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$10,009,018 as of June 20, 2018 broken down as: \$1,289,207 (land) and \$8,719,811 (improvements).
3. The annexation area is within the sphere of influence assigned the Running Springs Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Mountain News*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. LAFCO staff has provided individual notice to landowners (129) and registered voters (70) surrounding the reorganization area (totaling 199 notices) in accordance with State law and adopted Commission policies. Comments from landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.

6. The County's land use designations for the annexation area are Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3228 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
8. The Local Agency Formation Commission has determined that this proposal, as modified, is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the modified proposal does not contribute to any additional potential for a physical change in the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #4 to this report.
9. The annexation area is served by the following local agencies:

County of San Bernardino
County Service Area 70 (unincorporated County-wide multi-function)
Crestline-Lake Arrowhead Water Agency (State Water Contractor)
Mojave Desert Resource Conservation District
Rim of the World Park and Recreation District
San Bernardino Mountains Community Healthcare District
San Bernardino County Fire Protection District and its
Mountain Service Zone.

None of the agencies identified above are affected by this proposal as they are regional in nature. Although Running Springs Water District also provides fire protection and emergency medical response, said services will continue to be the responsibility of the San Bernardino County Fire Protection District and its Mountain Service Zone.

10. The Running Springs Water District submitted a Plan for Service, which indicates that the District can, at a minimum, maintain the existing level of service delivery. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Plan for Service conforms to those adopted standards and requirements.
11. The annexation area can benefit from the continuation of wastewater and

ambulance services, and availability of retail water service from the District.

12. This proposal will not affect the fair share allocation of the regional housing needs through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process. The land use designations [Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN)] do not support residential housing.
13. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income since the camp area already receives services from the District and the southerly neighboring area already receives water, wastewater, and ambulance services from the District.
14. The County of San Bernardino (on behalf of the Running Springs Water District and the San Bernardino County Fire Protection District) adopted a revised resolution of zero property tax transfer for LAFCO 3228. This renegotiated resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards.

Attachments:

1. [Staff Report Dated January 9, 2019](#)
2. [Running Springs Water District's Letter Dated March 8, 2019](#)
3. [Landowner Consent Forms](#)
4. [Environmental Response from Tom Dodson](#)
5. [Draft Resolution No. 3278](#)

**Staff Report Dated
January 9, 2019**

Attachment 1

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JANUARY 9, 2019
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: LAFCO 3228 – Reorganization to include
Annexation to the Running Springs Water District and Detachment
from the San Bernardino County Fire Protection District and its
Mountain Service Zone

RECOMMENDATION:

The staff recommends that the Commission approve LAFCO staff's original recommendation for LAFCO 3228, which is to approve LAFCO 3228 - reorganization to include annexation to the Running Springs Water District and detachment from San Bernardino County Fire Protection District and its Mountain Service Zone.

Such approval requires that the Commission approve LAFCO 3228 as outlined in the staff report dated October 10, 2018:

1. For environmental review, certify that LAFCO 3228 is statutorily exempt from the provisions of the California Environmental Quality Act, and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3228, with the condition for the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent of the reorganization; and,
4. Adopt LAFCO Resolution No. 3278 (as shown in Attachment #9), setting forth the Commission's determinations and conditions of approval concerning LAFCO 3228.

BACKGROUND:

At the October 17, 2018 hearing, the Commission considered LAFCO 3228, a proposal to annex the Pali Mountain Retreat/Adventure/Institute campsite (formerly Camp O-ongo) into the Running Springs Water District (hereafter the “District”) and detach it from the San Bernardino County Fire Protection District (hereafter “County Fire”) and its Mountain Service Zone. County Fire, opposed the detachment, outlining its opposition to LAFCO 3228 in a letter dated June 25, 2018 (included as Attachment #1), indicating that “any reallocation of... revenue... will have an outcome in a negative way to the San Bernardino County Fire Protection District in its overall regional approach to service delivery.”

In addition to LAFCO staff’s recommendation to approve the reorganization to include the annexation to the District and detachment from County Fire and its Mountain Service Zone, the Commission discussed an option to move forward with the annexation to the District but keeping the fire service provision with County Fire and its Mountain Service Zone.

However, instead of making a decision on LAFCO 3228, the Commission opted to continue the item in order to have LAFCO staff fully evaluate the provision of fire service to the camp property.

Soon after the October hearing, LAFCO staff requested a meeting with the District and County Fire together with the property owner. The meeting took place on December 6, 2018, and was attended by representatives from both agencies, LAFCO staff, and a representative of the property owner (not the actual property owner). No resolution was made at the meeting; however, both agencies agreed that they would leave the decision—on whether fire protection and emergency medical response should stay with County Fire or transfer over to Running Springs Water District—to the property owner.

It should be noted that the District and County Fire met with the property owner on separate occasions after the October hearing. Unfortunately, LAFCO staff is not privy to the discussions by either agency with the property owner nor is staff aware of any decision made by the property owner regarding his choice for fire service to the Pali Mountain campsite.

LAFCO staff stated at the December 6th meeting, and formalized with a letter dated December 13, 2018 (included as Attachment #2), that it would request from the District and County Fire information regarding staffing and equipment for the fire stations that would respond to fire as well as emergency medical response to the Pali Mountain campsite, including a listing of incident data for the last 10 years. County Fire’s response to LAFCO staff’s request is included as Attachment #3 to this report, and the District’s response, which includes call data, is included as Attachment #4 to this report.

DISCUSSION:

In early 2018, the property owner requested that the District annex the entire camp property in order for the property owner to save on its outside sewer service costs. Therefore, in March 2018, the District initiated the reorganization proposal to annex the Pali Mountain campsite to the District. The reason for the annexation, as outlined in the the District's resolution of application, Resolution No. 05-18, is to continue to provide sewer and fire protection services to the Pali Mountain campsite. By annexing to the District, the camp properties would be relieved from the higher out-of-agency wastewater rates currently charged by the District to the Pali Mountain campsite.

Through the processing of this proposal, two additional parcels owned by the Crestline-Lake Arrowhead Water Agency located adjacent to the camp properties were included as part of the overall reorganization area in order to provide for a logical boundary to the reorganization proposal.



The revised reorganization proposal, which is adjacent to the District's boundary, comprises a total of 251+/- acres and is generally located on the east side of Highway 18, north of Nob Hill Drive/Nob Hill Circle. The reorganization area is wholly within the Running Springs Water District's sphere of influence.

It was also identified that during the previous County Fire Reorganization, the County—on behalf of County Fire—outlined its intent not to “object to” other fire service providers annexing areas within their respective spheres of influence as long as the normal property tax transfer takes place. The County’s response letter to the County Fire Reorganization dated June 12, 2006 is included as Attachment #5 to this report. In making determinations for LAFCO 3001 (sphere of influence amendment for the County Fire Reorganization), LAFCO Resolution No. 2986 included a finding related to County Fire not objecting to future annexations:

“The sphere of influence expansion is a temporary measure to ensure that all unincorporated areas of the County are served by a fire protection agency. Unincorporated areas within another fire agency’s sphere of influence, as a general rule, are already served by the County Fire Department so this should not represent a real change. Where such overlapping sphere areas are created as a result of this reorganization (sphere of influence expansion), the County shall be considered the “secondary” fire protection agency and the existing fire protection agency shall be considered the “primary” agency. The San Bernardino County Fire Protection District, governed by the Board of Supervisors, has identified that it does not intend to object to the primary agency annexing areas within its sphere of influence in the future, with the normal property tax transfers taking place.”

As noted earlier, LAFCO 3228 is wholly within the sphere of influence boundary for the District and has been within the District’s sphere of influence since at least 1976 (see District sphere of influence map circa 1976 included as Attachment #6). While more than 12 years have passed since the County’s 2006 response letter, it should be noted that this proposal did go through the normal property tax transfer process that was approved by the County Board of Supervisors on August 21, 2018 (see Board of Supervisors Resolution No. 2018-141 included as Attachment #7).

ANALYSIS OF FIRE SERVICE:

The service providers for structural fires and emergency medical response within the mountain region include County Fire and its Mountain Service Zone, the Running Springs Water District, Arrowbear Park County Water District, and the Big Bear Fire Authority (composed of the Big Bear Lake Fire Protection District and Big Bear City Community Services District).

Wildland fires are under the jurisdiction of the California Department of Forestry and Fire Protection (CALFIRE) and the U.S. Forest Service.

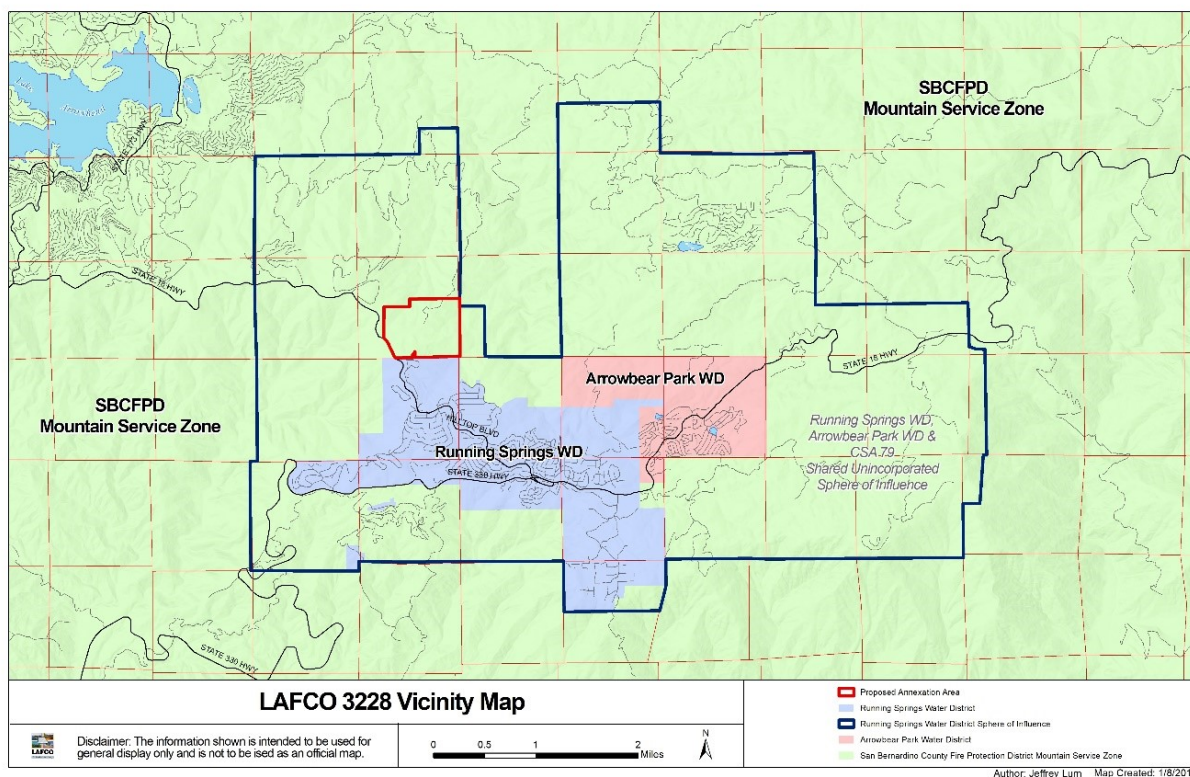
All fire service providers are signatories to the State of California Master Mutual Aid Plan, all of whom adhere to the State Master Mutual Aid System. In order to maximize the resources within San Bernardino County, a Mutual Aid System divides the County in different zones. Zone 3 is the operational area zone for the mountain region, which includes the agencies outlined above. Requests for strike teams, task forces, and specialized equipment are processed through the dispatch center of a joint powers

authority (JPA) known as Consolidated Fire Agencies (CONFIRE), which is the dispatch center for numerous fire agencies within San Bernardino County. Resources available from within Zone 3 include Type 1, 2, 3 and 4 fire engines, snow cats, breathing support units, Advance Life Support (ALS) and Basic Life Support (BLS) squads, ALS and BLS rescues, fire boats, Mass Casualty Incidents (MCI) trailers, water tenders, and U.S. Army Reserve units.

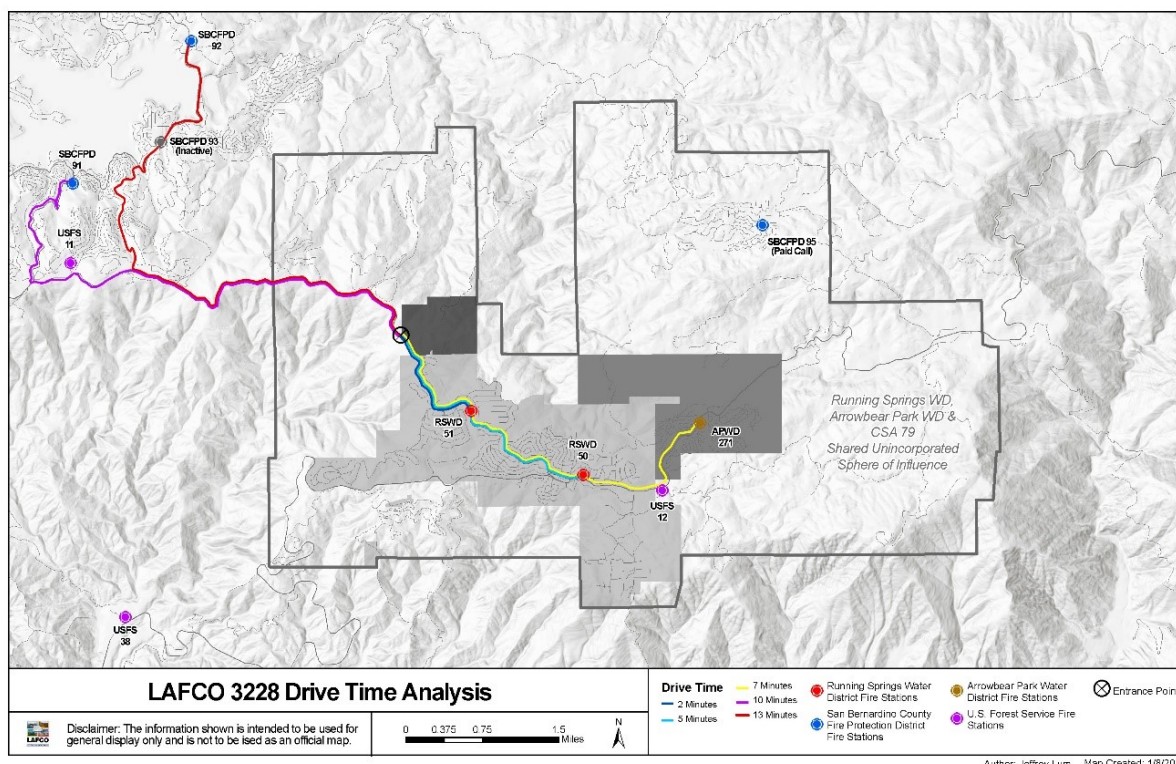
In addition, all agencies have either automatic and/or mutual aid agreements with CALFIRE and/or the U.S. Forest Service, whose jurisdictions overlap the communities in and around the mountain area. Wildland fire protection for State Responsibility lands, as outlined in its Cooperative Agreement with CALFIRE, is provided by the U.S. Forest Service. Equipment available through the U.S. Forest Service include Type 3 and 4 engines, water tenders, helicopters, bulldozers, air tankers, heli-tankers and both hot-shot and standard hand crews.

Hilltop Community

Fire Service within the general Hilltop Community (Running Springs, Arrowbear, and Green Valley Lake) is provided by County Fire and its Mountain Service Zone, the District, and Arrowbear Park County Water District.



As part of its review, LAFCO staff made a simple analysis of the drive times from existing fire stations to the reorganization area. Both Running Springs Water District's Stations 51 and 50 can generally respond to the campsite in 2 minutes and 5 minutes respectively. Arrowbear Park County Water District can generally respond in 7 minutes from its Station 271. County Fire can generally respond in 10 minutes from its Station 91 and 13 minutes from its Station 92. Response from all other stations will be over 15 minutes.



County Fire and its Mountain Service Zone

County Fire provided a response to LAFCO's request for information regarding fire protection and emergency medical response calls to the reorganization area. It identified that the following fire stations would respond:

Fire Station	Equipment	Staffing
Station 91 – Lake Arrowhead	1 Type I engine (typical) 1 Heavy Rescue 1 Brush Patrol 1 Snowcat 1 Utility Vehicle 1 Ambulance	3 suppression personnel 1 paramedic and 1 EMT
Station 92 – Lake Arrowhead	1 Type 2 engine	3 suppression personnel

Station 94 – Lake Arrowhead	1 Type I engine 1 Ambulance	3 suppression personnel 1 paramedic and 1 EMT
Station 25 – Crestline	1 Type I engine (typical) 1 Type 3 engine 1 Ambulance	3 suppression personnel 1 paramedic and 1 EMT
Station 26 – Twin Peaks	1 Type I engine (typical) 1 Type 1 OES engine 1 Ambulance	3 suppression personnel 1 paramedic and 1 EMT
Station 96 – Fawnskin	1 Type I engine (typical) 1 Type 2 Rescue 1 Snowcat	3 suppression personnel

County Fire identified that it has a Battalion Chief providing 24-hour command presence. It also identified that additional personnel are available in a cross staffing configuration as well as multiple handcrews and bulldozers located in the Devore area fire station. No incident data was provided by County Fire. However, it did acknowledge that all calls related to the Pali Mountain campsite area have been medical in nature.

Running Springs Water District

The District provided a response to LAFCO's request for information regarding fire protection and emergency medical response calls to the reorganization area. Below is the information related to its fire stations:

Fire Station	Equipment	Staffing
Station 50	1 Type I engine 1 squad with extrication equipment 2 Ambulances	3 personnel 1 Captain/paramedic 1 firefighter/paramedic and 1 PCF
Station 51	1 Type I engine 2 Type 3 brush engines 1 Ambulance	3 CALFIRE personnel 1 firefighter/paramedic and 1 PCF

The District identified that under a cooperative agreement with CALFIRE, CALFIRE personnel are assigned to a brush engine. All other equipment at Stations 50 and 51 are cross staffed by District personnel for specific call type. The District also has 20 Paid Call Firefighters available to augment staffing needs.

The District provided a listing of all its calls from 2008 through 2018 to the Pali Mountain campsite (included as part of Attachment #4). Of all 65 calls, 96 percent were medical related. No calls were fire related.

Other Mountain Service Providers:

Arrowbear Park County Water District provides fire protection and emergency medical response services to the Arrowbear community with a volunteer Fire Department. Currently, there is a fire chief, an engineer, and 10 volunteer fire fighters. The Big Bear Fire Authority is a joint powers authority formed in July 2012 between the Big Bear Lake Fire Protection District and the Big Bear City Community Services District serving the City of Big Bear Lake and the unincorporated communities of Big Bear City, Moonridge, and Sugarloaf. It operates with 4 stations with a minimum staffing of 13 personnel per shift with a Battalion Chief providing command and control.

Fire Protection

Fire Protection Prior to Annexation

Fire services are currently provided by County Fire and its Mountain Service Zone. Since the fire service providers are signatories to the State of California Master Mutual Aid Plan, through its Mutual Aid System, the Running Springs Water District is first on-scene for fire services to the campsite due to the proximity of its stations. Any additional resources from County Fire will respond, if necessary.

Fire Protection Following Annexation

Upon completion of the reorganization, the area would be detached from County Fire and its Mountain Service Zone, and the District would assume responsibility for fire protection services to the area. The District will continue to be first on-scene and if the need arises for additional support, the District can request for mutual aid assistance and County Fire or any of the other Zone 3 agencies will respond, including CALFIRE and/or the U.S. Forest Service.

Emergency Medical Response

Emergency Medical Response Prior to Annexation

Currently, emergency medical response services are provided by County Fire and its Mountain Service Zone. Since the fire service providers are signatories to the State of California Master Mutual Aid Plan, through its Mutual Aid System, the Running Springs Water District is first on-scene for emergency medical response services to the camp due to the proximity of its stations. Any additional resources from County Fire will respond, if necessary.

Emergency Medical Response Following Annexation

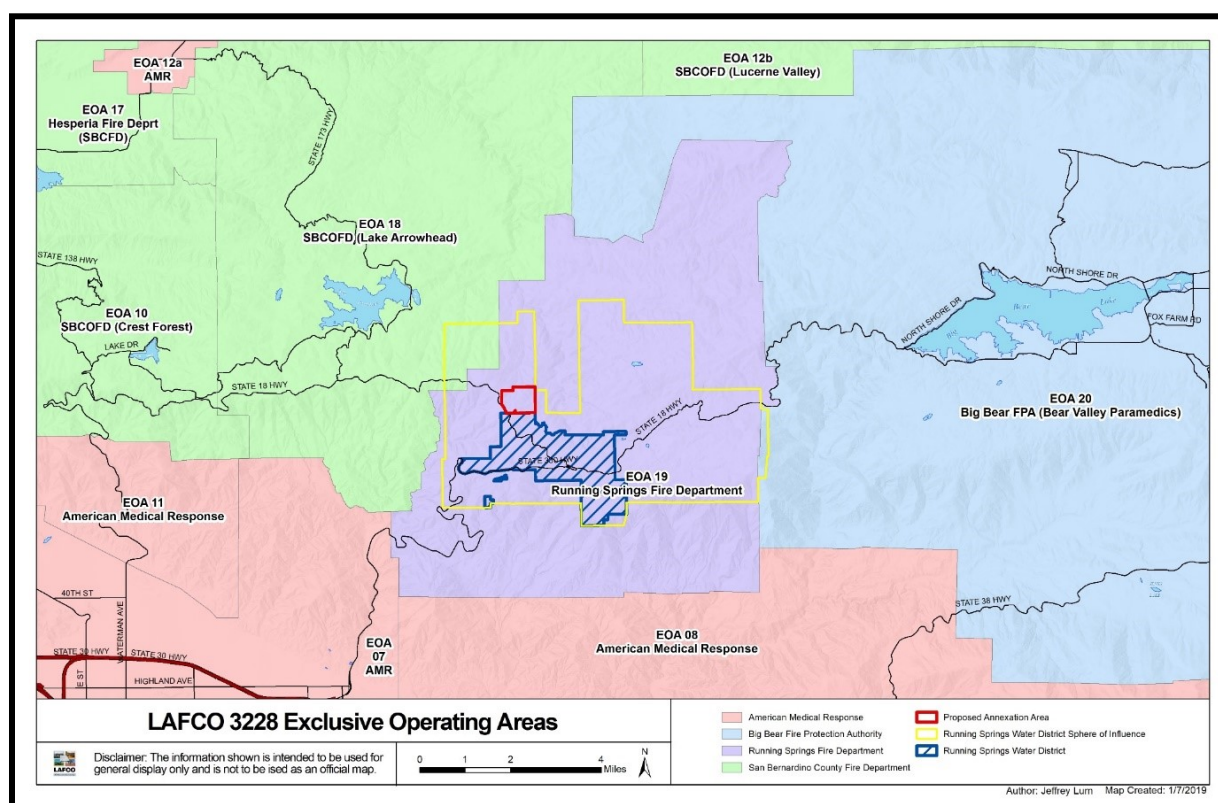
Upon completion of the reorganization, the area would be detached from County Fire and its Mountain Service Zone, and the District would assume responsibility for

emergency medical response to the area. The District will continue to be first on-scene and if the need arises for additional support, the District can request for mutual aid assistance and County Fire or any of the other Zone 3 agencies will respond, including CALFIRE and/or the U.S. Forest Service.

Ambulance

Ambulance Service Prior to Annexation

Ambulance service is currently provided by the District, as it is assigned Exclusive Operating Area (“EOA”) 19 by the Inland Counties Emergency Medical Agency (ICEMA). The map below shows all the EOAs located in and around the area, which identifies the District’s EOA (EOA 19) in purple, the boundaries of the District in blue hatching and the annexation area in red outline.



The Running Springs Water District is required to provide ambulance service within its EOA as defined by the memorandum of agreement with ICEMA. The District’s EOA goes beyond its actual boundaries; therefore, the District is required to provide ambulance services to the EOA area outside of its boundaries.

Ambulance Service Following Annexation

There will be no change in the ambulance service provider as a result of approval of LAFCO 3228, whether fire protection and emergency medical response remains with County Fire or transfers to the District, since the area being considered is already within EOA 19, which is the District's EOA.

Dispatch

Dispatch Service Prior to Annexation

Both the District and County Fire is dispatched by CONFIRE, which as stated above is the dispatch center for numerous fire agencies within San Bernardino County. The CONFIRE JPA membership includes County Fire, the Cities of Colton, Loma Linda, Redlands, Rialto, and Rancho Cucamonga Fire Departments. CONFIRE also provides dispatch services to Running Springs Water District, Apple Valley Fire Protection District, Big Bear Fire Authority, San Manuel, Montclair, Baker Ambulance, and the San Bernardino County Transportation/Flood Control Department by contract.

CONFIRE is also the dispatch center for all mutual aid needs for operational area Zone 3 (mountain region). It also functions as the operational area dispatch for the County of San Bernardino in coordinating mutual aid needs within the county and processing mutual aid requests to and from the Region VI Office of Emergency Services Operations Center.

Dispatch Service Following Annexation

There will be no change in the dispatch service as a result of approval of LAFCO 3228, since both agencies are dispatched by CONFIRE, who is also responsible for coordinating mutual aid needs for the area.

CONCLUSION:

The property owner requested that the District submit an application to annex the entire camp property in order for the property owner to save on its outside sewer service costs.

LAFCO staff supports the annexation proposal as this annexation to Running Springs Water District was a request made by the property owner. In addition, the reorganization area is wholly within the Running Springs Water District's sphere of influence and has been within its sphere of influence since at least 1976. As identified during the County Fire Reorganization, the County—on behalf of County Fire—outlined its intent not to “object to” other fire service providers annexing areas within their respective spheres of influence as long as the normal property tax transfer takes place. This proposal did go through the normal property tax transfer process that was approved by the County Board of Supervisors.

Finally, with regard to the fire and emergency medical response services, there will be no change in service as a result of the reorganization since the District will continue to be first on-scene due to the proximity of its stations and if the need arises for additional support, the District can always request for mutual aid assistance and County Fire or any of the other mountain region fire entities will respond, including CALFIRE and/or the U.S. Forest Service.

Therefore, LAFCO staff is recommending that the Commission approve LAFCO staff's original recommendation for LAFCO 3228 as outlined in the staff report dated October 10, 2018 (included as Attachment #8 to this report), which includes:

1. For environmental review, certify that LAFCO 3228 is statutorily exempt from the provisions of the California Environmental Quality Act, and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3228, with the condition for the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings—as permitted by Government Code Section 56662(d)—with 100% landowner consent to the reorganization; and,
4. Adopt the revised LAFCO Resolution No. 3278 (included as Attachment #9), setting forth the Commission's determinations and conditions of approval concerning LAFCO 3228.

However, if the Commission wishes to move forward with the annexation but leave fire and emergency medical response with County Fire, then the Commission can move forward and approve LAFCO 3228 without the detachment from County Fire and its Mountain Service Zone.

Should the Commission modify the proposal, a renegotiation of property tax transfer may be requested by any of the affected agencies. Such a renegotiation process is outlined in Section 99(b)(7) of the Revenue and Taxation Code:

In the event that the commission modifies the proposal or its resolution of determination, any local agency whose service area or service responsibility would be altered by the proposed jurisdictional change may request, and the executive officer shall grant, 30 days for the affected agencies, pursuant to paragraph (4) to renegotiate an exchange of property tax revenues. Notwithstanding the time period specified in paragraph (4), if the resolutions required pursuant to paragraph (6) are not presented to the executive officer within the 30-day period, all proceedings of the jurisdictional change shall automatically be terminated.

If requested, LAFCO staff will work with the affected parties to assure the completion of the renegotiation within the mandatory 30-day period.

As for the Commission, in order to move forward with this option, it will need to take the following actions:

1. Modify LAFCO 3228 by removing the detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone; and,
2. Continue the modified proposal to the March 20, 2019 hearing following completion of the renegotiation of property tax transfer and adoption of the revised property tax resolution by the County Board of Supervisors.

Then, at the March 20, 2019 hearing, the Commission would formally approve the modified proposal by taking the following actions:

1. For environmental review, certify that LAFCO 3228, as modified, is statutorily exempt from the provisions of the California Environmental Quality Act, and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3228, as modified – Annexation to the Running Springs Water District, with the following determination/conditions:
 - a) Determination: The San Bernardino County Fire Protection District and its Mountain Service Zone, both of which will continue to overlay the annexation area, will remain the responsible agency for fire protection and emergency medical response; and,
 - b) The standard LAFCO conditions including the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3278, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3228, as modified.

Attachments:

1. County Fire’s Letter Response to LAFCO 3228 Dated June 25, 2018
2. LAFCO Letter Dated December 13, 2018 Requesting Information from Running Springs Water District and County Fire
3. County Fire’s Response Dated December 19, 2018
4. Running Springs Water District’s Response Dated December 26, 2018

5. San Bernardino County's Response Letter related to the County Fire Reorganization Dated June 12, 2006
6. Running Springs Water District Sphere of Influence Map circa 1976
7. Board of Supervisors Property Tax Transfer Resolution No. 2018-141
8. LAFCO 3228 Staff Report Dated October 10, 2018
9. Draft Resolution No. 3278

**Running Springs Water
District's Letter Dated
March 8, 2019**

Attachment 2



**RUNNING SPRINGS WATER DISTRICT
RUNNING SPRINGS FIRE DEPARTMENT**

31242 Hilltop Boulevard • P.O. Box 2206
Running Springs, CA 92382



March 11, 2019

Local Agency Formation Commission for San Bernardino County
c/o Samuel Martinez, Executive Officer
1170 W. Third Street, Unit 150
San Bernardino, CA 92415-0490
smartinez@lafco.sbcounty.gov

SUBJECT: REQUEST TO RECONSIDER COMMISSION'S DECISION ON LAFCO 3228

Dear Commission Members:

The Running Springs Water District ("District") and Running Springs Fire Department ("RSFD") respectfully requests that the Commission reconsider its decision on LAFCO 3228 to include detachment from San Bernardino County Fire Protection District and its Mountain Service Zone in the final action for LAFCO 3228 **as originally requested by the property owner, confirmed by the property owner in the attached letter dated January 11, 2019 and verbally requested by the property owner's representative at your January 16, 2019 hearing.** The reasons we are asking the Commission to reconsider are all more fully described in the January 16, 2019 LAFCO 3228 staff report and presentation.

LAFCO 3228 is wholly within the sphere of influence boundary for the District and has been within the District's sphere of influence since at least 1976. This proposal has already gone through the normal property tax transfer process that was approved by the County Board of Supervisors on August 21, 2018. The loss of \$17,808 in property tax should certainly not be a burden to the San Bernardino County Fire Protection District and its Mountain Service Zone and will compensate the Running Springs Fire Department for the fire protection services that it already provides and has provided for decades being the most logical and first on-scene to the property due to our proximity to the property.

The Running Springs Fire Department is first on scene for fire, rescue and medical emergencies at the Pali Mountain Camp due to the proximity of its fire service infrastructure and apparatus being within a 2-3 mile distance from the Property. The nearest full time San Bernardino County Fire Station is located in Lake Arrowhead which is more than 5 miles away and in extreme weather conditions travel across Highway 18 from Lake Arrowhead can be significantly delayed.

We strongly disagree with any decision to not include detachment from San Bernardino County Fire Protection District and its Mountain Service Zone for LAFCO 3228 and feel it could set a very bad precedent for future similar proposals. Please provide your Commissioners with a copy of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Gross".

Ryan Gross, P.E., BCEE, SDA
General Manager



LAFCO San Bernardino County
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415

January 11, 2019

Re: Annexation of Pali Mountain Camp – 30778 Hwy 18 Running Springs CA, 92382 under the
Fire Jurisdiction of Running Springs Fire Department

To Whom It May Concern,

It is the intent of Pali Mountain Camp here after referred to by parent organization O-Ongo Inc. to continue with the proposed annexation of the camp into the Running Springs Fire Department jurisdiction and service area. O-ongo Inc. recognizes the services provided by the San Bernardino County Fire Protection District as part of the Mountain Service Zone and thanks them for their service. We understand that ultimately the decision is up to the discretion of LAFCO and its board members.

Sincerely,

Jason Balcome
Owners Representative
O-Ongo Inc.
Pali Mountain
PO Box 2237
Running Springs CA 92382


Landowner Consent Forms

Attachment 3

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), Andrew Wexler, Owner, consent to the
annexation/ reorganization of my (our) property located at:
O-ongo, Inc., Pali Mountain, 30778 CA-18, PO Box 2237, Running Springs, CA 92382
which is identified as Assessor's Parcel Number(s) 0328-042-13, 0328-042-15, 0328-042-16, 0328-042-17,
to the Running Springs Water District .
(name of agency)

Signature(s): Andrew Wexler, Owner 
Address: 30778 CA-18, PO Box 2237
City, State, Zip Running Springs, CA 92382
Date Signed: 3/14/2018

*If a corporation or company owns the property, please provide with
this form authorization from the entity for the signer to sign on its
behalf.*

RECEIVED

2018 JUN 27 AM 10:12

LOCAL AGENCY
FORMATION COMMISSION

LANDOWNER CONSENT FORM

Local Agency Formation Commission For San Bernardino County

I (We), Crestline-Lake Arrowhead
Water Agency, consent to the
annexation/ reorganization of my (our) property located at:

which is identified as Assessor's Parcel Number(s) _____

0328-042-06 and 0328-042-08

to the Running Springs Water District
(name of agency)

Signature(s): Roxanne M. Holmes Roxanne M. Holmes, General Manager

Address: P.O. Box 3880

City, State, Zip Crestline, CA 92325

Date Signed: June 25, 2018

*If a corporation or company owns the property, please provide with
this form authorization from the entity for the signer to sign on its
behalf.*

Environmental Response from Tom Dodson

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



March 5, 2019

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490



Dear Sam:

LAFCO 3228 consisted of a request by the Running Springs Water District (District) for a Reorganization to include annexation of territory to the District and Detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone. The property proposed for annexation consists of about 234 acres is generally located on the east side of State Highway 18, north of Nob Hill Drive/Nob Hill Circle. The annexation area is located in the northwestern sphere of influence for the District.

For compliance with the California Environmental Quality Act (CEQA) we recommended that the Commission adopt a finding that the Reorganization qualified for a Statutory Exemption, based on the General Rule found in Section 15061(b)(3) of the State CEQA Guidelines, applies to LAFCO 3228. This Section states: *"A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* However, at the hearing the Commission modified the Reorganization to remove the detachment from County Fire and it's Mountain Service Zone. The purpose of this follow-up recommendation is to address the change in the action by the Commission to ensure that the environmental determination remains accurate and substantiated.

By removing the portion of LAFCO 3228 that would have transferred fire protection from County Fire to Running Springs Water District, the Commission retains the existing fire service commitments as they currently exist. Therefore, the decision by the Commission does not contribute to any additional potential for a physical change in the environment and the recommended CEQA environmental finding, adoption of a General Rule Statutory Exemption, remains valid even with the Commission's modified decision. Please accept this amended recommendation as the appropriate CEQA environmental determination for the Commission's modified decision. Contact me should you have any questions.

Sincerely,

Tom Dodson

Draft Resolution #3278

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 3228

HEARING DATE: MARCH 20, 2019

RESOLUTION NO. 3278

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3228, AS MODIFIED, AND APPROVING THE ANNEXATION TO THE RUNNING SPRINGS WATER DISTRICT. The annexation area generally consists of Assessor Parcel Numbers 0328-031-12, 0328-042-06, -08, -13, -15, -16, and -17, comprising approximately 251 acres, generally located on the east side of Highway 18, north of Nob Hill Drive/Nob Hill Circle.

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

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

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

WHEREAS, the Executive Officer has reviewed available information and prepared a report including 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 October 17, 2018 and continued to January 16, 2019 and March 20, 2019, at the time and place specified in the original notice of public hearing and in an order or orders continuing the hearing;

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

RESOLUTION NO. 3278

WHEREAS, the Commission determines to modify LAFCO 3228 by removing the detachment of the San Bernardino County Fire Protection District and its Mountain Service Zone from the original reorganization proposal;

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

DETERMINATIONS:

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

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3228.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Running Springs Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The Running Springs Water District 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 proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 6. The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

SECTION 2. The Commission determines that the San Bernardino County Fire Protection District and its Mountain Service Zone, both of which will continue to overlay the annexation area, will remain the responsible agency for fire protection and emergency medical response.

SECTION 3. The Commission determines that:

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

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

RESOLUTION NO. 3278

SECTION 4. DETERMINATIONS. The following determinations are noted in conformance with Commission policy:

1. The annexation area is legally uninhabited containing one registered voter as certified by the County Registrar of Voters as of September 21, 2018.
2. The County Assessor's Office has determined that the total assessed valuation of land within the annexation area is \$10,009,018 as of June 20, 2018 broken down as: \$1,289,207 (land) and \$8,719,811 (improvements).
3. The annexation area is within the sphere of influence assigned the Running Springs Water District.
4. Notice of this hearing has been advertised as required by law through publication in the *Mountain News*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 1,350 feet of the exterior boundaries of the annexation area (totaling 199 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
6. The County's land use designations for the annexation area are Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3228 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
8. The Local Agency Formation Commission has determined that this proposal, as modified, is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the modified proposal does not contribute to any additional potential for a physical change in the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: County of San Bernardino, County Service Area 70 (unincorporated County-wide multi-function), Crestline-Lake Arrowhead Water Agency (State Water Contractor), Mojave Desert Resource Conservation District, Rim of the World Park and Recreation District, San

RESOLUTION NO. 3278

Bernardino Mountains Community Healthcare District, San Bernardino County Fire Protection District and its Mountain Service Zone.

None of the agencies identified above are affected by this proposal as they are regional in nature. Although Running Springs Water District also provides fire protection and emergency medical response, said services will continue to be the responsibility of the San Bernardino County Fire Protection District and its Mountain Service Zone.

10. The Running Springs Water District submitted a Plan for Service as required by Government Code Section 56653, which indicates that the District can, at a minimum, maintain the existing level of service delivery. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
11. The annexation area can benefit from the continuation of wastewater and ambulance services, and availability of retail water service from the District.
12. This proposal will not affect the fair share allocation of the regional housing needs through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process. The land use designations [Hill Top/Resource Conservation (HT/RC) and Hill Top/Institutional (HT/IN)] do not support residential housing.
13. With respect to environmental justice, the annexation proposal will not result in the unfair treatment of any person based on race, culture or income since the camp area already receives services from the District and the southerly neighboring area already receives water, wastewater, and ambulance services from the District.
14. The County of San Bernardino (on behalf of the Running Springs Water District and the San Bernardino County Fire Protection District) adopted a revised resolution of zero property tax transfer for LAFCO 3228. This renegotiated exchange of property tax transfer fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The map and legal description, as revised, are in substantial conformance with LAFCO and State standards.

SECTION 5. The purpose of the annexation is to provide financial relief to the Pali Mountain Retreat/Adventure/Institute campsite (formerly Camp O-ongo). By annexing to the Running Springs Water District, the properties would be relieved from the higher out-of-agency wastewater rates currently charged by the District to the properties.

SECTION 6. The Running Springs Water District has no existing bonded indebtedness or contractual obligations for which the annexation area could be taxed. The regular County assessment rolls are utilized by the Running Springs Water District.

SECTION 7. Approval by the Local Agency Formation Commission indicates that completion

RESOLUTION NO. 3278

of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 8. The Commission hereby orders the territory described in Exhibits “A” and “A-1” annexed. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 9. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

* * * * *

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)


I, 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 March 20, 2019.

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: MARCH 12, 2019 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Project Manager
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: LAFCO SC#437 – City of Redlands OSC 17-50 for Water Service (Assessor Parcel Number 0298-411-96)

INITIATED BY:

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

RECOMMENDATION:

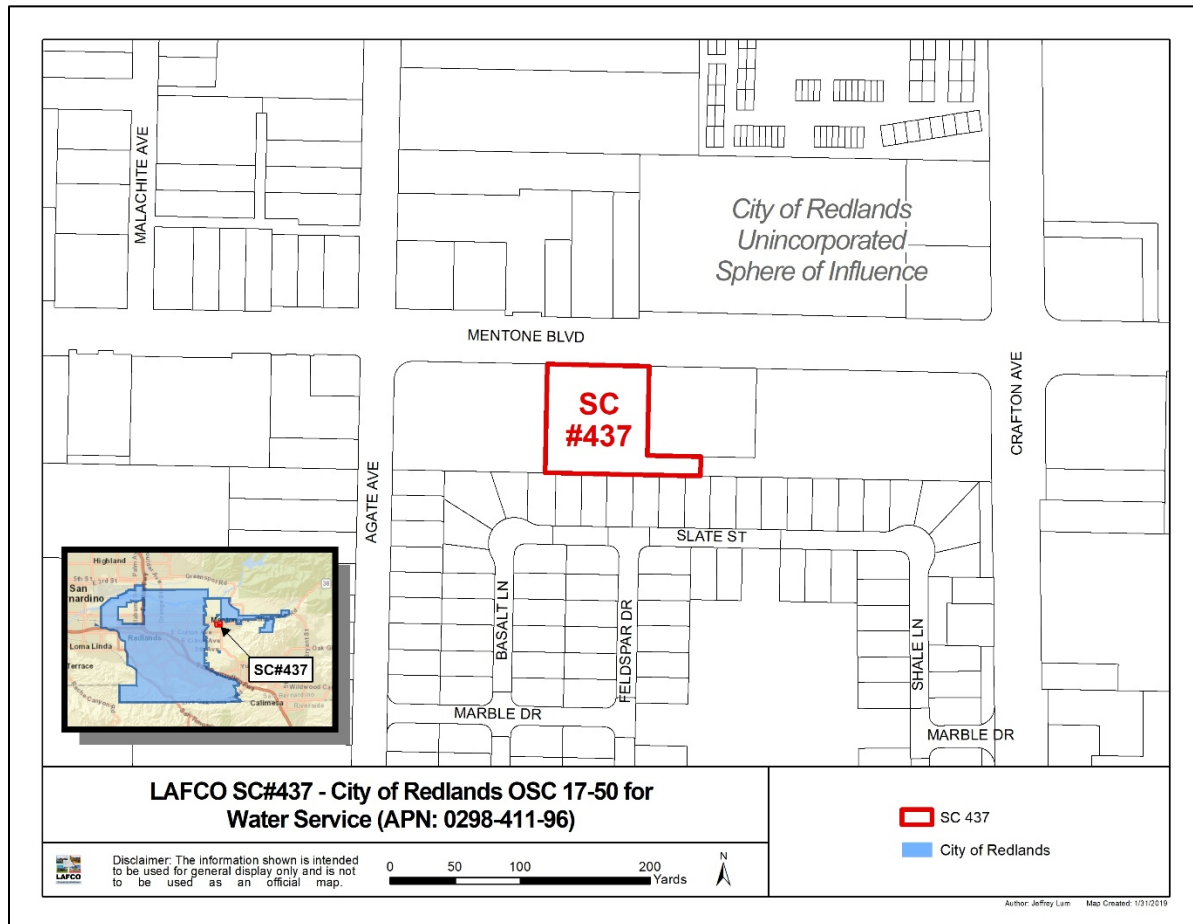
Staff recommends that the Commission approve LAFCO SC#437 by taking the following actions:

1. Certify that LAFCO SC #437 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 #437 authorizing the City of Redlands to extend water service outside its boundaries to Assessor Parcel Number 0298-411-96.
3. Adopt LAFCO Resolution #3283 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 one parcel currently under the ownership of a corporation, Assessor Parcel Number ("APN") 0298-411-96, generally located south of

Mentone Boulevard, between Agate and Crafton Avenues, within the City of Redlands' eastern sphere of influence in the unincorporated Mentone community. 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 construct a Dollar General retail store. In June 2018, the County Land Use Services Department processed and approved a minor use permit for the Dollar General retail store on the one-acre parcel that requires connection to the City of Redlands' water facilities. 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/developer, 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 the City would provide water service to the proposed commercial development through connection to an existing 12-inch water main in Mentone Blvd that fronts the property. A water lateral will 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 the City's Measure U require that the property owner/developer pay the "sums equivalent to the City's development impact fees" as a condition for access to water service. The categories of fees to be charged this project by the City of Redlands for the extension of water service are identified in the City's Development Requirements dated August 6, 2017, Item A3 (included as a part of Attachment #2). As a commercial development, the actual fees will not be available until an actual request for a water meter is made by the property owner/developer and final plans are submitted to the City. Nonetheless, payment of these fees are required prior to connection to the City's water facilities.

In addition, the property owner/developer 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#437 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 application is for the City to receive authorization to provide water service outside its boundaries via contract to APN 0298-411-96.

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 0298-411-96 since its facilities are

adjacent 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 0298-411-96, 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 17-50 being considered is for the provision of water service to APN 0298-411-96, generally located south of Mentone Boulevard, between Agate and Crafton Avenues, within the City of Redlands' eastern sphere of influence in the unincorporated Mentone community. 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/developer and the City of Redlands to proceed in finalizing the contract for the extension of water service.
3. The categories of fees to be charged this project by the City of Redlands for the extension of water service are identified in the City's Development Requirements dated August 6, 2017, Item A3. Payment of these fees are 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 to the property.
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.

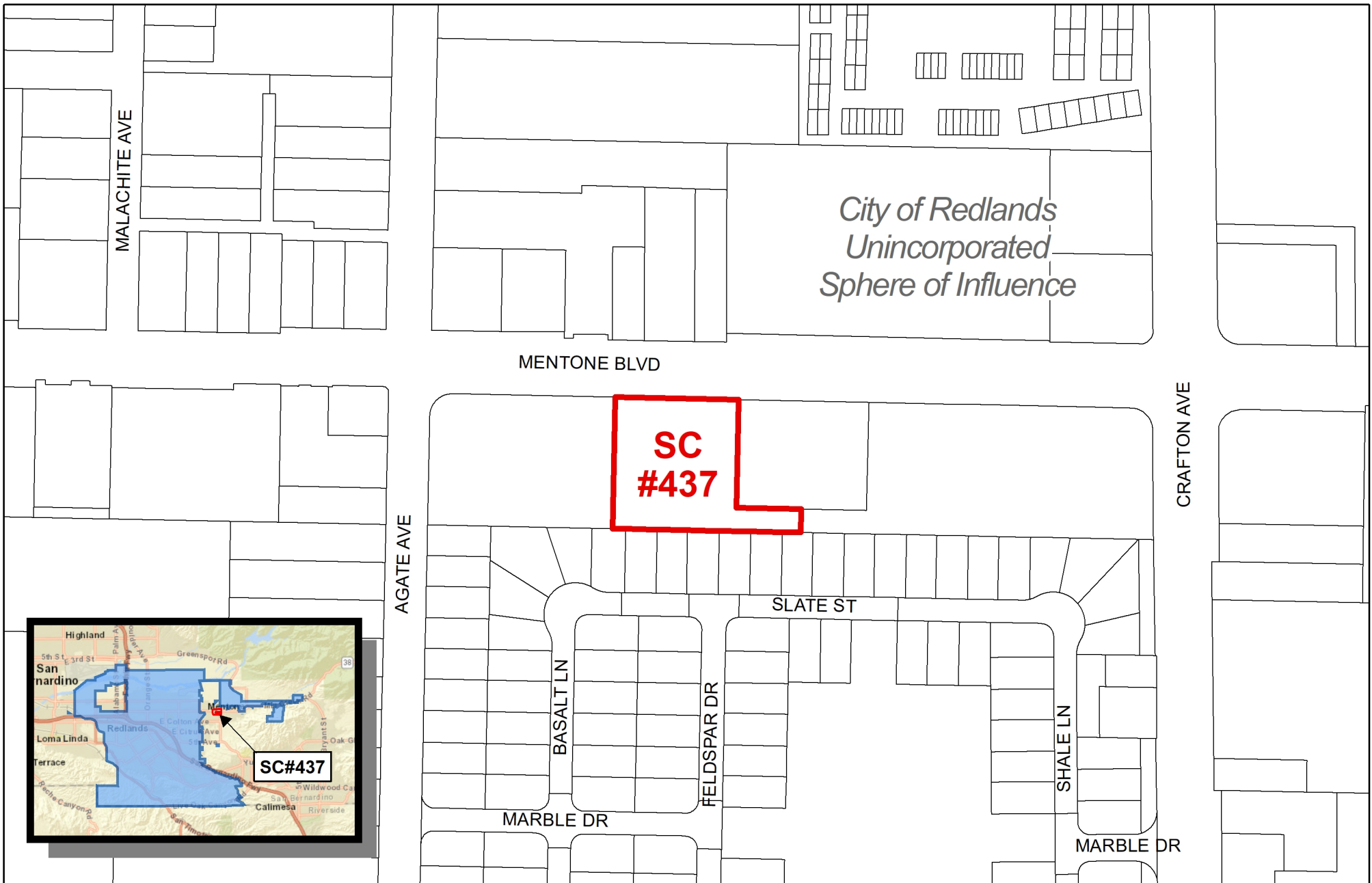
SM/MT

Attachments:

1. [Vicinity Map](#)
2. [City of Redlands' Application and Contract](#)
3. [County Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates](#)
5. [Draft Resolution #3283](#)


Vicinity Map

Attachment 1



**LAFCO SC#437 - City of Redlands OSC 17-50 for
Water Service (APN: 0298-411-96)**

 SC 437

 City of Redlands



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

0 50 100 200
Yards



City of Redlands' Application and Contract

Attachment 2

**SAN BERNARDINO LAF
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 x 1
EMAIL: RWITTMAN@CITYOFREDLANDS.ORG

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: CD DG MENTONE, LLC
CONTACT PERSON: PATRICIA HILL
MAILING ADDRESS: 4336 MARSH ROCK ROAD
CARROLLTON, TX. 75010
PHONE: 214.614.9252
EMAIL: PAHILL@CROSSDEVELOPMENT.NET
ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT: SOUTHSIDE OF MENTONE BOULEVARD
BETWEEN CRAFTON AVENUE AND ALATE AVENUE
CONTRACT NUMBER/IDENTIFICATION: OSC 17-50, PRE-ANNEXATION 17-02
PARCEL NUMBER(S): 0298-411.96, LOTS 8,9,10 OF PARCEL MAP 13643
ACREAGE: _____

Extension of Service by Contract
Application Form

LAFCO SC # 437
(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 THE CITY

Extension of Service by Contract
Application Form

LAFCO SC # 437
(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.

PROTECT WILL CONSTRUCT A DOLLAR GENERAL RETAIL STORE

Extension of Service by Contract
Application Form

LAFCO SC # 437
(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
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)

☐
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☐

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 12" DIAMETER WATER PIPELINE
IN MENTONE BOULEVARD. THIS PIPELINE WILL NOT NEED TO BE
EXTENDED AS IT RUNS ACROSS THE FRONTAGE OF THE PROPERTY

LAFCO SC # 437
(FOR LAFCO USE ONLY)

- | Description of Fees/Charges | Cost | Total |
|-----------------------------|------|-------|
| DEVELOPMENT REQUIREMENTS | | |
| AQE ATTACHED | | |
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| | | |
| Total Costs | | |

- NOT APPLICABLE

Extension of Service by Contract
Application Form

LAFCO SC # 437
(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 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.

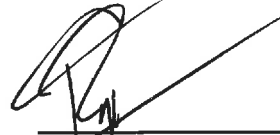
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

LAFECO SC # 437
(FOR LAFECO 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:

JANUARY 2, 2019

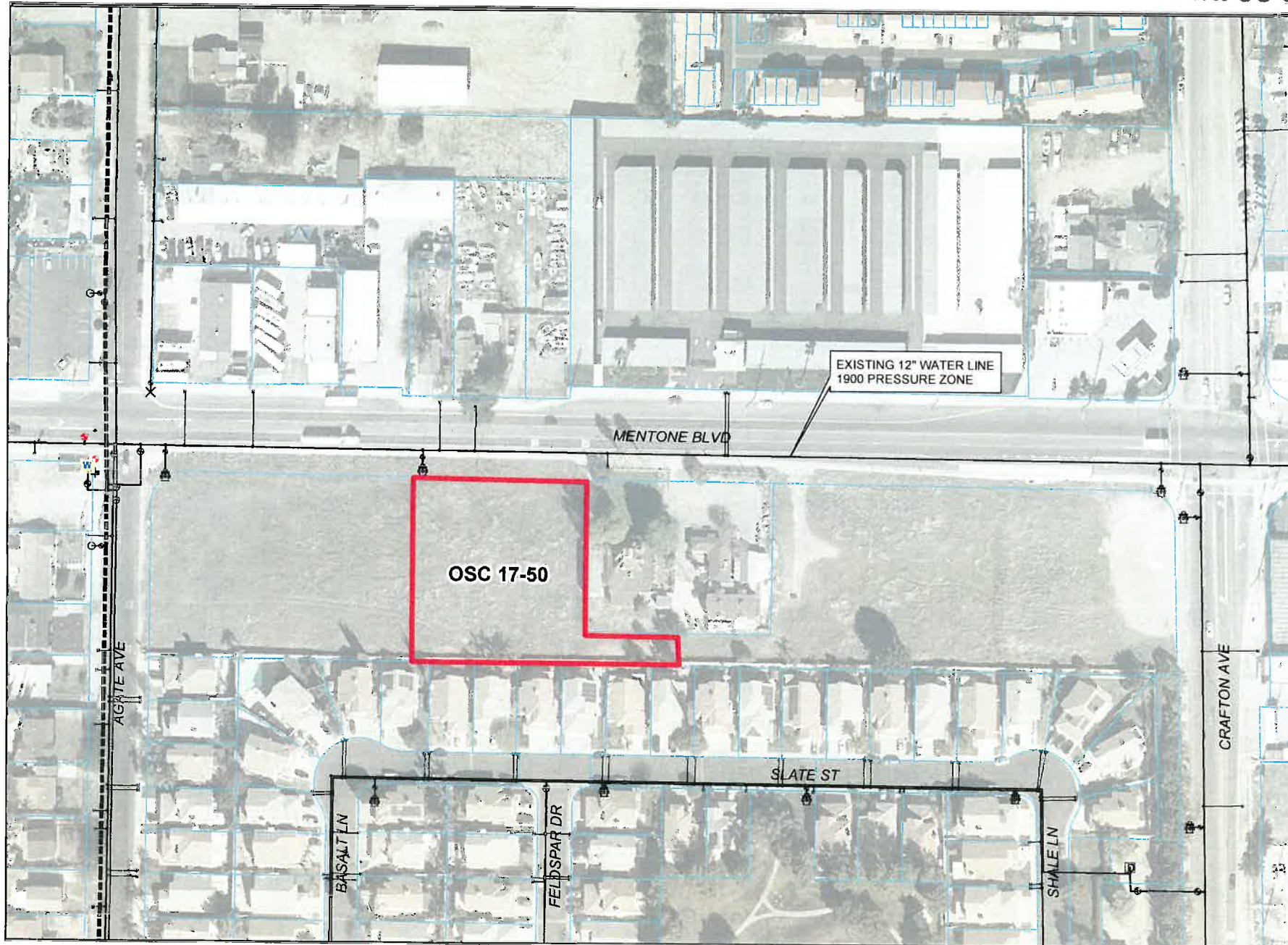
REQUIRED EXHIBITS TO THIS APPLICATION:

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.

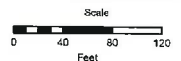
Please forward the completed form and related information to:

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 17-50
WATER MAP**



This map was produced by the City of Redlands, Geographic Information Systems. 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 Systems

OneStop.mxd

- NOTES**
1. PRELIMINARY DESIGN. THE DESIGN AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS, TEXAS, ORDINANCE 161-100.
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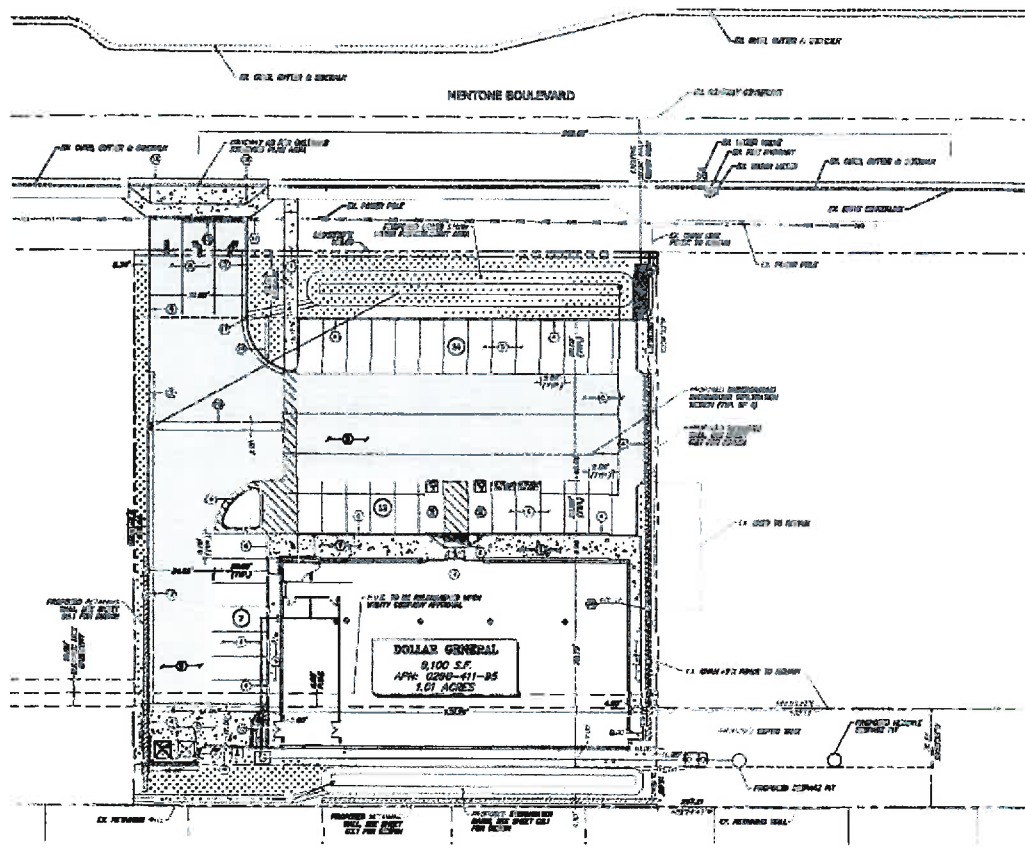
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PARKING SUMMARY

TYPE OF PARKING	NUMBER OF SPACES
STREET SIDE PARKING	10
UNDERGROUND PARKING	10
TOTAL PARKING SPACES	20

OFFICIAL USE ONLY

DESIGNER: TECTONICS DESIGN GROUP
 PROJECT: DOLLAR GENERAL
 DATE: 5-24-2018
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]



SITE PLAN
 SCALE: 1" = 20'-0"

- CONSTRUCTION NOTES**
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LANDSCAPING SUMMARY

ITEM	QUANTITY
STREET SIDE PARKING	10
UNDERGROUND PARKING	10
TOTAL PARKING SPACES	20

LOT COVERAGE

ITEM	PERCENTAGE
STREET SIDE PARKING	10%
UNDERGROUND PARKING	10%
TOTAL PARKING SPACES	20%

PROJECT LEGEND

ITEM	DESCRIPTION
STREET SIDE PARKING	10
UNDERGROUND PARKING	10
TOTAL PARKING SPACES	20

TECTONICS DESIGN GROUP

17430 CAMPBELL ROAD, SUITE 225, DALLAS, TEXAS 75242

Dollar General

CROSS DEVELOPMENT, LLC

17430 CAMPBELL ROAD, SUITE 225, DALLAS, TEXAS 75242

SITE PLAN

C2.1

**REDLANDS MUNICIPAL UTILITIES AND ENGINEERING DEPARTMENT
DEVELOPMENT REQUIREMENTS
OSC NO. 17-50 (P201700339)**

Date: August 6, 2017
Applicant: Dollar General
Location: Parcels 8, 9 & 10 of Parcel Map 13643
Project Description: New 9,100 Square Foot General Retail Building

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 known as Parcels 8, 9 & 10 of Parcel Map 13643 on the south side of Mentone Boulevard, approximately 260 feet east of Agate Street 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 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;
 - 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.

4. 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.
5. 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. All work shall be completed to the satisfaction of the City Engineer (RMC Section 13.62.050) (RMC Section 13.58.200).
3. Backflow Test and Maintenance Form(s) completed by a tester with a City of Redlands Business license and is certified by 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

**BOB DUTTON**

ASSESSOR - RECORDER - CLERK

367 City of Redlands Clerk

Recording requested by
and when recorded mail to:

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

Doc# 2019-0065829



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

FEES NOT REQUIRED
PER GOVERNMENT CODE
SECTION 6103

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 February, 2019, by and between the City of Redlands, a municipal corporation organized and existing under the laws of the State of California ("City") and CD DG Mentone, 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 a vacant parcel of land located on the south side of Mentone Boulevard, approximately 300 feet east of Agate Avenue and approximately 655 feet west of Crafton Avenue, and currently identified as County of San Bernardino Assessor's Parcel Number 0298-411-96-0000 (the "Property"), and formerly identified by Assessor's Parcel Number 0298-411-95-0000, 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 to develop one retail store on the Property; 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 13.62 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 13.62 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 CD DG Mentone, LLC, 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.

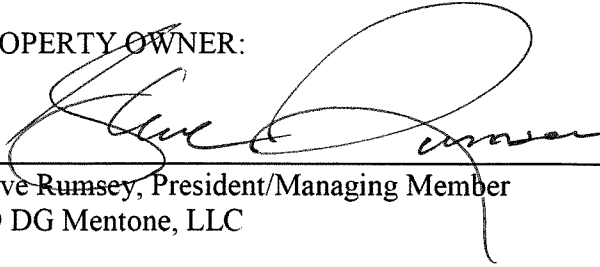
16. Waiver and Release Property Owner hereby waives and releases any and all claims it may have against the City, and its elected and appointed officials, officers, employees and agents with respect to any City actions or omissions relating to the development of the Property and Property Owner's and 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."

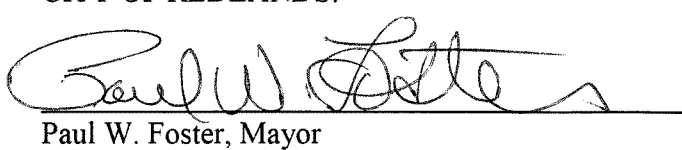
19. Construction The Parties agree that each Party and its counsel have reviewed this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not apply in the interpretation of this Agreement. The Parties further agree that this Agreement 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.

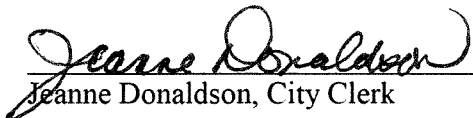
PROPERTY OWNER:

 Date: 2/25/2019
Steve Rumsey, President/Managing Member
CD DG Mentone, LLC

CITY OF REDLANDS:

 Date: 3/1/2019
Paul W. Foster, Mayor

ATTEST:

 Date: 3/1/2019
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 March 1, 2019 before me, Heather MacDonald, Notary Public,

Date

Here Insert Name and Title of the Officer

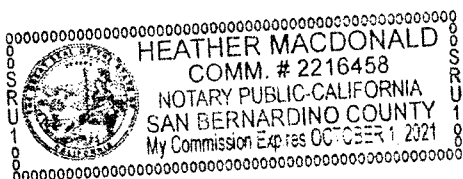
personally appeared Paul W. Foster and Jeanne Donaldson

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 Denton

Sharon Edwards, staff

On February 25th

before me,

Steve Rumsey, President

(insert name and title of the officer)

personally appeared

Steve Rumsey

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.

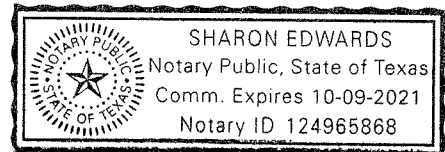
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Sharon Edwards

(Seal)



State of Texas

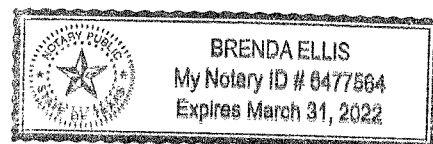
County of Denton

On February, 25, 2019 before me, Brenda Ellis, Notary Public, personally appeared Steve Rumsey, 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 Texas that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature Brenda Ellis (Seal)

Brenda Ellis
Notary Public, State of Texas
Notary ID # 6477564
Expires March 31, 2022



County Conditions of Approval for the Project

Attachment 3



Land Use Services Department Planning

Luther Snoke
Interim Director

June 19, 2018

Effective Date: June 04, 2018

Expiration Date: June 04, 2021

Joe Dell
Cross Development
4336 Marsh Ridge Road
Carrollton, TX 75010

RE: A MINOR USE PERMIT TO ESTABLISH A 9,100 SQUARE FOOT RETAIL ESTABLISHMENT ON A 1.01 ACRE PORTION OF A 4.63 ACRE PARCEL IN THE MENTONE PLANNING AREA WITHIN THE CITY OF REDLANDS SPHERE OF INFLUENCE, 3RD SUPERVISORIAL DISTRICT; APN: 0298-411-95; PROJECT #P201700339

Dear Mr. Dell,

The above referenced application has been reviewed and conditionally approved by the Planning Division, subject to the Conditions of Approval distributed at the Zoning Administrator Hearing on May 24, 2018. The applicant shall ascertain and comply with all applicable requirements of Federal, State, County and Local Agencies.

This approval shall become null and void, if all conditions have not been completed within thirty-six (36) months of the effective date, listed above. Extensions of time, not to exceed a total of thirty-six (36) months may be granted upon written application and the payment of the required fee to the County Planning Division not less than thirty (30) days prior to the expiration date. PLEASE NOTE: This is the only notice given of the above referenced expiration date. The applicant is responsible for initiating extension of time requests without any further reminder.

The Planning Division considers your Conditions of Approval and site plan to be your final development criteria and design. This is not considered a conceptual design. Therefore, any modifications and/or alterations will require the submittal, review and approval of a "Revision to an Approved Action" application.

Pursuant to San Bernardino County Code Title 8, Sections 86.08.010 and 86.08.020, any interested person may, within ten (10) days prior to the Effective Date, appeal this decision in writing to the Planning Commission. The appeal, together with the appropriate fee, must be made in writing on forms available from the Public Information Counter. This determination becomes effective upon completion of the appeal period.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Third District

CURT HAGMAN
Vice Chairman, Fourth District

JOSIE GONZALES
Fifth District

Gary McBride
Chief Executive Officer

Minor Use Permit P201700339

May 15, 2018

PAGE 2 of 2

Should you need additional information, please contact me directly by phone at (909) 387-0235, or by email at Anthony.DeLuca@lus.sbcounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony De Luca', with a stylized flourish at the end.

Anthony De Luca, Contract Planner

Enclosure: Conditions of Approval
Final Approved Site Plan

AD/crp/mh

CONDITIONS OF APPROVAL

Cross Development, LLC. – P201700339
Minor Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Approval Description. This Minor Use Permit (MUP) is conditionally approved to establish a 9,100 square foot general retail use on a 1.01 acre portion of a 4.63 acre parcel in Mentone, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0298-411-95 Project No. P201700339.

2. Project Location. The Project site is located on State Highway 38 (Mentone Blvd), approximately 300 feet east of the intersection of Agate Ave and Mentone Blvd, in the Community of Mentone.
3. 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 the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. 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.
5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:

- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
- b. 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)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. 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.
7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes 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)
8. Project Account. The Job Costing System (JCS) account number is P201700339. 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 expense 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 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.
9. 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.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
- a. FEDERAL: N/A;
 - b. STATE: South Coast Air Quality Management District, Caltrans, Santa Ana Regional Water Quality Control Board
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d. LOCAL: City of Redlands
12. 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:
- a) 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.
 - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
 - c) 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.
 - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - f) 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.
 - g) 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.
 - h) 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.
 - i) 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.
 - j) 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.

k) 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.

l) 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.

13. 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.
14. Lighting. Lighting shall comply with Section 83.07.030 "Glare and Outdoor Lighting-Valley region" of the County's Development Code. 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, an alternating message no more than once every five seconds.
15. 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.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
 1. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
 2. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians, and Gabrieleño Band of Mission Indians-Kizh Nation will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input.
 3. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians and/or Gabrieleño Band of Mission Indians Tribal Participant(s).

b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
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. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
 - a. All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - b. All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - c. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
20. 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 and project employees 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, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
 - c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program 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– Code Enforcement Division (909) 387-8311

21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

23. 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.
24. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
25. 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.
26. 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 ensure 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.
27. 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.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

28. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
29. The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper or service provider. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
30. Refuse Storage/Removal. 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 not containing garbage 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 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: (800) 442-2283.

COUNTY FIRE DEPARTMENT–Community Safety Division (909)386-8465/LOCAL FIRE JURISDICTION

31. Constriction Permits. 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.

32. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

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

33. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area. (Burrtec)
34. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
35. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
36. 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.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

37. Traffic Impact Study: A traffic study is required for this project. A \$3,400 initial deposit is required and shall be paid by cashier's check to the Department of Public Works Business Office prior to review of the traffic study.
38. Show the truck turning template(s) in accordance with the latest AASHTO design manual on the site plan for ingress and egress adjacent to the project site. The truck turning templates shall be identified according to the appropriate AASHTO figure, demonstrate all truck movements including wheel tracking and overhang will stay within the prescribed travel lanes, and will not encroach on driveway aprons. Project driveways driveway(s) shall be designed to accommodate safe and proper turning movements.
39. Driveway spacing shall be consistent with County Standard 130.

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

The Following Shall Be Completed

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

40. 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 GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading contractor shall provide and implement the following when possible:
 1. Training operators to use equipment more efficiently.
 2. Identifying the proper size of equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
 3. Replacing older, less efficient equipment with newer models.
 4. Use GPS for grading to maximize efficiency.
 - d) 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.”
 - e) 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.
 - f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - g) 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.
41. Air Quality. Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the South Coast Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.

3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

b.Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed South Coast Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
42. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

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

43. 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 prior to issuance of grading permits.
44. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
45. 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
46. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
47. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
48. 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.

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

49. Drainage Improvements. A Registered Civil Engineer (RCE) 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 safety 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.
50. FEMA Flood Zone. The project is located within Flood Zone X Shaded according to FEMA Panel Number 06071C8730J dated 9/2/2016 and will require the first floor to be elevated a minimum one (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.

51. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
52. Grading Plans. Grading plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
53. 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.
54. 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>)
55. 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.

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

56. Survey 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 (Section 8771(b) Business and Professions Code).
57. Record of Survey. Pursuant to Sections 8762 (b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - a. Monuments set to mark property lines or corners.
 - b. Performance of a field survey to establish property boundary lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel.
 - c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a record of survey.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465/LOCAL FIRE JURISDICTION

58. 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.
59. Fire Fee. The required fire fees (currently \$699.00) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400. This fee is in addition to fire fees that are paid to other City or County offices.

DEPARTMENT OF TRANSPORTATION – CALTRANS– (909) 383-4526

60. Issuance of a Caltrans Encroachment permit will be required for any work or construction performed within, under, or over the State Right-of-Way. Review and approval of street, grading, and drainage construction plans will be necessary prior to permit issuance.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

61. Easements. Provide evidence that the five (5) foot Public Utility Easement (PUE) crossing the southern portion of the parcel has been quit claimed, or proof of approval to construct over the PUE, obtained from any utility company that may have rights to the easement within the property boundary.
62. Lot Merger. Merger of lots 8, 9, and 10 to create 1.01 acre parcel shall be filed under separate application.
63. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
64. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
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.
66. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended):
- Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.

- Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in

conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.

- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

67. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
- b. All sign lighting shall not exceed 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. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

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

- 68. 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.
- 69. 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 – Road Section (909) 387-8311

- 70. Road Dedication. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications. These shall be submitted to the Land Use Services Department, located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8178.

Mentone Blvd/ Hwy 38 (Major Highway – 104')

- Road Dedication. A 2 foot grant of easement is required to provide a half-width right-of-way of 52 feet.
- 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.

71. Caltrans Review. Obtain comments from Caltrans for access requirements and working within their right-of-way.
72. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Redlands Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. 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. The Plan Fee is subject to change periodically. Currently, the fee is \$15.23 per square foot for Commercial Use, which includes the 9,100 sq. ft. building per the site plan dated August 07, 2017.

Therefore, the estimated Regional Transportation Fees for the Project is \$138,593. The current Regional Transportation Development Mitigation Plan can be found at the following website:
<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465/LOCAL FIRE JURISDICTION

73. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42] \$699.00 Construction Permit
74. Fire Flow. 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. [F05B] 1500 GPM AT 20 PSI
75. 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. [F54]
76. Access. The development shall have a minimum 1 point 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]
77. 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 [F59]
78. PIV/FDC. Each fire sprinkler system shall have at least one Post Indicator Valve and one Fire Department Connection serving it. A minimum of three (3) feet of clearance of obstructions is required around all PIV/FDCs. Limited ground cover type vegetation may be allowed with the approval of the fire code official.
79. SYSTEM RISER. All system risers shall be installed inside of buildings to be protected, or in an approved weather-resistant exterior enclosure, and in a location acceptable to the Fire Code Official.

80. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design. [F59A]
81. 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. [F62A]
82. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface shall be installed as specified in the General Requirement conditions (Fire #F-9), including width, vertical clearance and turn-outs, if required. [F89]

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

83. 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 demolition. 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. An approved CDWMP Part 1 is required before a demolition permit can be issued.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

84. Water Purveyor. Water purveyor shall be City of Redlands or DEHS approved (i.e. approved water agency/district, water source and/or well). 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 Assessor's Parcel Number. 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.
85. Method of sewage disposal shall be city of Redlands, 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. The letter shall reference the Assessor's Parcel Number.
86. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per standards revised June, 2017 shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
87. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
88. 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. For information, contact LAFCO at: 909-383-9900.

89. Regional Water Quality 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.
- Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, (951) 782-4130.
 - Colorado River Basin Region, 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260, (760) 346-7491.
 - Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392 (760) 241-6583.
90. 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 83.01.080. 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 1-800-442-2283.
91. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

SPECIAL DISTRICTS DEPARTMENT – (909) 387-5829

92. This project lies within the boundaries of County Service Area 70, Zone SL-1. If street lighting is required, then street lighting plans, plan check fees and (3) three-year advanced energy charges must be submitted to and approved by Special Districts Department. Please submit plans and plan check fees to Special Districts Department, 157 W. 5th St., 2nd Floor, San Bernardino, CA 92415-0450. For additional information regarding street light plans, please call Special Districts Department, Lien Administration Section at (909) 387-5829.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

93. Improvements: Pursuant to the mitigation requirements set forth in the approved traffic study, the applicant shall design their street improvement plans to include the following:
- Dedicated Right Turn and Left Turn Lanes: A dedicated right turn and left turn lane shall be designed for northbound on Agate Road at Mentone Blvd.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

94. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201700339.
95. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
96. 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 reviewing agency.
97. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.

98. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
99. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
100. 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.

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

101. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and signoffs shall be completed.

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

102. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) 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.
103. 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 – Road Section (909) 387-8311

104. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
105. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465/LOCAL FIRE JURISDICTION

106. 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 [F82]
107. 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 to 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]
108. Illuminated Site Diagram. The applicant shall submit for review and approval a site diagram plan to the fire department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. Standard 901.4.4 [F84]
109. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4 [F93]
110. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

111. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final."

COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909) 386-8401

112. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Material Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

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

113. 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 65% of total weight or volume of all construction waste.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

114. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

END OF CONDITIONS

**Response from Tom Dodson
and Associates**

Attachment 4

TOM DODSON & ASSOCIATES

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



March 5, 2019

Mr. Samuel Martinez
Local Agency Formation Commission
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, SC#437 for the Commission. LAFCO SC#437 would permit the City of Redlands to extend water service to a single parcel of land located in unincorporated territory on the east side of the City in the community of Mentone which is in the City's eastern Sphere of Influence. The parcel is located on the south side of Mentone Road, just east of Agate Avenue. If approved, the service extension would provide water service and allow an approximate 9,100 square foot retail commercial store to be constructed in the near term future on the lot that is currently vacant. If SC#437 is approved, this facility would be connected to City of Redlands potable water distribution system. 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#437 can be implemented without causing significant adverse environmental impacts. The administrative record does identify an action by the County to comply with the California Environmental Quality Act (CEQA) for this proposed project. However, LAFCO will consider this extension of service contract as the CEQA lead agency because the County did not offer an opportunity to participate in the CEQA review process. Based on the limited square footage that can ultimately be developed on this property, this project has no potential to cause a significant adverse impact on the environment. Therefore, I conclude that LAFCO SC#437 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). The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#437 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section referenced 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 to this lot 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 a single retail commercial operation 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.

Based on a review of LAFCO SC#437 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" statutory exemption, as adequate CEQA compliance 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, flowing style.

Tom Dodson

Draft Resolution #3283

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#437

HEARING DATE: MARCH 20, 2019

RESOLUTION NO. 3283

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#437 – CITY OF REDLANDS OSC 17-50 FOR WATER SERVICE (APN 0298-411-96)

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 March 20, 2019 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;

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. 3283

DETERMINATIONS:

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

1. The property identified as Assessor Parcel Number 0298-411-96 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 17-50 being considered is for the provision of water service to Assessor Parcel Number 0298-411-96. 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/developer and the City of Redlands to proceed in finalizing the contract for the extension of water service.
3. The categories of fees to be charged this project by the City of Redlands for the extension of water service are identified in the City's Development Requirements dated August 6, 2017, Item A3 (on file in the LAFCO office). Payment of these fees are 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 property.
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 0298-411-96.

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#437 – City of Redlands OSC 17-50, Out-of-Agency Service Agreement for Water Service (Assessor Parcel Number 0298-411-96), has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission

RESOLUTION NO. 3283

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 March 20, 2019.

DATED:

SAMUEL MARTINEZ
Executive Officer