AGENDA

FOR SAN BERNARDING COUNTY

NORTON REGIONAL EVENT CENTER 1601 EAST THIRD STREET, SAN BERNARDINO

REGULAR MEETING OF OCTOBER 16, 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. PUBLIC COMMENTS ON CLOSED SESSION

- 2. **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

3. 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.

- 4. Approval of Minutes for Regular Meeting of September 18, 2019
- 5. Approval of Executive Officer's Expense Report
- 6. Ratify Payments as Reconciled and Note Cash Receipts for Month of August 2019
- 7. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

- 8. Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#443; and (2)
 LAFCO SC#443 Authorization for the City of Big Bear Lake to Provide Services
 Outside its Boundary and Outside its Sphere of Influence Pursuant to Government
 Code Section 56133.5
- 9. Consideration of: (1) Final Environmental Impact Report Adopted by the City of San Bernardino for the Spring Trails Specific Plan (SCH No. 2009111086) as a CEQA Responsible Agency for LAFCO 3188A; (2) Adoption of Facts, Findings and Statement of Overriding Considerations; and (3) LAFCO 3188A Reorganization to include Annexation to the City of San Bernardino and to SBCFPD Zone FP-5 San Bernardino and Detachment from County Service Area 70 (Spring Trails Specific Plan) (CONTINUED FROM THE AUGUST 21, 2019 HEARING)
- 10. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3234; and (2) LAFCO 3234 Service Review for the Wrightwood Community Services District (CONTINUED FROM THE SEPTEMBER 18, 2019 HEARING)

DISCUSSION ITEM:

11. First Quarter Financial Review for Period July 1 through September 30, 2019

INFORMATION ITEMS:

- 12. Legislative Oral Report
- 13. Executive Officer's Oral Report
- 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.)

15. 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.sbclafco.org, and at the hearing.

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

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

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

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

DRAFT - ACTION MINUTES TAKEN BY THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

REGULAR MEETING 9:00 A.M. SEPTEMBER 18, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
James Curatalo, Vice Chair	Steven Farrell
Dawn Rowe	Janice Rutherford
	Rick Denison

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: Robert Lovingood

Kimberly Cox

Larry McCallon, Chair Acquanetta Warren

9:11 A.M. - CALL TO ORDER - FLAG SALUTE

ANNOUNCEMENT OF CONTRIBUTIONS

1. PUBLIC COMMENTS ON CLOSED SESSION

There were no members of the public who requested to speak on the Closed Session items.

2. CONVENE CLOSED SESSION

LAFCO Vice-Chair James Curatalo announced that Closed Session would not convene since there is nothing to discuss in Closed Session.

- 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 all, San Bernardino County Superior Court Case No CIVDS1712271

Conference with Legal Counsel – Existing Litigation – (Government Code Sect6ion 54956.9(d) (1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, San Bernardino Superior Court Case No. CIVDS1906437

3. <u>RECONVENE PUBLIC SESSION</u> [Not needed as Commission did not meet in Closed 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.

- 4. Approval of Minutes for Regular Meeting of August 21, 2019
- 5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officers' Expense Report for Procurement Card Purchases from July 24, 2019 to August 23, 2019.

6. Ratify Payments as Reconciled and Note Cash Receipts for Month of June 2019

Recommendation: Ratify payments as reconciled for the month of July 2019 and note revenue receipts for the same period.

7. Consent Items Deferred for Discussion (none)

Commissioner Bagley moves approval of the consent items. Second by Commissioner Rowe. The motion on the Consent Items passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

PUBLIC HEARING ITEMS:

8. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3234 and (2) LAFCO 3234 – Service Review for the Wrightwood Community Services District

Recommendation: Staff recommends that the Commission continue LAFCO 3234 to the October 16, 2019 hearing.

Commissioner Rowe moves to continue Item 8 to the October 16, 2019 hearing date. Second by Commissioner Farrell. The motion passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

DISCUSSION ITEMS:

9. Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto

Recommendation: Staff recommends that the Commission take the following actions:

- Note receipt of status report and file.
- Schedule an update for the City for the March 2020 hearing.

Commissioner Rowe expresses the concerns of Commissioner Lovingood and she states that she would like to see a status report in January 2020 to determine whether the City of Adelanto is adhering to its timeline to complete the backlog of audits instead of waiting until March 2020.

Ward Komers, Finance Director of the City of Adelanto states that when the audit reports are completed and accepted by the Counsel, they will be shared with the LAFCO staff.

Commissioner Bagley states that he shares the concerns of Commissioner Lovingood and Commissioner Rowe, he does not want to wait as there are egregious shortcomings in the audits.

Commissioner Rowe moves approval of the staff recommendation to receive and file the update with a modification to the scheduled update for the City to January 2020, Second by Commissioner Denison. The motion passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

10. Status Report Outlining the Progress of the Town of Apple Valley in Fulfilling its Obligation to Initiate an Island Annexation as a Condition of LAFCO 3229

Recommendation: Staff recommends that the Commission receive and file the update.

Commissioner Bagley moves approval of the staff recommendation. Second by Commissioner Denison. The motion passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

11. Appointment of Voting Delegate and Alternate Voting Delegate for the Southern Region Caucus and for the CALAFCO Business Meeting at the Annual CALAFCO Conference

Recommendation: Staff recommends that the Commission select Larry McCallon as voting delegate and Samuel Martinez as alternate voting delegate for the Southern Region Caucus and for the CALAFCO annual membership business meeting.

Commissioner Rowe moves approval of the staff recommendation. Second by Commissioner Bagley. The motion passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

12. Report on Proposed CALAFCO Dues Structure

Recommendation: Staff recommends that the Commission support the new dues structure proposed by the CALAFCO Board and direct its voting delegate to cast San Bernardino LAFCO's vote in support of the new dues structure.

Commissioner Rowe moves approval of the staff recommendation. Second by Commissioner Bagley. The motion passes with the following roll call vote:

Ayes: Bagley, Curatalo, Rowe, Denison, Rutherford and Farrell.

Noes: None. Abstain: None.

Absent: McCallon (Denison voting in his stead), Lovingood (Rutherford voting in his

stead), Cox (Farrell voting in her stead) and Warren.

INFORMATION ITEMS:

13. Legislative Update Report

Executive Officer Samuel Martinez provided a Legislative Update Report.

14. Executive Officer's Oral Report

Executive Officer Samuel Martinez provided an update that the FY 2018-19 has commenced and that the auditors will be on-site at the LAFCO office the week of October 14. He also provided an update on the upcoming items tentatively scheduled for the October Hearing.

15. Commissioner Comments

Commissioner Amis indicates that she and Commissioner Bagley attended the Watershed Board Conference and she states it was very informative and glad she had the opportunity to attend.

16. Comments from the Public

There were no members of the public who requested to speak.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:07 A.M.

ATTEST:	
LA TRICI JONES, Clerk to	o the Commission
	LOCAL AGENCY FORMATION COMMISSION
	JAMES CURATALO Vice-Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3rd Street, Unit 150 San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 388-0481 lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: OCTOBER 7, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 - APPROVAL OF EXECUTIVE OFFICERS' EXPENSE

REPORT

RECOMMENDATION:

Approve the Executive Officers' Expense Report for Procurement Card Purchases from August 23, 2019 to September 24, 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 August 23, 2019 to September 24, 2019.

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

SM/IIj

Attachments



PROCUREMENT CARD PROGRAM

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF

	Card Number				Travel	Billin	g Period			
		╄		Samue	l Martinez			2818	8/23/1	9 - 9/24/19
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX
08/26/19	Southwest	1	Air Travel	CALAFCO Conference	8900005012	52942945	\$107.96		R	
08/28/19	Thomson West	2	Publication	Publication	8900005012	52002080	\$233.36		R	
08/28/19	Daisy IT	3	Office Supplies	Supplies	8900005012	52002305	\$36.73		R	
08/28/19	Daisy IT	4	Office Supplies	Supplies	8900005012	52002305	\$73.44		R	
08/30/19	Froniter	5	Phone Service	Communication	8900005012	52002041	\$572.71		R	
09/04/19	Daisy IT	6	Office Supplies	Supplies	8900005012	52002305	\$63.37		R	
09/10/19	Southwest	7	Air Travel	CALAFCO Conference	8900005012	52942945	\$360.96		R	
09/19/19	Southwest	8	Air Travel	CALAFCO Conference	8900005012	52942945	\$215.96		R	
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The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign)	Date
Samuel Martinez	10/07/19

Approving Official (Print & Sign)	Date
Larry McCallon	10/16/19

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 388-0481 lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: OCTOBER 7, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6 - RATIFY PAYMENTS AS RECONCILED FOR

THE MONTH OF AUGUST 2019 AND NOTE REVENUE RECEIPTS

RECOMMENDATION:

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

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

SM/IIj

Attachments

	1	1	MONTH OF AUGUST 2019 PAYMENTS PROC	ESSED		
Document Number	Account	Posting Date	Activity	Reference	Vendor	Amount
1900525502	40709555	8/28/2019	REFUND - LAFCO SERVICE CONTRACT 433	REFUND SC433	CITY OF REDLANDS	\$1,037
1900525513	40709555	8/28/2019	REFUND - LAFCO SERVICE CONTRACT 438	REFUND SC438	CITY OF SAN BERNARDINO	\$957
1900526762	52002085	8/29/2019	NOTICE OF HEARING LAFCO 3188A	INVOICE B32762	DAILY JOURNAL	\$800
1900510248	52002090	8/8/2019	LAFCO OFFICE CLEANING SERVICE	INVOICE 67656	JAN PRO	\$490
1900520014	52002180	8/20/2019	EDISON UTILITY BILL	INVOICE 2399452309	EDISON	\$633
1900520016	52002315	8/20/2019	LAFCO RECORDS MANAGEMENT	INVOICE 0115828	STORETRIEVE	\$64
1900522929	52002424	8/26/2019	LAFCO ENVIRONMENTAL CONSULTANT	INVOICE 19-6	TOM DODSON & ASSOCS.	\$1,530
1900520245	52002444	8/8/2019	LAFCO OFFICE ALARM MONITORING SERVICE	INVOICE 442796	MIJAC ALARM	\$123.
1900510246	52002445	8/8/2019	LAFCO CONSULTANT	INVOICE 2	ALDRICH & ASSOCIATES	\$2,100.
1900520045	52002445	8/20/2019	LAFCO CONSULTANT	INVOICE 3	ALDRICH & ASSOCIATES	\$2,250.
1900521357	52002445/2940	8/22/2019	COMMISSIONER STIPEND & MILEAGE	BAGLEY 8-21-19	JAMES BAGLEY	\$304.
1900521360	52002445/2940	8/22/2019	COMMISSIONER STIPEND & MILEAGE	CURATALO 8-21-19	JAMES CURATALO	\$229.
1900521361	52002445/2940	8/22/2019	COMMISSIONER STIPEND & MILEAGE	FARRELL 8-21-19	STEVEN FARRELL	\$219.
1900521362	52002445/2940	8/22/2019	COMMISSIONER STIPEND & MILEAGE	DENISON 8-21-19	RICKI DENISON	\$281.
1900521363	52002445/2940	8/22/2019	COMMISSIONER STIPEND & MILEAGE	WARREN 8-21-19	ACQUANETTA WARREN	\$218.
1900521364	52002445	8/22/2019	COMMISSIONER STIPEND	MCCALLON 8-21-19	LARRY MCCALLON	\$200.
1900521365	52002445	8/22/2019	COMMISSIONER STIPEND	AMIS 8-21-19	LOUISA AMIS	\$200.
1900521366	52002445	8/22/2019	COMMISSIONER STIPEND	ROWE 8-21-19	DAWN ROWE	\$200.
1900521381	52002445	8/22/2019	COMMISSIONER STIPEND	RUTHERF 8-21-19	JANICE RUTHERFORD	\$200.
1900510250	52002895	8/8/2019	LAFCO OFFICE COPIER	INVOICE 33798944	KONICA MINOLTA	\$405.
1900510247	52002905	8/8/2019	LAFCO COMMISSIONER MEETING ROOM	INVOICE 33790944	IVDA	\$405.
1900511964	52942941	8/12/2019	2019 CALAFCO CONFERENCE REGISTRATION	2019 ANN. CONF.	CALAFCO	
FOTAL	02372371	0/12/2013	2019 CALAI CO CONI ENLINCE NEGISTRATION	2019 ANN. CONF.	CALAFCO	\$4,410.
IOIAL			MONTH OF AUGUST 2019 INTERNAL TRANSFERS	PPOCESSED		\$17,260.
1200036928	52002310	8/1/2019	MAIL SERVICES - DEL	COUNTY MAIL	ISD	\$143.
1200036930	52002310	8/1/2019	MAIL SERVICES - FLAT	COUNTY MAIL	ISD	\$143. \$10.
1200036951	52002310	8/1/2019	MAIL SERVICES - HAN	COUNTY MAIL	ISD	
1100976137	52002370	8/1/2019	JULY 2019 WIRELESS DEVICE	ISD	ISD	\$182.
1100976138	52002420	8/1/2019	JULY 2019 DESKTOP SUPPORT SERVICES	ISD	ISD	\$23.
1200037000		8/15/2019	NOTICE OF EXEMPTION LAFCO SC#441	COB	COB	\$1,396.
1200037000		8/26/2019	LAFCO 3238 CERTIFICATION OF VOTERS	ROV		\$50.
1200037729		8/26/2019			ROV	\$105.
1200037729	52002445		LAFCO 3235 & 3236 CERTIFICATION OF VOTERS	ROV	ROV	\$52.
		8/26/2019	ATC ACCOUNTING SERVICES	ATC	ATC	\$851.
1200037924		8/26/2019	LAFCO 3188A CERTIFICATION OF VOTERS	ROV	ROV	\$105.
1100976132		8/1/2019	IT INFRASTRUCTURE - PERIOD 02	ISD	ISD	\$938.
1100976134		8/1/2019	CPU USAGE & ENTERPRISE PRINTING PERIOD - 02	ISD	ISD	\$3.
1100976136	52412418	8/1/2019	ENTERPRISE STORAGE - PERIOD 02	ISD	ISD	\$705.
TOTAL		-	MANUEL OF ALLOWOT SALE CASE STORY			\$4,568.
400077000	40700E4F	0/7/0040	MONTH OF AUGUST 2019 CASH RECEIP	46-2		
100977233		8/7/2019	LAFCO 3240 - REDLANDS	INDIVIDUAL NOTICE		\$1,000.
100977233		8/7/2019	LAFCO 3240 - REDLANDS	LEGAL DEPOSIT	107	\$2,000.
100977233		8/7/2019	LAFCO 3216 - CITY OF UPLAND	INDEMNIFICATION		\$1,401.
100977228 10097723		8/6/2019 8/7/2019	LAFCO 3216 - CITY OF UPLAND	INDEMNIFICATION		\$30.
	AD ADDEED	817/2010	LAFCO 3240 - REDLANDS	ENVIRONMENTAL DEI	DOCIT I	\$1,000.

410097233	40709800	8/7/2019	LAFCO 3240 - REDLANDS	LAFCO FEES	\$8,240.00
4100977228	40709800	8/6/2019	LAFCO SERVICE CONTRACT 441	LAFCO FEES	\$272.00
TOTAL					\$13,943.37
			MONTH OF AUGUST 2019 INTERNAL TR	ANSFERRED RECEIVED	
4200037828	40608842	8/23/2019	INTEREST APPORTIONMENT	APPORTIONMENT	\$10,000.00
4200037207	40709555	8/13/2019	LAFCO 3216 - COUNTY FIRE	INDEMNIFICATION	\$1,401.37
TOTAL				5-5	\$11,401.37
/ \				10/7/2019	
LA TEACHUONES,	Clerk to the Commiss	sion		DATE	
RECONCILIATION	APPROVED BY				
Samter	4				
	EZ, Executive Officer			10/7/2019	
SAIVIUEL WARTING	EZ, EXECUTIVE Officer			DATE	

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 388-0481 lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: OCTOBER 9, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

MICHAEL TUERPE, Project Manager

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8 - LAFCO SC#443 - Authorization for the City of Big

Bear Lake to Provide Services outside its Boundary and Outside its Sphere of Influence Pursuant to Government Code Section 56133.5

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions related to LAFCO SC #443:

- 1. For environmental review, certify that LAFCO SC #443 is statutorily exempt from environmental review, and direct the Executive Officer to file the Notice of Exemption within five (5) days.
- 2. Approve LAFCO SC #443 authorizing the City of Big Bear Lake to provide water service outside its boundary and sphere of influence within the areas identified in Attachment #1.
- 3. Adopt LAFCO Resolution #3292 setting forth the Commission's determinations for service outside the City of Big Bear Lake's boundary and sphere of influence pursuant to Government Code Section 56133.5.

BACKGROUND:

In 1989, the City of Big Bear Lake Department of Water and Power (DWP) succeeded to the water service territory previously assigned the Southern California Water Company – Big Bear District upon its condemnation by the City of Big Bear Lake. As a condition of the City's acquisition through condemnation, it was required to assume service responsibility for all of Southern California Water Company's service area in the mountains which included area beyond the City's boundary and sphere of influence. In 1995, LAFCO granted the City of Big Bear Lake an exemption from the provisions of Government Code Section 56133 for the provision of water service within the State Public Utilities Commission assigned certificated service area.

In 2012, LAFCO conducted a service review for the City of Big Bear Lake (LAFCO 3125). It was noted at that time that there was confusion as to the extent of where the DWP provides water service outside of the City's corporate limits. Through the service review process, LAFCO staff and the DWP staff extensively reviewed its water service boundaries. This work resulted in extensive mapping illustrating the current DWP water service boundary. These maps were used as the basis for defining the City of Big Bear Lake water service area as of January 1, 2001. The Commission's action was to:

Accept the City's Department of Water and Power's current water service area, as existing prior to January 1, 2001, therefore noting that the City's DWP is authorized to connect any of the parcels within its water service area without the requirements set forth in Government Code Section 56133.

The resolution for the 2012 service review is included as Attachment #2 to this report, which outlines the Commission's acceptance of the City's DWP service area. However, there are two differences between the DWP's service area outlined in the resolution and DWP's service area today.

First, the Rimforest System was transferred to the Lake Arrowhead Community Services District (LACSD) in 2014. One of the questions raised during the 2012 service review was the option of transferring DWP's obligation of its Rimforest System to LACSD due to its proximity. As a result, the City of Big Bear initiated discussions with LACSD regarding taking over the operation and maintenance of its Rimforest System. The said transfer took effect in 2014, which not only allowed the DWP to operate more efficiently by not having to travel to Rimforest to service its customers but also allowed the LACSD to provide prompt service since the system was already within the CSDs service area.

Secondly, in 2015, the County and the City entered into an agreement for the City's DWP to provide water service to the Moon Camp Project, which is within County Service Area 53 Zone C, the overlaying water service provider for the project site. However, since CSA 53 C lacks the water infrastructure to actually serve the project, an agreement between CSA 53C and DWP had to be executed in order for DWP to provide potable water service to the Moon Camp Project. In November 2015, the Commission determined that the agreement between CSA 53 C and the City's DWP was exempt from LAFCO review.

GOVERNMENT CODE SECTION 56133

Statewide, questions remained for circumstances like this – Is the assumption of a water system for the configuration at that time? In this case, much of the system is outside of the City's boundary and sphere of influence. What about future infill connections? Under the provisions outlined in Government Section 56133, such extension is prohibited since the Commission's approval to authorize an agency to provide service outside its boundary and sphere of influence is only to respond to a health and safety issue.

PILOT PROGRAM:

In 2016, Government Code §56133.5 established a pilot program, through 2020, for Napa and San Bernardino LAFCOs to authorize a city or district to extend services outside of a sphere for additional purposes beyond responding to threat to a public health or safety, based upon specific criteria.

In 2017, LAFCO's *Countywide Service Review for Water* identified and evaluated the City's service delivery to the entirety of its system. The map of the service areas was clarified (see Attachment #1 to this report), and the applicability of the Pilot Program to the City's circumstance was discussed (see Attachment #3 to this report for an excerpt from LAFCO 3187).

For the City of Big Bear Lake, the pilot program provides a mechanism for infill connections to not be subject to further LAFCO review and approval. However, should the City desire to provide service beyond the identified service area, that action would be subject to LAFCO Policy 3 of Section IV, Chapter 2 of its *Policy and Procedure Manual*:

A proposal by a city or district to provide new or extended services outside the agency's boundaries and outside the agency's sphere of influence would come under the provisions of Government Code Section 56133.5, which will require Commission approval at a noticed public hearing **prior** to the signing of an agreement/contract for the provision of the service.

PILOT PROGRAM DETERMINATIONS:

The pilot program requires that the Commission make the following determinations regarding the area to be served outside the agency's sphere of influence, at a noticed public hearing. In the case of LAFCO SC#443, staff's position is that all three determinations can be made by the Commission.

- 1. That the proposed service extension was identified and evaluated in a service review. The service was identified and evaluated in the following service reviews: LAFCO 3125 in 2012 and LAFCO 3187 in 2017.
- 2. That the proposed service extension will not have an adverse impact on open space/agricultural lands and/or is not growth inducing. Continuation of water service to the areas that the City assumed service via condemnation by the court in 1989 is not anticipated to have an adverse impact on open space or agricultural lands.
- 3. That inclusion of the area to be served into the agency's sphere of influence is not feasible or desirable based on adopted commission policies. The areas served by the City outside of its boundary and sphere of influence are well beyond the City's sphere of influence. Therefore, inclusion within the City's sphere is not feasible or desirable.

ENVIRONMENTAL DETERMINATION:

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this item and has indicated that it is his recommendation that the review of LAFCO SC#443 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of this item 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:

Condemnation of a failing system that extends well beyond an agency's sphere of influence is a unique circumstance – one that does not fit into existing out-of-agency service agreement parameters. This pilot program, unique to two counties, provides a mechanism to accommodate unique circumstances and harmonize with the other statutes regarding out-of-agency service agreements. For these reasons, staff recommends the Commission approve LAFCO SC #443, which allows the City's DWP to provide water service outside its boundary and outside its sphere within the areas outlined in Attachment #1 and in Resolution #3292.

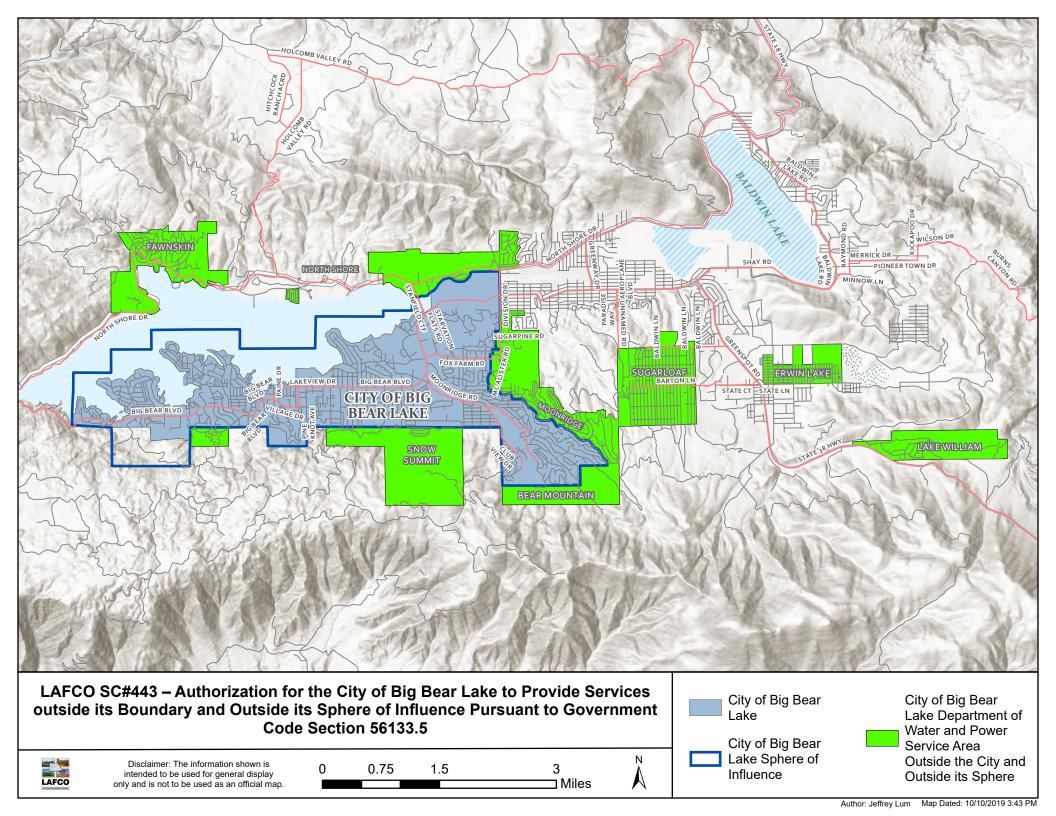
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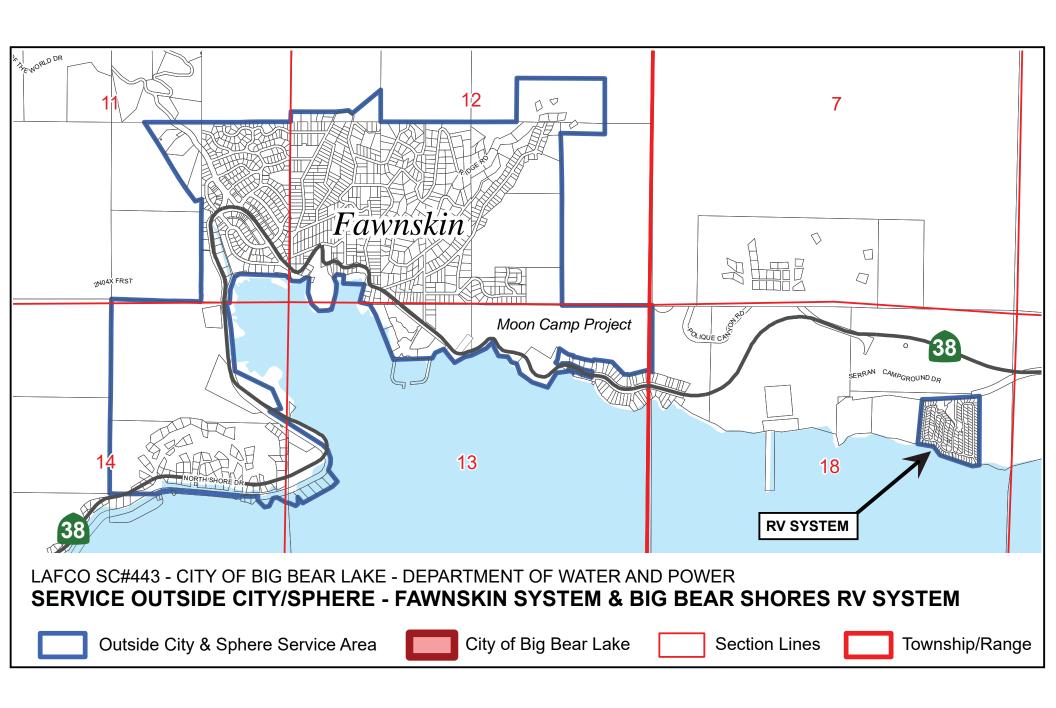
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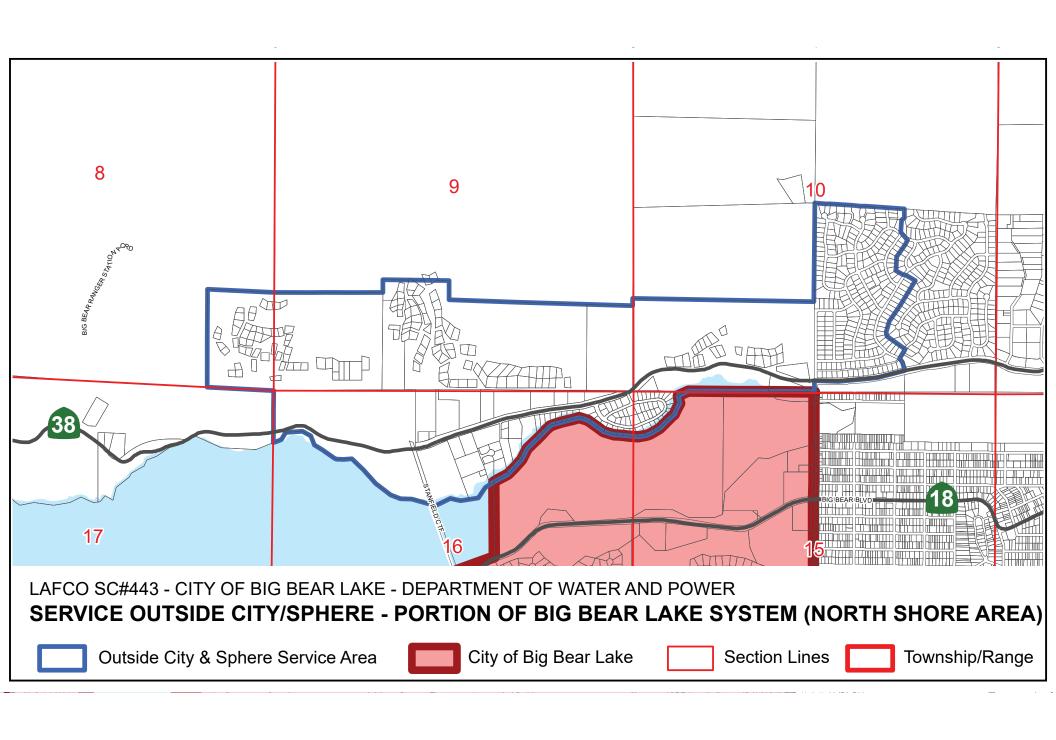
- 1. Map: City of Big Bear Lake DWP Service outside Boundary and Sphere
- 2. Resolution #3141: LAFCO 3125 City of Big Bear Lake Service Review (2012)
- 3. Excerpt from LAFCO 3187 (Countywide Service Review for Water Services)
- 4. City of Big Bear Lake Department of Water and Power Application Materials
- 5. Response from Tom Dodson and Associates
- 6. Draft Resolution #3292

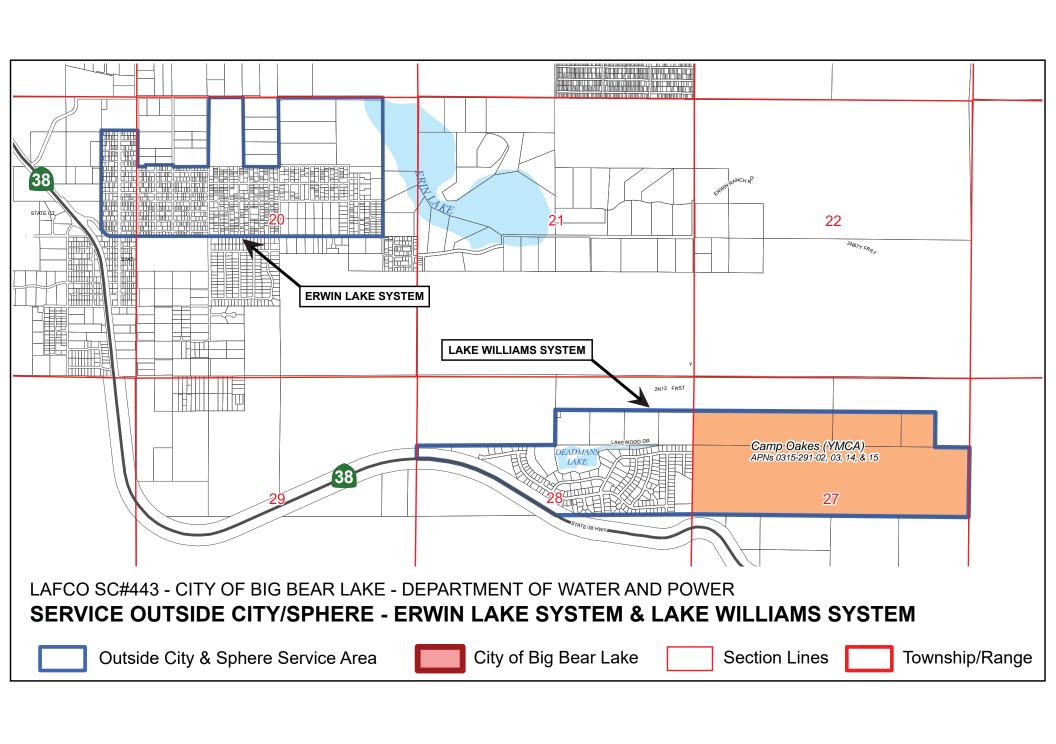
Map: City of Big Bear Lake DWP Service outside Boundary and Sphere

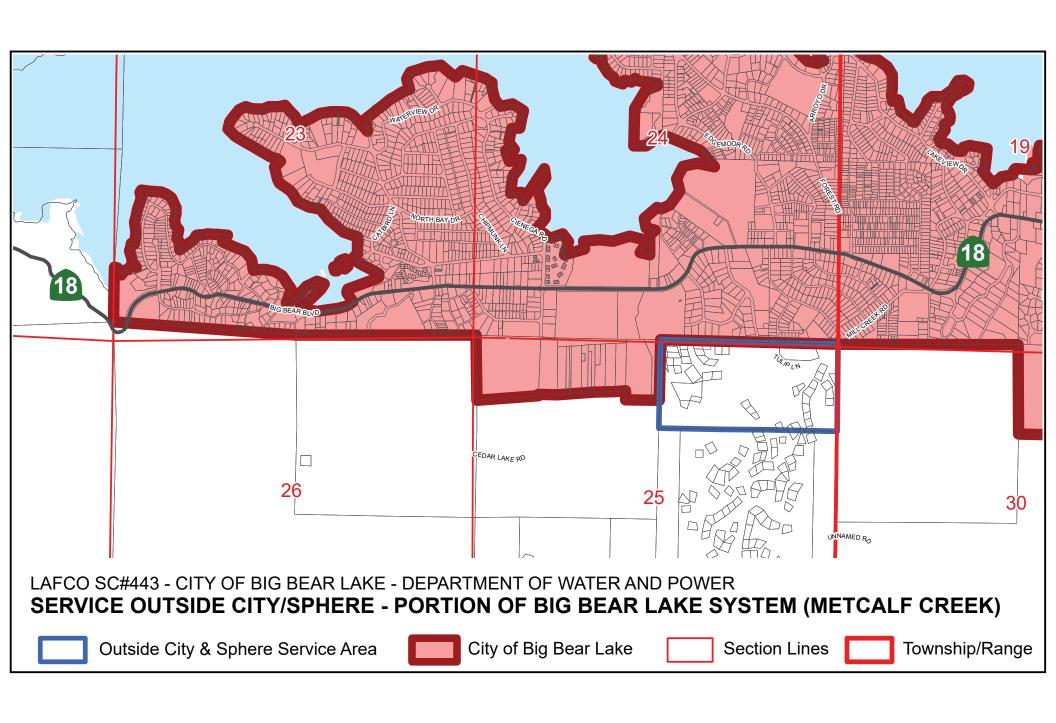
Attachment 1

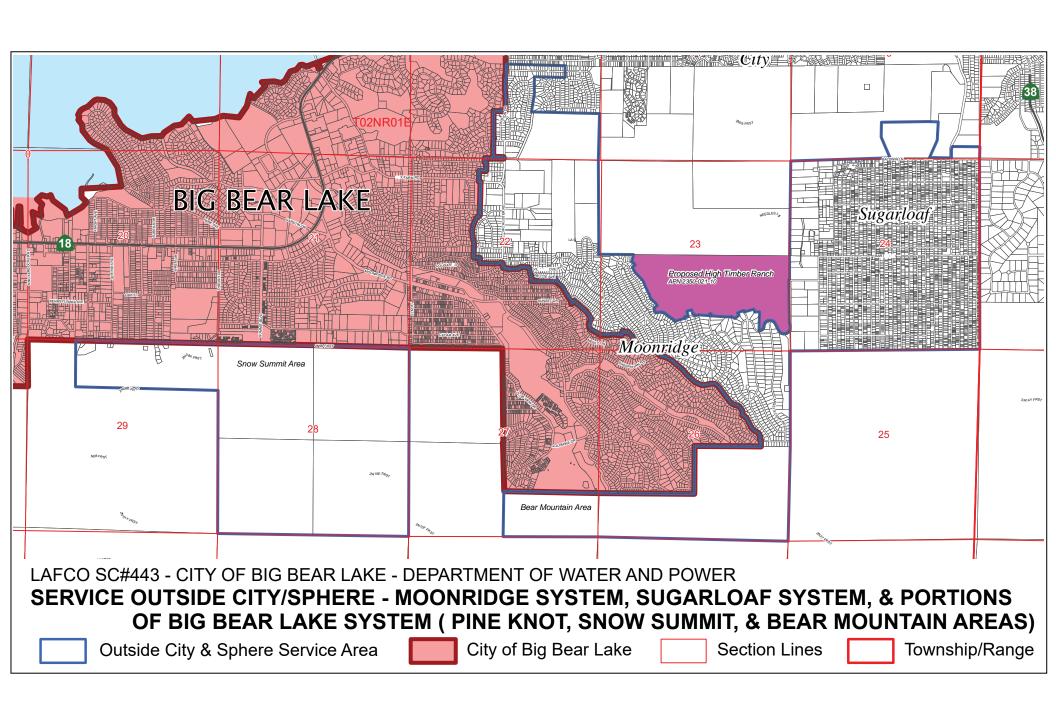












Resolution #3141: LAFCO 3124 – City of Big Bear Lake Service Review (2012)

Attachment 2

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDING COUNTY

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

PROPOSAL NO.:

LAFCO 3125

HEARING DATE:

August 15, 2012

RESOLUTION NO. 3141

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

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

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

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

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

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

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

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

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

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

1. Growth and population projections for the affected area:

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

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

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

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

Population Projections

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

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

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

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

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

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

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

⁴ 2025, 2030, and 2040 projections were calculated using Average Annual Growth Rate based on the

compounded rate between 2020 and 2035

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

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

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

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

Build-out

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

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

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

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

Population and Household Projection Within the City of Big Bear Lake

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

Additional Population Implications

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

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

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

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

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

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

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

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

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

Water

The City operates its water system through its Department of Water and Power ("DWP"). As mentioned earlier, the City of Big Bear Lake took over the Big Bear Water Systems of Southern California Water Company ("SCWC") in 1989. Although the City is the responsible entity, its charter and documents refer to the DWP as the water entity. As of 2010, the DWP provides water service to almost 16,000 customers from four separate water systems: Big Four (which is a combination of the Big Bear, Moonridge, Sugarloaf and Erwin Lake systems), Lake Williams, Fawnskin, and Rimforest. The "Big Four" system delivers water to four communities, but is licensed by the California Department of Health Services as two systems - Big Bear Lake/Moonridge and Erwin Lake/Sugarloaf systems. The "Big Four" system is the largest of the water systems with 13 pressure zones and approximately 14.320 active connections that serve the City, portions of Big Bear City, the unincorporated Moonridge area, and the unincorporated areas of Sugarloaf and Erwin Lake. The Lake Williams system, which serves the Lake Williams area has approximately 120 active connections and is supplied by three active groundwater wells that pump into a reservoir. The Fawnskin system, which serves the north shore area with approximately 710 connections, is served by two pressure zones with six groundwater wells that pump directly

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

DWP Water Service Area

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

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

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

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

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

Camp Oakes Parcels:

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

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

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

High Timber Ranch Project:

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

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

Urban Water Management Plan

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

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

Supply

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

The DWP's projected water supplies are shown below:

Table 3.1 Current an	d Projected	i Demand				
		A	nnual Pun	nping (afy)		
Supply Source	2010	2015	2020	2025	2030	2035
Groundwater	2,152	2,228	2,307	2,389	2,474	2,562
Imported to Rim Forest	53	55	.57	59	61	63
Total	2,205	2,283	2,364	2,448	2,535	2,625

Notes:

Supply shown is based on the demands projected in Chapter 5 and meet water conservation requirements associated with the Water Conservation Act of 2009, discussed in Chapter 6. The calculations used for the demands are based on a 0.7% growth in demand each year, beginning in 2010.

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

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

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

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

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

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

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

Table 3.3 Amount of G	f Groundwater to be Pumped Projected Annual Groundwater Pumped from Basin (afy)							
Basin Name	2010	2015	2020	2025	2030	2035		
Big Bear Valley Basin	2,152	2,228	2,307	2,389	2,474	2,562		
Total	2,160	2,228	2,307	2,389	2,474	2,562		

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

Table 3.4 Projected CLAWA Purchases for Rimforest								
	•	Annual Supply (afy)						
Supply	Source	2010	2015	2020	2025	2030	2035	
CLA	AWA	53	55	57	59	61	63	
To	otal	53	55	57	59	61	63	
Notes:								

Notes:

As with both population and demand projections, imported supply purchases for Rimforest are anticipated to grow at a rate of 0.7% annually

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

Recycled Water

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

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

Table 4.2 Potential Future Recycled Water Use				
User Type	Treatment Level	Potential Recycled Water Demand (afy)		
Groundwater/Bear Creek/Bear Lake Recharge	Advanced Water Purification ⁽¹⁾	500 - 2,000		
Snow Making	Advanced Water Purification ⁽¹⁾	1,100		
Golf Course Irrigation	Advanced Water Purification ^(1,2)	120		
Notes: (1) Secondary wastewater treatment advanced oxidation. (2) Due to public concern regarding advanced purification may be ne				

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

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

Demand

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

Table 5.1	Historical Water Use	e	
Year	Average Annual Population ⁽¹⁾	Water Demand (afy)	Per Capita Consumption (gpcd)
1995	23,754	2,624	99
1996	23,922	2,658	99
1997	24,090	2,719	101
1998	24,260	2,766	102
1999	24,431	2,828	103
2000	24,604	2,999	109
2001	24,777	3,044	110
2002	25,290	2,948	104
2003	25,667	2,655	92
2004	24,946	2,667	95
2005	25,220	2,514	89
2006	25,307	2,547	90
2007	25,529	2,736	96
2008	25,397	2,483	87
2009	25,426	2,374	83
2010	25,462	2,205	77
Average	24,880	2,673	96

Notes:

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

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

⁽¹⁾ Since annual population estimates for the DWP service area were not available, historic population estimates were calculated from the number of service connections for each year between 2001 and 2010. A benchmark of the year 2010 was used based on census data (USCB, 2010). Average annual population includes an adjustment for seasonal population as discussed in Chapter 2.

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

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

Water Conservation

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

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

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

Notes:

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

¹⁾ Baseline consumption is 101 gpcd

^{2) 2010} consumption is 77 gpcd

Capital Improvement

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

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

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

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

Number of Water Main Leaks Repaired by Area						
Fiscal Year Ending June 30	3,993	2000	2005	2010		
Big Bear Lake	436	41	13	13		
Moonridge	o	49	16	10		
Fawnskin	24	28	5	1		
Sugarloaf	154	4	0	2		
Erwin Lake	0	4	Ö	1		
Lake William	2	0	0	1		
Rimforest	48	0	0	O		
Total System Main Leaks	664	126	34	28		

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

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

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

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

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

Water Rates

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

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

		Water L	lse Rate	Monthly Meter	Monthly Avg. Cost	
Agency	Tier One	Tier Two	Tier Three	The second section	Charge (5/8" Meter)	(20 units of water)
City of Big Bear Lake -	:					
Department of Water & Power	\$2.45	\$3.40	\$5.07	\$8.36	\$81.32	\$110.72
Big Bear City CSD	\$1.48	\$1.86	\$2.21		\$40.04	\$69.64

Rates rounded to the nearest hundredth ¹ Service Charge base rate includes 8 units

Sewer

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

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

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

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

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

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

Sewer Rates for Fiscal Year 2012-13:

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

Law Enforcement

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

Streetlighting

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

Solid Waste

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

The annual cost for this service are identified as follows:

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

Roads

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

Animal Control

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

Park and Recreation

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

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

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

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

4. Financial ability of agencies to provide services:

General Operations and Accounting

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

Component Units

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

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

Dissolution of Redevelopment Agencies

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

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

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

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

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

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

Long-Term Debt

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

		g-Term Debt June 30, 2011				
			Total A	Activities		
		ernmental ctivities		siness-type Activities		Total
Compensated absences	\$	703,318	\$	228,048	\$	931,366
Refunding revenue bonds		de des me		26,143,755		26,143,755
Tax allocation bonds		7,160,000				7,160,000
Housing set-aside revenue bonds		3,375,000		parie.		3,375,000
Certificates of participation		1,885,000				1,885,000
Special Assessment District Obligations		980,243		there have,		980,243
Loans & Notes Payable		***		3,528,068	***************************************	3,528,068
Total	<u>\$</u>	14,103,561	<u>\$</u>	29.899,871	<u>\$</u>	44,003,432

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

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

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

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

2010 USDA Bond

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

Post-Employment Benefits

Pension:

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

Other Post-Employment Benefits:

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

Net Assets

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

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

Fund Balances and Cash

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

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

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

General Fund:

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

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

Revenues and Expenditures

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

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

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

Net Cost of Governmental Activities								
ACCORDINATION AND STREET STREET, STREET STREET, STREET, STREET, STREET, STREET, STREET, STREET, STREET, STREET,	200	2008-09 2009-10			201	2010-11		
	Total Cost	Net Cost	Total Cost	Net Cost	Total Cost	Net Cost		
	of Services	of Services	of Services	of Services	of Services	of Services		
General gov.	4,357,399	(3,313,495)	6,097,324	(4,994,723)	4,279,540	(2,949,676)		
Public Safety	6,463,702	(5,736,558)	7,530,668	(6,104,190)	7,627,438	(7,112,536)		
Comm. Devel.	2,760,282	(2,114,075)	4,566,255	(3,926,415)	5,835,247	(5,213,721)		
Culture	668,518	(420,406)	791,096	(661,689)	697,602	(156,990)		
Public Works	4,290,634	(1,521,546)	4,772,882	(915,780)	4,121,465	(320,170)		
Health & san.	6,202,929	(2,218,247)	6,119,809	(1,940,878)	6,406,281	(2,004,434)		
TOTAL	\$ 24,743,464	\$ (15,324,327)	\$ 29,878,034	\$ (18,543,675)	\$ 28,967,573	\$ (17,757,527)		
					~			

Appropriation Limit (Gann Limit):

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

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

Department of Water and Power:

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

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

Other Information:

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

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

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

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

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

Local Government Structure and Community Service Needs

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

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

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

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

City of Big Bear Lake Department of Water and Power

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

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

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

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

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

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

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

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

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

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

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

Operational Efficiencies

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

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

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

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

Government Structure Options

There are two types of government structure options:

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

Out-of-Agency Service Agreements

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

1. Camp Oakes Parcels

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

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

2. High Timber Ranch Project

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

Other Government Structure Options

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

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

1. Jurisdictional Issue Along the Lakeshore

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

2. Department of Water and Power Service Area

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

- A. <u>Connections to new development outside City's boundary</u>. In 1994, San Bernardino LAFCO adopted an operating policy relating to the acquisition of a private water system by a public jurisdiction. The acquisition would require the city or district to continue the service and allow additional connections within the previously defined certificated service area without regard to an agency's sphere of influence. However, amendments in 1999 to the statute allowing for out-of-agency service contracts (Gov Code §56133) specified specific instances when service could be authorized outside an agency's sphere of influence; which are to address health and safety concerns for developed areas only. In the opinion of the Commission, the following scenarios are presented to address this service issue:
 - LAFCO could expand the City's sphere of influence to encompass the entirety of
 the DWP service area. However, this would expand the City's sphere over
 portions of the Fawnskin Community and other areas with historical opposition to
 ultimate inclusion into the City. In addition, this would also expand the City's
 sphere over portions of the Big Bear City CSD area which would create an
 overlap of service providers and the potential for duplication of other services.

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

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

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

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

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

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

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

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

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

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

3. Annexation of City Non-contiguous Properties

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

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

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

1. Present and Planned Uses:

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

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

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

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

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

Water

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

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

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

Sewer

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

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

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

Park and Recreation

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

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

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

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

Water

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

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

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

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

Sewer

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

4. Social and Economic Communities of Interest:

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

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

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

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

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

6. Additional Determinations

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

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

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

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

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

AYES:	COMMISSIONERS:	Bagley, Cox, Curatalo, McCallon, Mitzelfelt Rutherford, William		
NOES:	COMMISSIONERS:	None		
ABSENT:	COMMISSIONERS:	None		

STATE OF CALIFORNIA)				
COUNTY OF SAN BERNAR) ss. RDINO)			

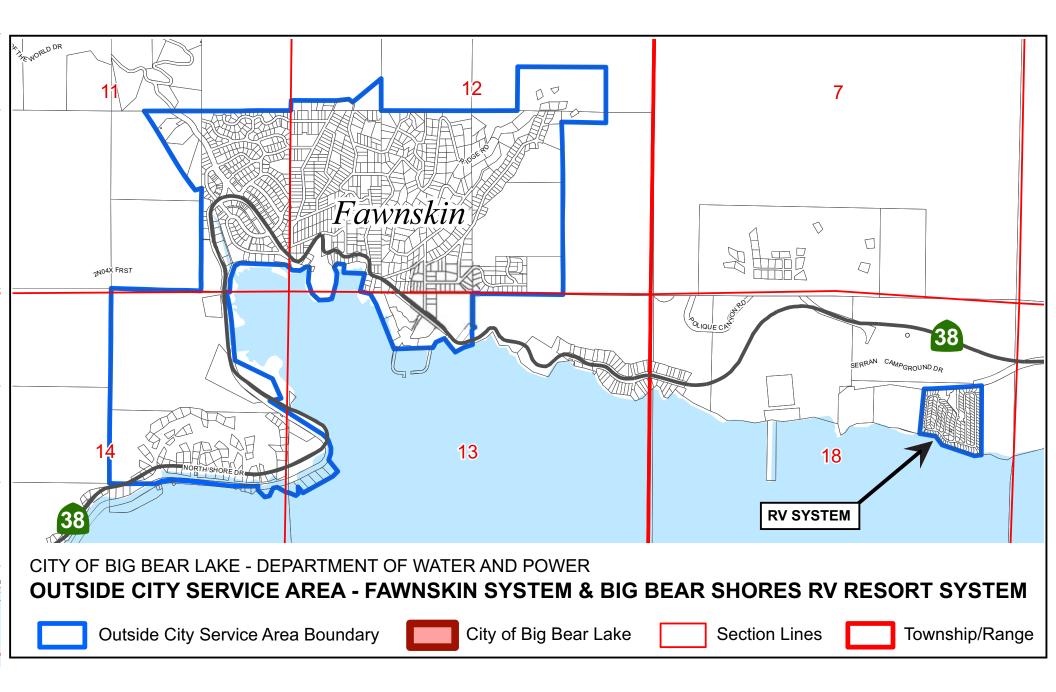
I. KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the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

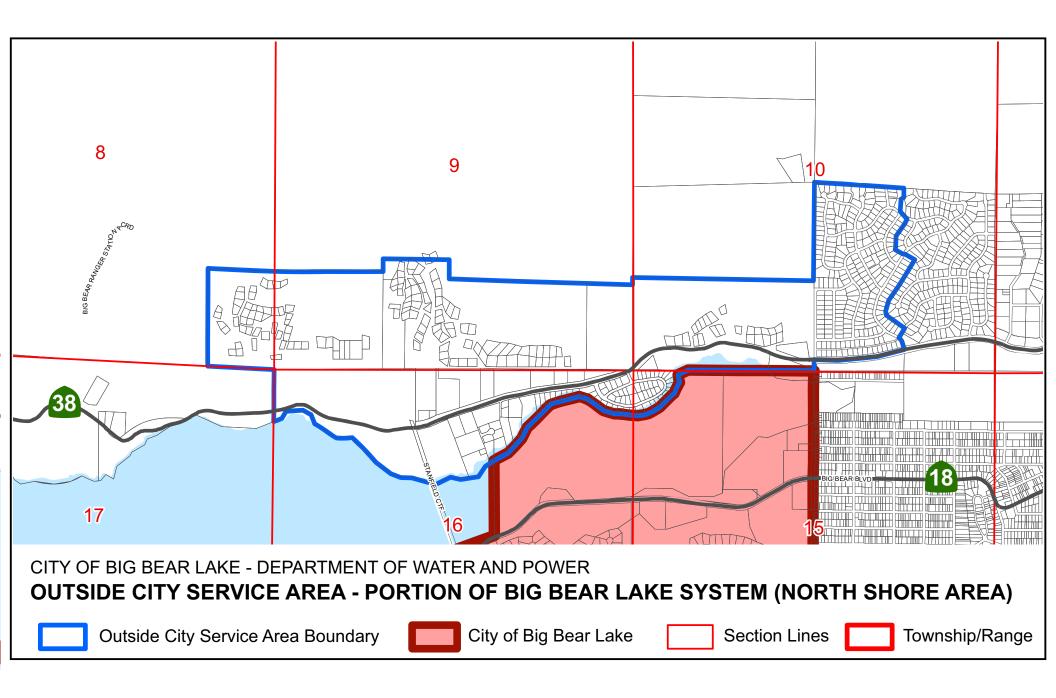
Executive Office

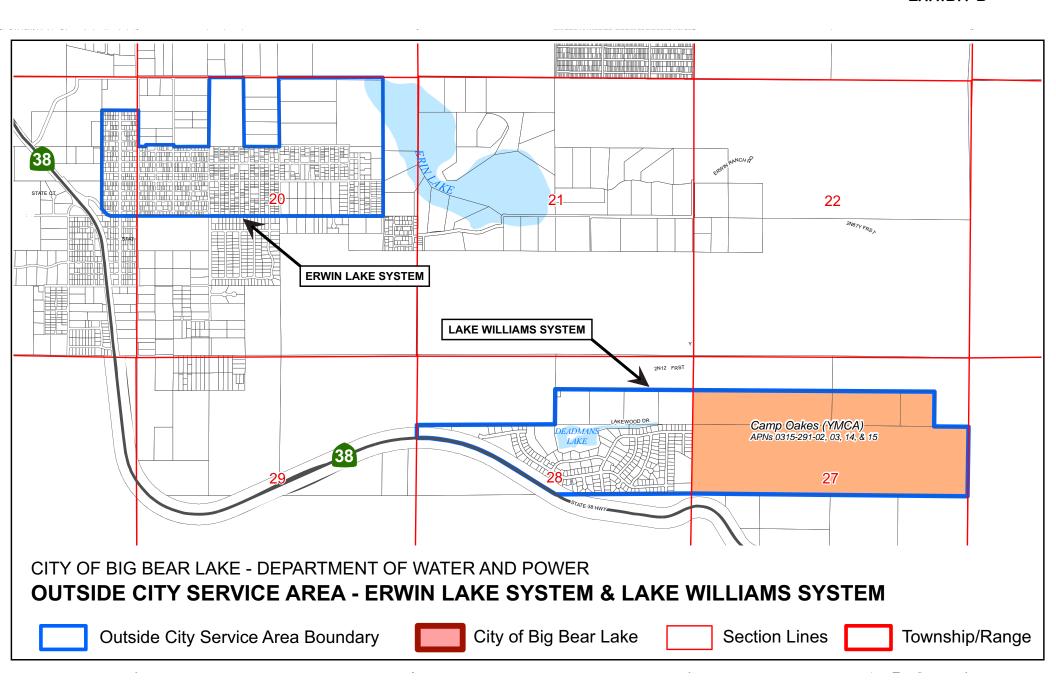
SAN BERNMAN meeting of August 15, 2012.

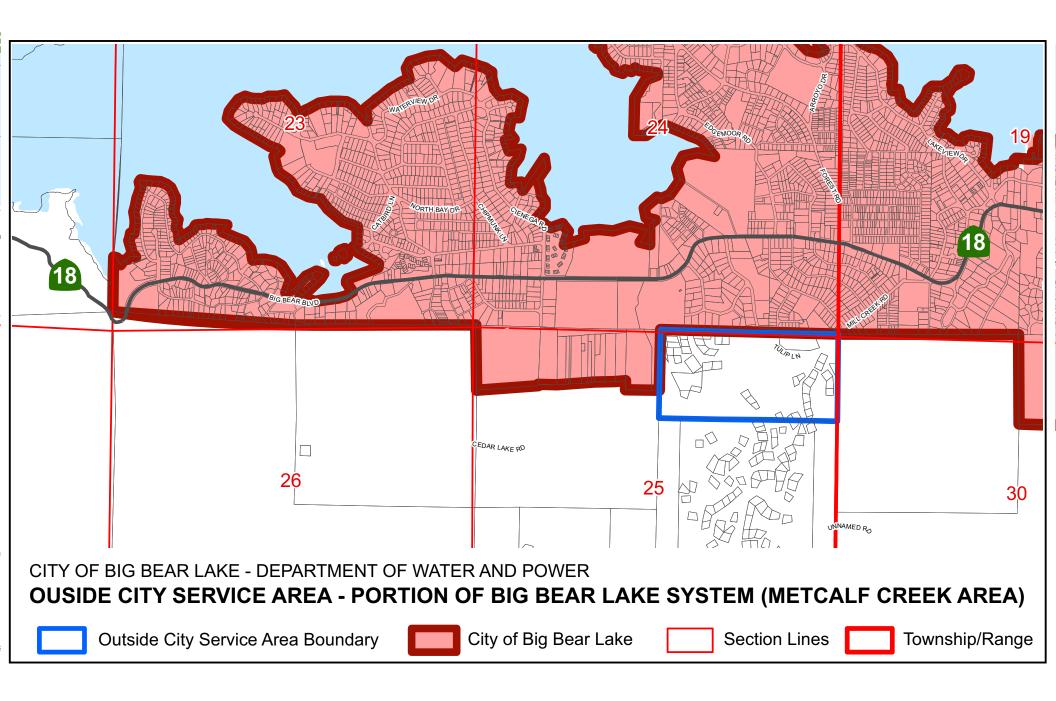
เ関INGS-McDONALD

DATED: August 15, 2012









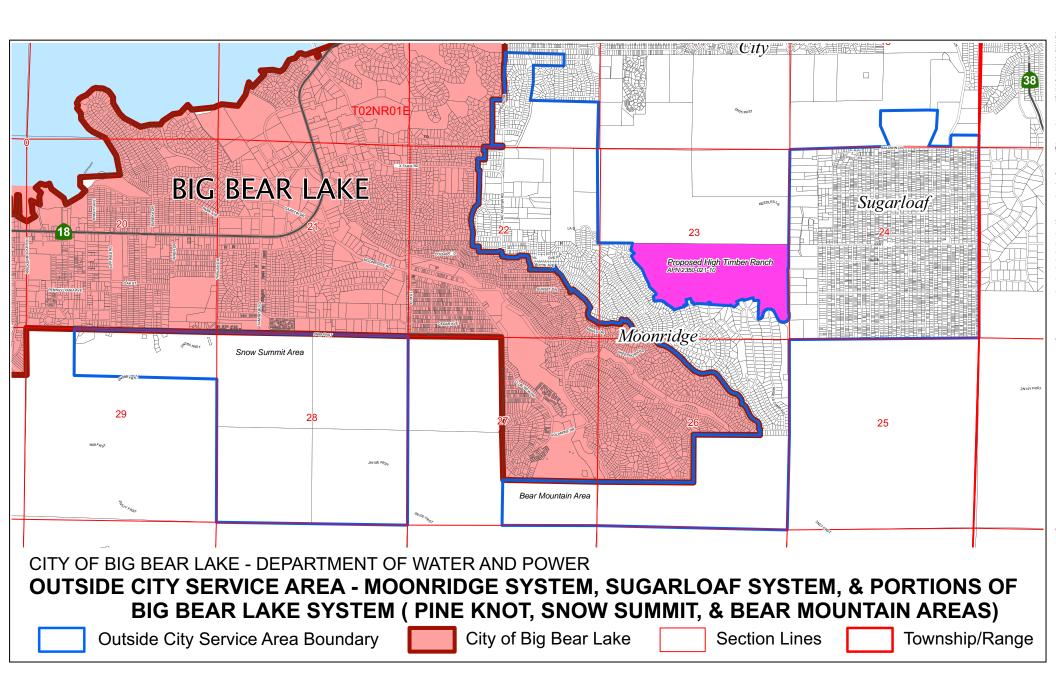
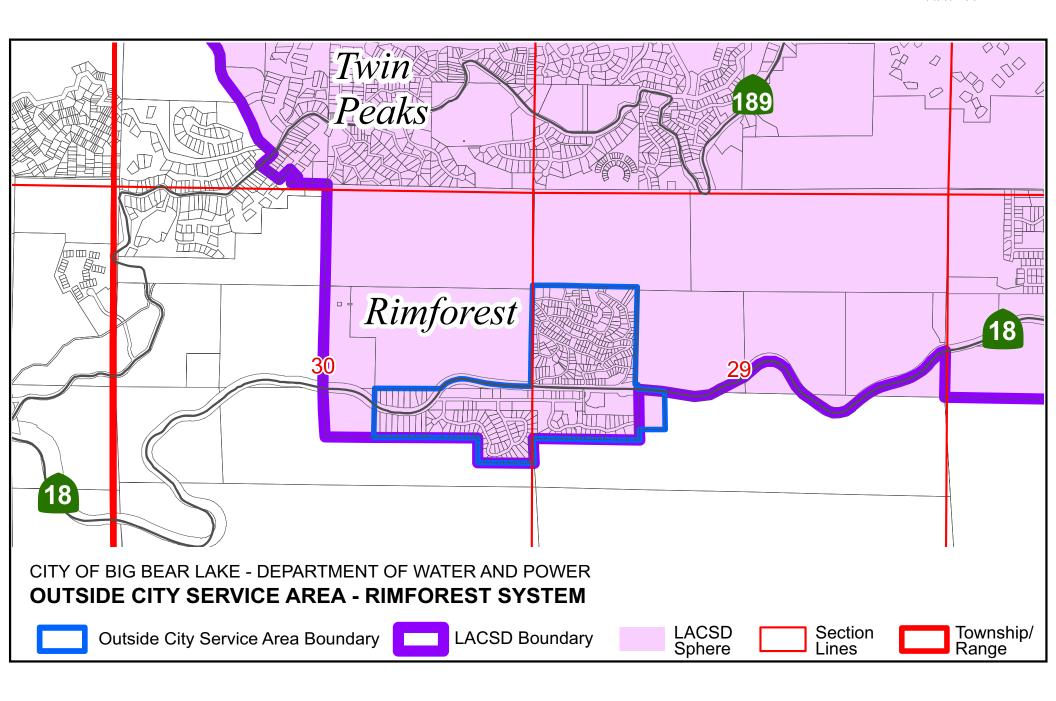


EXHIBIT B



Excerpt from LAFCO 3187 (Countywide Service Review for Water Services)

Attachment 3

F. ADDRESSING EXTENSIONS OF SERVICE OUTSIDE A SPHERE OF INFLUENCE: CITY OF BIG BEAR LAKE DEPARTMENT OF WATER AND POWER

In 1989, the City of Big Bear Lake Department of Water and Power succeeded to the water service territory previously assigned the Southern California Water Company – Big Bear District upon its condemnation by the City of Big Bear Lake. As a condition of the City's acquisition through condemnation, it was required to assume service responsibility for all of Southern California Water Company's service area in the mountains which included area beyond the City's boundary and sphere of influence. In 1995, LAFCO granted the City of Big Bear Lake an exemption from the provisions of Government Code Section 56133 for the provision of water service within the State Public Utilities Commission assigned certificated service area. Stemming from this action, the Commission adopted the following policy (Policy 3 of Section IV, Chapter 2 of its *Policy and Procedure Manual*):

In the case where a city or district authorized to provide water service has acquired the system of a private or mutual water company prior to the enactment of this legislation, those agencies shall be authorized to continue such service and provide additional connections within the service area of the private or mutual water company defined by the Public Utilities Commission or other appropriate agency, at the time of acquisition without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency provided that the area to be served s within the service area of the private or mutual water company previously defined by the PUC or other appropriate agency.

Nonetheless, there was confusion as to the extent of where the DWP provides water service outside of the City's corporate limits. In 2012, LAFCO conducted a service review for the City of Big Bear Lake (LAFCO 3125). Through the service review process, LAFCO staff and the DWP staff extensively reviewed its water service boundaries. This work resulted in extensive mapping illustrating the current DWP water service boundary as reviewed by LAFCO and DWP staff. These maps were used as the basis for defining the City of Big Bear Lake water service area as of January 1, 2001. The Commission's action was to:

Accept the City's Department of Water and Power's current water service area, as shown on Attachment #2, as existing prior to January 1, 2001 therefore noting that the City's DWP is authorized to connect any of the parcels within its water service area without the requirements set forth in Government Code Section 56133.

The DWP has provided the following connection data as of May 2017:

Service Type	Within City	Outside City	Total
Active	9,257	6,364	15,621
Inactive	177	138	315
Total	9,434	6,502	15,936

Government Code §56133.5 (Assembly Bill 402 effective 2016) establishes a pilot program, through 2020, for Napa and San Bernardino LAFCOs to authorize a city or district to extend services outside of a sphere for additional purposes beyond

responding to threat to public health or safety, based upon specific criteria. This process requires that the Commission make the following determinations regarding the area to be served outside the agency's sphere of influence, at a noticed public hearing:

- 1. That the proposed service extension was identified and evaluated in a service review;
- 2. That the proposed service extension will not have an adverse impact on open space/agricultural lands and/or is not growth inducing; and,
- 3. That inclusion of the area to be served into the agency's sphere of influence is not feasible or desirable based on adopted commission policies.

Particular to Item 1 above, this service review identifies the service extension, as outlined above and shown in the map below. To evaluate the proposed service extension, LAFCO staff has reviewed the prior service review, LAFCO 3125. Further, Appendix C-1 provides service review information, on a regional basis, which includes the proposed service extension area.

Should the DWP desire to provide service beyond the identified service area, that action would be subject to LAFCO Policy 3 of Section IV, Chapter 2 of its *Policy and Procedure Manual*:

A proposal by a city or district to provide new or extended services outside the agency's boundaries and outside the agency's sphere of influence would come under the provisions of Government Code Section 56133.5, which will require Commission approval at a noticed public hearing **prior** to the signing of an agreement/contract for the provision of the service.

City of Big Bear Lake Department of Water and Power City of Big Bear Lake Sphere of Influence
Big Bear City Community Services District Big Bear City CSD City of Big Bear Lake DWP Service Outside of Boundary Map Created: 7/21/2017 LAFCO

Figure 4-4: City of Big Bear Lake DWP Service Outside of Boundary

source: 2015 UWMP

City of Big Bear Lake Department of Water and Power Application Materials

Attachment 4

SAN BERNARDINO LAFCO APPLICATION FOR EXTENSION OF SERVICE BY CONTRACT

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

AGENCY TO EXTEND SERVICE:	
AGENCY NAME:	City of Big Bear Lake Department of Water and Power
CONTACT PERSON:	Reginald A. Lamson
ADDRESS:	41972 Garstin Drive
	Big Bear Lake, CA 92315-1929
PHONE:	909-866-5050
EMAIL:	rlamson@bbldwp.com
CONTRACTING PARTY:	
NAME OF PROPERTY OWNER:	Multiple property owners
CONTACT PERSON:	
MAILING ADDRESS:	
PHONE:	
EMAIL:	
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT:	See Outside City Service Area maps (Exhibit A)
CONTRACT NUMBER/IDENTIFICATION:	
PARCEL NUMBER(S):	
ACREAGE:	See Outside City Service Area maps (Exhibit A)
and the terminal and the fellows of the control of the control of the control of the design of the control of	The state of the s

(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.

- (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 X 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? \(\subseteq \text{YES} \text{ X NO} \)
- 3. Please provide a description of the service agreement/contract.

In 1989, the City of Big Bear Lake Department of Water and Power succeeded to the water service territory previously assigned to the Southern California Water Company – Big Bear District upon its condemnation by the City of Big Bear Lake. As a condition of the City's acquisition through condemnation, the DWP was required to assume service responsibility for all of Southern California Water Company's service area in the mountains which included area beyond the City's boundary and sphere of influence.

In 1995, LAFCO granted the City of Big Bear Lake an exemption from the provisions of Government Code Section 56133. In 2012, LAFCO performed a service review and sphere of influence update for the City of Big Bear Lake. At that time, LAFCO and the DWP worked together to extensively review DWP's water service boundaries and develop maps defining DWP's water service area. In 2017, LAFCO conducted a Countywide Service Review for Water (LAFCO 3187, Resolution 3248) outlining the DWP's service area and requirements of Gov. Code §56133.5.

- 4. (a) Is annexation of the territory by your agency anticipated at some point in the future? YES X NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.
 - A jurisdictional change, annexation to the City, is not possible at this time because the communities to be annexed have historically voiced opposition to inclusion into the City. Additionally, expanding DWP's sphere of influence over portions of the Big Bear City Community Services District (CSD) area would create an overlap of service providers and the potential for duplication of services.
 - (b) Is the property to be served contiguous to the agency's boundary? X YES X NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

Some property to be served is contiguous to the DWP's boundary including the

North Shore Area, the Metcalf Creek Area, the Moonridge System, and the Pine

Knot, Snow Summit, and Bear Mountain Areas.

Some property to be served is not contiguous to the DWP's boundary including the Fawnskin System, the Big Bear Shores RV Resort, the Erwin Lake System, the Lake Williams System, and the Sugarloaf System.

Annexation to the City is not being contemplated.

As mentioned above, annexation is not being contemplated to the City because of opposition and potential duplication of services. Annexation to the City would also be for the full complement of services from the City, which is not desired or feasible at this time.

		of Service by Contract	
Appli	cation	n Form (FOR L	AFCO USE ONLY)
5.	to a th	e service agreement/contract outside the Agency's sphere of influence threat to the public health and safety of the existing residents as defined ernment Code Section 56133(c)?	
		ES X NO. If yes, please provide documentation regarding the circums r from Environmental Health Services or the Regional Water Quality Co	
6.	(a)	What is the existing use of the property?	
		Residences and Commercial Establishments	
	(b)	Is a change in use proposed for the property? YES X NO. If yes provide a description of the land use change.	s, please
7 _{th}		e service agreement/contract is for development purposes, please provious plete description of the project to be served and its approval status.	de a
	Not A	<u>Applicable</u>	
8.	☐ YE condit	there any land use entitlements/permits involved in the agreement/contr ES X NO. If yes, please provide documentation for this entitlement in- litions of approval and environmental assessment that are being proces the project. Please check and attach copies of those documents that a	cluding the sed together
		Tentative Tract Map / Parcel Map Permit (Conditional Use Permit, General Plan Amendment, etc.) Conditions of Approval Negative Declaration (Initial Study) Notice of Determination (NOD)/Notice of Exemption (NOE) Department of Fish and Game (DFG) Receipt Others (please identify below)	
9.	contra	the agency proposing to extend service conducted any CEQA review for act? YES X NO. If yes, please provide a copy of the agency's envisament including a copy of the filed NOD/NOE and a copy of the DFG F	rironmental

Not to DWP's knowledge.

10. Plan for Service:

(a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of:

1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

The DWP is currently providing water service to the properties for which it is requesting to extend service.

According to the LAFCO Service Review and Sphere of Influence Update for City of Big Bear Lake dated August 6, 2012 (LAFCO Service Review), the DWP provides water service to almost 16,000 customers from five separate water systems including (1) the Big Four (which is a combination of the Big Bear, Moonridge, Sugarloaf, and Erwin Lake systems); (2) Lake Williams; (3)

Fawnskin; (4) Big Bear Shores RV Resort; and (5) Rimforest. In 2014, the DWP successfully completed the transfer of the Rimforest water system to the Lake Arrowhead Community Services District (LACSD) because (1) the Rimforest area is located approximately 30 miles west of Bear Valley; (2) the main highway to Rimforest is subject to frequent closures due to weather conditions, avalanches, and landslides; and (3) the LACSD service area encompasses Rimforest.

Table 3.1 on page 31 of the LAFCO Service Review reflects DWP's current and projected water supply through 2035 based on projected demands and the meeting of state water conservation requirements. Additionally, Table 3.3 on page 32 of the LAFCO Service Review reflects the amount of groundwater to be pumped through 2035 based on total demand in 2010 and population

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projections. As shown in the Groundwater section of the LAFCO Service Review,
the average annual demand is under the safe yield of the basin and within

DWP's allocation.

Moreover, the DWP distributes their potable water supply through a distribution system consisting of four water systems (after transferring the Rimforest water system) with 16 separate pressure zones, 180 miles of pipeline, 62 wells, 16 reservoirs, 12 booster stations, 41 pressure reducing valves, 26 chlorination stations, and 22 sample stations. For the 62 wells operated by the DWP, 39 are vertical wells and 23 are slant wells.

(b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.). Not Applicable

Description of Fees/Charges	Cost	Total
		-
	,	
·		
Total Costs		

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

Not Applicable

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

Not Applicable

11	Does the City/District have any policies related to extending service(s) outside its boundary? YES X 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.
	The City of Big Bear Lake does not specifically have a policy related to extending
	service(s) outside its boundary. However, the City Municipal Code Section
	13.24.260 Development of master plan adopted in 1989 states "The
	department shall develop a master plan for the provision of water and power
	service to the service areas of the water and power system and to guide further
	expansion of the systems. The master plan shall include, but not limited to: A. A
	capital improvement plan for the development of water and electrical system to
	ultimate capacity in a manner consistent with the general plan for service areas
	outside the city limits." Also, the City Charter of the City of Big Bear Lake states
	in Section 816 Scope of Department - Powers and Duties "The Department
	shall have the power and duty: 1. To construct, operate, maintain, extend,
	manage and control works and property for the purpose of supplying the City and
	its inhabitants with water and electric energy, or either, and to acquire and take,
	by purchase, lease, condemnation or otherwise, and to hold, in the name of the
	City any and all property situated within or without the City, and within or without

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the state, that may be necessary or convenient for such purpose."



CERTIFICATION

As a part of this application, the <u>City of Big Bear Lake Department of Water and Power</u> agrees 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.

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	Reguill a Mr
NAME:	Reginald A. Lamson
POSITION TITLE:	General Manager
DATE:	8-27-19

(FOR	LAFCO	USE	ONLY)

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract. Not Applicable

- 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.

 Exhibit A
- 3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service. **Not Applicable**

Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County

1170 West 3rd Street, Unit 150 San Bernardino, CA 92415-0490 PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm - 8/19/2015

RESOLUTION NO. DWP 2019-14

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BIG BEAR LAKE, DEPARTMENT OF WATER AND POWER (DWP), COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING APPLICATION FOR EXTENSION OF SERVICE BY CONTRACT WITH THE LOCAL AGENCY FORMATION COMMISSION TO PROVIDE WATER SERVICE TO PROPERTY OUTSIDE THE CITY OF BIG BEAR LAKE BUT WITHIN THE DWP SERVICE AREA

WHEREAS, the City of Big Bear Lake was incorporated on November 28, 1980; and

WHEREAS, the City of Big Bear Lake adopted its Charter in 1982; and

WHEREAS, the electors of the City did in 1985 adopt an amendment to that Charter which created the City of Big Bear Lake, Department of Water and Power (DWP); and

WHEREAS, in 1989, the DWP succeeded to the water service territory previously assigned to the Southern California Water Company – Big Bear District (SCWC) upon its condemnation by the City of Big Bear Lake; and

WHEREAS, as a condition of the City of Big Bear Lake's acquisition through condemnation, the DWP was required to assume service responsibility for all of SCWC's service area in the San Bernardino mountains which included area beyond the City of Big Bear Lake's boundary and sphere of influence; and

WHEREAS, in an amendment in the City of Big Bear Lake in 1989, in Section 13.24.260, the DWP shall develop a master plan for the provision of water and power service to the service areas of the water and power system and to guide further expansion of the systems. The master plan shall include, but not be limited to: A capital improvement plan for the development of the water and electrical system to ultimate capacity in a manner consistent with the general plan for service areas outside the city limits; and

WHEREAS, pursuant to California Government Code Section 56133, a city or district may provide new or extended service by contract or agreement outside its jurisdictional boundaries subject to approval by the Local Agency Formation Commission (LAFCO); and

WHEREAS, in 1995, the San Bernardino County LAFCO granted the City of Big Bear Lake an exemption from the provisions of California Government Code Section 56133 for the provision of water service within the State Public Utilities Commission assigned certificated service area; and

WHEREAS, in 2012, the San Bernardino LAFCO conducted a Service Review and Sphere of Influence Update for the City of Big Bear Lake (LAFCO 3125) and through the service review process, LAFCO staff and the DWP staff extensively reviewed the DWP's water service boundaries and developed maps defining the DWP water service area; and

WHEREAS, pursuant to California Government Code Section 56133.5, a pilot program was established for the San Bernardino and Napa LAFCOs giving the respective Commissions the authority to authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, based upon specific criteria, subject to approval at a noticed public hearing. This process requires that the Commission make the determination that the proposed service extension was identified and evaluated in a service review; and

WHEREAS, in 2017, San Bernardino LAFCO conducted a Countywide Service Review for Water (LAFCO 3187). Said service review identified and evaluated the DWP water service area.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the City of Big Bear Lake, Department of Water and Power hereby authorizes the DWP to file an Application for Extension of Service by Contract with the San Bernardino LAFCO (Exhibit A);

PASSED, APPROVED, and ADOPTED this 27th day of August 2019.

AYES: Cylwik, Heule, Hjorth, Tarras, Willey

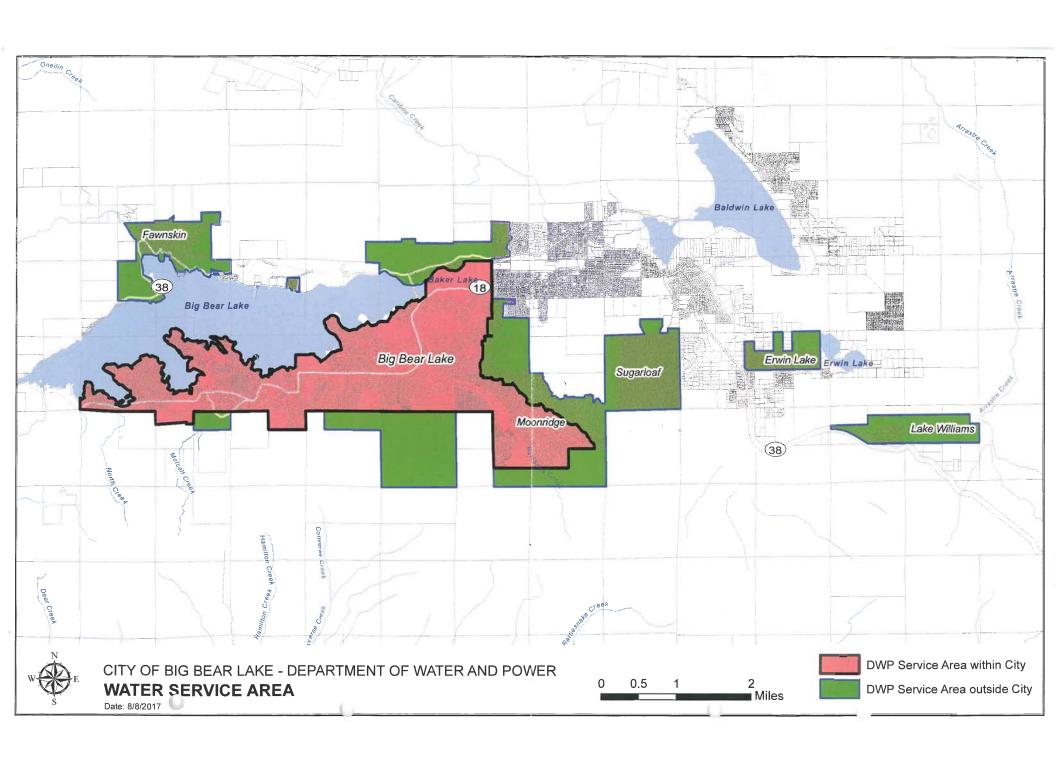
NOES: ABSTAIN: ABSENT:

Bob Tarras, Chair

DWP Board of Commissioners

ATTEST:

Leeanne Eagleson, Board Secretary



Response from Tom Dodson and Associates **Attachment 5**

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405 Tel: (909) 882-3612 ★ Fax: (909) 882-7015 ★ Email: tda@tdaenv.com



October 7, 2019

Mr. Samuel Martinez Local Agency Formation Commission 1170 W 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#443 for the Commission. SC#443 consists of LAFCO consideration to authorize the City of Big Bear Lake to provide water service outside its boundary and outside its Sphere of Influence pursuant to Government Code Section 56133.5. In 1989, the court approved the City's acquisition through condemnation of the Big Bear Water System of Southern California Water Company. By this action, the City assumed service responsibility for all of the water company's certificated service area, which included areas outside the City's boundary and Sphere of Influence. This request is for Commission authorization for the City to provide water service outside its boundary and Sphere of Influence. The areas that the City will be authorized to continue serve and provide service to support existing or planned uses outside its boundary and outside its Sphere include portions of the North Shore area, Big Bear City, the unincorporated Moonridge area, the unincorporated areas of Sugarloaf, Erwin Lake, Lake Williams (including the Camp Oakes parcels), and the Fawnskin community, including the parcels associated with the Moon Camp Project, as well as other specific areas that include the Big Bear Shores RV Resort, lots/cabins within the US Forest Service lands that are being served by the City's Department of Water and Power (i.e., Bear Mountain and Snow Summit areas, Pine Knot Tract, Metcalf Creek Tract).

Based on the above proposal and the findings presented below, it appears that LAFCO SC#443 can be implemented without causing significant adverse environmental impacts. LAFCO will consider this acknowledgment of water service as the CEQA lead agency because the referenced areas are already generally developed and the City is and has been serving water to these areas since 1989. Based on the already existing developed character of most of these parcels, this project has no potential to cause a significant adverse impact on the environment. Therefore, I conclude that LAFCO SC#443 does not constitute a project under CEQA and adoption of the Statutory Exemption (under the "Common Sense" exemption) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#443 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 if a decision is made to approve this out-of-area service agreement.

After independent review of this proposed action, the acknowledgment that the City of Big Bear Lake serves water outside of its boundary and its Sphere of Influence, does not appear to have any potential to significantly alter the existing physical environment. Thus, this service extension

does not involve any change in the authorized end use of the parcels within the City or County's jurisdiction. 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#443 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 "Common Sense" 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,

Tom Dodson

TD/cmc

LA-987/LAFCO SC#443 Letter

Draft Resolution #3292 Attachment 6

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#443

HEARING DATE: OCTOBER 16, 2019

RESOLUTION NO. 3292

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#443 – AUTHORIZATION FOR THE CITY OF BIG BEAR LAKE TO PROVIDE SERVICES OUTSIDE ITS BOUNDARY AND OUTSIDE ITS SPHERE OF INFLUENCE PURSUANT TO GOVERNMENT CODE SECTION 56133.5

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

WHEREAS, Government Code Section 56133.5 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries and outside their spheres of influence to support existing or planned uses; and,

WHEREAS, an application for the proposed service provision 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 October 16, 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 support and/or opposition; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

RESOLUTION NO. 3292

WHEREAS, the Commission certifies that LAFCO SC #443 is statutorily exempt from environmental review, and directs the Executive Officer to file the Notice of Exemption within five (5) days.

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

DETERMINATIONS:

SECTION 1. Government Code Section 56133.5 requires that the Commission make the following determinations regarding the area to be served outside the agency's sphere of influence, at a noticed public hearing.

- That the proposed service extension was identified and evaluated in a service review. The service was identified and evaluated in the following service reviews: LAFCO 3125 in 2012 and LAFCO 3187 in 2017.
- That the proposed service extension will not have an adverse impact on open space/agricultural lands and/or is not growth inducing. Continuation of water service to the areas that the City assumed service via condemnation by the court in 1989 is not anticipated to have an adverse impact on open space or agricultural lands.
- 3. That inclusion of the area to be served into the agency's sphere of influence is not feasible or desirable based on adopted commission policies. The areas served by the City outside of its boundary and sphere of influence are well beyond the City's sphere of influence. Therefore, inclusion within the City's sphere is not feasible or desirable.

SECTION 2. <u>CONDITION</u>. The City of Big Bear Lake shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to authorize the City of Big Bear Lake to provide services outside its boundary and outside its sphere of influence within the areas identified in Exhibit A pursuant to Government Code Section 56133.5.

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#443 – Authorization for the City of Big Bear Lake to Provide Services outside its Boundary and Outside its Sphere of Influence Pursuant to Government Code Section 56133.5, has been approved.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

RESOLUTION NO. 3292

ABSENT: COMMISSIONERS	o:
* * * * * * * * * * * * * * * * * * * *	*
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDI) ss. NO)
for San Bernardino County, Californ correct copy of the action taken by	Itive Officer of the Local Agency Formation Commission ia, do hereby certify this record to be a full, true, and said Commission by vote of the members present as the of said Commission at its regular meeting of October
DATED:	
	SAMUEL MARTINEZ Executive Officer
	LACCULIVE OFFICE

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDING 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: OCTOBER 8, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: LAFCO 3188A -- Reorganization to include

Annexation to the City of San Bernardino and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific

Plan)

BACKGROUND INFORMATION:

This item was continued from the Commission's August 21, 2019 hearing at the request of the property owner (with concurrence from the City) to allow the property owner and the City enough time to evaluate and consider the proposed condition(s) that LAFCO staff is recommending.

No change has occurred since then; therefore, staff's recommendations remain the same for LAFCO 3188A. For reference, the original staff report for LAFCO 3188A, dated August 14, 2019, is included as Attachment #1 and includes the links to each attachment.

However, the Commission—as part of its motion at the August Hearing—requested that staff provide a discussion regarding access to and from the project site in order to provide for a better understanding of the issues related to traffic (circulation) as well as fire safety.

<u>Circulation</u>

The Spring Trails project will have two main access points. The primary access road (dash line with pink highlight), which provides the main access to and from Spring Trails project, is a 2-way undivided road that extends from North Little League Drive to the Spring Trails project at the southeastern section of the project site. From North Little League Drive (also a 2-way undivided road), access to the I-215 Freeway can be

reached from either Palm Avenue (via West Little League Drive or Kendall Avenue) or Devore Road/Glen Helen Parkway (via Kendall Avenue and Cajon Boulevard).

The secondary access road (dash line with orange highlight), which is intended as an alternative street for local traffic to access arterial streets outside the project, is also a 2-way undivided road that runs along the western boundary of the Spring Trails project. It will connect to North Little League Drive via Frontage Road. From North Little League Drive, access to the freeway is the same as the primary access road.

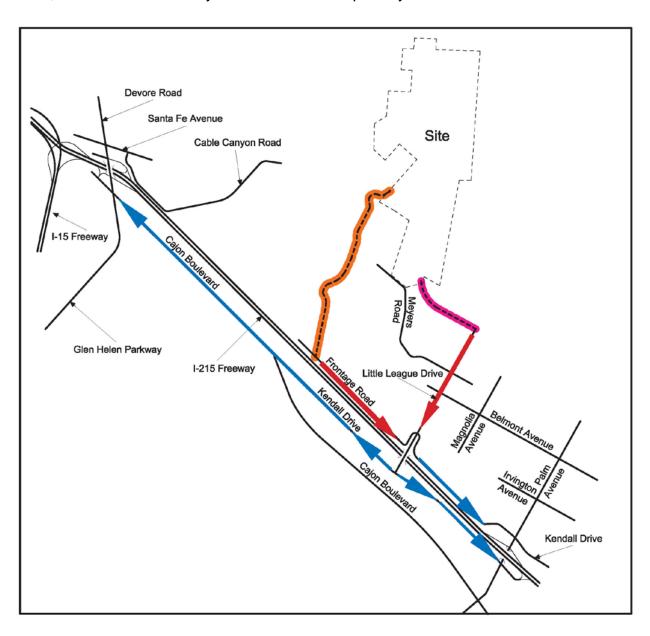


Fig. 1 – Circulation Map

It should be noted that the intersection of Meyers Road and the secondary access road will be constructed in such a way that either prevents or discourages access to Meyers Road. All necessary public streets, both on-site and off-site (including the extension of North Little League Drive), will be improved by the developer. Other necessary off-site improvements, such as the Palm Avenue/I-215 Freeway and Glen Helen Parkway improvements, are part of the City's Master Facility Plan and will be funded through developer impact fees.

Fire Safety (Hazards)

As identified in the original staff report, no change in actual service provider will occur upon completion of the annexation since the City of San Bernardino was annexed into the San Bernardino County Fire Protection District (County Fire) and its Valley Service Zone. The area proposed for annexation is already within the boundaries of County Fire.

The closest fire station is Station #232 located on 6065 Palm Avenue, which is approximately 2.1 miles away from the project site. The next closest fire station is Station #2 located in Devore (1511 Devore Road), which is approximately 4.2 miles away from the project site.

The Spring Trails project evaluated response times for a number of stations using time/distance calculations from the different fire stations to the project site via Meyers Road. Below are the drive times for the two stations nearest the project site:

Station		MPH	Miles	Time
1. Station #232		45	0.78	01:02
		25	0.16	00:23
		35	0.43	00:44
		35	0.70	01:12
	Meyers		2.07	03.21
	Ranch		3.31	05:29
	Farthest		3.74	06:13
2. Station #2		45	2.35	03:08
2. Station #2		35	1.38	02:22
		33		
	Meyers		3.75	05:30
	Ranch		4.97	07:38
	Farthest		5.40	08:22

Based on the calculations identified in the Spring Trails Fire Protection Plan, Station #232 can reach the farthest portion of the site in 6m 13s and Station #2 can get to the farthest portion of the site in 8m 22s.

LAFCO staff also prepared its own analysis of the drive times from both stations to the farthest portion of the project site using the primary access road and based on actual speed limits. Staff's analysis indicates that Station #232 can reach the farthest portion of the site in 7m 12s, and Station #2 can get to the farthest portion of the site in 11m 42s.

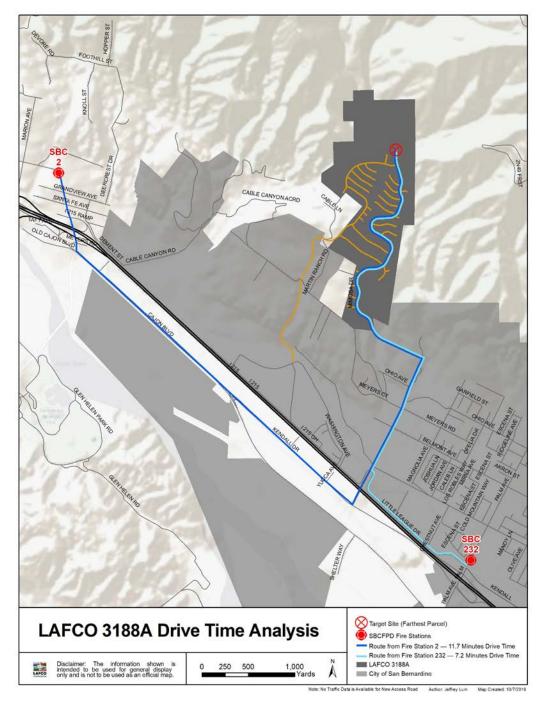


Fig. 2 – Drive Times

The Spring Trails Fire Protection Plan outlines a number of mitigation measures including fuel modification zones, vegetation management guidelines, planting maintenance and spacing guidelines, as well as infrastructure/structural construction features and requirements.

COMMENTS RECEIVED:

At the August 21, 2019 hearing, the Commission received oral comments. All written comments received prior to and at the August 21 hearing can be accessed on the LAFCO website:

- Comments received prior to the August 21, 2019 hearing: http://www.sbcounty.gov/uploads/LAFCO/AgendaNotices/20190821/Item_08_Att1.pdf
- Comments received at the August 21, 2019 hearing: http://www.sbcounty.gov/uploads/LAFCO/AgendaNotices/20190821/Item_08_Att3.pdf

Since then, additional comments have been received, which are included as Attachment #2 to the staff report. Overall, approximately 80 written comments have been received from landowners, registered voters, and other individuals, including one from a council member of the City of San Bernardino, Mr. Henry Nickel, and one from a non-profit organization. Most of the comments came from residents who live in the Verdemont area within the City of San Bernardino as well as residents from the unincorporated Devore community. Approximately 10 (unverified) letters opposing the project came from the island area itself.

Most of the comments relate to fire, high wind, and earthquake issues including limited accessibility during an emergency. School traffic was also cited in some of the letters. Other comments relate to the City's inability to provide code inspections/enforcement, reduced services and slow response times, and issues related to road repair and maintenance.

CONCLUSION:

As outlined in the original staff report, the Spring Trails Specific Plan requires a broad range and level of municipal services that are only available through the City of San Bernardino. The project would benefit from the extension of the City's services as well as the continuation of fire protection and emergency medical response services from County Fire and its Valley Service Zone based upon the anticipated development of 215 (current configuration) single-family residences, open space, parks, and other public facilities.

The Spring Trails Specific Plan was approved and adopted by the City with certain guidelines, conditions of approval, and mitigation measures. Therefore, the Commission's approval of LAFCO 3188A assumes that the City will adhere to the parameters that have been imposed on the Spring Trails Specific Plan and the

mitigation measures outlined in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

However, as noted in the August 14, 2019 staff report, approval of this proposal calls into question the issue related to the adjacent unincorporated area that will become totally-surrounded by the City of San Bernardino. This report provides for options for addressing the creation of said island territory. Staff recommendations are to:

- Include a determination required by Government Code Section 56375(m), which can be applied to this proposal; and,
- Include a condition that requires the City to initiate the totally-surrounded island area within one year of the Commission's approval of LAFCO 3188A.

For all these reasons, and those outlined throughout this staff report and the original staff report dated August 14, 2019, staff recommends approval of LAFCO 3188A.

RECOMMENDATIONS:

The staff recommends that the Commission approve LAFCO 3188A by taking the following actions:

- 1. With respect to the environmental review:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the Complete Final EIR for the project prepared by the City is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3188A.
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the mitigation measures identified for the project are the responsibility of the City and others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report (Attachment #3); and,

- e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.
- 2. Approve LAFCO 3188A, with the following determination: The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.
- 3. Approve LAFCO 3188A with the following conditions:
 - a. The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six-month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totallysurrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.
 - b. The standard LAFCO terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
- 4. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,

5. Adopt LAFCO Resolution No. 3291 (Attachment #4) setting forth the Commission's determinations, terms, and conditions of approval concerning LAFCO 3188A.

Attachments:

- 1. Original Staff Report for LAFCO 3188A Dated August 14, 2019
- 2. Letters Received After the August 21, 2019 Hearing
- 3. <u>Letter from Tom Dodson and Associates and Facts, Findings and Statement of Overriding Considerations, and Environmental Documents Related to the City of San Bernardino's Approval of the Spring Trails Specific Plan</u>
- 4. Draft Resolution No. 3291

Original Staff Report for LAFCO 3188A Dated August 14, 2019

Attachment 1

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: AUGUST 14, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

MICHAEL TUERPE, Project Manager

JEFFERY LUM, LAFCO GIS/Database Analyst

ROBERT ALDRICH, Consultant

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3188A -- Reorganization to include Annexation

to the City of San Bernardino and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from

County Service Area 70 (Spring Trails Specific Plan)

INITIATED BY:

Property Owner Petition – Montecito Equities, Ltd., landowner

BACKGROUND:

The reorganization proposal is an annexation to the City of San Bernardino (hereafter the "City") and to Zone FP-5 San Bernardino¹ of the San Bernardino County Fire Protection District, and detachment from County Service Area 70. The proposal encompasses approximately 350 acres and is generally located north of the Verdemont neighborhood, east of the community of Devore and northeasterly of the I-215 Freeway. The area is bordered by parcel lines on the north and east, a combination of parcel lines and the centerline of West Meyers Road (existing City of San Bernardino boundary) on the south, and parcel lines (portion of existing City boundary) on the west, within the City's existing sphere of influence. A vicinity map is included as Attachment #1 to this report. The map below (Figure 1) provides a general location of the area to be annexed into the City.

For over 20 years, the Local Agency Formation Commission and its staff have been involved in discussions with the City and/or the landowner regarding the delivery of services for a development proposal within the annexation area known as the Spring Trails Specific Plan, or its predecessor—Martin Ranch.

¹ The proposal area is already within the San Bernardino County Protection District and its Zone FP-5. The annexation into "Zone FP-5 San Bernardino" would isolate the special tax revenues of Zone FP-5 to the service area of the City.

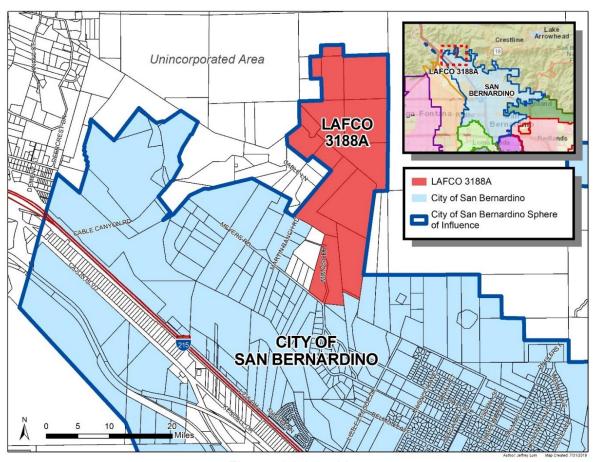


Fig. 1 – Vicinity Map

Sphere of Influence Expansion (LAFCO 2808)

In 1996, the Commission reviewed and considered a sphere of influence expansion proposal, LAFCO 2808, which was initiated by the property owner to include the proposal area (known then as Martin Ranch) into the City's sphere of influence (see Figure 2). The Commission approved the sphere expansion proposal noting that future development would logically be served by the City and that the City should assume the primary role in developing the land use and service plans for the area. It was outlined at that time that the approval of the sphere expansion was simply to allow the landowner and the City to move forward in completing the pregeneral zonina. plan amendment, comprehensive Environmental Impact Report for the project.

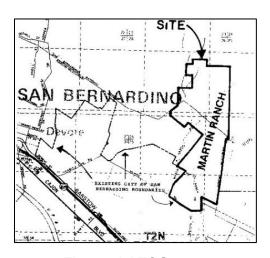


Fig. 2 - LAFCO 2808

Project History

This primer box provides a history of the project since its inception in 1996.

The Spring Trails Specific Plan (or Martin Ranch) is a project that the City of San Bernardino has extensively reviewed, evaluated, and ultimately approved (and/or adopted) after years of processing. The Martin Ranch project was first submitted to the City in 1996. In 1998, a Notice of Preparation (NOP) was issued for the project; however, the ensuing Draft Environmental Impact Report (EIR) was rejected by the City's Planning Department.

In December 2002, the application for the General Plan Amendment (GPA 02-09) and Tentative Tract Map (15576) was filed with the City. A revised Draft EIR was released in 2002. In October 2003, a major fire burned through the project site requiring preparation of a new Draft EIR. In 2004, a new NOP reflecting the revised project was issued by the City. It included a general plan amendment and pre-zoning for the project site and the adjacent unincorporated (island) area which designated the area as Planned Residential Development, the establishment of a Hillside Management Overlay District to allow lot size averaging, and a Tentative Tract Map to subdivide the project site into approximately 359 lots. However, the 2004 Draft EIR, which addressed traffic, access, as well as other issues, was never circulated for public review.

In 2005, the project was again revised to pre-zone the project site to Residential Low and the adjacent unincorporated (island) area to Residential Estate. A new Draft EIR was not released until 2006 when the City released a completed Draft EIR. Significant issues were again raised, and the City opted to prepare a revised Draft EIR to address concerns related to noise, air quality, biological resources, geotechnical issues and fire safety.

In 2007, another fire on the site required further changes to the project. A new NOP was released for public review in 2009 along with an Initial Study. In March 2010, the application for the Specific Plan (SP 10-01) was filed with the City. Due to significant technical issues, the revised Draft EIR was not released until July 2011. Applications for a Development Agreement (DA 11-01) and a Development Code Amendment (DCA 12-10) were filed with the City in October 2011 and October 2012, respectively.

In November 2012, the City's Planning Commission held a public hearing to consider the component actions for the Spring Trails Specific Plan (except for the Development Agreement portion of the project which was continued at the request of the property owner) but recommended denial of all the actions. In January 2013, the City's Planning Commission held another public hearing to consider the Development Agreement, and it also recommended denial of the proposed Development Agreement.

Finally, on February 19, 2013, the City Council reviewed and considered the Final EIR, the Mitigation Monitoring and Reporting Plan, the Facts, Findings and Statement of Overriding Considerations and the recommendations of the City's Planning Commission related to the Spring Trails Specific Plan, the General Plan Amendment, the Development Code Amendment, Tentative Tract Map 15576 to subdivide the project site into 304 single-family residential lots and the project's Development Agreement. The City Council reversed the Planning Commission's recommendations and approved and/or adopted all actions related to the Spring Trails Specific Plan.

Prior Proposal (LAFCO 3188)

In March 2015, the property owner—Montecito Equities, Ltd—submitted a property owner petition including the application materials for the proposed reorganization to the City (see Attachment #2). The applicant not only requested the annexation of its properties but also included the adjacent unincorporated area totaling approximately 376 acres (see Figure 3).

It should be noted that the City (and the applicant) included the adjacent unincorporated area as part of its proposal to prevent the creation of a totally-surrounded unincorporated island territory within the City. This is why the adjacent 26-acre unincorporated area was included in the City's environmental assessment for the project.

However, during the circulation of the Notice of Filing for LAFCO 3188, the Registrar of Voters (ROV) certified on July 2, 2015 that there were 16 registered voters within the reorganization area (see Attachment #3). That changed the annexation proposal from being (initially) an "uninhabited" annexation (less than 12 registered voters) to an "inhabited" annexation which allows for registered voter protest. This also meant likely termination due to registered voter protest—primarily from within the unincorporated island area. As a result, the applicant requested that LAFCO suspend the processing of its application proposal pending the outcome of the voter registration verification process by the ROV.

Current Proposal (LAFCO 3188A)

After almost a year, there still was no resolution from the ROV on the applicant's request for verification of registered voters within the annexation area. This prompted the applicant to submit a revised application proposal that removed the adjacent unincorporated area from its proposal boundary (see Attachment #4).

Figure 4 illustrates the applicant's revised boundary that excludes the adjacent unincorporated area. Hence, the current proposal, LAFCO 3188A, creates a totally-surrounded island territory within the City.

The reason for the delay in processing this proposal since the time it was re-initiated by the applicant was

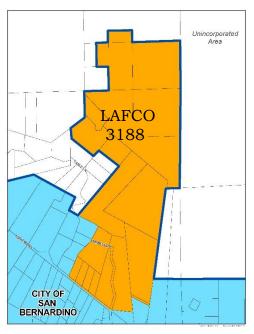


Fig. 3 - LAFCO 3188

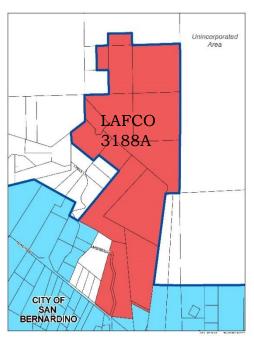


Fig. 4 – LAFCO 3188A

due to the modifications that had to be incorporated into the Plan for Service and Fiscal Impact Analysis to reflect the change in fire service between the City and County Fire, as well as the property tax transfer process between the County and the City.

Property Tax Transfer Process

In May 2017, both the County and the City were scheduled to approve their respective property tax transfer resolutions; however, the City ended up not agreeing to the exchange and took no action on its property tax transfer resolution at that time. This prompted the dispute resolution process outlined in Revenue and Taxation Code Section 99(e) that requires mediation and/or arbitration.

As the Commission is fully aware, the tax sharing formula in San Bernardino County (between the County and cities) is calculated in the same manner as all other annexations. However, because of the City's unique property tax exchange process with County Fire through its fire reorganization, the City raised questions on whether an alternative formula was appropriate. The County and the City jointly retained a third-party consultant (David Taussig and Associates) to perform an independent financial analysis of the property tax revenues. That process took several months to get underway and was finally completed in June 2018. Negotiations continued until all parties agreed.

The City adopted its property tax resolution on March 20, 2019, and the County, likewise, adopted its property tax resolution on May 21, 2019, determining the amount of property tax revenues to be exchanged among the County, the City, and County Fire.

BOUNDARIES:

The proposal, as submitted by the applicant, includes the annexation of properties solely associated with the Spring Trails Specific Plan and does not include the adjacent unincorporated area that, should LAFCO 3188A be approved by the Commission, will become a totally-surrounded island within the City of San Bernardino. In staff's view, the Commission has the following options to address the island area:

Option 1

Option 1 is to approve the proposal, LAFCO 3188A, as submitted by the applicant. This would leave an unincorporated area totally surrounded by the City. Clearly, it would be LAFCO staff's preference not to create an island. Therefore, if the Commission chooses option 1, LAFCO staff would recommend that the Commission make certain determinations related to the creation of the island, and as a condition of approval require the City to initiate a new reorganization to annex the island area as a separate proposal (see Figure 5).

Option 2

The Commission could modify the proposal by expanding LAFCO 3188A to include the unincorporated (island) area adjacent to the proposal area, which would be the exact same area as the prior proposal – LAFCO 3188 (see Figure 6).

As outlined in the earlier discussion related to the prior proposal (LAFCO 3188) on pages 4 and 5, the inclusion of the island area would change the annexation proposal from being an uninhabited annexation to an inhabited annexation since there would be at least 12 registered voters within the modified proposal.

From the beginning of the City's consideration of the Spring Trails project, many have expressed opposition to the project. Since most of the registered voters are from within the island portion of the modified area, the probability of termination of the expanded proposal would be highly likely.

Based on the options outlined above, LAFCO staff recommends the Commission choose **Option 1**.

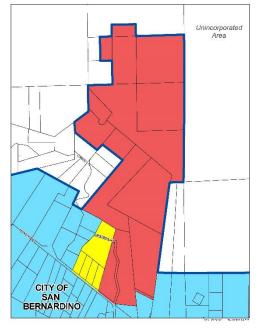


Fig. 5 – Option 1

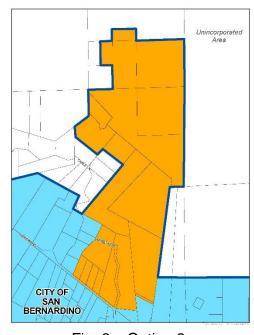


Fig. 6 - Option 2

Although not an ideal boundary, it is LAFCO staff's position that the imposition of the Condition of Approval related to the island area as well as the Determination related to the creation of the island, allows a mechanism for the Spring Trails Specific Plan, which is an easily identifiable boundary for service delivery, to be annexed into the City of San Bernardino for the services it requires.

A detailed comparison of the two options follows on the next two pages.

Option 1 Applicant's Proposal Boundary, as Submitted to LAFCO

Proposal Boundary and Description:

A reorganization of 350 acres to include annexation of only the Spring Trails Specific Plan (shown in red).

Pros:

- The Commission identified the City as the logical service provider for the area by expanding the City's sphere of influence in 1996.
- Reorganization area will benefit from the extension of City services.
- No other agency can logically provide municipal-level services to this area.
- Proposal has 100% landowner consent, allowing for the waiver of protest and eliminating the possibility of termination.

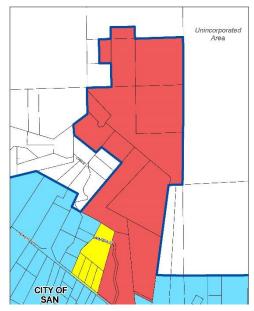


Fig. 7 – Option 1

Cons:

- Applicant's proposal boundary creates an unincorporated island (completely surrounded by the City, shown in yellow) which is prohibited under Government Code §56744, unless certain determinations can be made (see Discussion below).
- The landowners and registered voters of the island (being outside the reorganization area) would lack a process to overturn the Commission's action.

Discussion:

- Although an island of unincorporated area is being created, the Commission has the statutory ability to waive the restrictions of creating an island (§56744) if it finds that the restrictions would be detrimental to the orderly development of the community and that the areas enclosed by the annexation cannot be reasonably annexed to another city or incorporate as a city. A determination pursuant to §56375 has been included in the Commission's draft resolution and in the Recommendation portion of this report.
- A condition of approval is being recommended that would require the City to initiate a separate reorganization to annex the island within one year of completion of LAFCO 3188A, and undergo standard protest proceedings on said island. The condition is included in the Commission's draft resolution and in the Recommendation portion of this report.

Option 2 Expanded Proposal Boundary

Expanded Boundary and Description:

An expanded reorganization area of 376 acres to include annexation of the Spring Trails Specific Plan (350 acres) and adjacent 26-acre unincorporated area.

Pros:

- The Commission identified the City as the logical service provider to the area by expanding the City's sphere of influence in 1996.
- Environmental Assessment already includes the adjacent 26-acre unincorporated area.
- Spring Trails Specific Plan area will benefit from the extension of City services.
- No other agency can logically provide municipal-level services to this area.
- Expanded boundary will not create an island.

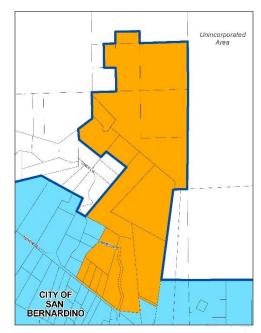


Fig. 8 – Option 2

 The proposal would include a protest proceeding whereby island landowners and registered voters could submit a protest to oppose the reorganization in order to overturn the Commission's action.

Cons:

- Registered voter opposition within the expanded boundary would likely result in sufficient protest to terminate the reorganization.
- Without annexation to the City, the project—which requires municipal services—most likely would not be able to develop.

Discussion:

- This option is available to the Commission should it choose not to make a determination to waive the restrictions of creating an island.
- The Commission would have to continue the item in order to provide proper noticing.
- The Spring Trails project and reorganization would be decided by the registered voters within the reorganization area (not the landowners).

The remainder of this report contains the following information:

- Land Use
 - County designations and City land use/pre-zone designations
 - Spring Trails Specific Plan
 - o Constraints: fire hazard, fault zone, circulation, high wind areas, flood and drainage
- Service Issues and Effects on Other Local Governments
- Environmental Considerations
- Waiver of Protest Proceedings
- Conclusion
- Recommendations
- Determinations
- Attachment Listing

LAND USE:

The reorganization area is predominantly vacant with the exception of an existing single-family residence on one of the parcels (see Figure 9). The area is surrounded by a combination of National Forest boundary and vacant lands to the east; a combination of residential development including Meyers Road to the south; a combination of residential development, vacant lands, and the National Forest boundary to the west; and the National Forest boundary to the north.

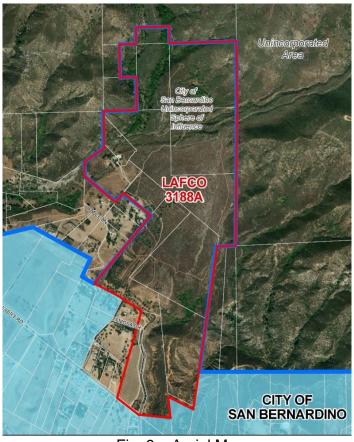


Fig. 9 - Aerial Map

County Land Use Designations:

The County's current land use designations for the reorganization area are: RL-5 (Rural Living, 5 acres minimum), which provides sites for rural residential uses and incidental agricultural uses; and RC (Resource Conservation), which provides sites for open space and recreational activities, and single-family homes on large parcels.

City's Land Use/Pre-zone Designation(s):

The City of San Bernardino has assigned the reorganization area as Spring Trails Specific Plan District and has been pre-zoned the area as "Specific Plan No. 10-01, Spring Trails" under its Special Purpose Zones through the City's consideration of Ordinance No. MC-1386, which was adopted on March 5, 2013. The underlying Spring Trails Specific Plan zoning designations within the reorganization area are Residential (Estate), Open Space, and Parks, which will take effect upon completion of the annexation process.

The Spring Trails Specific Plan zone designations are the pre-zoning for the proposal area as required by Government Code §56375(a)(7). Pursuant to the provisions of Government Code §56375(e), these zoning designations shall remain in effect for a period of two (2) years following annexation unless specific actions are taken by the City Council at a public hearing.

The Spring Trails Specific Plan

The Spring Trails Specific Plan (Included as Attachment #5), is a proposed development within the 350-acre annexation area that was approved by the City Council of the City of San Bernardino in February 2013. At that time the Specific Plan was approved by the City, it contemplated development of 307 new single-family residential lots on approximately 242 acres and the remainder area for open space, parks, slopes, and other uses (see Figure 10).



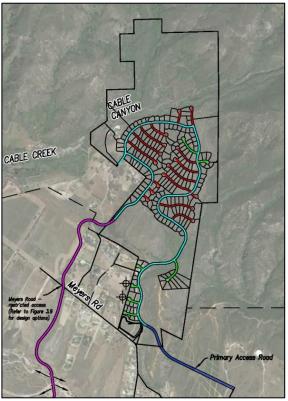


Fig. 10 – Original Development Plan

Fig. 11 – Current Development Plan

However, since the City's approval of the Specific Plan, the land area to be developed and the total number of residential lots have been reduced. Through subsequent analysis of the geology and soils within the Specific Plan area, it has been determined by the landowner that it is only feasible to construct 215 residential lots, and the land area to be developed has been significantly reduced from 242 acres to 199 acres (see Figure 11). The Current Development Plan configuration is also included as part of Attachment #1.

Constraints

Development of the Spring Trails Specific Plan includes a number of challenges that the Commission should be aware of given the location of the project. Below is a summary of some, but not all, of the constraints associated with the Spring Trails Specific Plan.

The Spring Trails is on the northern edge of the City in the foothills of the San Bernardino Mountains. The area is generally bounded by the San Bernardino National Forest on three sides and the elevation of the site ranges from approximately 2,010 feet above sea level at its southern boundary to approximately 3,540 feet at the northern boundary. The topography of the site varies from steep (over 30% slopes) in the north and southeast portions of the site to gentle (0–15% slopes) in the central portion of the site. The site slopes to the southwest at approximately 10 to 15%.

Fire Hazard

Because the San Bernardino National Forest is adjacent to the project site, with steep slopes and high winds, the Spring Trails Specific Plan area is at risk from wildland fires (see Figure 12). The Foothill Fire Zone Overlay District identifies three fire zones with different degrees of hazard based on slope, type of fuel, and natural barriers. Approximately one third of the site is in Fire Zone A (Extreme Hazard with slopes 30% or greater), one third of the site is in Fire Zone B (High Hazard with slopes of 15-30%), and the remaining third is in Fire Zone C (Moderate Hazard with slopes of 0-15%). As noted in the Spring Trails Specific Plan, areas in the Foothill Fire Zones are required to be developed with proper building separation, landscaping, and building materials; adequate emergency access and evacuation routes; and sufficient water resources.

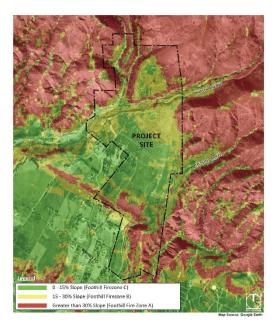


Fig. 12 – Topography (Fire Zones)

The recommended preventative measures are incorporated in the Specific Plan as standards for fuel modification zones, setbacks, landscaping methods/materials, construction materials/methods, and building protection systems. The Mitigation Monitoring Program for the Specific Plan also outlines mitigation measures on fire safety.

Fault Zone

The site includes three traces of the San Andreas Fault zone, which runs in a general east—west direction (see Figure 13). As noted in the Spring Trails Specific Plan, the southern portion of the site is traversed by two faults: the main trace of the San Andreas Fault and a secondary trace just north of the main trace. The fault zone of the main trace ranges from approximately 50 feet to 150 feet wide and the fault zone of the secondary trace is approximately 40 feet wide.

The Spring Trails Specific Plan has been designed to comply with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, which prevents the construction of buildings within 50 feet of active faults. Setbacks and additional fault studies are included as mitigation measures in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

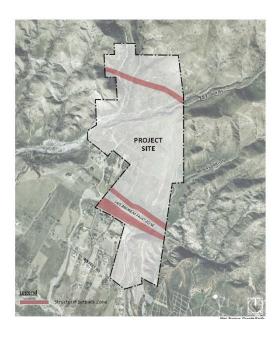


Fig. 13 – Earthquake Faults

Circulation

Spring Trails require two points of access that directly connect to collector roads and avoid existing neighborhoods. The primary access road to Spring Trails will be through the southeast corner of the project site via a street extending from Little League Drive to the project site. Secondary access to Spring Trails will be via a street extending from the western edge of the project site to a frontage road along the I-215 Freeway. The secondary access road is designed to restrict non-resident access onto Meyers Road. The Mitigation Monitoring Program outlines mitigation measures to address wildlife corridors.

High Wind Areas

The City of San Bernardino experiences periods of high velocity winds, especially in the Cajon Pass and at the bottoms of canyons. Spring Trails is included in the City's designated High Wind Area, which has certain building standards. Development will be required to comply with the building standards for this area. The Mitigation Monitoring Program for the Specific Plan outlines development guidelines for high wind areas.

• Flooding and Drainage

Because Spring Trails sits on an alluvial plain on the slopes of the San Bernardino Mountains, flooding and drainage are also critical factors. Spring Trails is designed to avoid grading or construction of residences in the flood plains.

These are just some of the constraints associated with the Spring Trails Specific Plan. LAFCO staff emphasizes the importance of the mitigation measures being implemented to minimize or reduce the impacts. These mitigation measures must be implemented by the City to allow development of the project. However, the Commission has no direct responsibility in implementing these mitigation measures.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Due to the vacant nature of the lands currently, government service requirements are minimal – primarily law enforcement and fire protection. The current service providers within the reorganization area include the California Highway Patrol for law enforcement along existing roadways in unincorporated areas, County of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70 (unincorporated, multifunction entity). In addition, the regional independent special districts, Inland Empire Resource Conservation District and the San Bernardino Valley Municipal Water District (State Water Contractor), overlay the reorganization area.

Plan for Service:

The City of San Bernardino has provided a "Plan for Service" for this proposal as required by law and Commission policy. The Plan includes a Fiscal Impact Analysis outlining its ability to provide its range of services and ongoing maintenance and operation to the area given the anticipated revenues and expenditures associated with the project. Also included with the materials for review is the Development Agreement approved by the City and the applicant, outlining land use assumptions, financing and service requirements for the reorganization area. The City of San Bernardino's certified Plan for Service and Fiscal Impact Analysis and its Municipal Water Department's certification of the Plan for Service are included as Attachment #6 to this report. In general, the Plan identifies the following:

Water Service:

Water service will be provided by the City's Municipal Water Department, as outlined in its Plan for Service. Current storage facilities nearest to Spring Trails is the Meyers Canyon Reservoir, but is not adequate for buildout of Spring Trails. Therefore, water will be supplied to Spring Trails by a combination of expanding and improving the offsite water systems and the provision of onsite reservoirs and transmission lines.

The City's Municipal Water Department outlines the need for the developer to enter into an agreement with Department and provide its share of funding to construct the infrastructure necessary to serve the new pressure zones. In addition, the developer must enter into a developer-installed agreement and provide a performance bond to install the required transmission and distribution mains for construction.

• Sewer Service:

There is no sewage collection system within the area at the present time. The Sewer Capacity Study concludes that the City's existing sewer system has the capacity to accommodate the project. The City's wastewater collection system has transferred from the City's Public Works to the City's Municipal Water Department.

Spring Trails would connect to the existing 10-inch main located on Little League Drive. The only offsite improvement that may be required is in North Little League Drive, which may be upgraded from an 8-inch to a 10-inch main.

Fire Protection and Emergency Medical Response:

In 2016, the City of San Bernardino was annexed into the San Bernardino County Fire Protection District (County Fire), its Valley Service Zone, and its Zone FP-5 for fire protection and emergency medical response services. The area being annexed is already within the boundaries of County Fire; therefore, fire protection and emergency medical response services will continue to be provided by County Fire and its Valley Service Zone. No change in actual service provider will occur upon completion of the annexation.

The entire LAFCO 3188A is currently designated as State Responsibility Area (SRA) lands. This designation would be removed upon annexation to the City and the financial burden for fire protection becomes a responsibility of the City.

Fire stations and equipment of the City have since been transferred to County Fire through the City's fire reorganization. The closest fire station is Station 232 (6065 Palm Avenue) located approximately two miles away from the project site. Water facilities for fire protection will meet water flow demands for the project.

As a result of the County Fire reorganizations, one of the conditions that was agreed upon was to account for the special tax generated from within the different areas being annexed into County Fire by creating subzones of County Fire's Service Zone FP-5. In the case for the City, Zone FP-5 San Bernardino was created to isolate said funding generated from the City. Therefore, LAFCO 3188A includes annexation to Zone FP-5 San Bernardino as part of the overall reorganization in order to isolate the funding generated from reorganization area within the City of San Bernardino.

Law Enforcement:

Law enforcement responsibilities will shift from the San Bernardino County Sheriff's Department to the City of San Bernardino Police Department. The area is served by a main police station located at 710 North D Street, and four designated geographical patrol districts. The project area is within the City's patrol beat B1 in the Northwest Patrol District.

Park and Recreation:

Regional park and recreation services are currently provided by the County Regional Parks system. The closest regional park is Glen Helen Regional Park, which has various recreation activities. Due to the primarily vacant nature of the reorganization area, local park amenities are not currently provided.

The City of San Bernardino has a variety of parks and recreation facilities. The closest City park is the Al Guhin Park located approximately 1.3 miles from the

proposal area. The Spring Trails project plans to develop neighborhood parks, natural open space, as well as pedestrian/equestrian trails.

Solid Waste

Solid waste services are currently provided by Burrtec Industries within the reorganization area and within the City of San Bernardino (by contract). No change in service provider will occur through the annexation.

Schools

The area is within the San Bernardino City Unified School District (SBCUSD). Upon annexation, SBCUSD will continue to be the school district with North Verdemont Elementary School, Chavez Middle School, and Cajon High School.

As required by Commission policy and State law, the Plan for Service submitted by the City of San Bernardino and its Municipal Water Department show that the extension of the City's services to the reorganization area are required to provide the level of service anticipated by the Spring Trails Specific Plan. Such service extensions will exceed current service levels provided through the County as the area is primarily vacant at the present time.

ENVIRONMENTAL CONSIDERATIONS:

The City's processing of the Spring Trails Specific Plan project included the preparation and certification of an Environmental Impact Report that was finalized by the City in 2013. LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the City's Complete Final Environmental Impact Report (EIR), which includes the Draft EIR and the Final EIR, and indicated that the City's environmental documents are adequate for the Commission's use as a responsible agency for LAFCO 3188A. Copies of the City's Complete Final EIR and all associated documents, were provided to Commissioners on July 22, 2019. Mr. Dodson has indicated in his letter to the Commission, included as Attachment #9 to this report, the actions that are appropriate for the review of LAFCO 3188A, which are:

- Certify that the Commission, its staff, and its Environmental Consultant have individually reviewed and considered the environmental assessment for the Spring Trails Specific Plan prepared by the City of San Bernardino;
- Determine that the Complete Final EIR is adequate for the Commission's use in making its decision related to LAFCO 3188A;
- Determine that the Commission does not intend to adopt alternatives or additional
 mitigation measures for the project; that the mitigation measures identified in the
 City's environmental documents for the Spring Trails project are the responsibility of
 the City and others, not the Commission;
- Adopt the Facts, Findings and Statement of Overriding Considerations as presented by Mr. Dodson, which are the conclusions made regarding the significance of a project in light of the impacts and mitigation measures that have been identified. A copy of this Statement is included as a part of Attachment #9 to this report; and,
- Direct the Executive Officer to file the Notice of Determination within five days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as lead agency, has paid said fees.

WAIVER OF PROTEST PROCEEDINGS:

The reorganization area is legally uninhabited (as determined by the Registrar of Voters office) and LAFCO staff verified that the study area possesses 100% landowner consent to the annexation. Therefore, if the Commission approves LAFCO 3188A and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending that protest proceedings be waived. The actions would include direction to the Executive Officer to complete the reorganization following completion of the mandatory reconsideration period of 30-days.

CONCLUSION:

In the mid-90s, the applicant already began planning the development of its landholdings that encompass the Spring Trails Specific Plan area. This began by a request to LAFCO for expansion of the City's sphere of influence in 1996. The first development project was originally called "Martin Ranch". As noted in the History Section of this report, the prior Martin Ranch and the current Spring Trails Specific Plan has been in the making for more than 20 years with numerous changes to the project description and multiple Draft EIRs prepared and revised since its inception. The final project approved and/or adopted by the City of San Bernardino, which is the Spring Trails Specific Plan, requires a broad range and level of municipal services that are only available through the City of San Bernardino.

The reorganization area will benefit from the extension of the City's services as well as the continuation of fire protection and emergency medical response services from the San Bernardino County Fire Protection District and its Valley Service Zone based upon the anticipated development of 215 (current configuration) single-family residences, open space, parks, and other public facilities.

The Spring Trails Specific Plan was approved and adopted by the City with certain guidelines, conditions of approval, and mitigation measures. Therefore, the Commission's approval of LAFCO 3188A assumes that the City will adhere to the parameters that have been imposed on the Spring Trails Specific Plan and the mitigation measures outlined in the Mitigation Monitoring Program for the Spring Trails Specific Plan.

However, approval of this proposal calls into question the issue related to the adjacent unincorporated area that will become totally-surrounded by the City of San Bernardino. This report provides for options for addressing the creation of said island territory. Staff recommendations are to:

- Include a determination required by Government Code Section 56375(m), which can be applied to this proposal; and,
- Include a condition that requires the City to initiate the totally-surrounded island area within one year of the Commission's approval of LAFCO 3188A.

For all these reasons, and those outlined throughout the staff report, staff recommends approval of LAFCO 3188A.

However, should the Commission choose Option 2 (to expand the proposal) then the Commission would have to continue the item in order to provide proper noticing.

RECOMMENDATIONS:

The staff recommends that the Commission approve LAFCO 3188A by taking the following actions:

- 1. With respect to the environmental review:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the Complete Final EIR for the project prepared by the City is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3188A.
 - Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the mitigation measures identified for the project are the responsibility of the City and others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report; and,
 - e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.
- 2. Approve LAFCO 3188A, with the following determination: The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.
- 3. Approve LAFCO 3188A with the following conditions:
 - a. The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this

requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.

- b. The standard LAFCO terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
- 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. 3291 setting forth the Commission's determinations, terms, and conditions of approval concerning LAFCO 3188A.

DETERMINATIONS:

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

- 1. The reorganization proposal is legally uninhabited containing four (4) registered voters within the reorganization area as certified by the Registrar of Voters as of July 22, 2019.
- 2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$1,978,576 (land--\$1,876,890; improvements--\$101,686) as of August 9, 2019.
- 3. The reorganization area is within the sphere of influence of the City of San Bernardino.
- 4. Legal advertisement of the Commission's consideration has been provided through publication in *The Sun*, a newspaper of general circulation within the reorganization area. As required by State law, individual notice was provided to affected and interested agencies, County departments, and those individual and agencies having requested such notice.
- 5. In accordance with State law and adopted Commission policies, LAFCO has provided individual notice to:
 - landowners (2) and registered voters (4) within the reorganization area (totaling 6 notices); and,
 - landowners (84) and registered voters (96) surrounding the reorganization area (totaling 180 notices).

Included as Attachment #7 to this report is a comment letter received by LAFCO staff from an area resident prior to the publication of the report. The letter outlines concerns related to the project such as fire safety (e.g. housing densities, slope issues, and previous fires in the area, etc.), issues regarding the access roads (e.g. roads built on fault lines, vehicle trips per day, etc.), and issues related to services from the City as well as utilities across fault lines.

Comments from landowners and registered voters and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.

6. The City of San Bernardino adopted the Spring Trails Specific Plan (SP #10-01) along with a General Plan Amendment (GPA #02-09) and a Development Code Amendment (DCA #12-10), which pre-zoned the reorganization area as Spring Trails Specific Plan with the following underlying specific plan zone designations: Residential (Estate), Open Space, and Parks. These pre-zone/specific plan zone

designations are consistent with the City's General Plan and are generally compatible with surrounding land uses within the City and in the County.

Pursuant to the provisions of Government Code Section 56375(e), these pre-zone designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

- 7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3188A is in close proximity with the I-215 Freeway, which is part of the RTP-SCS's highway improvement (expansion/rehabilitation) program adding high-occupancy vehicle (HOV) lanes between the I-210 and the I-15 Freeways for completion by 2035.
- 8. The City of San Bernardino adopted an updated Local Hazard Mitigation Plan (LHMP) in October 2016 (Resolution No. 2016-209), which was developed by County Fire, the City's fire service provider. Said LHMP includes the Spring Trails project as one its potential residential development. County Fire also has its Multi-Jurisdictional Hazard Mitigation Plan that was approved by FEMA in July 2017.

Information contained in the Safety Element of the City's General Plan related to Urban and Wildland Fires is included as Attachment #8.

9. As a CEQA responsible agency, the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has reviewed the City's environmental documents for the reorganization proposal and has indicated that the City's environmental assessment for the Spring Trails Specific Plan are adequate for the Commission's use as CEQA responsible agency. Copies of the City's Complete Final EIR and all associated documents were provided to Commission members on July 22, 2019 and are also included (as web links) as part of Attachment #9 to this report (Environmental Documents Related to the City of San Bernardino's Approval of the Spring Trails Specific Plan). Mr. Dodson has prepared his recommended actions for LAFCO 3188A, which are outlined in the narrative portion of the Environmental Considerations section (page 17 of the staff report).

Attachment #9 also includes the Facts, Findings and Statement of Overriding Considerations that has been prepared for the Commission's use in addressing this project.

10. The reorganization area is presently served by the following public agencies:

County of San Bernardino

Inland Empire Resource Conservation District

San Bernardino Valley Municipal Water District

San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5 (fire protection and emergency medical response)

County Service Area 70 (multi-function unincorporated County-wide)

The area will be detached from County Service Area 70 and its sphere of influence reduced as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

11. A plan was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service and the Fiscal Impact Analysis, as certified by the City and its Municipal Water Department, indicates that the City can maintain and/or improve the level and range of services currently available in the area. A copy of this plan is included as a part of Attachment #6 to this report.

The Plan for Service and Fiscal Impact Analysis have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service and the Fiscal Impact Analysis conform to those adopted standards and requirements.

The Plan indicates that the revenues to be provided through the transfer of property tax revenues and existing and potential financing mechanisms are anticipated to be sufficient to provide for the infrastructure and ongoing maintenance and operation of the services to be provided from the City of San Bernardino and its Municipal Water Department as well as the services from the San Bernardino County Fire Protection District and its Valley Service Zone. A copy of the Plan for Service is included as a part of Attachment #6 to this report.

- 12. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a City so that the full range of municipal services can be planned, funded, extended, and maintained.
 - However, approval of this proposal will create an island of unincorporated territory that will be totally-surrounded by the City of San Bernardino.
- 13. The reorganization area can benefit from the availability and extension of municipallevel services from the City of San Bernardino and its Municipal Water Department, as evidenced by the Plan for Service certified by the City.
- 14. This proposal will have an effect on the City of San Bernardino's ability to achieve its fair share of the regional housing needs as it proposes to build the addition of 215 single-family residential units.
- 15. With respect to environmental justice, which is the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services, the following demographic and income profile was generated using ESRI's Community Analyst for the City of San Bernardino and the reorganization and adjacent unincorporated areas (2019 data):

Demographic and Income	City of	Reorganization
Comparison	San Bernardino	Area and
	(%)	Adjacent
		Unincorporated
		Area (%)
Race and Ethnicity		
 African American Alone 	13.5 %	7.0 %
 American Indian Alone 	1.3 %	0.9 %
 Asian Alone 	4.2 %	4.3 %
 Pacific Islander Alone 	0.4 %	0.3 %
 Hispanic Origin (Any Race) 	68.3 %	37.9 %
Median Household Income	\$43,515	\$104,564

Through future development, the reorganization area will benefit from the extension of services and facilities from the City and, at the same time, the approval of the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.

- 16. The County of San Bernardino (for itself and acting on behalf of the San Bernardino County Fire Protection District) and the City of San Bernardino have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
- 17. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SM/

Attachments:

- 1. Vicinity Map, Reorganization Map, and Current Development Plan Configuration
- 2. Applicant's Landowner Petition and Application Documents
- 3. ROV Certification of Registered Voters within LAFCO 3188 Dated July 2, 2015
- 4. Letter from Applicant Dated June 22, 2016 Regarding Resubmittal of Application
- 5. Spring Trails Specific Plan and Recorded Development Agreement
- 6. <u>City of San Bernardino's Certified Plan for Service/Fiscal Impact Analysis, Certification from the City's Municipal Water Department</u>
- 7. Comment Letter Received Prior to Staff Report Publication
- 8. Safety Element Portion of the City's General Plan related to Urban and Wildland Fires
- 9. <u>Letter from Tom Dodson and Associates and Facts, Findings and Statement of Overriding Considerations, and Environmental Documents Related to the City of San Bernardino's Approval of the Spring Trails Specific Plan</u>
- 10. Draft Resolution No. 3291 for LAFCO 3188A

Letters Received After the August 21, 2019 Hearing

Attachment 2

RESERVED

(Date)

Dear LAFCO Commissioners:

2019 OCT -3 AM 9: 55

I live at 18458 Sanfor Fe All Denove 93417 (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

REGEIVED

	2019 SEP 30	AM 10: 12	9-9-20	79
	FORHAMUA	MENGY TOMP(SSIZE	(Date)	
Dear LAFCO Commis	sioners:			
I live at 276 the Spring Trails Spe			(address) and	d am adjacent to
City of San Be and we struggle with enforcement, little or services.	slow emerge	ncy response	times, no code ins	th the bankruptcy spections or ponse to calls for
Code compliant hazards. Already at be and safety issues in the	are bones sta	defense we h affing, the city	ave against fire a will be unable to	nd earthquake mediate the fire
I am opposed San Bernardino. Plea				ent into the City of d.
		Sincer	ely,	
		(sign	Matter nature)	
			early M. f.	
		37	66 Belma	nt au
		San	Bernardir	10 Co 92407

Mail to:

LAFCO Commissioners 1170 W. Third St., Unit 150 San Bernardino, CA 92415-0490

RECEIVED

(Date)

Dear LAFCO Commissioners:

I live at 3766 Belmout Que (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(name and address)

Mail to:

LAFCO Commissioners 1170 W. Third St., Unit 150 San Bernardino, CA 92415-0490

RECEIVED

2819 SEP 24 AM 8: 58

LOCAL AGENCY FORMATION COMMISSION 1)9, <u>30/9</u> (Date)

Dear LAFCO Commissioners:

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

Mail to:

LAFCO Commissioners 1170 W. Third St., Unit 150 San Bernardino, CA 92415-0490



(Date)

Dear LAFCO Commissioners:

aucy Jacobs-Seeger

Parcel #APN 034811148 in the County of San Bernardino.

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

2111 W. Meyers Brad San Bernardino CA 92407



Dear LAFCO Commissioners:

My nam	e is Ro	bei	+ Se	286	·			
I live at_	2111	W. V	neyers	Rd.	San	hernald	ma Co	91407
	-		/					/ -/ /

Parcel #APN 034811148 in the County of San Bernardino.

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

(name & address)

Robert Seeger
2111 W. Mayers Rd SB 92407



9/3/19	
(Date)	

Dear LAFCO	Commissioners:
------------	----------------

My name is Brody Evans	·
Ilive at 1950 W Meyers Rd.	Sb, CA, 92407
Parcel # <u>APN: 0348 11136</u> Bernardino.	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

We want (signature)

Brody Evans

(name & address)

1950 W Meyers Rd

SB, CA 92407



09	03	/2019	
	(Dat	e)	

Dear LAFCO Commissioners:

My name is <u>Comann Evar</u>) (
I live at 1950 W. MEYERS	RD, SN	BDNO,	CA	92407
Parcel # <u>APN: 0348///36</u> Bernardino.		in the C	ounty (of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

(signature)

(signature)

(name & address)

1950 W MEYERS RD.

SN RDN8 CM 92907

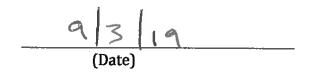


9/3/19	
(Date)	

Dear LAFCO Commissioners:

My name is Stacey Evans	
I live at 1950 W. Meyers R	d., San Bernardino, CA 92407
Parcel #_: APN: 034811136	in the County of San Bernardino.
I am opposed to the Spring Trails Specific county pocket that would exist if this annuannexed into the City of San Bernardino. services and at risk in this High Fire/High faults.	exation is approved <u>. I do not want to be</u> This annexation would leave me without
	Sincerely,
	Stacy Evans (signature)
	Stacey Evans (name & address)
	1950 W. Meyers Rd.
	San Bernardino, CA 92407





Dear LAFCO Commissioners:

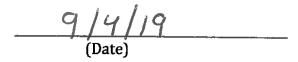
My name is	60	ren	L.	\in	~~~	
I live at 1º	150	w ì	Ma	12/S	RJ	
Parcel #_: <u>AF</u>	N: 034811	136			n the County o	f San Bernardino

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(name & address)





Dear LAFCO Commissioners:

My name is Bentiz Guerrero	
Ilive at 2109 west Meyers	Qd
Parcel # APN: 034811147 Bernardino.	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

2109 W. HEYERS

SAN BERNARDAD CA 92405



9	1-4-19	
	(Date)	

Dear LAFCO Commissioners:

My name is Etizabeth Grence		
Ilive at 2109 W. Meyers Rd	SB	92407
Parcel # <u>APN: 034811/47</u> Bernardino.	in th	e County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

(signature)

Elizabeth Genero
(name & address)

2109 w. Meyers Rd

Son Benardino, A 92407



Dear LAFCO Commissioners:

My name is Roque Guerrero	
Ilive at 209 west Meyers Rd	
Parcel # <u>APN 2 0 3 4 8 1 1 1 4 7</u> Bernardino.	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A . My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

2109 W. Meyers Rd Son Bernarding CA 92407



02/04/	[19
(Dat	ie)

Dear L	AFCO	Commissioners:
--------	-------------	----------------

My name is Ed; th Torga	·
Ilive at 2109 W. Meyers Rd.	
Parcel # APN: 034811147 Bernarding	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,
Edith Torga (signature)
2109 W. Meyers Rd (name & address)
San Bernardino, 69. 92407
Edith Torga



09/4//9 (Date)

Dear LAFCO Commissioners:

bear in co commissioners.	
My name is Luis Torga	
Ilive at 2109 W Meyers	did
Parcel # <u>APN : 03481114</u> Bernardino.	in the County of San
county pocket that would exist if this ann	This annexation would leave me without
	Sincerely,
	Juis Toga (signature)
	Luis Torga
	(name & address)
	2109 W. Meyers Rol
	S.B. CA 92407



 09-9-19	
(Date)	

Dear LAFCO Commissioners:

My name is Jonathan Guerrevo.
I live at 2109 w meyers Ad
Parcel # APN: 034811147 in the County of San Bernardino.
am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

Jonathan Cruzricro

(name & address)

2109 W. rayers Rd

S.B. (A 92407



 9-8-2019	
(Date)	

Dear LAFCO Commissioners:

My name	e is F_{F}	eder	iel w	Marti	HEZ-
I live at _	2117	W	MEYERS	70	
Parcel #_ Bernardi	034	8111	149		in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO~3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

Fred W. Martinez
(name & address)

2117 W Mayers RP

DEVORE Heights / CA
92407-1706





Dear LAFCO Commissioners:

My name is Rebert Erown	·
live at 19750 W. Weyers Rd	
Parcel # APN : 0398 111001	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

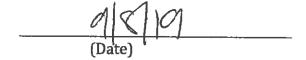
(signature)

(name & address)

19750 W. Where Rd

In Bernardinu CA 92407

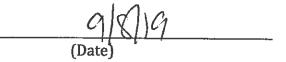




Dear LAFCO Commissioners:

My name is Donna E May	
I live at 19750 W. Meyers	s K d
Parcel #_: <u>APN: 034811109</u>	in the County of San Bernardino.
I am opposed to the Spring Trails Specific county pocket that would exist if this ann annexed into the City of San Bernardino. services and at risk in this High Fire/High faults.	exation is approved. I do not want to be This annexation would leave me without
	Sincerely,
	(signature)
	(name & address) 19750 W. Weyers Rd
	Sn Bernarding CAGIZGOT





Dear LAFCO Commissioners:

My name is Ran Welton	•
Ilive at 10760 W. Weyers Rd	
Parcel #_: <u>APN: 034811109</u>	_in the County of San Bernardino

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

(name & address)

On Bernardinu, CACI2407



Dear LAFCO Commissioners:

My name is Kristie Gagne	
I live at 10750 W. Meyers Rd	
Parcel #_: APN: 034811109	_in the County of San Bernarding

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A . My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

8n Bernardino, CA 92407



(Date)

Dear LAFCO Commissioners:

My name is Brittary Cagne	**************************************
I live at 19760 W. MEYERS Rd	
Parcel #_: APN: 034811109	_in the County of San Bernardino.

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

(name & address)

19750 W Meyers Rd

Sn. Bernardino (A 924)



9-9-19 (Date)

Dear LAFCO Commissioners:

My name is Tim May	•
Ilive at 19750 MEMER'S	Re
Parcel #_: <u>APN: 034811109</u>	in the County of San Bernardino

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

(name & address)

19750 MEYERS Rd

San Bernardino 92407



0 8 19 (Date)

Dear LAFCO Commissioners:

My name is WARIA PORIGEZ	
I live at 19750 W Meyers	
Parcel # APV: 039811109	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,



(Date)

Dear LAFCO Commissioners:

My name is MROW LEVY	·············•
I live at 19750 W- Mayers Rd	
Parcel # APMS OBAS 11 1001 Bernardino.	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,

(signature)

(name & address)

19950W LAYERS Rd

Sn Bernarding CA92407



(Date)

Dear LAFCO Commissioners:

My name is Kaylee Prodes	<u>.</u>
I live at 19750 W. MEYERS Pa	, , , , , , , , , , , , , , , , , , ,
Parcel # <u>ADV': 03481169</u> Bernardino.	in the County of San

I am opposed to the Spring Trails Specific Plan #LAFCO 3188A. My home is in the county pocket that would exist if this annexation is approved. I do not want to be annexed into the City of San Bernardino. This annexation would leave me without services and at risk in this High Fire/High Wind Zone fraught with earthquake faults.

Sincerely,



San Bernardino County

Dear LAFCO Commissioners:

9/8/19

I live at 3777 West Meyers Road adjacent to the Spring Trails Specific Plan #LAFCO3188A Annexation.

I am writing to express my opposition to this plan. Very high winds and fire danger that lasts for months every year, is a concern that higher population could limit access (to and from) this area during an emergency. Having experienced fire evacuations and damage three times I have seen how bad it is.

Another reason, Police and Fire are slow responding to calls. School traffic...cars double-park or slowly make u-turns on Little League Drive. (Thru traffic has to sit thru.) Seems to be 'non-compliance' with common sense driving rules.

Marti A Slegme

Sincerely,

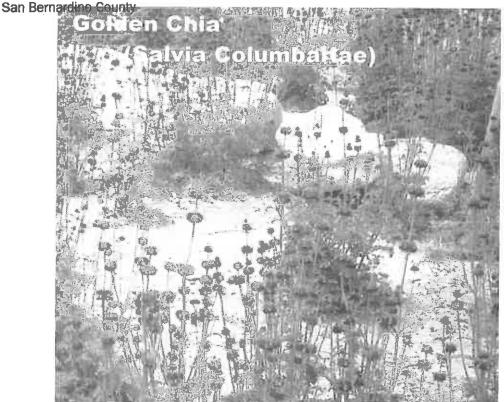
Martin Heyman

3777 West Meyers Road

San Bernardino, Calif. 92407-1721



LAFCO



Dear LAFCO Commissioners:

9/8/2019

I live at 3777 W. Meyers road adjacent to the Spring Trails Specific Plan #LAFCO3188A Annexation.

I am writing this to express my opposition to this project. Various reasons include the high wind/ fire danger, earthquake fault lines, poor road access especially in case of an emergency event, and electrical problems when windy. The Kangaroo rat (timid, mouse like creature, actually), may be an endangered species.

The 'Golden Chia' plant (Salvia columbariae, pictured) has a limited growing range. It grows here. Higher population may lead to increased dirt bike use, increased risk of fires and habitat destruction.

Sincerely,

Gwen Heyman, 3777 W, Meyers road, San Bernardino, Calif. 92407



Dear LAFCO Commissioners:

I live at 746 5 Martin Rank Gaddress) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

7465 Martin Ranch Rd San Bernadein, Calig. 92407

Mail to:



 $\frac{9-8-19}{\text{(Date)}}$

Dear LAFCO Commissioners:

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature

(name and address)

Mail to:



Dear LAFCO Commissioners:

I live at 7063 NEYELS CT. SB, CA (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

Mail to:

LAFCO Commissioners 1170 W. Third St., Unit 150 San Bernardino, CA 92415-0490

-131



09 0 4 19 (Date)

Dear LAFCO Commissioners:

I live at <u>TOO3 MEYERS CT SB,CA</u> (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

MILE NEYER

3 B. 14. 92407

Mail to:



9/5	119	
(Date)		

Dear LAFCO Commissioners:

I live at 3704 W. WEYERS PD. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

MICHAEL T. FINNIMAN (name and address)

3704 W. MEYERS RO.

SAN BERNARDING, CB. 92467

Mail to:

LAFCO Commissioners 1170 W. Third St., Unit 150 San Bernardino, CA 92415-0490

43



9	5	119	
	(E	ate)	

Dear LAFCO Commissioners:

I live at 3704 W. MEYERS Rp. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

TAMMY S. FINNIUMN

(name and address)

3704 W. MEYERS

,

SAN BERNARDING, CA- 92407

Mail to:



San Bernardino County

Dear LAFCO Commissioners:

I live at 7005 MEYERS CT (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

TERLY VAN CUPLED

(name and address)

7005 MEYELS CT SANBERNARDINO CA 92407

Mail to:



9/5/2019 (Date)

Dear LAFCO Commissioners:

I live at <u>1005 Meyers 5.B.</u> (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

Mail to:



9-5-2019 (Date)

Dear LAFCO Commissioners:

I live at 7005 Meyers ct (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

Gloria Van Curler

(name and address)

7005 Meyers ct.

5, B. 92407

Mail to:



Dear LAFCO Commissioners:

I live at 3721 W MEYERS Rd. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely, CRUZ Ruis

(signature)

CRUZ RUIZ (name and address)

SAN BERNARTIND, CA.

Mail to:



9/5/26/9 (Date)

Dear LAFCO Commissioners:

l live at Kathy Pinedo Roiz (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

3721 Meyers Rd

Sen Bernardino Ca 92407

909 730-6322

Kathyp1185@yahoo Com

Mail to:



9-5-	2019
(Date)	

Dear LAFCO Commissioners:

I live at 4045 W. Weyers Kd (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Mail to:



9/6/19		
	(Date)	

Dear LAFCO Commissioners:

live at 1661 Martin Ranch Rd., San Bernardino (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

Patricia Kirtley

(name and address)

1661 Martin Ranch Rd.

San Bernardino, CA 92407

Mail to:



Sept. 4.2019
(Date)

Dear LAFCO Commissioners:

I live at 1 (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature

(name and address)

Mail to:



<u>Seft h</u>, 1019
(Date)

Dear LAFCO Commissioners:

I live at (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

Mail to:



9-8-	2019
(Date)	· · · · · · · · · · · · · · · · · · ·

Dear LAFCO Commissioners:

I live at 3793 w. MEYERS 75. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

3793 W. MAYERS 20.

SAN BETCHOODING, CA 92407

Mail to:



Dear LAFCO Commissioners:

I live at 3793 W. Meyeks Raddress) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

3793 W. Meyeks ROAD SAN BERNARDINO, CAL 92407

Mail to:



9/9/2019 (Date)

Dear LAFCO Commissioners:

I live at 1660 Cable Lane and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

Code compliance is the only defense we have against fire and earthquake hazards. Already at bare bones staffing, the city will be unable to mediate the fire and safety issues in this area.

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Sincerely,

(signature)

(name and address)

1660 Cable Lane San Bernardino, CA 92407

Mail to:



9|9|2019 (Date)

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Sincerely,

(signature)

(name and address)

1660 Cable Lane San Bernardino, CA 92407

Mail to:

August 29, 2019

To Whom It May Concern:

From: Juanita Rasmussen 1603 Martin Ranch Road San Bernardino, CA 92407-1740 DEGEOVED SEP 1 2 2019

LAFCOSan Bernardino County

To: Laftco Commissioners

Building new Homes in the area Called the SPRING TRAILS PLAN

Building new home in the Spring Trails area is not all bad as long as they consider the size of the lots and take in the Danger that will surely follow due to the area fire danger and Santa Ana Winds, here is a list of the thing that we would fight to bring into the project:

- 1. Size of the lots have to be in the larger size of at least $\frac{1}{2}$ acre.
- 2. Wind do go over 100 miles per hour in the foothill canyons the new houses will have to be build so they can withstand the winds.
- 3. Road access during any problem would be problematic as only as one way in and one way out currently, even with an additional way out it would be dangerous to the people during earthquake or fire.
- 4. We sit on the San Andréa's Earthquake fault, water comes up the fault during wet years so this is very worrisome on the dive to my home currently. The area is usually wet at the fault line and the trees and grass grows year round.
- 5. Ground water in our area is pure and clean, no chlorine, and its coming out that Chlorine is not as safe as once though on our body's and our children. I want the water in our well to be kept and I want it to be safe!!!!!!!!!!
- 6. How will resale of the homes in the future be once the homes realize the dangers of the area.
- 7. How will the city fix the roads when they cant even fix the ones they have now, they are Third world now what will they become.

Juanita Rasmusssen	August 29, 2019	
Juste Poro		

August 29, 2019

To Whom It May Concern:

From: Kenneth Rasmussen 1603 Martin Ranch Road San Bernardino, CA 92407-1740 DEGEOVED SEP 1 2 2019

LAFCOSan Bernardino County

To: Laftco Commissioners

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- 1. Size of the lots have to be in the larger size of at least ½ acre.
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- 3. Road access during any problem would be problematic as only as one way in and one way out currently, even with an additional way out it would be dangerous to the people during earthquake or fire.
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- 7. How will the city fix the roads when they cant even fix the ones they have now, they are Third world now what will they become.

Kenneth Rasmusssen	_August 29, 2019
fen Panussen	



Dear LAFCO Commissioners:

I live at 4/65 w. Mayor Rd (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

Mail to:



9-8-19	
(Date)	

Dear LAFCO Commissioners:

I live at 4165 W Meyers 1d. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

MaryRose Bell

haller I. M

San Bernardino, CA 92407

Mail to:



9-7-19	
(Date)	

Dear LAFCO Commissioners:

I live at 4\65 W. Meyers Id. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

City of San Bernardino services have been severely cut with the bankruptcy and we struggle with slow emergency response times, no code inspections or enforcement, little or no road repair or maintenance and non-response to calls for services.

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Sincerely,

(signature)

(name and address)

(name and address)

Sun Bernarding CA, 92407

Mail to:



9-7-19 (Date)

LAFCO

San Bernardino County

Dear LAFCO Commissioners:

I live at 4/65 W. Mayers rd. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

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I am opposed to the annexation of this proposed development into the City of San Bernardino. Please do not allow this annexation to go forward.

Sincerely,

(signature)

(name and address)

4165 W. Meyers rd.

San Bernarding, CA 92407

Mail to:



 $\frac{9-7-19}{\text{(Date)}}$

Dear LAFCO Commissioners:

I live at 4165 W. Meyers 12. (address) and am adjacent to the Spring Trails Specific Plan #LAFCO 3188A Annexation.

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Sincerely,

(signature)

(name and address)

Mail to:

3793 W. Meyers Road San Bernardino, CA 92407 September 12, 2019

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

RE: Spring Trails Specific Plan #LAFCO 3188A

DECEIVED SEP 122019

LAFCOSan Bernardino County

Dear Commissioners:

This annexation should not be approved. I am told that your commission evaluates whether a city can provide adequate or better services to a county parcel, thus making the annexation a positive for the residents. In this case it would actually provide the opposite scenario. Residents now in the nearby county parcels would lose services.

As you are aware, San Bernardino has recently exited bankruptcy. As of July 1, 2019, the city was already 11 million dollars short on this year's budget, necessitating an 8% cut across the board for all departments. Code officers, once numbering 30 are now staffed at 5 officers for the entire city. There is a backlog of over 4000 code complaints. In 2012 we had 272 sworn police officers. In the past seven years we have fallen as low as 212 with 235 being the average. The average response time for a residential burglary is between 2 to 6 hours. Weed abatement is not being carried out and even the high-risk areas (nearby schools) have brush over two feet tall. Road repair and maintenance is parsed out piecemeal throughout the city with some hazards waiting up to seven years to be addressed.

Now if this tract were in a zone that was not in harm's way, i.e. not in the State Identified High Wind/High Fire Zone, and if the access roads were not on the San Andreas Fault, it might be a possibility, if the city could service the area. However, it is not. By approving this annexation, you, the commissioners are putting your endorsement on a development that will not be adequately serviced and a development that will put the lives of the residents at risk.

Fire mitigation plans for the tract are all based on "fuel modification zones" planted with native (highly flammable) plants and only after "phase two" of the project. Code officers will not be able to patrol or cite as there is only one code officer per 40,000 residents. If you drive the area surrounding the project today you would see lots and lots of dead vegetation that has not been cited or abated. In fact, the Spring Trails Parcel needs to be mowed at this time.

For the past sixteen years, the Spring Trails Parcel has had to be cited by the county for abatement. I know I have called in the complaints. It burned in 03' along with 13 homes in the surrounding area and again in 07'. The developer has shown through lack of concern for safety, that they are only interested in profit and not the safety of the community. They failed to notify the city of the change in scope of the project for the August 21, 2019 Hearing. One can only wonder what other issues they will "forget" to alert the county or the city about in upcoming sessions.

I ask you at this time to turn down the request for annexation into the City of San Bernardino. The city is unable to service the area and the annexation will put current residents and future residents at risk.

Sincerely,

Lynette McLean Kaplan

(former 5th Ward Fire Comm.)

3793 W. Meyers Road

San Bernardino, CA 92407

(909) 880 8765

mcleankaplan@earthlink.net



San Bernardino County

RECEIVED

LAFCO COMMISSIONERS

1170 WEST 3RD ST. UNIT #150

2019 SEP -9 AM 10: 20

SAN BERNARDINO, CA. 92415-0490

SEPTEMBER 5, 2019 OCAL AGENCY FORMATION COMMISSION

RE: LAFCO 3188A "SPRING TRAILS ANNEXATON"

TO THE HONORABLE COMMISSIONERS AND CHAIR.

FIRST OF ALL, ANY PROJECT (SPRING TRAILS OR OTHERWISE) SET ASIDE, THIS ANNEXATION WOULD CREATE THE ONE THING YOU WANT TO IRRADICATE, AND THAT IS AN ISLAND IN THE COUNTY, BY THE COUNTY REDUCING THE SIZE OF THE COUNTY ISLAND, IN THE CITY.

THIS NEW CITY ISLAND IN THE COUNTY, CANNOT AND WILL NOT BE SERVICED ADEQUATELY BY THE CITY'S SERVICES AND THE CITY CANNOT SUPPORT ANY FINANCIAL IMPROVEMENTS OR MAINTENANCE TO THIS ISLAND ADEQUATELY FOR YEARS TO COME IF AT ALL AND IS SHORT STAFFED NOW TO EVEN ADDRESS ANY CODE, LAW ENFORCEMENT ISSUES, OR MANAGEMENT ISSUES OF THE AREA IN QUESTION.

ULTIMATELY, LAFCO IS BEING USED TO LEGITIMIZE A POORLY TIMED AND UNSUPPORTABLE ISLAND PROJECT BY CURRENT CITY INFRASTRUCTURE AND NO PLANS OR ABILITY OF THE CITY TO UPGRADE BEFORE OR AFTERWARDS FINANCIALLY.

POINTS OF ORDER:

- 1-NOTE THAT THIS PROJECT HAS BEEN REJECTED BY EVERY ENTITY SINCE
 1996 AS IT HAS BEEN PRESENTED TO THE ENTITIES, INCLUDING: FORESTRY;
 SAN BERNARDINO COUNTY; THE COMMUNITY OF DEVORE; THE SAN
 BERNARDINO CITY COUNCIL; SAN BERNARDINO CITY PLANNING
 DEPARTMENT; AND SAN BERNARDINO PLANNING COMMISSION:
- 2- LAFCO MUST REVIEW THE CORP OF ENGINEERS REPORT IF ANY, ON THE BLUE LINE STREAMS THEY WILL ROUTE THEIR EXCESS RUN OFF INTO FOR ADEQUATE VOLUME CONTAINMENT AND CONTAMINATION OF THOSE STREAMS.
- 3- GENERAL RESIDENTS OF THE AREA COMPLAIN THIS PROJECT AND THE ANNEXATION DISCUSSED HERE-IN, HAS FAILED TO SHOW GOOD FAITH MITIGATION OF MANY ENVIRONMENTAL IMPACTS TO VERDEMONT (ie TRAFFIC STUDIES DONE AROUND SCHOOLS AT 10 AM AND 4:30 PM) AND RUSH HOUR TRAFFIC STUDIES INCLUDED WEEKENDS, AND THOSE WERE DONE BACK IN EARLY 2000 s; HYDROLOGY DRAINAGE AND EARLY CONSTRUCTION IMPACTS ON CURRENTLY, BROKEN UP AND SIMPLY POOR CONDITION OF SURFACE ROUTES UP TO AND FROM THE NEAR-BY GENERAL AREA OF THE PROJECT, UNTIL REAL DEDICATED ROADS CAN BE DESIGNED AND BUILT INTO AND FROM THE PROJECT AREA (NON-EXISTANT NOW).

- 4- ENGINEERS FROM SAN BERNARDINO CITY HALL, LONG AGO, NOTED THE EIRS WERE INCOMPLETE; ESPECIALLY FOR HYDROLOGY AND DRAINAGE.
- 5-THIS PROJECT HAS YET TO SHOW PUBLICLY HOW MUCH HYDROLOGY RUN OFF THEY WILL BE ABLE TO RETAIN IN THEIR BASINS (SIZES YET UNKNOWN TO THIS DATE) AND HOW MUCH WILL BE ROUTED TO MEYERS CREEK, THAT OVER FLOWED IN OUR LAST RAIN A FEW MONTHS AGO, IN 2019, FROM THE CURRENT NORMAL PERVIOUS GROUND ABSORBING SOILS OR THE VULNERABLE CABLE CREEK SURFACE AND UNDERGROUND FLOW...
- 6-THE NEW NON ABSORBING "IMPERVIOUS SOILS TERRAIN" THIS PROJECT WILL BRING UP IN SIDEWALKS, STREETS, ROOFS AND DRIVEWAYS WILL REMOVE APPROXIMATELY 120-180 ACRES OF PERVIOUS ABSORBING SOIL, TO BE REPLACED BY CEMENT OR BLACK TOP. THIS AREA CAN RECEIVE UP TO 4 INCHES IN AN HOUR FROM SUMMER MONSOONS, THAT ALREADY CAUSE FLOODING IN NATURAL SOILS FLOWING TO THE LIMITED SMALL RIPARIAN CREEKS IN THE AREA
- 7-THERE IS NO WAY THE CITY CAN MITIGATE THE FLOODING IN MEYERS CREEK THAT WILL OCCUR BASED ON LACK OF STUDIES TO PROVE HISTORY WRONG WITH OUT FULL UPGRADES IN HYDROLOGY DRAINAGE IMPROVEMENTS TO THE CHANNELS AND LEVEES TO HANDLE THIS ANNEXATION PROJECT'S DRAINAGE / RUN OFF, AND THE CITY HAS NO MONIES OR PLANS TO DO SO.
- 8- THIS PROJECT ALSO WANTS TO DEFY THE "RE-1 ESTATE" ZONE BUILDING REQUIREMENTS OF THE "VERDEMONT AREA PLAN 1986, CREATED BY THE CITY OF SANBERNADINO", WHERE 1 ACRE OR LARGER ARE MINIMUMS, AND THUS THIS PROJECT WILL REDUCE TO 1/4 ACRE LOTS, CREATING HIGH DENSITY DEVELOPMENT IN THE HIGH SLOPES OF THE FOOTHILLS IN CONCENTRATED AREAS.
- 9- THERE ARE SOME PROTECTED SPECIE ISSUES NOT TOTALLY MITIGATED AS WELL, BUT THAT IS AN AREA I AM NOT FULLY EDUCATED IN.
 THIS AREA TO BE CONSIDERED FOR ANNEXATION, IS IN FACT ON THE WILD LANDS BORDER, ADJOINING THE NATIONAL FOREST AND WILL REMOVE 350 ACRES FROM WILD LIFE NESTING.
- 10- THIS PROJECT WILL NEGATIVELY IMPACT SEVERAL SPRINGS AND RESIDENTIAL WELLS IN THE AREA FOR CURRENT LONG ESTABLISHED RESIDENTS.
- 11- THE CITY HAS NO HEAVY EQUIPMENT AVAILABLE, OR, IN THEIR INVENTORY, TO MITIGATE THE NEED TO REMOVE BY CITY SERVICES, THE MUD FLOWS ON SURFACE ROADS AND STREAMS, AND THERE IS NO PUBLIC ROADS TO THIS SITE PERIMETER FROM MEYERS ROAD OR VERDEMONT AVE. THERE IS CURRENTLY, ONLY A VERY NARROW COMPROMISED EASEMENT FOR THE CURRENT RESIDENTS ACCESSING THE RURAL MARTIN RANCH ROAD (PRIVATE).

- 12- THERE IS ALSO TWO GRAVESITES ON THIS PROJECT, RELATED TO THE HISTORIC MEYER FAMILY OF THE 1880S, THAT THE DEVELOPER ADMITS TO BEING THERE AND MUST BE DEALT WITH LEGALLY AND LAFCO MUST NOT IGNORE THAT ISSUE.
- 13- THERE IS A GREAT AMOUNT OF HISTORY AND HISTORICAL REMNANTS;
 TO, FOR AND ABOUT THE CITY OF SAN BERNARDINO IN THIS PROJECT, WELL
 DOCUMENTED BY AUTHOR NICK CATALDO, AND SHOULD BE ADDRESSED BY
 THE PROJECT DEVELOPER. CURRENTLY, IT IS NOT MITIGATED
 THOUROUGHLY FOR THE COUNTY, OR CITY OR THE NATIVE AND NONNATIVE ANCESTORY FAMILIES OF THE AREA.
- 14- THIS AREA CONSIDERED FOR ANNEXATION AND THE NOTED PROJECT IS TO BE BUILT OVER AN OLD MILITARY LONG RANGE SHOOTING AREA USED BY THE CAMP ONO AND LOCAL ARMY AND ARMY AIR CORPS POSTS. IT WAS NOTED BY LONG TERM RESIDENTS UP THERE TO STATE PUBLICLY, THEY HAVE FOUND LIVE AMMO LEFT BEHIND ON THE OLD RANGE. CONTAMINANTS MAY RESIDE IN THE SOILS FROM EXPLOSIVES TO LEAD AND OTHER UNKNOWN MILITARY WAR TIME CHEMICALS FOR TRAINIING, AND TESTING. WHAT EVER COMMUNITY TAKES CHARGE OF THIS AREA, WILL BE ASSESSED BY SEVERAL ENVIRONMENTAL AGENCIES TO CLEAN IT UP AND THE CITY OF SAN BERNARDINO CAN LEAST AFFORD THIS ISSUE AND LONG TERM DELAYS AND PROCESSIS.
- 15- <u>Disturbing the historical soils and adding to the run off into streams below, send those contaminants to the communities below and ultimately to the ocean.</u>

In conclusion, this annexation issue is purely political, in that "if (you) the owner can get it annexed into the city, (our) arrangement and agreement to push it thru city council, (I-WE) will make it happen at the dais."

LAFCO IS THE PAWN AND THE RESIDENTS OF VERDEMONT AND THE CITY, ARE THE VICTIMS.

THANK YOU, for your reconsidering and denying this annexation for it's lack of support, timing, and extreme financial impacts on the city of San Bernardino and the gross physical impacts on the residents of Verdemont and very questionable origins.

Sincerely

Hank Mitchell

3766 Belmont ave

San Bernardino, Calif. 92407

Resident of San Bernardino Valley since 1945.

Cc file

Sent email (lafco@lafco.gov)

Sent USPS (above stated address)





San Bernardino

2019 AUG 30 AM 10: 58

Council Office | Henry Nickel, Council Member, Fifth Ward LOCAL AGENCY FORMATION COMMISSION

August 21, 2019

Local Agency Formation Commission 1170 W. Third Street, Unit 150 San Bernardino, CA 92415-0490

Re: Public Hearing - August 21, 2019 Reorganization Spring Trails Specific Plan

Dear Commissioners:

As the City of San Bernardino Council representative of the Fifth Ward immediately adjacent to the area subject to the public hearing scheduled for August 21, 2019, this letter shall inform the official record of opposition and concerns regarding the reorganization to include annexation to the City of San Bernardino and to SBCFPD Zone FP-5 San Bernardino and Detachment from County Service Area 70 (Spring Trails Specific Plan):

- 1. The City of San Bernardino recently exited bankruptcy and has severely cut services;
- 2. The City of San Bernardino confronted an eleven million dollar shortfall in last year's budget, which includes an eight percent cut in all city departments;
- 3. The City of San Bernardino anticipates continued revenue shortfalls in upcoming years;
- 4. The City of San Bernardino currently has a significant code enforcement backlog and a greatly reduced force of code enforcement officers; and
- 5. The City of San Bernardino is currently experiencing significantly delayed response times due to limited revenues and resources.

Given that the City of San Bernardino lacks the financial capacity to provide additional emergency and law enforcement services within this area, approval may result in a detrimental impact upon the safety of the community's residents.

Your consideration regarding the above issues is greatly appreciated.

Very Kind Regards

Henry Nickel

Council Member, San Bernardino Flfth Ward

HN:vm

RECEIVED

2019 AUG 29 PM 12: 54

LOCAL AGENCY FORMATION COMMISSION

LAFCO, Commissioners 1170 West 3rd Street, Unit 150 San Bernardino, CA 92415-0490 3793 W. Meyers Road San Bernardino, CA 92407 August 29, 2019

RE: Public Hearing-October 16, 2019 Reorganization Spring Trails Specific Plan

Dear Commissioners:

The residents of existing County parcels surrounding Springs Trails Specific Plan are opposed to the annexation along with the residents on West Meyers Road.

Below are the areas of concern:

- -High Wind/Wild Fire Zone (13 homes in 03' destroyed by fire)
- -Earthquake Faults under Access Roads
 (will trap families above the fault with no evacuation routes)
- -Lack of services by a city coming out of bankruptcy (11 mill. Short on this year's budget). Emergency cuts of 8% all departments.
- -Understaffed Police & Code Enforcement
- -High Density Housing on small lots in Residential Estate Zoning

The above services and mitigations require funding that the City of San Bernardino doesn't have.

West Meyers Road is now maintained by the County Road Dept. If annexation is certified, West Meyers Road will lose County Services along existing county parcels and the city doesn't have the funds or capability to remove mud & debris or fill erosions along the pavement.

Henry Nickels our 5th Ward Councilman has written a letter to LAFCO Commissioners. The letter is attached along with pictures of SB County Road Dept. doing cleanup after a storm. Please read Nickels' letter; it describes most of the concerns that the residents have.

Please oppose this annexation. **Public Safety is a Service**. The City of San Bernardino does not have the money or staff to service this parcel. They are even unable to service the "city" parcels in this area at this time.

Sincerely,

Richard Kaplan

(Retired SB County Public Works Sr. Project Inspector)

909 880-8765

65corvette@earthlink.net

Enclosures:

Photos of storm runoff, mud-flow, and "County" servicing West Meyers Road.

August 21, 2019

Local Agency Formation Commission 1170 W. Third Street, Unit 150 San Bernardino, CA 92415-0490

Re: Public Hearing -- August 21, 2019 Reorganization Spring Trails Specific Plan

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Your consideration regarding the above issues is greatly appreciated.

Very Kind Regards,

Henry Nickel

Council Member, San Bernardino Fifth Ward

HN:vm



STORM RUN OFF B DARCH.



COUNTY LO CREW & PARCEL

RECEIVED

2019 AUG 29 PM 1: 02

LOCAL AGENCY FORMATION COMMISSION





RECEIVED

2019 AUG 29 PM 1:02

LOCAL AGENCY FORMATION COMMISSION





RECEIVED

2019 AUG 29 PM 1: 02

LOCAL AGENCY FORMATION COMMISSION





Dear J. S. C.G. - Guz 10 I was looking the ony and sold a article franchist is working on well I wanted to Jan son y Hours and lady to bely that will and son and que lope in Ito supplicating in sight and made Last choices of by setting mouthed in where specifically found to position and gratiful for stable I lived in down Town D. Refer a Wille ways levenly the te be extende, I'll if you are workdaring what he down with you is the somet to it, Est st. J. Eath with, Fine Floods. To nator all of the the and had would be a cuse corporation pulling Dan Bending on agure in the distributions they so Discouche it would soit, Sat but to the Chy, can touch, the mall would be a living to etay moderal is where and help with clothes and

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Carr Carr

PAUG 22 AM 9:4:

Schell, Angela

From: Dre <theedre@yahoo.com>

Sent: Wednesday, August 21, 2019 5:52 PM 2019 AUG 22 AM 9: 40

To: Schell, Angela

Subject: Fwd: Spring Trails Annexation LOCAL AGENCY FORMATION COMMISSION

Best Regards, Andre'a Calderon (951)317-4864

Begin forwarded message:

From: Andrea Calderon < theedre@yahoo.com > Date: August 21, 2019 at 8:08:04 AM PDT

To: "lafco@lafco.sbcounty.gov" <lafco@lafco.sbcounty.gov>

Cc: "john@sbcity.org" <john@sbcity.org", "te@sbcity.org" <te@sbcity.org", "sa@sbcity.org"

<<u>sa@sbcity.org</u>>, "ju@sbcity.org" <<u>ju@sbcity.org</u>>, "fr@sbcity.org"

<<u>fr@sbcity.org</u>>, "nickelhe@sbcity.org" <<u>nickelhe@sbcity.org</u>>, "be@sbcity.org" <be@sbcity.org>, "ji@sbcity.org" <ji@sbcity.org>, "65corvette@earthlink.net"

<65corvette@earthlink.net>

Subject: Spring Trails Annexation

Reply-To: Andrea Calderon < theedre@yahoo.com >

Attention Commission,

I am a ten year home owner on 3739 W. Meyers Road. I purchased this home as it was on a remote street with very little traffic or congestion. It was brought to our community's attention that the City of San Bernardino has asked LAFCO to annex a county parcel development to be called Spring Trails Development into the city so that the development can be attained. We did not choose to move onto Meyers to later have developments crowd and congest our neighborhood. San Bernardino has very little beauty left to be seen at the foothills as we already have seen another tract home development go up north of Meyers Road. We contest this development and any other that would promote more traffic to this area. Anything north of Meyers Road should be left as is. This Residential Estate Zoning area has had enough development in the last 10 years not to mention is not zoned for smaller than 1 acre properties as this development will be.

I hope our voices are heard and taken into consideration as this is brought to this meeting today.

Best regards,

Andrea Calderon, Homeowner theedre@yahoo.com (951) 317-4864

Letter from Tom Dodson and Associates and Facts, Findings and Statement of Overriding Considerations, and Environmental Documents Related to the City of San Bernardino's approval of the Spring Trails Specific Plan

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406-2307

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405 Tel: (909) 882-3612 ★ Fax: (909) 882-7015 ★ Email: tda@tdaenv.com



July 31, 2019

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

Dear Sam:

LAFCO 3188A consists of a request by the City of San Bernardino (City) for a Reorganization to include Annexation to the City and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan). The proposed Reorganization area consists of approximately 350 acres located generally east of Devore and northeasterly o the I-215 Freeway. The property and current City of San Bernardino boundary is shown on the attached aerial photo of the project area. The Reorganization area is within the City of San Bernardino northern Sphere of Influence. If the Commission approves LAFCO 3188A, the project site can be developed under the Spring Trails Specific Plan which currently proposes 215 new residential lots.

The City of prepared an Environmental Impact Report (EIR, SCH No. 2009111086) and certified the Final EIR on February 19, 2013 for this project to comply with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. This document concluded that implementation of the proposed residential development in accordance with the adopted Specific Plan would result in significant adverse environmental impacts to the environment even after implementation of a number of mitigation measures that all fall within the City's jurisdiction. Because the EIR identified unavoidable significant adverse environmental impacts, the City adopted a Facts, Findings, and Statement of Overriding Considerations weighing the project benefits with the identified adverse environmental impacts. LAFCO was identified as one of the Responsible Agencies under CEQA for this proposed Reorganization.

As a CEQA Responsible Agency, LAFCO is required to rely upon the EIR certified by the City of San Bernardino in 2013. One of the requirements for utilizing a certified EIR by a Responsible Agency is to verify that the original document is still adequate for use when the agency considers the EIR for the action evaluated in the EIR. In this case the Reorganization is an essential step in the final approval process for implementing the residential development entitled by the Spring Trails Specific Plan. State CEQA Guidelines Section 15162 allows an original document to be used by a Responsible Agency under the following conditions:

Under Section 15162, a subsequent EIR or negative declaration is required only when:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

I have reviewed the original EIR to determine whether any substantial changes have occurred during the intervening six (6) years that would result in any new significant impacts or greater impacts than identified in this document. In fact, one major change in the project would substantially reduce all impacts of the proposed project. The original project would have resulted in 242 acres of development and 111 acres of open space. The total number of residential units approved by the City was 307. Due to additional geology and soil data obtained subsequent to the EIR's certification, the project design was revised. The current design will allow about 199 acres to be developed and an estimated 154 acres will be retained in open space and other non-residential uses. The total number of residential units now proposed is 215. This substantial reduction in the number of units, plus positive changes in air emission reductions and overall project footprint provide assurance that the project that would be allowed to proceed after annexation will have less overall impact than the originally approved project. Therefore, I recommend that the Commission rely upon the City's EIR as adequate for LAFCO's Responsible Agency CEQA environmental determination. Further, I am recommending that the Commission consider the certified EIR as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO 3188A.

Based on a review of LAFCO 3188A 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 City's EIR as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The Notice of Determination for the project was filed on February 19, 2013. Based on a field review of the site and review of the environmental issues in the City's document, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation or review. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO 3188A, acting as a CEQA Responsible Agency:

- 1. Indicate that the Commission staff and environmental consultant have independently reviewed the City's EIR and found them adequate for the City's proposed Reorganization.
- 2. The Commission needs to indicate that it has considered the EIR and environmental effects, as outlined in the EIR, prior to reaching a decision on the project and finds the information substantiating the EIR adequate for approval of the Reorganization.
- 3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were required for this project and they will remain the responsibility of the City to implement.
- 4. Adopt the Facts, Findings and Statement of Overriding Considerations.
- 5. File a Notice of Determination with the County Clerk of the Board as a CEQA Responsible Agency.

If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

Tom Dodson

TD/cmc

Facts and Findings and Statement of Overriding

Considerations

for the

Spring Trails Specific Plan

August 2019

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CANDIDATE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING ENVIRONMENTAL EFFECTS FROM APPROVAL OF LAFCO 3188A, REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF SAN BERNARDINO AND SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT ZONE FP-5 SAN BERNARDINO, AND DETACHMENT FROM COUNTY SERVICE AREA 70 (SPRING TRAILS SPECIFIC PLAN)

I. INTRODUCTION

The San Bernardino County Local Agency Formation Commission (LAFCO or Commission), in approving LAFCO 3188A for a Reorganization to include Annexation to the City of San Bernardino ("City") and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan), makes the findings described below and adopts the statement of overriding considerations presented at the end of these findings. The total area encompassed within the proposed Sphere expansion is estimated to be 350 acres.

The Commission makes the Findings described below in connection with the City's approval of the Spring Trails Specific Plan ("Project" or "Spring Trails"). The current Project proposes development of 215 single-family lots, in addition to a single existing residence, within a 350-acre site situated within an unincorporated area of the foothills of the San Bernardino Mountains.

The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). In considering LAFCO 3188A, the Commission will be acting as a CEQA Responsible Agency. Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the "EIR" unless otherwise specified. These Findings are based on the entire record before the Commission, including the EIR. The Commission adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the Commission.

I. PROJECT SUMMARY

A. <u>Site Location.</u>

The Project is located within unincorporated San Bernardino County on the northern edge of the City of San Bernardino and in the foothills of the San Bernardino Mountains. The site is approximately 1.5 miles east of the unincorporated community of Devore and the junction of Interstate 215 (I-215) and I-15. The Project is bounded by the San Bernardino National Forest on three sides, and the Verdemont community of unincorporated San Bernardino County on the southern side. The Project is approximately one-third mile northwest of the intersection of

Meyers Road and Little League Drive. Primary access is from a new roadway extending from Little League Drive, and secondary access will be provided by a new road extending south and connecting to the frontage road along I-215. Freeway access is from the Palm Avenue interchange and the Glen Helen Parkway/Devore Road interchange.

B. **Project Description.**

The Project site (349.36 acres, or approximately 350 acres) is within the City of San Bernardino's unincorporated sphere of influence ("SOI") and will be annexed into the City. LAFCO 3188A consists of a request by the City of San Bernardino (City) for a Reorganization to include Annexation to the City and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan). There has been one major change in the project that would substantially reduce all impacts of the proposed project relative to the forecast in the EIR. The original project would have resulted in 242 acres of development and 111 acres of open space. The total number of residential units approved by the City was 307. Due to additional geology and soil data obtained subsequent to the EIR's certification, the project design was revised. The current design will allow about 199 acres to be developed and an estimated 154 acres will be retained in open space and other non-residential uses. The total number of residential units now proposed is 215. This substantial reduction in the number of units, plus positive changes in air emission reductions and overall project footprint provide assurance that the project that would be allowed to proceed after Reorganization will have less overall impact than the originally approved project.

Under the current "Preferred Development Plan", the Spring Trails Specific Plan will accommodate 215 single-family detached units, set among neighborhoods separated by open space corridors, drainage ways, roadways, and sloped areas. A system of pathways will connect the residences with neighborhood parks and natural open spaces. Development will be focused onto approximately 199 acres, or about 56 percent of the total site, and will include 154 acres of open space, parks and internal slopes and fuel modification zones.

The Preferred Development Plan assumes that the Southern California Edison ("SCE") overhead electric lines that traverse the western portion of the Project site would remain aboveground. Underneath the central portion of the electric line easement, the land use is designated as Open Space-Controlled. The northern portion of the electric line easement is designated as residential; however, development is not permitted within the electric line easement.

The average lot size in Spring Trails is 29,000 square feet. The largest lots are on the northern portion and upper elevations of the site, and the largest lot measures 18.3 acres. The smallest lots are on the lower elevations and southern portion of the project, and the smallest lot measures 10,801 square feet. In many instances the legal lots extend beyond the buildable area and include graded slopes, fuel modification zones, steep slopes, and open spaces. Approximately 199 acres of the total site would be improved for the onsite development of residential lots, roadways, trails, detention basins, fuel modification zones, and parks. An additional 23.7 acres would be graded and improved for offsite access, including 4.2 acres for the primary access road and 19.5 acres for the secondary access road.

Alternative (Underground Electric Lines) Development Plan

In the event that it becomes feasible or necessary to do so, an "Alternative Development Plan" is proposed, which is identical to the Preferred Development Plan in every respect, except for the electric lines would be relocated underground. The Alternative Development Plan contains 215 single-family detached units.

Access Roads and Circulation

Primary access to Spring Trails would be provided by a new road extending from the southeastern corner of the site and connecting to Little League Drive. Secondary access is planned via a new road extending from the southwestern corner of the site to the frontage road along I-215. Except for emergency access, the intersection of the secondary access road with Meyers Road is designed with barriers to prevent vehicular access onto Meyers Road. Circulation within Spring Trails will be provided by a loop road and a series of cul-de-sacs. Necessary public streets, both on- and off-site, would be improved by the developer and dedicated to the City. All roadways would be two-way travel—one lane in each direction—with varying treatments for parkways, sidewalks, and parking. The roadway types are:

- **Primary Access Road (50 ft. Right-of-Way (ROW))** would provide the main access for residents and guests to enter and leave Spring Trails;
- Secondary Access Roadway (50 ft. ROW) is intended as an alternative street for local traffic to access arterial streets outside the project site. General public would not be able to access Meyers Road from the Secondary Access Road through the use of a barrier. Emergency vehicles would only be allowed to access Meyers Road from the Secondary Access Road.
- **Primary Local Street (50 ft. ROW)** would provide primary internal access within Spring Trails.
- Secondary Local Road (40 ft. ROW) would provide resident access in the northern portion of the project and include parallel parking on one side of the street.
- Cul-de-Sac I (46 ft. ROW) would connect to the local streets and provide access to homes on both sides of the street.
- Cul-de-Sac II (40 ft. ROW) would connect to the local streets and provide access to homes on only one side of the street.

Trails and Open Space

A total of 154 acres of the 350-acre site is planned as open space, including natural open space, controlled open space, and parks. Two neighborhood parks would be public, serve the dual function as detention basins, and include shade structures and tot lots. One private park is proposed to include a thematic garden, observation point, a tot lot, and other amenities such as an

outdoor fireplace, water feature, picnic benches, and gazebo. A private, enclosed dog park is also proposed. Under the Preferred Development Plan with overhead electric lines, 126 acres is planned as open space, with an additional 0.9 acres of open space to accommodate the SCE easement for the overhead electric lines. The land underneath the central portion of the SCE easement is designated as Open Space-Controlled. If permitted by SCE, a park and/or trail may be located under this portion of the electric lines as a permitted use; however, they are not assumed in the buildout of the Preferred Development Plan.

A diverse system of interconnected trails would include a community trail (8-foot-wide trail within street ROW) for pedestrian and bicycle use; equestrian/pedestrian trail (12-foot-wide trail surfaced with decomposed granite or similar surface and connecting with existing offsite trail); and 4-foot-wide hiking trails.

Storm Drainage

There are four major drainage areas within the Spring Trails Project site. Upon development, some natural drainage courses onsite would be maintained, and some on- and off-site flows would be captured and routed through a series of catch basin inlets and storm drain systems. Captured stormwater would be conveyed to three onsite detention basins where it would be treated and discharged at a controlled rate into Cable Canyon. The drainage plan has been designed to ensure conveyance of the 100-year storm. Best Management Practices ("BMPs") for water quality treatment would include the extended detention basins and media filtration devices. These improvements would be designed and constructed in accordance with the City of San Bernardino and the San Bernardino County Flood Control District standards.

Water Supply System

The City of San Bernardino Municipal Water Department would provide water service to Spring Trails, and currently provides service to pressure zones ranging from 1,249 feet to 2,100 feet. The nearest existing reservoir is the Meyers Canyon Reservoir, which is within the 2,100-foot pressure zone, but is not adequate for buildout of Spring Trails or Verdemont. Therefore, water would be supplied to Spring Trails from lower elevations by a combination of expanding and improving the offsite water system and the provision of onsite reservoirs and transmission lines. Offsite improvements would include the creation/improvement of a series of pump stations and transmission lines within the Verdemont community. In addition, three onsite reservoirs are proposed to meet the need for 2,300-, 2,500-, 2,700-, and 3,000-foot elevation pressure zones. Based upon the projected buildout of Spring Trails, total projected water demands are:

- Average Daily Demand 328 gallons per minute (gpm), reduced by about 30% due to current number of units
- Maximum Daily Demand 568 gpm, reduced by about 30% due to current number of units
- Maximum Peak Hour Demand 1,136 gpm, reduced by about 30% due to current number of units

The water facilities for Spring Trails have been sized to meet maximum demand in addition to fire flow requirements. Fire flow capacity is designed to provide 1,500 gpm for four hours. Pumping stations would be designed with 100 percent redundancy in the event that one or more of the pumping units fails, and would be equipped with onsite generators that can operate in a blackout or emergency condition. The pipelines that connect pump stations to the reservoirs would be a maximum of 20 inches in diameter. All looping lines would be 12 inches in diameter, and other distribution pipelines would be 8 inches in diameter.

Sewer Collection

The City of San Bernardino Municipal Water Department would provide wastewater service to the Spring Trails Project, which lies within its sanitary sewer service area. Spring Trails would connect to the City's existing 10-inch sewer line, which ends at Little League Drive and Meyers Road, then connects to the south to a major interceptor system, and is eventually treated in the San Bernardino Water Reclamation Plant. Existing capacity is available in the sewer system to serve the buildout population within the City. The sewer facilities would be designed and constructed in accordance with the City of San Bernardino Municipal Water Department standards and specifications and in accordance with the *Standard Specifications for Public Works Construction* (latest edition). The sewer mains would be located in public street rights-of-way where possible. If not, they would be constructed within dedicated public utility easements. The sewer system would be dedicated to and maintained by the City of San Bernardino Municipal Water Department.

Fuel Modification and Fire Protection

The entire Project site is within a Very High Hazard Severity Zone as designated by the California Department of Forestry and Fire Protection ("CAL FIRE"). Once annexed to the City of San Bernardino, the Project site would also be subject to the City's Development Code and established Foothill Fire Zones Overlay District (Development Code Chapter 19.15). The overlay district designates three zones within the wildland interface:

- Fire Zone A (Extreme hazard), characterized by slopes over 30 percent
- Fire Zone B (High Hazard), characterized by slopes 15–30 percent
- Fire Zone C (Moderate Hazard), characterized by slopes less than 15 percent

The Project site has approximately 121 acres in Fire Zone A, 112 acres in Fire Zone B, and 119 acres in Fire Zone C. The Overlay District specifies development standards relating to access and circulation, site and street identification, roadside vegetation, water supply, erosion control, construction and development design, and miscellaneous items. The entire Project site is already within the San Bernardino County Fire Protection District and its Valley Service Zone, which is the fire service provider for the City. Any remaining references to the City Fire Department in this document should instead reference the San Bernardino County Fire Protection District.

One of the components of the wildland fire defense systems for Spring Trails would be the implementation of fuel modification zones. The proposed plan includes the following defined fuel modification zones:

- Fuel Modification Zone A (flat) Noncombustible Construction: 20- to 35-foot setback zone for noncombustible construction only. Fuel Modification Zone A shall be maintained by the homeowner or the HOA. At no time would the Fuel Modification Zone A be less than 20 feet.
- Fuel Modification Zone B Wet Zone (100 percent removal of undesirable plant species): First 50 to 200 feet from Fuel Modification Zone A. Fuel Modification Zone B shall be permanently irrigated, fully landscaped with approved drought-tolerant, deep-rooted, moisture-retentive material as container shrub material, or hydroseeded per SBFD Approved Plant List. Fuel Modification Zone B area shall be maintained by the homeowner, HOA, or landscape maintenance district ("LMD") as appropriate.
- Fuel Modification Zone C Dry Zone (50 percent thinning of the acceptable existing plant material): 40 to 185 feet. Fuel Modification Zone C shall be a non-irrigated area. Removal of all flammable undesirable species. Specimen and trees shall be retained as directed by the owner's representative but must be thinned a minimum of 50 percent, including removal of all low hanging foliage within three times the height of the understory shrubs or 10 feet, whichever is greater, along with dead or broken branches. All accumulated plant debris on the ground shall be removed. Fuel Modification Zone C area shall be maintained by the LMD.

This Project does not contain any 30 percent thinning "D" fuel modification zones.

General Project Phasing and Schedule

It is anticipated in the DEIR that the Project will be phased, with complete buildout anticipated to occur within approximately three years of the start of construction. This phasing, however, is based on a judgment of future planning and market factors, and therefore is subject to change. The Project, however, would be developed in the following sequence:

Phase 1 (approximately one year)

- Offsite grading and improvement of the primary and secondary access roads;
- Offsite backbone utilities (water, sewer, drainage, etc.);
- Onsite backbone utilities;
- Rough grading of Spring Trails Project site (approximately 200 acres) for development of residential lots, roadways, trails, detention basins, and parks; and
- Detention basins improved.

Phase 2 (approximately 2.5 years)

- Residential development would sequence from the south and continue northward. Infrastructure, roadways, fuel modification zones, parks, and landscaping necessary to serve residential development would be phased accordingly;
- Improvements in this phase would generally follow the sequence of water improvements, which are divided into three pressure zones;
- Sewer, storm drain, dry utilities, and roadway paving would be sequenced with improvements in each water pressure zone;
- Trails, parks, and common area landscaping in each pressure zone would occur prior to or concurrent with issuance of residential building permits for that pressure zone; and
- Fuel modification zones necessary to support the development in each zone would occur as noted in the Fire Protection Plan.

In accordance with Section 8.54.070 of the City of San Bernardino's Municipal Code, construction would be limited to the hours between 7:00 AM and 8:00 PM.

Estimated Earthwork

Based on preliminary estimates, the earthwork for the Project site itself is anticipated to balance. The primary and secondary access roads, however, would require substantial cut, and the net export requirement for the Project is 251,000 cubic yards (cy). Based on an estimated 14 cy capacity per haul truck, an estimated 17,929 truck trips would be required to export soil to complete the access roads. This is estimated to occur over an approximately three-month period, and therefore, based on a six-day week, would require approximately 249 truck trips per day.

Development Agreement

A Development Agreement was proposed as part of the Project approvals. The Development Agreement includes certain Project conditions that benefit the Project, as well as local and regional benefits. These conditions include:

- Dedication to the City of San Bernardino right-of-way for water main lines and related facilities, easements for the construction and operation of water tank sites, and right-of-way for sewer main lines and related facilities;
- Construction of water lines and related facilities including water tanks within the easement shown in the Tract Map for the Project site and dedication of those facilities to the City; and
- Construction of sewer main lines and related facilities within the easements shown in the Tract Map and dedication of those facilities to the City.

In exchange, the Development Agreement provides for vested development rights for the Project and reimbursement of those costs that exceed the fair share of the Project for the improvements.

C. Actions Covered by the EIR

The following requested discretionary actions are necessary to allow for implementation of the Project:

• City of San Bernardino Mayor and Common Council:

- Approve General Plan Amendment (GPA-02-09), including pre-annexation of the Project site;
- Approve Development Code Amendment (DCA 12-10) to add the Spring Trails
 Specific Plan to the list of Special Purpose Districts in the Development Code;
- Zone the annexed site as Specific Plan (consistent with existing pre-zoning) and the 26.4-acre adjacent area as Residential Estate (up to 1 du/acre);
- Adopt Spring Trails Specific Plan;
- o Approve Tentative Tract Map (TTM 15576);
- o Approve Development Agreement;
- o Approve Project-specific Water Quality Management Plan;
- Issue Grading Permits and Building Permits;
- o A Development Permit will be required for the design of the single-family units.

As a side note, the Hillside Management Overlay zone set forth in Chapter 19.17 of the City of San Bernardino Municipal Code does not apply in this matter as the Specific Plan sets forth a fire protection plan that is in accordance with the City's Municipal Code. Thus, the Conditional Use Permit called for in Section 19.17.050 of the Development Code is not required prior to construction. Instead, a Development Permit is required prior to construction to evaluate the project design against the Specific Plan and other regulations, and to ensure consistency with the Fire Protection Plan.

• Local Agency Formation Commission ("LAFCO"):

 Approve LAFCO 3188A for a Reorganization to include Annexation to the City and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan).

• U.S. Army Corps of Engineers:

o Issuance of a Section 404 permit under the federal Clean Water Act.

• Regional Water Control Board:

- Water Quality Certification under Section 401 of the Clean Water Act;
- National Pollution Discharge Eliminations System permit under Section 402 of the Clean Water Act California Department of Fish and Wildlife: Streambed Alteration Agreement

• California Public Utilities Commission/Southern California Edison

 Review of the Project with regard to the SCE transmission line easement and maintenance right-of-way through the Project site.

D. **Project Objectives**

The Project objectives are as follows:

- 1. Develop a high-quality, low-density residential community that optimizes the unique characteristics of the project site, including maximizing view opportunities.
- 2. Assure adequate roadway access to the development while preserving the integrity of surrounding communities.
- 3. Enhance City trail facilities by expanding the system and integrating project-site trails with existing and proposed hiking, equestrian, and bicycle trails within the surrounding community.
- 4. Comply with policies for land use development within and adjacent to the San Bernardino National Forest.
- 5. Minimize the development footprint and maximize available open space areas.
- 6. Design a safe community cognizant of natural conditions, including wildland fires, flooding, and seismic hazards.
- 7. Minimize environmental impacts associated with construction of improvements and long-term operation of the new community.
- 8. Create an attractive, viable project, and realize a reasonable return on investment.

The Commission concurs with the preceding project description which includes revisions to the Project since it was approved in 2013.

II. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports; along with a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On November 24, 2009, the City circulated an Initial Study ("IS") and Notice of Preparation ("NOP") identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties. The NOP (Appendix A to the Draft EIR) identified potential environmental impacts related to: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, and was the basis for the determination that an EIR should be prepared for the Project.
- The NOP public review period was 30 days. The City accepted a number of written comments from various State, regional and local agencies. The City considered these comments when determining the final scope of the EIR's analysis. The scope of the issues identified in the comments related to each of the impact areas which are analyzed within the EIR, as listed above, with several comments concentrated on fire hazards.
- The Draft EIR was distributed for public review and the City filed a Notice of Availability ("NOA") with the State Clearinghouse on July 29, 2011, commencing the 45-day review period.
- The City received a total of 12 comment letters from public agencies and 41comment letters from residents. The City prepared specific responses to all comments. The responses to comments are included in the Final EIR.
- Notice of the Common Council hearing to consider the Project was provided in the following newspapers of general and/or regional circulation: the San Bernardino Sun on February 8, 2013.
- On February 19, 2013, the Common Council held a public hearing to consider the Project and staff recommendations. The Common Council, after considering written comments and public testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Common Council voted to certify the EIR, adopt these Findings, and approve the Project, including: Certification of the Environmental Impact Report; approval of General Plan Amendment (GPA-02-09); approval of the zoning designation for the Project site of Specific Plan; approval of the Spring Trails Specific Plan; approval of Tentative Tract Map (TTM 15576); approval of

the Development Agreement; and approval of the Project-specific Water Quality Management Plan.

The Commission has reviewed the Environmental Review and Public Participation summary and concurs that it is an accurate record of the review and participation events conducted by the City. The Commission was afforded an opportunity to participate in this review process as a CEQA Responsible Agency and is using the certified Final EIR for the LAFCO 3188A CEQA compliance process.

III. INDEPENDENT JUDGMENT FINDING

The City selected and retained the Planning Center as the environmental consultant to prepare the EIR. The Planning Center prepared the EIR under the supervision and direction of the City's planning staff.

Finding:

The EIR for the Project reflected the City's independent judgment and in reviewing the Final EIR as a CEQA Responsible Agency, the Commission concurs with the findings and conclusions presented below. The Commission has exercised independent judgment regarding the EIR as a CEQA Responsible Agency in accordance with Public Resources Code Section 21082.1(c)(3).

A. General Finding On Mitigation Measures

In preparing the Conditions of Approval for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Conditions of Approval do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Conditions of Approval are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose by the City.

Finding:

Unless specifically stated to the contrary in these findings, it is the City's intent to adopt all mitigation measures recommended by the Draft EIR which are applicable to the Project. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Conditions of Approval contain the final wording for the mitigation measures. The Commission understands this General Finding and concurs with reliance on the Conditions of Approval as the final wording for EIR mitigation measures. Note that the Commission has no responsibility for implementing any project-related mitigation measures.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the Commission's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 5 of the Draft EIR. Responses to comments from the public and from other government agencies on the Draft EIR are provided in Section 2 of the Final EIR.

The EIR evaluated seventeen (17) major environmental categories for potential impacts including: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems, Greenhouse Gas Emissions, and Forest Resources. Both Project-specific and cumulative impacts were evaluated. Of these 17 major environmental categories, the Commission concurs with the conclusions in the EIR that the issues and sub-issues discussed in Sections A and B below either are less than significant without mitigation, or can be mitigated to a less than significant level.

Unless otherwise indicated, the analysis of each of the impact areas contained in Sections A and B herein is applicable to both the Preferred Development Plan and the Alternative (Underground Electric Lines) Development Plan.

A. <u>Impacts Identified as Less Than Significant Requiring No Mitigation.</u>

The following issues were found in the EIR as having no potential to cause significant impacts, and therefore require no Project-specific mitigation. In the presentation below, each resource issue is identified and the potential for significant adverse environmental effects is discussed.

1. **Aesthetics.**

a. Substantial Adverse Effect on a Scenic Vista.

Potential Significant Impact: Whether the Project would have a substantial adverse effect on a scenic vista.

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Finding: Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to have a substantial adverse effect on a scenic vista is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding: According to the California Scenic Highway Mapping System of the California Department of Transportation, the Project site is not on or near a major state-designated scenic

highway. (EIR at 5.1-4). Goal OS 5, Policy OS 5.3, of the County of San Bernardino General Plan designates I-15 from the junction with I-215 northeast to the Nevada state line, excepting all incorporated areas, as a County Scenic Route. The Project site is not visible when traveling northbound on the I-15. (Id.). Changes to the landscape would occur during mass grading, completion of the first phases of home construction, and at full buildout. (EIR at **5.1-14**). Onsite grading and home construction would be most visible from commercial properties and to north- and southbound travelers along I-215 between Palm Avenue and Glen Helen Parkway. (Id.). The EIR contains simulated photographs to demonstrate how the site may look during site grading, during the first phase of home construction and after Project completion while traveling north on I-215 at the Palm Avenue off-ramp; as well as how the Project site may appear during the initial grading phase, during the first phase of Project housing construction and after Project completion from prominent views from the southwest at Glen Helen Parkway and the railroad tracks south of Cajon Boulevard. (See EIR Figures 5.1-3 to 5.1-8).

The simulated photographs contained in the EIR demonstrate how the view toward the site from the eastsoutheast would be virtually unchanged after Project completion. (EIR at 5.1-15). The view of the Project site from the east-southeast is blocked by the hilly terrain. (EIR Figure 5.1-9). Mass grading and single-family homes without landscaping would be plainly visible from these vantage points. However, due to the residential units' low scale, especially in comparison to steep hillsides, they would not interfere with the dominant view and backdrop of the San Bernardino Mountains. The project would not be out of scale with the existing viewshed and would not dominate the landscape. Rooflines would not encroach into the skyline or the dominant ridgelines. (EIR at 5.1-15). Due to the Project's low density, the Specific Plan's design guidelines and design concepts, the large amount of open space preservation, and proposed landscaping, the homes would not dominate the views. (Id.). Since the Project site contains slopes with a 15 percent or greater grade, the development guidelines of the HMOD would be followed, and have been incorporated into the Specific Plan Development Standards. The majority (76 percent) of the Project site on slopes of 15 percent or greater grade would be preserved as open space, and the remaining acres would

follow HMOD development standards. (*Id.*). In the Preferred Development Scenario, the SCE electric lines would be visible from areas adjacent to the Project site, as they currently are. (*Id.*). For these reasons, the potential for the Project to have a substantial adverse effect on a scenic vista is less than significant, and no mitigation is required.

b. <u>Scenic Resources</u>.

Potential Significant Impact:

Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Finding:

Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding:

The County of San Bernardino General Plan designates I-15 as a County Scenic Route, from the junction with I-215 northeast to the Nevada state line, excepting all incorporated areas. Due to area topography, the freeway interchange elevation, and speed of travel, the Project site is not visible to motorists once they pass the I-215 interchange and head northbound on the I-15. (EIR at 5.1-15). The interchange itself is approximately one mile long. Motorists traveling northbound at 65 miles per hour would be on the interchange for less than a minute, and may have a view of the Project site looking east for a few seconds before the Project site is behind them. (Id.). Traveling southbound on the I-15, motorists do not see the northern portion of the Project site due to prominent ridgelines, nor do they see the southern portion of the Project site from the I-215 junction, because road contours and the northbound lanes of the I-15 and I-215 interchange and associated traffic interfere with views. (Id.). The Project site is only visible from the northbound I-15 before the I-215 junction. This portion of I-15 is not designated a scenic highway. In the Preferred Development Scenario, the SCE electric lines would be visible from areas adjacent to the project site, as they currently are. (Id.). For these reasons, the potential for the Project to substantially damage scenic resources is less than significant, and no mitigation is required.

c. Degradation of Visual Character.

Potential Significant Impact:

Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Finding:

Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to substantially degrade the existing visual character or quality of the site and its surroundings is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding:

Implementation of the Project would alter existing landform and involve substantial grading. The visual character of the majority of the Project site would be changed from undeveloped open space to a low-density residential development. (EIR at 5.1-14). The development footprint encompasses approximately 241.5 acres, or 68 percent of the total site, and includes areas for the onsite development of residential lots, roadways, trails, detention basins, fuel modification zones, and parks. Approximately 193.0 acres of the total site would be graded and improved. (Id.). An additional 23.7 acres would be graded and improved for offsite access, including 4.2 acres for the primary access road and 19.5 acres for the secondary access road. The Project is designed to preserve significant watersheds, severely sloped areas, and seismic hazard areas and incorporate them into the land plan as open space. The Project's design accounts for the potential impacts of the hazards posed by seismic activity, flooding, and wildland fires. (*Id*.).

The EIR contains simulated photographs to demonstrate how the site may look during site grading, during the first phase of home construction and after Project completion while traveling north on I-215 at the Palm Avenue off-ramp; as well as how the Project site may appear during the initial grading phase, during the first phase of Project housing construction and after Project completion from prominent views from the southwest at Glen Helen Parkway and the railroad tracks south of Cajon Boulevard. (See EIR Figures 5.1-3 to 5.1-8).

The simulated photographs contained in the EIR demonstrate how the view toward the site from the east-southeast would be virtually unchanged after Project

completion. (EIR at 5.1-15). The view of the Project site from the east-southeast is blocked by the hilly terrain. (EIR Figure 5.1-9). Mass grading and single-family homes without landscaping would be plainly visible from these vantage points. However, due to the residential units' low scale, especially in comparison to steep hillsides, they would not interfere with the dominant view and backdrop of the San Bernardino Mountains. The Project would not be out of scale with the existing viewshed and would not dominate the landscape. Rooflines would not encroach into the skyline or the dominant ridgelines. (EIR at 5.1-15). Due to the Project's low density, the Specific Plan's design guidelines and design concepts, the large amount of open space preservation, and proposed landscaping, the homes would not dominate the views. Since the Project site contains slopes with a 15 percent or greater grade, the development guidelines of the HMOD would be followed, and have been incorporated into the Specific Plan Development Standards. The majority (76 percent) of the Project site on slopes of 15 percent or greater grade would be preserved as open space, and the remaining acres would follow HMOD development standards. (Id.). For these reasons, the potential for the Project to substantially degrade the visual character of the Project site or its surroundings is less than significant, and no mitigation is required.

d. <u>Light and Glare</u>.

Potential Significant Impact:

Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Finding:

Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding:

Additional lighting would be required to provide nighttime street, trail, and building illumination for the Project. Other sources of light include security lighting, nighttime traffic, and light associated with the nighttime use of the residences. In addition to the adjacent residential land uses, other light-sensitive land uses include the California State University at San Bernardino (CSUSB) observatory,

currently being constructed on Little Badger Hill on the CSUSB campus, between three and four miles east of the Project site. (EIR at 5.1-15). Nighttime lighting has the potential to create light pollution, which occurs when lighting is directed upward and gets scattered by the atmosphere. To observatories, this light competes with starlight and interferes with the ability to see the night sky clearly. Observatories require atmospheric darkness so that the night sky can be viewed clearly. (EIR at 5.1-16).

The use of lighting within the Spring Trails Project would be consistent with the dark sky guidelines suggested by the International Dark Sky Association (www.darksky.org) and with the City of San Bernardino Development Code. (EIR at 5.1-11). A detailed lighting plan, including specifications and design standards, would be submitted as part of the construction documents. (Id.). Pursuant to Section 19.20.03.014 of the City's Development Code and the design criteria in the Spring Trails Specific Plan, lights associated with the Project development would be shielded and directed toward the interior of the site. (EIR at 5.1-1; **5.1-12).** Exterior lighting would be designed, arranged, directed, or shielded in such a manner as to contain direct illumination onsite, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways and without adversely affecting day or nighttime views in the project area. (EIR at 5.1-16). Lighting would be installed to accommodate safety and security, while minimizing impacts on surrounding residential areas and the CSUSB observatory. (Id.). For these reasons, the potential for the Project to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is less than significant, and no mitigation is required.

e. Cumulative Impacts.

Potential Significant Impact:

Whether the Project would result in cumulatively significant visual/aesthetic impacts.

Finding:

Impacts related to Aesthetics are discussed in detail at Section 5.1 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to result in cumulatively significant visual/aesthetic impacts is less than significant, and therefore, no mitigation is required.

Facts in Support of the Finding:

The adjacent developed communities and undeveloped parcels to the south and southwest are designated Residential Estate (RE) in the City of San Bernardino's General Plan. (EIR at 5.1-16). Continued conversion of rural and undeveloped lands to low-density residential suburban land uses would change the aesthetic character of the area. The adjacent 26.4-acre area consists of six rural residential parcels, four of which are occupied with residences and related structures. Access to four of the parcels is from Meyers Road, with the remaining two obtaining access from Martin Ranch Road prior to entering the Project site. There is currently no planned development for this adjacent area. (EIR at 5.1-3). This Project would incrementally contribute to both direct and indirect light and glare affecting the nighttime aesthetic character of the region. The entire Project site is currently prezoned by the City of San Bernardino as RE. In the context of the City's General Plan, the Verdemont area is residential in nature. The Project's features and detailed design criteria per the Specific Plan and the HMOD meet the City's goal to provide a variety of housing stock, including upscale homes. The Project clusters development to maintain undeveloped open space on approximately 30 percent of the site. (EIR at 5.1-16). Eventually, as residential development occurs in the remaining undeveloped areas south and southwest of the Project site, the character of the Verdemont area would be changed into a more suburban community, as intended by the General Plan. By maintaining open space and preserving the dominant view and backdrop of the San Bernardino Mountains, the Project would protect the natural components that contribute to the scenic value of the area, including existing terrain, vegetation, and major ridgelines. (Id.). For these reasons, the Project's contribution to cumulative impacts related to aesthetics will be less than significant, and no mitigation is required.

2. **Air Quality.**

a. Violate Air Quality Standard-Operations.

Potential Significant Impact:

Whether the Project's long-term operations will violate any air quality standard or contribute to an existing or projected air quality violation.

Finding:

Potential impacts of the Project on Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project's long-term operations will not violate any air quality standard or contribute to an existing or projected air quality violation during operations, and therefore, no mitigation is required.

Facts in Support of the Finding:

Project-related vehicle trips were obtained from the Project-specific traffic impact analysis. (EIR Appendix **K**). Based on the trip generation rate in the traffic study, the Project would generate a total of 3,149 average daily trips ("ADT") at project buildout. (EIR at 5.2-16). Air pollutant emissions modeling is based on mobile- and stationarysource emissions for each of the land uses. Based on computer modeling, the Project would result in an increase of air pollutant emissions for both mobile and stationary sources. However, Project-related emissions would not exceed the South Coast Air Quality Management District ("SCAQMD") regional emissions thresholds for the analyzed pollutants. (EIR Table 5.2-8). Therefore, the Project would not cumulatively contribute to the O³, PM₁₀, and PM_{2.5} nonattainment designations of the South Coast Basin. Consequently, the proposed operational air quality impact is considered less than significant. (EIR at 5.2-16). Therefore, because long-term operations of the Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation; impacts are considered to be less than significant, and no mitigation is required.

b. <u>Exposure of Sensitive Receptors-Operations.</u>

Potential Significant Impact:

Whether the Project's long-term operations will expose sensitive receptors to substantial pollutant concentrations.

Finding:

Potential impacts of the Project on Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that long-term Project operations will not expose sensitive receptors to substantial pollutant concentrations, and therefore, no mitigation is required.

Facts in Support of the Finding:

Carbon monoxide (CO) hot spots are typically produced at intersections, where traffic congestion is highest because vehicles queue and are subject to reduced speeds. Typically, for an intersection to exhibit a significant CO concentration, it would operate at level of service ("LOS") E or worse. Based on the traffic impact analysis prepared for the Project (**EIR Appendix K**), under future year With

Project conditions, the following intersections are projected to operate at LOS E or worse before traffic improvements:

- Palm Avenue at I-215 freeway NB ramps (LOS E during AM peak hour and LOS F during PM peak hours for Year 2013); and
- Palm Avenue at I-215 freeway SB ramps (LOS F during AM peak hour for Year 2013). (EIR at 5.2-25).

Intersections listed above for 2013 are most conducive to the formation of CO hot spots and were modeled during the worst-case peak hour of congestion. Because technological improvements in later-model cars have made significant emissions reductions in CO, background CO concentrations in the South Coast Air Basin and vehicle emissions would be lower in 2030 than in the Project buildout year, Year 2030 conditions were not modeled. Project-related traffic would not exceed any of the state one- or eight-hour CO ambient air quality standards ("AAQS") at the study area intersections at buildout year plus cumulative growth conditions. (EIR Table 5.2-11). Consequently, sensitive receptors in the area would not be significantly affected by CO emissions generated by operation of the proposed Project, and localized air quality impacts related to mobilesource emissions would therefore be less than significant.

To estimate concentrations of air pollutants generated from operation of the Project at nearby existing and proposed sensitive receptors, the Project's maximum daily operational emissions were compared to the operational localized significance thresholds (LSTs). In accordance with SCAQMD methodology, only onsite stationary sources were included in the analysis. Project-related vehicles traveling on- and offsite are not included in the analysis. (EIR 5.2-26). Project emissions would not exceed the LST screening level criteria for CO, NO₂, PM₁₀, or PM_{2.5}, and therefore operation of the Project would not expose offsite and onsite sensitive receptors to substantial pollutant concentrations. (EIR Table 5.2-12). Therefore, on a localized level, the Project's potential to result in the exposure of sensitive receptors to substantial pollutant concentrations during long-term Project operations is less than significant, and no mitigation is required.

c. <u>Cumulative Impacts-Operations</u>.

Potential Significant Impact: Whether the Project will result in cumulatively significant

operational air quality impacts.

Finding: Potential impacts of the Project on Air Quality are discussed in detail in Section

5.2 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to result in cumulatively significant operational air quality impacts is less than significant, and therefore, no mitigation

is required.

Facts in Support of the Finding:

With respect to operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by the SCAQMD to be a substantial source of air pollution and does not add significantly to a cumulative impact. (**EIR at 5.2-27**). Operation of the Project would not result in emissions in excess of the SCAQMD regional emissions thresholds for long-term operation for VOC, NOx, CO, PM₁₀, and PM_{2.5}. (*Id.*). Therefore, the Project's contribution to cumulative operational air quality impacts would be less than significant, and no mitigation is required.

3. **Biological Resources.**

a. <u>Cumulative Impacts</u>.

Potential Significant Impact: Whether the Project will result in cumulatively significant

impacts to Biological Resources.

Finding: Impacts related to Biological Resources are discussed in detail in Section 5.3 of

the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to result in cumulatively significant impacts to Biological Resources is less than significant, and therefore, no

mitigation is required.

Facts in Support of the Finding: The Spring Trails Project site

The Spring Trails Project site contains a number of unique and uncommon characteristics that provide for a wide diversity of plant and animal species, especially within the onsite riparian areas. (EIR at 5.3-59). However, specific aspects of the Project's design, as well as the implementation of the required mitigation measures would successfully avoid or mitigate significant impacts to these resources. (Id.). The most significant area of riparian habitat on the Project site is Cable Creek, and that area is outside of the Project footprint and would not be impacted by the Project. Additional Project design features and

required mitigation would conserve and/or enhance existing onsite riparian features and wildlife corridors. (Id.). Mitigation is also recommended that would require additional offsite conservation of riparian areas and other important habitats. While continued development within the greater San Bernardino region has decreased the amount of available high-quality habitat in the area, this Project does not cumulatively contribute to that decrease. (Id.). The most important habitat values are maintained on the site, and certain aspects of the Project's design, such as the permanent preservation of Cable Creek, actually provide long-term benefits to the region in terms of biological resource conservation. Based on each of these factors, it can be determined that the Project would not present a significant cumulative impact to biological Therefore, cumulative impacts to resources. (Id.). biological resources will be less than significant, and no mitigation is required.

4. Cultural Resources.

a. Historic Resources.

Potential Significant Impact:

Whether the Project would cause a substantial change in the significance of a historical resource as defined in Section 15064.5.

Finding:

Impacts related to Cultural Resources are discussed in detail in Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not cause a substantial change in the significance of a historical resource, and therefore, no mitigation is required.

Facts in Support of the Finding:

The Spring Trails Project area was assessed for historical resources during multiple surveys. During this assessment, no historical resources, as defined in Section 15064.5 of the CEQA Guidelines, were observed. (EIR at 5.4-12). There are no structures, buildings, or other built environment resources with historical value in the project area. (Id.). Therefore, there are no known historical resources on the Project site, and no mitigation is required.

b. <u>Development in Sensitive Archaeological Area.</u>

Potential Significant Impact:

Whether the Project would be developed in a sensitive archeological area, as identified in the City's General Plan.

Finding:

Impacts related to Cultural Resources are discussed in detail in Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not be developed in a sensitive archeological area as identified in the City's General Plan, and therefore, no mitigation is required.

Facts in Support of the Finding:

The Project site is not located in an area of concern for archaeological resources, and is not located within an area of known resources or areas that could reasonably contain resources and which had demonstrable surface integrity as of November 1987. (See EIR Figure 5.4-1). Therefore, no mitigation is required.

5. Geology and Soils.

a. Cut and Fill.

Potential Significant Impact:

Whether the Project would involve earth movement (cut and/or fill).

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that while the Project would involve grading on about 216.7 acres of land, with roughly 3.1 million cubic yards of cut and 2.8 million cubic yards of fill, Project earth movement would not result in substantial adverse erosion or dust impacts and, therefore, no mitigation is required.

Facts in Support of the Finding:

In addition to the specified amounts of cut and fill grading, the Project would involve roughly 251,000 cubic yards of soil export. (See EIR Table 5.5-2). Project features are incorporated into the Spring Trails Specific Plan that would minimize soil erosion. (EIR at 5.5-21). For example, all graded slopes shall be stabilized and planted with the approved trees, shrubs, and groundcovers listed in the Landscape Zones Plant Palette, Table 3.6 in the Specific Plan Design Guidelines. The Grading Plan in the Development Standards for the Spring Trails Specific Plan has been devised with overall goals, including minimizing grading quantities, minimizing slope maintenance and water consumption, and providing for stable slopes and building pads. (Id.). Specific guidelines in the Grading Plan include: minimize grading where possible; avoid grading in areas where slopes exceed an average of 15 percent to the greatest extent possible; terrace drains and benches shall be added where slope height exceeds 30 feet, in accordance with the Uniform Building Code. (Id.). In some instances, benches should be widened to provide for dual use as a recreation trail; existing significant drainage courses shall be maintained as much as possible; final grading design shall adhere to the final soils report recommendations; grading shall be performed under the supervision of a registered soils engineer; a storm water pollution prevention program ("SWPPP") must be prepared and processed prior to grading; natural terrain must be preserved as much as possible by focusing development in the development footprint; earth retention systems, where slopes can be planted to blend with the natural terrain, should be used where possible; and all cut-and-fill slopes shall be revegetated to control erosion. (EIR at 5.5-22).

These guidelines would meet City and state development standards and soil stability would be maintained. In addition, the Safety Plan requires that Grading for building pads and roads shall conform to specifications of the geologist, based on a soils study and final geotechnical study. (Id.). In addition to the Project guidelines and development standards described above, the Project would prepare and implement a SWPPP specifying BMPs for minimizing pollution of stormwater during project construction. Categories of BMPs that would be included in the SWPPP include erosion control BMPs that cover and/or bind soil to prevent soil from entering runoff; and sediment control BMPs, such as barriers, that intercept and filter out soil that has been detached and transported by flowing water. Implementation of BMPs specified in the SWPPP would help stabilize project site slopes while vegetation planted by the Project matures. (Id.). After implementation of Project guidelines, Specific Plan development standards, and BMPs for erosion control and sediment control to be specified in the project's SWPPP, Project development is not expected to result in substantial erosion, and no mitigation is required.

b. <u>Landslides, Mudslides or Subsidence</u>.

Potential Significant Impact: Whether the Project site is subject to potential hazards from

landslides, mudslides or subsidence.

Finding: Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project site is not subject to potential hazards from landslides, mudslides or subsidence and, therefore, no mitigation is required.

Facts in Support of the Finding:

The maximum gradient of the natural slopes on the site approach is 1.2:1 (horizontal:vertical). Proposed cut-andfill slopes would be designed at grades of 2:1, with maximum slope heights of 80 feet. Such cut-and-fill slopes have been analyzed and found to be grossly stable. (EIR at **5.5-24**). Cut slopes that expose bedrock will tend to weather over time and would be planted with deep-rooted vegetation. No surface indications of slope instability or significant "out of slope" geologic bedding conditions were observed onsite, and no significant natural slope instability exists onsite. (*Id.*). The site plan avoids the lower portions of Cable Canyon and Meyers Canyon, which could act as channels for mudflows. The site plan also avoids the steeper slopes near the northern end of the site. All cut-andfill slopes created by the Project would be vegetated, thereby controlling erosion and reducing mudflow hazard. There are no substantial groundwater or oil withdrawals in the area that could lead to subsidence, and the potential for ground subsidence is regarded as low. (Id.). Therefore, no mitigation is required.

c. Expansive Soils.

Potential Significant Impact:

Whether Project development would create substantial hazards arising from expansive soils.

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that Project development would not create substantial hazards arising from expansive soils and, therefore, no mitigation is required.

Facts in Support of the Finding:

Expansive soils are generally characterized as having the ability to undergo significant volume change due to increases or decreases in the moisture content of the soil. (EIR at 5.5-25). The Spring Trails site is predominated by relatively recent alluvial deposits (from the Holocene and Pleistocene age). These deposits have led to the existence of sands and sands with gravel in the upper layers (5 to 10 feet deep) and the gravelly sands (sand with silt, cobbles, and occasional boulders) of the lower layers (below 10 feet). (Id.). These layers are generally medium dense to very dense throughout most of the site and have dry to moist conditions. The geotechnical analysis did not determine these soils to be prone to expansion. Therefore, the expansion potential of soils is low to very low. (Id.). No

specific geotechnical recommendations for expansive soils were made, and no mitigation is required.

d. Modification of Unique Geological Feature.

Potential Significant Impact:

Whether Project development would modify a unique geological feature.

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that although the Project will be developed over the San Andreas Fault, the Project will not substantially change the physical and geological characteristics of the fault and, therefore, no mitigation is required.

Facts in Support of the Finding:

The San Andreas Fault is considered to be a unique geological feature, and five splays of the San Andreas Fault occur on the site. (**EIR at 5.5-7**). The majority of the segment of Splay A on the Project site would remain open space, while the balance of the splay would be graded. Most of Splays B, C, and D would be graded, and most of Splay E would remain open space. (**EIR at 5.5-25**). However, the grading on Splays A, B, C, D, and E would not substantially change the physical and geological characteristics of the fault, and therefore, no mitigation is required.

e. Unstable Soils.

Potential Significant Impact:

Whether Project grading and construction would be conducted so as to result in substantial amounts of unstable soils.

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that Project grading and construction will not be conducted so as to result in substantial amounts of unstable soils and, therefore, no mitigation is required.

Facts in Support of the Finding:

Project features are incorporated into the Spring Trails Specific Plan that would prevent grading and construction activities from creating substantial amounts of unstable soils. (EIR at 5.5-25). Specifically, the following development standards in the Grading Plan and Safety Plan of the Spring Trails Specific Plan would aid in preventing the creation of substantial amounts of unstable soils: 1) final grading design shall adhere to the final soils report recommendations; 2) grading shall be performed under the

supervision of a registered soils engineer; and 3) final grading plans shall be prepared and certified by a registered civil engineer and registered geotechnical engineer in the State of California Board of Professional Registration and approved by the City Engineer. (*Id.*). Thus, impacts in this area will be less than significant, and no mitigation is required.

f. Hillside Management Overlay Zoning District.

Potential Significant Impact:

Whether the Project would conflict with the provisions of the Hillside Management Overlay Zoning District ("HMOD").

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project's development standards will replace the provisions of the HMOD and, therefore, no mitigation is required.

Facts in Support of the Finding:

Roughly 67 percent (133 acres) of the Project site is within the HMOD, which covers all areas with slopes of 15 percent or greater. (EIR at 5.5-26). The HMOD contains development performance standards, including standards regarding soils and grading, geotechnical standards, and standards requiring that vegetation on slopes, including graded slopes, be preserved or reestablished. (*Id.*). The Specific Plan for the Project contains hillside design and development standards that have been prepared to be site-specific for the proposed project and are consistent with the General Plan. The HMOD design guidelines would not be necessary. Thus, no mitigation is required.

g. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in cumulatively significant impacts to Geology and Soils.

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that Project will not result in cumulatively significant impacts to Geology and Soils and, therefore, no mitigation is required.

Facts in Support of the Finding:

Impacts to geology and soils are specific to the geologic and soils conditions on a particular project site. Mitigation of geologic, seismic, and soil impacts of development projects would also be specific to each site. Compliance with modern building standards, such as the UBC and CBC, serves to reduce seismic-related risks. Therefore, no adverse cumulative impacts related to soils and geology are anticipated, and no mitigation is required. (EIR at 5.5-26).

6. Hazards and Hazardous Materials.

a. Routine Transport, Use, and/or Disposal of Hazardous Materials.

Potential Significant Impact:

Whether the Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Finding:

Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the risk to the public or the environment through the routine transport, use, or disposal of hazardous materials; or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment by the Project is less than significant and, therefore, no mitigation is required.

Facts in Support of the Finding:

The proposed Project includes 304 single-family lots under the preferred development scenario (reduced to 215 lots), or 307 single-family lots under the alternative development scenario. These will consist of new single-family lots, and one existing single-family residence in the western portion of the site, bordering Cable Canyon Creek to the south. If the existing single-family home were to be demolished prior to Project construction, it may result in the need to transport and dispose of hazardous materials. (EIR at 5.6-9). However, it is anticipated to remain during and after development of the Project, and therefore no demolition activities are anticipated. (Id.). In general, the routine transport, use, or disposal of hazardous materials is associated with industrial land uses and not residential land uses. The Project would consist only of residential land uses with associated parks and open space. Construction and operation of the new single-family homes may include the use of hazardous substances such as paints, solvents, finishes, and cleaners, but these substances would not be substantially different from other household products. (Id.). Additionally, the site has not been included on any state or federal lists of hazardous materials sites, so the

development of the site would not necessitate the removal or cleanup of any hazardous materials. Therefore, it is not anticipated that construction or operation activities would involve inadvertent exposure to hazardous materials due to their removal from the site. (*Id.*). The routine transport, use, and/or disposal of significant amounts of hazardous materials is not expected to occur during the construction or operation of this Project. (*Id.*). Since there would not be any substantial amount of hazardous materials present on the Project site for a significant amount of time during Project construction or operation, there would also not be any foreseeable upset or release of hazardous materials, and therefore no mitigation is required.

b. <u>Emergency Response or Evacuation Plan.</u>

Potential Significant Impact:

Whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Finding:

Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and, therefore, no mitigation is required.

Facts in Support of the Finding:

The City has an emergency management plan and a hazard mitigation plan that outline the potential risks, hazards, and emergency situations that the City may face and the best methods for preventing or managing these situations. (EIR The emergency management plan and the at 5.6-10). hazard mitigation plan, which have been developed in compliance with the Disaster Mitigation Act of 2000, are used by the City to reduce and eliminate the effects of natural and human-caused disasters. Spring Trails would follow the guidelines and regulations of the City's emergency and hazard mitigation plans. Since the site has high potential for fires, there is substantial need for fire emergency access. (Id.). The Spring Trails Specific Plan includes measures that would allow the site to be accessible during fire emergencies and which can be applicable for other emergencies. These are outlined in the City's Foothill Fire Zone Overlay District requirements, and Spring Trails' compliance with these standards is substantiated in Appendix D of the Specific Plan. (See EIR Table 5.14-7). In sum, the proposed Project would not conflict with the

City's emergency planning, and therefore no mitigation is required.

c. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in cumulatively significant impacts related to Hazards and Hazardous Materials.

Finding:

Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not result in cumulatively significant impacts related to Hazards and Hazardous Materials and, therefore, no mitigation is required.

Facts in Support of the Finding:

The assessment of potential cumulative impacts with regard to hazards and hazardous materials relates to the ability for impacts to occur offsite. (EIR at 5.6-23). The hazardous materials study area considered for cumulative impacts consisted of (1) the area that could be affected by proposed Project activities, and (2) the areas affected by other projects where activities could directly or indirectly affect the presence or fate of hazardous materials on the proposed Project site. (Id.). The land uses surrounding the Project site are either vacant or residential. There would be little chance for a hazardous materials release in the surrounding area that would cause cumulative impacts with the proposed Project. Cumulative analysis for fire and wind hazards is completed with similar parameters. (Id.). Cumulative impacts could occur when adjacent projects, in combination with the proposed Project, would increase the number of people being exposed to fire and wind hazards. (*Id.*). At this time no development is planned for the areas adjacent to the proposed Project; thus, no cumulative impacts would occur, and no mitigation is required.

7. **Hydrology/Water Quality**

a. Alter Existing Drainage Pattern.

Potential Significant Impact:

Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, and therefore, no mitigation is required.

Facts in Support of the Finding:

Drainage from Offsite: At Project completion, offsite drainage would enter the project site from the north and east. (EIR at 5.7-16). Two drainage courses within Drainage Area A that flow into the site from the north are Cable Canyon West and East Forks. These two drainages, which merge onsite, would remain undisturbed and would exit the west side of the site as they do now. Four drainages would enter the site from the east. The northerly two of these drainages are tributaries to Cable Canyon and are in Drainage Area A. (EIR Figure 3-8). These two drainages would pass through a culvert under proposed Street "A", merge and continue flowing westerly, pass through a culvert under proposed Street "DD", then continue to the southwest before merging with the West and East forks of Cable Canyon. (EIR at 5.7-16). This combined drainage then flows to the west and exits the site into Cable Creek. South of the Project site, the Cable Creek drainage would pass through culverts under the Secondary Access Road. The third drainage course that enters the site from the east would be collected in a proposed brow ditch north of proposed Street "O" and west of proposed Street "W". This drainage would then be conveyed around the water reservoir tank and discharged to an existing flow line. (*Id.*). The last drainage course entering the site from the east consists of Meyers Canyon and tributary areas in Drainage Area D; Meyers Canyon enters the site near its southeast corner. A culvert crossing is proposed under the Primary Access Road (Street "A"). (See EIR Figure 3-8).

Drainage from Onsite: Drainage from the site at Project completion would be conveyed in a series of storm drain systems that would route water into three Extended Detention Basins for treatment and detention. (*Id.*). (**EIR Table 5.7-2 and Figure 3-8**). Drainage Area A consists of Cable Canyon, including the west and east forks of Cable Canyon and tributary areas. (**EIR at 5.7-17**). Drainage from the two northernmost residential areas, north of Cable Canyon, would not be routed into an extended detention

basin, but routed instead into media filtration vaults where the water quality volume would be treated, after which the runoff would be discharged into Cable Canyon. Water quality volumes for each detention basin that would be built as part of the Project are listed in EIR Table 5.7-3. One of these areas is 17.3 acres, while the second is 22.0 acres. Basin "A" compensates for this discharge from the site into Cable Canyon by over-detaining runoff from other parts of Drainage Area A onsite. (Id.). Drainage Area B, 45.5 acres in area, is divided into two subareas. Subarea 1 would be the developed area onsite of 21.8 acres that would be routed into basin "B" plus the 1.6-acre basin and 4.6 acres of open space downstream of the basin outlet. Subarea 2 would be 17.5 acres of onsite and offsite undeveloped area that would cross under Street "I" and then discharge into an existing flow line. (EIR at 5.7-18). Drainage Area "C" consists of 209.8 acres, roughly 89.0 acres of which would be in the developed area onsite and would drain into basin "C". The remaining 107.8 acres would be onsite and offsite undeveloped areas that would be collected north of Street "H". (Id.). Drainage Area "D" consists of 339.3 acres: 319.8 acres offsite and 19.5 onsite. Drainage from Area "D" would enter the site near the southeastern site boundary, flow through a culvert under the proposed Primary Access Road (Street "A"), and then exit the site. This drainage would not be directed into a detention basin or media filtration vault. Surface flows from the secondary access road will be conveyed into a 5foot concrete drainage ditch located within a 13-foot graded shoulder on both sides of the road. The runoff will then be collected in storm drain inlets and conveyed through a storm drain underneath the secondary access road where it will be discharged into Cable Creek. (Id.).

Detention Basin Capacities: Drainage volumes and rates from developed portions of the site would be increased compared to existing conditions due to the increase in impervious surfaces onsite. (*Id.*). The three proposed detention basins would be local detention facilities maintained by the owner or homeowners association. The maximum capacity of each of the detention basins is designed to store onsite runoff from the drainage area tributary to the respective basin in order to lower the rate of outflow from the basin to the predevelopment rate in a 100-year, 24-hour storm. (*Id.*). Each basin would also be equipped with water quality treatment features and would

provide treatment for runoff. The total capacity and water quality treatment capacity of each of the three basins is listed in EIR Table 5.7-3. Emergency spillways are proposed for each of the three basins to convey the 1,000-year peak flow for the respective basin's tributary watershed. (*Id.*).

Debris Flows and Culvert Sizes: The Project site is in the foothills of the San Bernardino Mountains. (*Id.*). Therefore, large debris flows may occur in watersheds in the area, especially in years after a fire. Debris flows would increase the volume of material flowing down drainages. (*Id.*). Culverts in the Project were designed to accommodate estimated debris flow volumes that would occur in a 100-year storm four years following a fire. (**EIR Table 5.7-4**). Project drainage features would meet requirements of the San Bernardino County Hydrology Manual and would limit runoff from the site at Project completion to existing levels. (**EIR at 5.7-19**). In sum, impacts to existing drainage patterns will be less than significant, and no mitigation is required.

b. <u>Groundwater Recharge</u>.

Potential Significant Impact:

Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, and therefore, no mitigation is required.

Facts in Support of the Finding:

Project development would increase impervious surfaces on the Project site. (EIR at 5.7-19). The resulting increase in drainage from most of the developed parts of the site would be conveyed to three extended detention basins. (Id.). Stormwater would infiltrate into underlying sediment through the bottoms of the basins. The Project would not

include substantial infiltration zones except for the basins. The infiltration rate in the three basins would total roughly 2.01 cfs. (*Id.*). At Project completion, onsite groundwater recharge of stormwater from a two-year, 24-hour storm would be reduced about 1.3 percent compared to recharge from the same size storm in existing conditions. (*Id.*). Project development would not substantially reduce groundwater recharge from the site and therefore, no mitigation is required.

c. 100-Year Flood Hazard Area.

Potential Significant Impact:

Whether the Project would place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Finding:

Potential impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; or place within a 100-year flood hazard area structures which would impede or redirect flood flows, and therefore, no mitigation is required.

Facts in Support of the Finding:

The entire Project site is in FEMA flood hazard zone X, meaning that it is outside of both 100-year and 500-year flood plains. (EIR at 5.7-19). Much of the Project site is on the lower slopes of the San Bernardino Mountains. Large debris flows may occur in local watersheds, especially in years after a fire. After Project development, debris flows originating upstream of the Project site may flow through drainages crossing the site; debris flows are not expected to originate onsite. Culverts where drainages on the site would cross under roadways have been designed to accommodate the increase in volume due to sediment that would occur in a debris flow. All proposed improvements, including building pads, roads, and reservoirs, would be outside of the area that would be flooded by debris flows during a 100-year storm. Project development is not expected to create substantial hazards to persons arising from debris flows. (EIR at 5.7-27). Project development would not result in flood hazards to people or structures or redirect flood flows within a 100-year flood hazard area, and therefore, no mitigation is required.

d. <u>Violate Water Quality Standards or Waste Discharge</u>
Requirements.

Potential Significant Impact:

Whether the Project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not violate any water quality standards or waste discharge requirements and will not otherwise substantially degrade water quality, and therefore, no mitigation is required.

Facts in Support of the Finding:

Construction: Potential sources of pollutants from construction activities on the site include exposed soil, construction materials, and construction equipment. (EIR at 5.7-20). Project clearing, grading, excavation, and construction activities may impact water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage ways. (Id.). Grading activities in particular lead to exposed areas of loose soil, as well as sediment stockpiles which are susceptible to uncontrolled sheet flow. The use of materials such as fuels, solvents, and paints also present a risk to surface water quality due to an increased potential for these materials and related pollutants to contaminate stormwater. Additionally, storage, refueling, and maintenance of construction equipment onsite result in the potential for fuels and other substances to contaminate stormwater. (Id.).

Measures for reducing potential pollution from construction activities would include obtaining coverage under the General Construction Permit for discharges of stormwater runoff from the construction site. (Id.). The General Construction Permit is the coverage issued by the State Water Resources Control Board ("SWRCB") that allows the discharges of stormwater to waters of the United States from construction projects. In order to get coverage under the General Construction Permit, the discharge should be in compliance with the National Pollutant Discharge Elimination System ("NPDES") and implement a Storm Water Sampling and Analysis Strategy for monitoring of construction site runoff. In order to obtain coverage under

the General Construction Permit, the Project owner would be required to submit a Notice of Intent to the SWRCB to file for permit coverage, and prepare and implement a SWPPP onsite. A Notice of Intent must be filed, and the SWPPP must be prepared prior to commencement of soildisturbing activities at the Project site. (Id.). The SWPPP must contain a site map(s) showing the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography before and after construction, and drainage patterns across the Project. The SWPPP must list BMPs that would be used to protect stormwater runoff and describe the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program and a chemical monitoring program for "nonvisible" pollutants to be implemented if there is a failure of the BMPs. (Id.). Typical temporary BMPs that would be used during construction include good housekeeping practices and erosion and sediment control measures. Good housekeeping practices include street sweeping, waste disposal, vehicle and equipment maintenance, concrete washout area, materials storage, minimization of hazardous materials, and proper handling and storage of hazardous materials. (Id.). Design standards for the BMPs are set forth by the County of Bernardino and the California Storm Water Management handbooks. Construction BMPs for this project would be selected, constructed, and maintained so as to comply with all applicable ordinances and documents. (EIR guidance at **5.7-22**). implementation BMPs as specified in the project's SWPPP, Project construction would not result in substantial pollution of receiving waters, and therefore, no mitigation is required. (Id.).

Operations: Pollutant sources that are expected to be generated by Project operation are sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, bacteria and viruses, oil and grease, and pesticides. (*Id.*). With regard to the operational phase of the Project, site design, source control, and treatment control BMPs as dictated by County and City Stormwater management plans would be implemented. (*Id.*). The residences surrounding the Project site are reliant upon well water for their potable water usage. In some cases, these wells are relatively shallow, with a water table of approximately 50 feet or more. Although historical farming uses and the related

fertilizers and other amendments have not had an impact on the water table, BMPs would be used to reduce contaminants in runoff from the Project site, lessening any potential impacts to potable drinking water to nearby residences. (EIR Tables 5.7-5 to 5.7-7). A Project-specific water quality management plan ("WQMP") (EIR Appendix I1) has been prepared for the Project, and specifies site design, source control, and treatment control BMPs as required by the San Bernardino County Stormwater Program Model Water Quality Management Plan Guidance. The site design BMPs, source control BMPs, and treatment control BMPs incorporated into the Project plans must address the potential pollutants from the Project. (EIR at 5.7-24). The WQMP includes BMPs that would be implemented during both design and operation of the Project, and describes long-term operation and maintenance requirements for BMPs. (EIR Table 5-7-7). The Project applicant would be responsible for carrying out all BMP operations and maintenance activities. (EIR at 5.7-25). Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall demonstrate: that all structural BMPs have been constructed and installed in conformance with approved plans and specifications; that the applicant is prepared to implement all nonstructural BMPs described in the approved Project-specific WQMP; and that an adequate number of copies of the approved Project-specific WOMP are available for the future owners/occupants. (EIR at 5.7-**26**). After implementation of site design, source control, and treatment control BMPs, as specified in the Project's WOMP, Project operations would not cause substantial pollution of receiving waters, and no mitigation is required.

e. <u>Create or Contribute Runoff Water</u>.

Potential Significant Impact:

Whether the Project would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, such as from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks, or other outdoor areas.

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with

the City finding that development of the Project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, and therefore, no mitigation is required.

Facts in Support of the Finding:

Design standards for BMPs are set forth by the County of San Bernardino and the California Storm Water Management handbooks, and construction BMPs for this Project would be selected, constructed, and maintained so as to comply with all applicable ordinances and guidance documents. Upon implementation BMPs as specified in the project's SWPPP, Project construction would not result in substantial pollution of receiving waters. (EIR at 5.7-22). Site design, source control, and treatment control BMPs as dictated by the County and City Stormwater management plans would be implemented. The Project-specific WQMP would be required by the City of San Bernardino to address management of urban runoff from the Project site, and specifically address site design, source control, and treatment control BMPs to minimize the impact of urban runoff from the Project. Site design BMPs would be used to control and filter runoff from residential uses for collection in detention basins located at strategic points on the Project site. (*Id*.).

On- and offsite stormwater would be collected and routed through a series of catch basins, inlets, and storm drain systems that would convey water to three extended detention basins for water quality treatment and detention. These systems would be designed and constructed in accordance with the City of San Bernardino and the San Bernardino County Flood Control District standards. Properly engineered basins reduce infiltration issues by adsorbing common residential chemicals into basin linings. (Id.). Successful implementation of the controls contained in the WQMP would reduce the amount of contaminants in surface flow and groundwater by controlling the contaminants at the source. (EIR at 5.7-23). Accordingly, the potential for the Project to create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff is less than significant, and no mitigation is required.

f. Dam Failure.

Potential Significant Impact:

Whether the Project would expose people or structures to a significant risk of injury, loss or death involving flooding, including flooding as a result of the failure of a levee or dam.

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not expose people or structures to a significant risk of injury, loss or death involving flooding (including flooding as a result of the failure of a levee or dam), and therefore, no mitigation is required.

Facts in Support of the Finding:

There are no dams or enclosed bodies of water upstream from the Project site that could pose a hazard of flooding to the site due to a seiche or the failure of a dam. (EIR at 5.7-27). The Project would involve construction and operation of three reservoirs onsite. (EIR Figure 3-9). The reservoirs would have capacities of 900,000 gallons, 900,000 gallons, and 2,500,000 gallons. The reservoirs would be enclosed tanks, the design and construction of which would comply with existing seismic safety regulations. (EIR at 5.7-27). Accordingly, the risk of flooding is less than significant, and no mitigation is required.

g. Cumulative Impacts.

Potential Significant Impact:

Whether the Project would result in cumulatively significant impacts related to Hydrology and Water Quality.

Finding:

Impacts related to Hydrology and Water Quality are discussed in detail in Section 5.7 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project will not result in cumulatively significant impacts related to Hydrology and Water Quality, and therefore, no mitigation is required.

Facts in Support of the Finding:

Potential related projects are those development projects that would increase the amount of impervious surfaces and consequently cause increased runoff within the Santa Ana River Watershed. (**EIR at 5.7-27**). Each related project would be required to include project features that would detain onsite any increase in runoff from 100-year storm events until after the storm. After the construction and

operation of required drainage features within related projects, substantial cumulative impacts to the capacity of the storm drainage system in the region are not expected to occur. (Id.). Given that the proposed Project would also be required to include drainage features so that the Project would not cause a net increase in runoff into the existing storm drainage system in the region, the Project is not anticipated to have a cumulatively considerable adverse impact on storm drainage capacity. Reach Four of the Santa Ana River, downstream from the vicinity of the Project site, is included on the 303(d) list as impaired by pathogens (bacteria and viruses). Therefore, pathogens are pollutants of concern in the vicinity of the Project site. (Id.). Other projects in the Santa Ana Watershed can be expected to increase the amounts of contaminants that could enter stormwater. (EIR at 5.7-28). However, other projects would be required to comply with the same NPDES regulations for minimizing water pollution as would the proposed project. Related projects would be required to prepare and implement SWPPPs and WQMPs, specifying BMPs that would be used to minimize contaminants discharged into receiving waters. After compliance with existing regulations, cumulative impacts to water quality are not expected to be substantial, and the Project is not anticipated to have cumulatively considerable impacts on water quality. (*Id.*). Thus, no mitigation is required.

8. Land Use and Planning.

a. Conflict with Land Use Plans.

Potential Significant Impact:

Whether the Project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Finding:

Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, and therefore, no mitigation is required.

Facts in Support of the Finding:

General Plan/Specific Plan: The Project would be consistent with the City of San Bernardino General Plan. (EIR at 5.8-13). Under the existing General Plan designation of RE, the maximum density is one dwelling unit per acre. The Project would require a General Plan Amendment to change the existing land use designation to Residential Low (RL), allowing 3.1 dwelling units per acre, an increase of 2.1 dwelling units per acre. The Project would be annexed into the City of San Bernardino and zoned RE (consistent with existing prezoning). (Id.). The Project's overall density would be 0.87 dwelling units per acre. The density on the developed area (241.5 acres) would be 1.27 dwelling units per acre. (EIR at 5.8-14). Development will be focused, or clustered, onto approximately 241.5 acres, or 68 percent of the total site, and includes 9 acres of parks and 125.1 acres of internal slopes and fuel modification zones. The remaining 32 percent of Spring Trails (111.3 acres) is preserved as natural open space. The average lot size in Spring Trails is 29,000 square feet. The largest lots are on the northern portion and upper elevations of the site, and the largest lot measures 18.3 acres. (Id.). The smallest lots are on the lower elevations and southern portion of the Project, and the smallest lot measures 10,801 square feet. In many instances, the legal lots will extend beyond the buildable area and include graded slopes, fuel modification zones, steep slopes, and open spaces. (Id.).

The Preferred Development Plan is the same as the Alternative Development Plan in every respect except for the treatment of the land beneath the aboveground electric lines and the number of residential lots. (Id.). In this respect, the Preferred Development Plan differs from the Preferred Development Plan in that it would provide 126 acres of internal slopes and fuel modification zones, and 70 acres would be attributable to residential lots. The Preferred Development Plan contains 304 single-family detached units and the overall density over the 350-acre site would be 0.86 dwelling units per acre. The density on the developed area (241.5 acres) would be 1.26 dwelling units per acre. The Project would exceed County General Plan designation RL-5 of one dwelling unit per five acres. However, once annexed into the City of San Bernardino, the Project would be consistent with the General Plan and Development Code. (Id.).

Specific plans are required to be consistent with the goals and policies of the governing general plan. The Project implements and exemplifies the goals and policies of the City of San Bernardino General Plan. (EIR Table 5.8-1). Future development within the Spring Trails Specific Plan area must be consistent with this Specific Plan. All projects that are found to be consistent with this Specific Plan will likewise be deemed consistent with the City's General Plan. (Id.).

San Bernardino County Association of Governments (SCAG): The proposed Project will be consistent with the applicable SCAG Regional Comprehensive Plan and Guide (RCPG) policies. Therefore, implementation of the Project would not result in significant land use impacts related to relevant SCAG policies, goals, and principles. (EIR Table 5.8-2). Likewise, the Project will be consistent with the applicable goals of the SCAG Regional Transportation Plan ("RTP"), and implementation of the Project would not result in significant land use impacts related to relevant RTP goals. (EIR Table 5.8-3). The Project will also be consistent with advisory SCAG Compass Growth Vision ("CGV") principles, and would not result in significant land use impacts related to the advisory CGV principles. (EIR Table 5.8-4).

San Bernardino National Forest Land Management Plan ("SBNF"): The northern portion of the Project site (approximately 160 acres) is located within the boundaries of the SBNF. The upper 160 acres of the Project are private lands within the SBNF. Since the Project site is privately held, it is not subject to the Land Management Plan. However, all areas adjacent to the Project site, within the SBNF, are subject to the Land Management Plan. Public access by residents would be restricted and unlawful. (EIR at 5.8-47).

Forest Service Roadless Area Conservation Plan: In 1999, the USFS proposed to prohibit road construction and reconstruction in inventoried roadless areas within the national forests. That portion of the SBNF surrounding the Project site (at the Project boundary), and continuing in the northwesterly direction is identified as an inventoried roadless area. However, the Project site is not within the inventoried roadless area, and is thus not subject to this plan. (See EIR Figure 5.8-1).

City of San Bernardino Tree Ordinance: The development of the Project would remove up to 2,400 trees (220 native species, 2,170 eucalyptus, and 10 ornamental nonnative trees) from the Project site. The majority of the eucalyptus trees were planted as part of a eucalyptus plantation. The applicant would be required to replace the 220 native tree species with similar native species, as required by the City's tree ordinance. The required tree replacement has been incorporated as Project Mitigation Measure 3-13, which would ensure the project's compliance with the City's tree ordinance.

In sum, because the Project will not conflict with any land use plan, policy or regulation, impacts in this area are less than significant, and no mitigation is required.

b. <u>Development Within Hillside Management Overlay District.</u>

Potential Significant Impact:

Whether development would occur within the Hillside Management Overlay District.

Finding:

Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project's development standards will replace the provisions of the HMOD and, therefore, no mitigation is required.

Facts in Support of the Finding:

The Project site would be subject to the HMOD since it would involve development in areas of 15 percent slope or greater. (See EIR Figure 5.8-2). The overall goals of the site-specific grading guidelines are to minimize the height of visible slopes, provide for more natural-appearing manufactured slopes, minimize grading quantities, minimize slope maintenance and water consumption, and provide for stable slopes and building pads. (EIR at **5.8-48**). The total Project area that is proposed for grading is 216.7 acres, which includes 193.0 acres onsite and 23.7 acres offsite. Onsite grading encompasses roughly 2.7 million cubic yards and would balance onsite. (The primary access road would require approximately 171,000 cubic yards of cut and 55,000 cubic yards of fill, which necessitates exporting approximately 116,000 cubic yards. The secondary access street would require 244,000 cubic vards of cut and 109,000 cubic vards of fill, which necessitates exporting approximately 135,000 cubic yards. Total export equals 251,000 cubic yards. (Id.). Spring Trails has been responsibly designed to fit into the existing

landscape, at the same time meeting the intent of the HMOD. Project development would avoid steep hillside areas and clusters development in the lower foothill areas. This has the following benefits in terms of grading impacts:

- Minimizes hillside grading and scarring that would be visible from public rights-of-way;
- Preserves the Cable Canyon and Meyers Canyon drainage courses in their natural conditions and minimizes impacts on natural topography;
- o Maintains significant natural drainage courses within the proposed development area to enhance water quality. (*Id.*).

The Specific Plan for the Project contains hillside design and development standards that have been prepared to be site-specific for the proposed project and are consistent with the General Plan. The HMOD design guidelines would not be necessary. Thus, no mitigation is required.

c. Development Within Foothill Fire Zones.

Potential Significant Impact:

Whether development would occur within Foothill Fire Zones A and B or C, as identified in the City's General Plan.

Finding:

Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that although development of the Project will be within Foothill Fire Zones A and B and C, all development will comply with the Foothill Fire Overlay District standards and therefore, no mitigation is required.

Facts in Support of the Finding:

The overlay district identifies 3 foothill fire zones: A, Extreme Hazard; B, High Hazard; and C, Moderate Hazard. Approximately one third of the site is in Fire Zone A, one third of the site is in Fire Zone B, and the remaining third is in Fire Zone C. (EIR Figure 5.8-2). Areas in the Foothill Fire Zones are required to be developed with proper building separation, landscaping, and building materials; adequate emergency access and evacuation routes; and sufficient water resources. (EIR at 5.8-48). To ensure the safety of property and lives, a detailed fire safety analysis was conducted by FireSafe Planning Solutions and a fire protection plan was prepared, which factored in wind patterns, fuel types (vegetation), topography, weather patterns, and historical burn patterns to determine the

potential severity of wildfires and appropriate protection methods. (EIR at 5.8-49). A comparison of the provisions of this Specific Plan with the Foothill Fire Overlay District is provided in Appendix D of the Specific Plan. The table in Appendix D shows the Project's compliance with the Foothill Fire Overlay District standards for access and circulation, site and street identification, roadside vegetation, water supply, erosion control, construction and development design, and other miscellaneous standards such as disclosure to property owners and responsible parties for fuel modification zone maintenance. Spring Trails is compliant with all standards laid out in the Foothill Fire Overlay District. (Id.). The fire protection plan prepared by Fire Safe Planning Solutions was approved by the San Bernardino County Fire Department and incorporated into the Spring Trails Specific Plan. Accordingly, the potential for impacts related to development within Foothill Fire Zones is less than significant, and no mitigation is required.

d. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in cumulatively significant impacts related to Land Use and Planning.

Finding:

Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in cumulatively significant impacts related to Land Use and Planning and therefore, no mitigation is required.

Facts in Support of the Finding:

Development of the Project, in addition to other cumulative development, could cause City-wide land use and planning impacts. (EIR at 5.8-49). However, upon adoption of the Spring Trails Specific Plan, the Project would be consistent with applicable plans, policies, and regulations of the San Bernardino General Plan, the City's zoning regulations, and SCAG's RCPG and RTP. (Id.). Additionally, as with the proposed Project, other cumulative projects would also be subject to compliance with the local and regional plans reviewed in this section. (Id.). Implementation of the cumulative projects would not combine with the proposed Project to result in cumulatively considerable land use impacts, and no mitigation is required.

9. **Mineral Resources.**

a. Loss of Mineral Resources.

Potential Significant Impact:

Whether the Project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Finding:

Impacts related to Mineral Resources are discussed in detail at Section 5.9 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in the loss of availability of any known mineral resource, and therefore, no mitigation is required.

Facts in Support of the Finding:

Younger alluvium is present on the Project site, which may be suitable as construction aggregate, but is present onsite in limited amounts, mainly in Cable Canyon and Myers Canyon. (See EIR Figure 5.5-1). Most of the site surface consists of older terrace deposits, which are not thought to be suitable as aggregate because the boulders and gravel in these deposits are moderately weathered and crumbly, suggesting they break down easily. (EIR at 5.9-4). There are no mineral resource recovery sites designated in the City of San Bernardino General Plan on or near the Project site, and there are no existing mineral resource recovery operations on or next to the Project site. (Id.). Accordingly, impacts to mineral resources will be less than significant, and no mitigation is required.

10. **Noise.**

a. Substantial Permanent Increase in Ambient Noise.

Potential Significant Impact:

Whether the Project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project; specifically, whether based on the City of San Bernardino standard for maximum outdoor noise levels in residential areas, Project-related traffic would increase the CNEL at any noise-sensitive receptor by an audible amount, 3 dBA and ambient noise levels exceed 65 dBA.

Finding:

Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in a substantial permanent increase in

ambient noise levels in the Project vicinity above levels existing without the Project, because Project-related traffic will not increase the CNEL at any noise-sensitive receptor by an audible amount, and therefore, no mitigation is required.

Facts in Support of the Finding:

The operations phase of the Project would generate noise primarily associated with vehicular trips. (EIR at 5.10-17). According to the Project's traffic impact analysis, the Project would generate 3,149 average daily trips (ADT), with 247 trips in the morning peak-hour and 333 trips in the evening peak hour. (Id.). A 3 dB change in noise levels is considered to be the minimum change discernible to the human ear. (Id.). Project-related traffic at buildout year 2013 would cause noise levels to increase by more than 3 dBA on the new access roads, along Little League Drive, and Belmont Avenue between Little League Drive and Magnolia Avenue. (EIR Figure 5.10-6). However, ambient noise levels would not exceed 65 dBA CNEL under year 2013 with Project conditions along these roadways. A portion of the segment of Little League Drive south of Frontage Road would be within the 65 dBA CNEL ambient noise contour, however, there are no noise-sensitive receptors present. (EIR at 5.10-18). Consequently, implementation of the Project would not cause a substantial permanent increase in ambient noise levels; noise impacts would be less than significant in year 2013, and no mitigation is required.

b. Noise Levels in Excess of Standards.

Potential Significant Impact:

Whether the Project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; specifically, whether noise generated by buildout of the Project would result in stationary (non-transportation) noise that results in a noise nuisance at noise-sensitive receptors as determined in Chapter 8.54, *Noise Control*, of the City's Municipal Code; or result in interior noise levels in habitable noise-sensitive areas that exceed 45 dBA CNEL or exterior noise levels at single-family residential noise-sensitive areas exceed 65 dBA CNEL.

Finding:

Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in exposure of persons to or generation of noise levels in excess of any standard, and therefore, no mitigation is required.

Facts in Support of the Finding:

Noise may have a significant impact if the Project constructs a noise-sensitive land use in an area that is incompatible due to excessive noise. (EIR at 5.10-18). The City of San Bernardino has adopted a land use compatibility criterion for the siting of new noise-sensitive land uses within the City. (See EIR Table 5.10-3). Per the City of San Bernardino General Plan, noise-impacted projects are defined as residential projects with noise levels that exceed the City's "Normally Acceptable" compatibility criteria. For residential projects, noise-impacted projects are those that are exposed to exterior noise levels of 65 dBA CNEL or greater. Noise-impacted projects are required by the City to include upgraded noise insulation features (e.g., windows, doors, attic baffling) that achieve an exterior-to-interior noise level of 45 dBA CNEL. (EIR at 5.10-18). The majority of future ambient noise at the Project area would be generated by local roadway traffic. (Id.). Noise-sensitive portions of the Project site include the interior of the residential dwelling units, and the exterior noise-sensitive areas of these uses. Traffic on the local roadways under Year 2013 With Project conditions would not generate noise levels that exceed the exterior noise level of 65 dBA CNEL. (EIR Figure 5.10-5). Noisesensitive uses would be exposed to exterior noise levels of 50 dBA CNEL and under. Pursuant to the California Building Code, noise-sensitive habitable rooms would be required to be designed to achieve an interior noise standard of 45 dBA CNEL. In general, exterior-to-interior transmission loss from standard building construction results in a minimum attenuation of 24 dBA under windows-closed conditions and 12 dBA under windowsopen conditions. (EIR at 5.10-18). Therefore, interior noise levels would not exceed the interior noise standard of 45 dBA CNEL. Consequently, noise impacts at the onsite noise-sensitive receptors would be less than significant.

Residential uses would generate stationary noise sources on the Project site, including heating, ventilation, and air conditioning (HVAC) units from residential units, and noise from landscaping activities. (EIR at 5.10-27). HVAC units and other equipment would be acoustically engineered with mufflers and barriers to ensure that no exceedance of the City's noise standards would occur. (Id.). Consequently, proposed residential uses would not generate substantial noise, and impacts to nearby noise-

sensitive receptors would be less than significant. Thus, no mitigation is required.

c. Groundborne Vibration.

Potential Significant Impact:

Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; specifically, whether construction equipment would produce perceptible levels of vibration (78 VdB) during the daytime at offsite vibration-sensitive structures, or produce vibration that is strong enough to cause vibration-induced architectural damage based on the Federal Transit Administration (FTA), which is 0.2 in/sec for typical wood-framed buildings or 0.5 in/sec for reinforced concrete, steel, or timber structures.

Finding:

Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and therefore, no mitigation is required.

Facts in Support of the Finding:

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and the construction equipment. (EIR at 5.10-27). Construction equipment can produce vibration from vehicle travel as well as grading and building activities. No pile driving, blasting, or other vibration-intensive activity would be required in the construction effort. (Id.). The highest levels of vibration would be experienced when a heavy piece of construction equipment is operating or passes in proximity to the nearby vibration-sensitive structures. Levels of vibration produced by construction equipment are evaluated against the FTA's significance threshold for vibration annoyance of 78 VdB for residential structures during the daytime. (Id.). Although the maximum vibration levels associated with certain construction activities could be perceptible in certain instances, vibration events would be infrequent throughout the day, would occur during the least vibration-sensitive portions of the day, and equipment would be used for a short duration when working in close proximity to vibration-sensitive receptors. (EIR at 5.10-28). Additionally, construction activities are typically distributed throughout a project site. Therefore, construction vibration is based on average vibration levels (levels that would be experienced by sensitive receptors the

majority of the time) that exceed the FTA's criteria for vibration-induced annoyance at sensitive residences during the day of 78 VdB. While construction equipment could operate as close as 65 feet to the nearest offsite vibrationsensitive residential structures (onsite Secondary Access Road), most of the heavy construction equipment would operate at greater distances (average distance of 761 feet). (Id.). Average vibration levels from construction of the Project would not exceed the FTA criteria for vibration annoyance at the surrounding residential uses or at the onsite residence. (EIR existing **Table 5.10-7**). Consequently, impacts would be less than significant.

Development of the Project would require construction of two access roads into the project site from the existing arterials. (EIR at 5.10-28). The primary access road would connect at the southeast entrance of the site and the secondary access road would connect to the southwest entrance of the project site. Roadway construction would include grading, foundation work, and asphalt paving that would extend beyond the Project site boundary into the surrounding properties. (*Id.*). While construction equipment at the roadway construction areas could operate as close as 55 feet to the nearest offsite vibration-sensitive receptor, most of the heavy construction equipment would operate at greater distances. (Id.). Average vibration levels from construction of the Project would not exceed the FTA criteria for vibration annoyance at the surrounding residential uses. (EIR at Table 5.10-8). Consequently, impacts would be less than significant.

The FTA criterion for vibration-induced architectural damage is 0.20 inch per second for the peak particle velocity ("PPV") for wood-framed structures. (EIR at 5.10-29). Project-related construction vibration was evaluated for its potential to cause architectural damage in comparison to the FTA's architectural damage criteria for the closest offsite structure. Onsite construction activities associated with the Project would occur at distances that would result in PPV levels below the FTA's criteria for vibration-induced architectural damage at the nearest off-and onsite vibration-sensitive structures. (EIR Table 5.10-9). Consequently, impacts would be less than significant at off- and onsite receptors. Similar to onsite construction activities, vibration levels from roadway-related construction activities would also result in PPV

levels below the FTA's criteria for vibration-induced architectural damage at the nearest offsite vibration-sensitive structures. (EIR Table 5.10-10). Consequently, impacts would be less than significant at offsite receptors, and no mitigation is required.

d. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in or contribute to a significant cumulative noise impact.

Finding:

Potential Noise impacts of the Project are discussed in detail at Section 5.10 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in or contribute to a significant cumulative noise impact, and therefore, no mitigation is required.

Facts in Support of the Finding:

Project-related cumulative noise impacts may occur if, under Project conditions, there is a substantial increase in overall cumulative noise (3 dBA or more), the Project contributes 0.1 dBA or more to the overall cumulative noise increase, and the ambient noise environment is above 65 dBA CNEL. (EIR at 5.10-36). Buildout year 2013 conditions would not result in any cumulative noise impacts along the roadway segments within the study area. (EIR Figures 5.10-5 to 5.10-7). Roadway segments where the ambient noise environment would be 65 dBA CNEL or higher, such as along Palm Avenue and I-215 corridor, would not result in cumulative noise increases of 3 dB or more under buildout year 2015 with project conditions. (EIR at 5.10-36). For roadway segments—such as the secondary access road from I-215 to the Project site and the primary access road from the Project site to Meyers Road—where cumulative noise would exceed 3 dB under buildout year 2013 conditions, ambient noise levels would not exceed 65 dBA CNEL. (Id.). A small portion of the segment of Little League Drive south of Frontage Road would result in a 3 dB increase in cumulative noise under year 2013 With Project conditions. (Id.). This would be within the 65 dBA CNEL noise contour, and the Project would contribute at least 0.1 dB to the overall cumulative noise increase. However, there are no noise-sensitive uses in this area. Consequently, the Project's contribution to cumulative noise would be less than significant, and Project impacts would not be cumulatively considerable for buildout Year 2015 conditions. (Id.).

Potential noise impacts from Project-related traffic were evaluated to assess cumulative increases in the ambient noise environment in the vicinity of noise-sensitive receptors for horizon year 2030. (Id.). By horizon year 2030, considerable growth in the San Bernardino area is anticipated. Therefore, future traffic growth within the City of San Bernardino in horizon year 2030, in addition to Project-related traffic growth, would also result in increases in the ambient noise levels within the City. The ambient noise along a portion of the primary access road—from Belmont Avenue to just north of Meyers Road-would exceed 65 dBA CNEL, cumulative noise would exceed 3 dB, and the Project would contribute at least 0.1 dB. (EIR Figure 5.10-11). However, there are no existing noise-sensitive receptors within the vicinity of this particular portion of the roadway segment. Other roadway segments, such as Palm Avenue north of I-215, would be within ambient noise levels of 65 dBA CNEL or higher; however, cumulative noise would not exceed 3 dB. Consequently, the Project's contribution to cumulative noise would be less than significant and project impacts would not be cumulatively considerable for horizon year 2030 With-Project conditions. (EIR at 5.10-37).

Unlike transportation noise sources, whose effects can extend well beyond the limits of the project site, stationary noise generated by a project only impacts sensitive receptors adjacent to the project site. (*Id.*). As no significant stationary noise impacts from Project implementation were identified, and the City of San Bernardino restricts stationary noise generated on a property from creating a nuisance to other noise-sensitive receptors, cumulative stationary-source noise generation would also be less than significant. (*Id.*).

Like stationary-source noise, cumulative construction noise and vibration impacts are confined to a localized area of impact. Consequently, cumulative impacts would only occur if other projects are being constructed in the vicinity of the Project at the same time as the Project. (*Id.*). Since there are no other planned projects in the vicinity of the Project area, there are no cumulative construction-related noise and vibration impacts. Accordingly, the potential for the Project to result in cumulative noise impacts is less than significant, and no mitigation is required.

11. **Population and Housing.**

a. <u>Substantial Population Growth</u>.

Potential Significant Impact:

Whether the Project would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Finding:

Impacts related to Population and Housing are discussed in detail at Section 5.11 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not induce substantial population growth either directly or indirectly, and therefore, no mitigation is required.

Facts in Support of the Finding:

The Project would result in a slight population growth in the Project area, by directly introducing up to 304 new single-family residential units (reduced to 215 units, or 711 persons) into the City of San Bernardino. Using an average household size of 3.34 persons, the Project would add up to 1,015 new residents to the City of San Bernardino. (FEIR at 3-12). The population for the City of San Bernardino in 2005 was 201,049 and is projected to increase to 265,515 in 2035. (EIR Table 5.11-1). The City's General Plan currently designates the Project site as Residential Estate (RE), which allows for one dwelling unit per acre. However, the Project would require a General Plan Amendment to change the existing land use designation to Residential Low (RL), allowing 3.1 dwelling units per acre, an increase of 2.1 dwelling units per acre. (EIR at 5.11-9). The City's projected buildout population under the existing land use designations is approximately 319,241 (General Plan 2005), which includes 276,264 persons in the City and 42,976 persons in the City's sphere of influence. The Project would increase the overall buildout population from 319,241 to 320,256, but more specifically, the projected population of 42,976 persons in the City's sphere of influence would increase to 43,991. The projected population increase that would be generated by the Project would represent approximately 0.32 percent of the buildout population forecast for the City of San Bernardino. Although the proposed land use designation would allow for 2.1 more dwelling units per acre than the existing general plan, the Project would only result in a nominal increase in the overall projected buildout population. (*Id.*).

The City of San Bernardino is a jobs-rich community. According to SCAG, the total employment within the City will grow from 81,115 jobs in 2000 to 157,088 jobs in 2035, for a total increase of 75,973 jobs, representing 93.7 percent growth. This reflects an annual growth rate of approximately 2,171 jobs or 2.7 percent. Implementation of the Project would create short-term jobs during the construction phase; however, the Project itself would not provide any jobs. (Id.). SCAG applies the jobs/housing ratio at the regional and sub-regional level as a tool for analyzing the fit between jobs, housing, and infrastructure. Although no ideal jobs/housing ratio is adopted in state, regional, or city policies, SCAG considers an area balanced when the jobs/housing ratio is 1.35; communities with more than 1.5 jobs per dwelling unit are considered jobsrich. The Project would consist of 309 residential units and would not provide any jobs. (Id.). By 2035, the City is projected to grow by 36.6 percent in housing, 32.1 percent in population, and 65.5 percent in employment. (EIR **Table 5.11-5**). SCAG's forecast predicts a strong growth in employment, as the City's jobs/housing ratio was 1.65 in 2005 and is expected to increase to 2.00 by 2035. The projected 2035 jobs/housing ratio at Project buildout would be 1.99, or 0.01 less than the jobs/housing ratio at buildout without the Project. The Project would create a jobs/housing ratio that is slightly more balanced compared to the projected buildout in the area, improving the iobs/housing ratio within the City. (EIR at 5.11-9). By buildout year 2035, the county is projected to grow by 71.4 percent in housing, 32.1 percent in population, and 65.5 percent in employment. In 2005, the jobs/housing ratio was 1.24 and is projected to increase to 1.29 in 2035, maintaining an overall balance between the number of jobs and number of households within the county. The Project would not change the projected buildout ratio between jobs and housing in the county. (EIR Table 5.11-5). previously mentioned, there is some variation between the City's and SCAG forecasts because different growth rates were used to determine the projections. EIR Table 5.11-6 shows the job/housing ratio according to the City's projections in their General Plan. At Project buildout, the City predicts that their jobs/housing ratio would be 3.7. (EIR at 5.11-10). Infrastructure improvements are required for the Project, and a primary access road would have to be constructed from the terminus of Little League Drive and extended west to the northeastern corner of the Project site,

along with a secondary access road. These access roads would only accommodate the Project. The development of the Project would also require the construction of new stormwater drainage facilities and infrastructure, the construction of new pipelines on the Project site, and potentially an upgrade of the existing pipeline at Little League Drive. (Id.). Additionally, there would be three proposed detention basins that would be maintained by the owner or homeowners association. This would improve the fire flow in the higher elevations of the Project site and its vicinity. (EIR at 5.11-11). The Local Agency Formation Commission approved a sphere of influence expansion in September 1996 for the City, which placed the Project site and adjacent area within the City of San Bernardino's sphere of influence. Therefore, these improvements are consistent with planned growth for the City. (Id.). To the extent that these improvements would accommodate growth that could not occur otherwise, they would be considered growth inducing. Since substantial growth is anticipated and planned for the City, surrounding growth accommodated by these improvements is not considered significant, and no mitigation is required.

b. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in or contribute to a cumulatively significant impact related to Population and Housing.

Finding:

Impacts related to Population and Housing are discussed in detail at Section 5.11 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in or contribute to a cumulatively significant impact to Population and Housing, and therefore, no mitigation is required.

Facts in Support of the Finding:

Implementation of the Project would contribute to the growth of the City of San Bernardino. (EIR at 5.11-11). However, the Project's cumulative housing and population impact provides benefits for the jobs/housing ratio, regional housing goals that promote housing production, and statemandated fair share housing programs. (Id.). The Project provides the City with more housing, which decreases the job/housing ratio by 0.01 at the projected buildout in 2035, according to SCAG projections. According to the projections in the General Plan, the Project would not change the projected buildout ratio between jobs and

housing in the City. As a result, the Project would not make a considerable contribution to cumulative growth impacts, and no mitigation is required.

12. **Public Services.**

a. Police Protection.

Potential Significant Impact:

Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services.

Finding:

Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for police protection services, and therefore, no mitigation is required.

Facts in Support of the Finding:

Upon annexation of the Project site, the San Bernardino Police Department ("SBPD") would provide police services to the Project site. (EIR at 5.12-9). This would expand SBPD's service area and would likely result in an increase in calls for SBPD services. Such an increase in calls would be expected to create a need for additional police staff. (Id.). The City of San Bernardino's development impact fee for law enforcement is \$597.74 per unit for detached single-family residential units. With a total of 304 units (reduced to 215 units), \$181,712.96 would be charged to the Project developer as law enforcement development impact fees. (Id.). These fees may be spent on facilities, equipment, or vehicles, and will reduce any impacts to police protection services to a less than significant level. Accordingly, no mitigation is required.

b. School Services.

Potential Significant Impact:

Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for school services.

Finding:

Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for school services, and therefore, no mitigation is required.

Facts in Support of the Finding:

The Project is estimated to generate roughly 101 additional students in the attendance area of North Verdemont Elementary School, 52 students in the attendance area of Cesar Chavez Middle School, and 59 students in the attendance area of Cajon High School. (FEIR 3-23, Table **5.12-3**). There is existing unused capacity at Cesar Chavez Middle School and Cajon High School to accommodate project-generated students. However, the unused capacity at North Verdemont Elementary School is 82 students, less than Project-generated elementary school students. (*Id.*). The Project would create a potential need for teachers and support staff at the elementary, middle, and high school levels. In addition, the Project may create a need for additional elementary school classroom space, depending on population trends in the area. SBCUSD would charge the project Level 2 fees of \$5.40 per square foot for singlefamily residential units. (Id.). School fees levied by school districts under SB 50 are defined as comprising full mitigation for a project's impacts on public schools, and thus, no additional mitigation is required.

c. Library Services.

Potential Significant Impact:

Whether the Project would result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for library services.

Finding:

Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities for library services, and therefore, no mitigation is required.

Facts in Support of the Finding:

The Project would include 304 single-family homes (reduced to 215 units) and would also involve the annexation of the Project site into the City of San Bernardino. (EIR at 5.12-13). Upon annexation, the Project would be in the service area of the San Bernardino Public Library, and the Dorothy Inghram Branch Library would be the closest San Bernardino Public Library ("SBPL") facility. (Id.). The average household size in the City of San Bernardino is roughly 3.34 persons. Therefore, the Project at completion would be expected to add roughly 1,015 (711 persons at 215 units) persons to the City. The Project would thus result in an increased demand for library service in the City. (Id.). At a ratio of two volumes per resident, the Project would create a need for roughly 2,030 additional library items. (Id.). The Project-generated increase in population would also create increased need for technology such as computers at the Inghram Branch Library, and would contribute to a need for additional staffing. (Id.). The \$596.63 per residential unit library facilities fee that the City would charge to the Project, would help the SBPL to meet the Project-related increase in demands for library services and reduce impacts to a less than significant level, and thus no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact:

Whether the Project would result in a cumulatively significant impact to provision of public services.

Finding:

Impacts related to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not result in a cumulatively significant impact to provision of public services, and therefore, no mitigation is required.

Facts in Support of the Finding:

Fire Protection Services: Cumulative impacts on fire services would occur if additional development is planned for the surrounding area, increasing the need for Fire Station 232 to provide emergency service to the area. There is potential for cumulatively significant impacts to occur, requiring additional fire service facilities and personnel. The citywide population is expected to increase from 201,049 in 2005 to 265,515 in 2035, an increase of roughly 32.1 percent. Other developments in the City would be assessed Fire Protection Development Impact Fees, as would the Project. Such fees would help to reduce cumulative impacts to fire protection. (EIR at 5.12-7).

Police Services: Cumulative impacts on police services would occur if additional development is planned for the surrounding area, increasing the need for police services to the area. At General Plan buildout the City of San Bernardino, including areas now in the sphere of influence, is projected to have a population of roughly 265,515, an increase of 64,466, or 32.1 percent, over the 2005 population of 201,049. Additional developments in the City would be charged law enforcement development impact fees, as would the Project. Such fees, which may be spent on facilities, equipment, and vehicles, would help reduce cumulative impacts to police protection. (**EIR at 5.12-9**).

School Services: If there are other residential projects in the Verdemont area in addition to the Project, the District anticipates the need for more classrooms and staffing at the elementary school level. The District expects increases in staffing at the middle school and high school levels without facilities impacts. School fees levied on related projects pursuant to SB 50 would constitute mitigation for those projects' impacts on schools. (**EIR at 5.12-12**).

Library Services: The City of San Bernardino estimates that the City's population will increase to about 265,515 by 2025, including the areas now in the City's sphere of influence, an increase of 64,466, or 32.1 percent, over the 2005 population of 201,149. The Project would account for roughly 1 percent of that population increase. Growth in the City will lead to increased demand for library services. (EIR at 5.12-13). New or expanded library facilities will be needed, in addition to increases in materials, technology, and staffing. The SBPL is funded mostly through the City's General Fund. New developments built in the City will generate increased tax revenue, thus expanding the General Fund. Cumulative development therefore would not have a substantial adverse impact on library services, and the Project's impacts on library services would not be cumulatively considerable. (EIR at 5.12-14).

In sum, the Project's payment of development impact fees will reduce cumulative impacts to the provision of public services to less than significant levels, and no mitigation is required.

13. **Recreation.**

a. Recreational Facilities.

Potential Significant Impact:

Whether the Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Finding:

Impacts related to Recreation are discussed in detail in Section 5.13 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; and, therefore, no mitigation is required.

Facts in Support of the Finding:

According to the Parks, Recreation, and Trails Element of the San Bernardino General Plan, five acres of parkland and/or recreations facilities per 1,000 population is required for residential development projects. (EIR at 5.13-8). The maximum buildout of the Spring Trails Specific Plan would accommodate 304 units. Based on the City of San Bernardino's General Land Use Element, the 2008 average household size is 3.34 persons, and the Project would therefore generate a population of approximately 1,015 residents (303 units x 3.34 = 1,015, or 711 persons at 215 units). (FEIR at 3-23). Based on the Quimby Act legislation allowing a maximum parkland dedication standard of 3 acres per 1,000 population, approximately 3.05 acres of parkland or equivalent fees or improvements would be required to serve the residents of the Project. Based on the City's General Plan performance standard for parks and recreation facilities (5 acres per 1,000 population), the Project would generate the need for 5.01 acres of parkland. The Spring Trails Specific Plan would provide 246.3 acres of public and private parkland, open space, trails, and recreational amenities on the Project site. (*Id.*). More specifically, 9.0 of the 246.3 acres would be designated public and private parks: 2.0 acres of private parks and 7.0 acres of public parks. Therefore, the Project would exceed the City requirements by 3.99 acres of

parkland. Additionally, the Project responds to the City's Parks, Recreation, and Trails Element Goals 8.1 and 8.3 by providing parks and creating a trail system that would connect to future and existing regional and City trails. (*Id.*). The parks and open space components would provide passive and active recreational opportunities. The exact number, precise location, configuration, type, and amount of amenities and facilities, and the size of the parks and open space areas would be established at the time of development of the tentative tract map(s) of the Project. (Id.). The proposed parks and open space acreage of the Spring Trials Specific Plan would meet and exceed the amount of parkland and/or recreation facilities defined by the Quimby Act and the more conservative performance standard outlined in the City's General Plan. Therefore, the Project's parks and open space components would ensure that recreational facilities would be available to new residents of the Project. (Id.). Since park needs would be met and exceeded onsite, it is not expected that the residents of the Project would, in any appreciable manner, need to use City or regionwide parks that are located offsite. Additionally, the proposed public parks, trails, and open space components would also serve residents of the existing and future surrounding communities. (Id.). Thus, impacts related to recreational facilities are less than significant, and no mitigation is required.

b. <u>Cumulative Impacts</u>.

Potential Significant Impact:

Whether the Project would result in cumulatively considerable impacts to the use, construction or expansion of recreational facilities.

Finding:

Impacts related to Recreation are discussed in detail in Section 5.13 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not result in cumulatively considerable impacts to the use, construction or expansion of recreational facilities; and, therefore, no mitigation is required.

Facts in Support of the Finding:

Buildout of the Spring Trails Specific Plan would accommodate 304 residential units, generating a total of 1,015 residents. (**FEIR at 3-23**). According to the Parks, Recreation, and Trails Element, the City is currently deficient in park space and needs 787.6 acres of public parkland to provide for the projected population. The Project itself would generate a need for a total of 5.01 acres

of parkland. (Id.). However, the Project would provide 9 acres of public and private parkland and an additional 246.3 acres of open space, providing additional acreage beyond the park requirements and lessening the City's overall parkland needs. (Id.). The Project will increase the cumulative acreage of parks in the City, improving the City's current deficiency of parkland. Additionally, the Spring Trails Specific Plan meets the goals of the Parks, Recreation, and Trails Element of the General Planencourage creation of a system of parks, bikeways, trails, and recreation facilities that serve residents needs and connect different neighborhoods to the City; and develop a system of open spaces, bikeways, and trails to connect individual neighborhoods into the fabric of the entire community. (EIR at 5.13-9). Thus, the Project will not result in cumulatively considerable impacts to the use, construction or expansion of recreational facilities; and, therefore, no mitigation is required.

14. **Traffic Impacts.**

a. <u>Hazards Due to Design Feature.</u>

Potential Significant Impact:

Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) or result in inadequate emergency access.

Finding:

Impacts related to Traffic and Circulation are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not substantially increase hazards due to a design feature or result in inadequate emergency access, and therefore, no mitigation is required.

Facts in Support of the Finding:

The proposed Spring Trails Specific Plan would involve the development of single-family residences with a local roadway network of cul-de-sac right-of-ways, a main loop road, and two access roads. (EIR at 5.14-44). These two access roads would connect the Project site to the existing Meyers Road, Little League Drive, and Perrin Road. The access roads and onsite circulation would follow the design standards of the FF District that allow emergency access to the site, and would not create any dangerous conditions. (Id.). Thus, impacts in this area are less than significant, and no mitigation is required.

b. <u>Alternative Transportation.</u>

Potential Significant Impact:

Whether the Project would conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Finding:

Impacts related to Traffic and Circulation are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will not conflict with adopted policies, plans, or programs supporting alternative transportation, and therefore, no mitigation is required.

Facts in Support of the Finding:

The proposed roadway network of the Spring Trails project includes two access roads, a primary local street, a secondary local street, and two types of cul-de-sac streets. (EIR at 5.14-44). There are no planned public transit uses for the site, but residents would have indirect access to the Omnitrans bus system (approximately two miles to bus stop). Private vehicles would most likely be the most common form of transportation used onsite since the site is not in the immediate vicinity of public transit stations. If bus or other public transit service were expanded in the area of the Project, the Project would not interfere with potential routes. (EIR at 5.14-39). The Project's trail system would tie into area-wide trails that would help facilitate access to public transit, and would provide trails and routes for pedestrian, bicycle, and equestrian use. (EIR at 5.14-44). Thus, impacts in this area are less than significant, and no mitigation is required.

15. Utilities and Service Systems.

a. Stormwater Drainage Facilities.

Potential Significant Impact:

Whether the Project would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Finding:

Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or require or result in the construction of new storm water drainage facilities or

expansion of existing facilities, the construction of which could cause significant environmental effects; and, therefore, no mitigation is required.

Facts in Support of the Finding:

The development of the Project would require the construction of new stormwater drainage facilities and infrastructure. (EIR at 5.15-21). For the most part, natural drainage patterns would be preserved with the development of the site. Major improvements would include three stormwater detention basins that would also serve as community parks. (Id.). Two of these, in the western and southern portion of the site, near Meyers Road, would serve as neighborhood parks. The other, in the south-central portion of the site, would be a dog park. The water in these detention basins would be treated and then discharged at a controlled rate into Cable Canyon Creek. (Id.). Other stormwater drainage facilities would consist of 24-inch to 96-inch reinforced concrete pipes that would be placed along the major looped road. Culverts would be constructed to maintain natural drainage patterns in each of the drainage areas (A, B, C, and D) where proposed roadways would otherwise obstruct the drainage flow. (EIR Figure **3-9**). Prior to site grading, a stormwater pollution prevention plan permit must be approved by the Santa Ana Regional Water Quality Control Board (RWQCB). A water quality management plan has also been prepared for the Spring Trails Specific Plan in accordance with the Santa Ana RWQCB. This plan includes BMPs to reduce the volume, rate, and amount of stormwater runoff that must be treated and reduce the potential for urban runoff and pollutants from coming into contact with one another. (EIR at 5.15-21). Although the proposed development would necessitate the construction of new facilities and infrastructure, their construction would help to maintain the natural drainage patterns of the site and would control the stormwater runoff flow so that it would not exceed the capacities of Cable Canyon Creek leaving the site. Thus, impacts in this area are less than significant, and no mitigation is required.

b. <u>Wastewater Treatment</u>.

Potential Significant Impact:

Whether the Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Finding:

Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; and, therefore, no mitigation is required.

Facts in Support of the Finding:

The Project would be served by the City's Public Works Department upon the annexation of the Project site. The design, construction, and conveyance capabilities of the sewer lines are the responsibility of the Project engineer and would be required to follow the Public Works Department sewer design policies and requirements. (EIR at 5.15-21). The proposed sewer lines would connect to the eight-inch sewer line at the intersection of Meyers Road and Little League Drive. (EIR Figure 3-12). A residential wastewater generation rate of 182 gpd per acre was used to determine the daily flow rates of the proposed Project. This rate is used for developments with residential densities of one unit per acre or less. The Sewer Capacity Analysis prepared for the Project found that the flow rate of the proposed project would reach 327,283.2 gallons per day (366.6 afy). (EIR Appendix L). The Margaret H. Chandler Water Reclamation Plant ("WRP") has a projected wastewater flow of 35,828 afy in 2015 (31.985 mgd). (EIR at 5.15-22). With a capacity of 33 mgd, the plant would have remaining capacity for 1.015 mgd. The Project's expected wastewater flow of 327,283.2 gpd is within the projected flow capacity of the WRP near opening year 2013 (35,828 afy in 2015). The onsite sewer lines would be eight inches in diameter, designed to accommodate a flow rate of 1.354 cubic feet per second (cfs) (203 gpm). The actual onsite flow would be 0.5064 cfs. (Id.). The Sewer Capacity Study assessed the existing conditions of the sewer system that would be used by the Project and the capacity that would be required for proposed sewer lines. The report used the City of San Bernardino Public Works Sewer Policy and Procedures design criteria for sanitary sewers based on City sewer buildout conditions in year 2020. The City's Sewer Master Plan is based on City buildout in 2020. (Id.). The analysis of the existing sewer system found that four locations had a pipe flow over that of the design flow for the pipe section. These four locations were still below the full flow capacity of the sewer pipe sections. (Id.). Since all pipeline sections are still within the full flow capacity, upgrades are not required. The existing

sewer system would be able to accommodate the wastewater flow from the Project. However, the slope of the proposed pipeline in Verdemont Drive is not known. Depending on this slope, the pipeline would be either 8 or 10 inches in diameter. If a 10-inch pipeline is used, the existing pipeline at Little League Drive would need to be upgraded from 8 to 10 inches, since it is not recommended to have a 10-inch pipeline upstream of an 8-inch pipeline. (Id.). The Project would require the construction of new pipelines on the Project site, most likely of 8- inch diameter, and potentially an upgrade of the existing pipeline at Little League Drive. The construction of new pipelines and pipeline improvements is designed within the road right-of-ways. (Id.). Potential environmental impacts associated with these improvements were addressed in the EIR in conjunction with the assessment of the development footprint, and found to be less than significant. Accordingly, no mitigation is required.

c. <u>Landfill Capacity</u>.

Potential Significant Impact:

Whether the Project would be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or fail to comply with federal, state, and local statutes and regulations related to solid waste.

Finding:

Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or fail to comply with federal, state, and local statutes and regulations related to solid waste; and, therefore, no mitigation is required.

Facts in Support of the Finding:

The proposed Spring Trails specific plan involves 304 residential units (reduced to 215 units) that would generate solid waste to be disposed at Mid-Valley and/or San Timoteo landfills. (EIR at 5.15-26). The solid waste generated by each residential unit can be estimated at 12.23 pounds of household waste per dwelling unit per day. (Id.). Based on this estimation, the Project would generate approximately 1,357,040 lbs/year (678 tons of solid waste per year, or 1.85 tons per day). San Timoteo Landfill can receive a maximum of 1,000 tons per day until 2016. (Id.). Since this closure date is not long after the buildout of the Project, the majority of the waste from the Project would

go to the Mid-Valley landfill, which has a closure date of 2033. (*Id.*). The Mid-Valley Landfill can receive up to 7,500 tons of waste per day, and the average daily waste flow is 2,790 tons. (*Id.*). The daily waste flow plus the waste flow of the Project totals 2,791.88 tons per day, which would be under the permitted daily capacity of the landfill. (*Id.*). The County and City of San Bernardino have recycling programs and incentives to reduce the amount of solid waste being transported to landfills. The waste reduction and pollution prevention programs of the City help both residents and businesses reduce waste and find recycling solutions. The City offers pick-up services for waste, green waste, and recycling for residents and businesses. Impacts related to solid waste generation would be less than significant. (*Id.*).

The City of San Bernardino was in compliance with AB 939 in 2005 and 2006 based on the 50 percent waste diversion rate. (EIR Table 5.15-17). In 2007 and 2008, San Bernardino did not meet the per capita disposal rate targets, do not necessarily but these numbers indicate noncompliance. (See EIR Table 5.15-18). The figures must be reviewed and approved by the board before they are used to determine the City's compliance with AB 939 (and SB 1016). These figures have not yet been approved by the board, and the effect Spring Trails would have on the City's ability to meet its diversion targets is speculative. (EIR at 5.15-26). In worst-case conditions, the Project would decrease the amount of waste being diverted from landfills, and lessen the City's likelihood of compliance with AB 939. Residents living in Spring Trails would participate in City-sponsored waste and recycling collection programs. (Id.). Residential waste flow generated during the operation of the Project would have to be incorporated into the City's calculations on how to meet the 50 percent diversion goal. Although it would increase the amount of waste that would need to be disposed of by the City, this increase is not expected to cause significant impacts. (*Id.*). Construction material waste must also be reported to CalRecycle to indicate compliance with AB 939. Construction material waste would also need to be incorporated into the City's calculations to meet the 50 percent diversion goal; however, since there would not be demolition of existing structures involved with the construction activities, there would not be a substantial amount of waste to be discarded. (EIR at 5.15-27). In sum,

the Project would be adequately served by the Mid-Valley and San Timoteo Sanitary landfills and would comply with AB 939, and no mitigation is required.

d. Cumulative Impacts.

Potential Significant Impact:

Whether the Project would result in cumulatively considerable impacts to Utilities and Service Systems.

Finding:

Potential impacts related to Utilities and Service Systems are discussed in detail in Section 5.15 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not result in cumulatively considerable impacts to Utilities and Service Systems; and, therefore, no mitigation is required.

Facts in Support of the Finding:

Stormwater/Wastewater: Cumulative impacts caused by the need to construct additional stormwater conveyance infrastructure could occur if Spring Trails were to use the same infrastructure as other developments. (EIR at **5.15-23**). The Spring Trails Project would discharge its treated stormwater into Cable Canyon Creek at a controlled rate. (Id.). Impacts could occur if development north of or immediately adjacent to Spring Trails contributed stormwater runoff to the same drainage system as Spring Trails. Since Spring Trails is immediately surrounded by unincorporated San Bernardino County or San Bernardino National Forest, it is unlikely that development would occur in these areas. (Id.). Additionally, any future developments would be required to ensure that there would not be any net peak increase in stormwater flow to the existing infrastructure. There would not be cumulatively significant impacts related to the construction of stormwater facilities. (Id.). The proposed Spring Trails Specific Plan would generate 63 afy of wastewater. This represents 0.18 percent of the total wastewater flow capacity of the WRP (35,828 afy). (Id.). In combination with growth in the area, the Project would not have cumulatively significant impacts on wastewater infrastructure. The sewer study prepared for this report analyzed the Project's contribution to projected flow rates of the existing sewer system in 2020. The projected flow rates were acquired from the City's Sewer Master Plan for year 2020 and incorporates projected growth in the service area. (Id.). Since the Project's wastewater flow would not exceed the full capacity flows of the existing sewer system as projected in 2020, there would not be any cumulative

impacts related to the need for additional sewer system improvements. (*Id.*).

Solid waste: Solid waste planning in San Bernardino County is guided by the San Bernardino County Solid Waste Management Plan, which directs the actions of the San Bernardino County Solid Waste Advisory Committee. (EIR at 5.15-27). The City of San Bernardino has a representative on this committee. The need for any additional landfills or transfer stations in the future must be incorporated into the solid waste management plan. The EIR for the San Bernardino General Plan Update estimates that, at buildout, the City would be generating 2,628 tons of solid waste per day (after diversion). (Id.). The Mid-Valley landfill can receive up to 7,500 tons of solid waste per day through its closure date in 2033. Over 70 jurisdictions send solid waste to this landfill, and the total daily disposal averages 2,790 tons. (Id.). Between 2005 and 2007, total tons disposed per year decreased from 855,135 to 762,729 tons. When the Project's disposal rate (1.89 tons per day) is included with the buildout disposal rate for the City (2,628 tons per day), the total is 2,629.89 tons per day, which is more than the current daily average for the landfill but less than the maximum capacity. (Id.). The proposed Project would not significantly contribute to the projected solid waste flow from the City of San Bernardino or to the maximum daily permitted disposal rate for the Mid-Valley landfill, and thus, no mitigation is required.

16. Greenhouse Gas Emissions.

a. Conflict with Applicable Plan.

Potential Significant Impact:

Whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Finding:

Potential impacts from Greenhouse Gas Emissions are discussed in detail in Section 5.16 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project would not conflict with the California Air Resources Board's ("CARB") Scoping Plan; and, therefore, no mitigation is required.

Facts in Support of the Finding:

The CARB Scoping Plan identifies that reducing GHG emissions to 1990 levels means "cutting approximately 30 percent from business-as-usual emissions levels

projected for 2020, or about 15 percent from today's levels." (EIR at 5.16-18). On a per capita basis, that means reducing our annual emissions of 14 tons of CO2e (13 MTons) for every man, woman, and child in California to about 10 tons (9 MTons) per person by 2020." A 30 percent per capita reduction, or approximately 4 MTons less GHG emissions per person, is necessary to achieve the emissions reduction of the Scoping Plan. (Id.).

Traffic trips associated with new and redevelopment projects contribute indirect emissions of air pollutants. (Id.). The most effective way to reduce emissions is through a substantial reduction in vehicle trips and trip lengths. While local and regional governments cannot directly regulate vehicles and vehicle emissions, they can implement land use regulations and strategies to reduce VMT. (Id.). Such strategies can include better integration of land use and transportation planning to reduce trip lengths between residential areas to employment centers and amenities, and to promote greater public transit use and alternative modes of transportation. (Id.). Strategies to implement such land use policy can either be incentive based, such as compliance with the SCS, or penalty based, such as indirect source review. Regional strategies include the Sustainable Communities Strategy ("SCS") for the SCAG region, and the Compass Blueprint 2% Strategy. (EIR at 5.16-19).

Transportation contributes a large percentage of the state's GHG emissions and research shows that increasing a community's or development's density and accessibility to job centers are the two most significant factors for reducing VMT through design. (Id.). Consistency with the SCS for the SCAG region would reduce VMT and trips within the region as a whole. Regional GHG emissions reduction targets and the SCS have not yet been established for the SCAG region. According to the 2008 Comprehensive Plan (RCP), SCAG's Land Use and Housing Action Plan can be expected to result in a 10 percent reduction in VMT in 2035 when compared to current trends. In general, VMT serves as a proxy for jobs/housing balance, urban design, transit accessibility, and other urban form issues. (*Id.*). The Compass Blueprint is a component of the Land Use and Housing element of the 2008 RCP in achieving sustainable land uses and policies. The framework of the Compass Blueprint strategy

achieving focuses on four areas in sustainable development: mobility, livability, prosperity, sustainability. (Id.). Key aspects of the Compass Blueprint in reducing VMT include developing housing near regional employment centers and amenities and encouraging transitoriented development. The Project would be consistent with one aspect of the mobility element of the Compass Blueprint by locating residential development near an employment center (i.e., the City of San Bernardino). (Id.). However, the Project is not a mixed-use development; it is a proposed master planned single-family residential development. Additionally, it would not be in proximity to amenities, as the majority of amenities would be approximately four miles or more from the Project site, nor would it be near readily accessible public transit, as the nearest transit stop would be approximately over a mile to the east. (Id.).

Energy use and related activities for buildings is the second largest contributor to California's GHG emissions. (Id.). Energy efficiency and conservation measures are identified as a best performance standard for development projects. In general, there are two strategies for reducing GHG emissions from the Electricity sector: 1) reducing the amount of energy consumed; and 2) reducing the GHG emissions resulting from electricity production. (Id.). The Project would have little control over the latter, and the CEC has determined that the success of reducing GHG emissions from electricity production depends largely on the success of California's renewable-energy and energyefficiency programs. Consequently, GHG emissions reductions can be achieved through the design and construction of new green buildings, because green buildings offer a comprehensive approach to reducing GHG emissions across multiple sectors (Energy Use, Water, Waste, and Transportation). (Id.). Water use also requires significant amounts of energy. Approximately onefifth of the electricity and a third of the non-power plant natural gas consumed in the state are associated with water use. Measures to increase water use efficiency and reduce water demand would reduce electricity demand from the Water sector, therefore reducing GHG emissions. (*Id.*).

The California Water Resources Control Board has prepared a draft "20X2020" Water Conservation Plan that outlines the state's strategies to achieve a 20 percent

reduction in per capita urban water use statewide by 2020. (EIR at 5.16-20). The Scoping Plan considers using the green building framework as a mechanism that enables GHG reductions in other sectors. In July 2008, the California Building Standards Commission adopted the Green Building Standards Code that includes mandatory features for residential structures and voluntary standards for nonresidential structures. (Id.). As of January 1, 2010, all new structures would be constructed to achieve the performance standards of the 2008 Building and Energy Efficiency Standards, which are approximately 15 percent more energy efficient than the 2005 Building and Energy Efficiency Standards. (Id.). The new standards also require improvements in water efficiency for plumbing fixtures and a target of 50 percent landscape water conservation reduction. While the current code is voluntary for nonresidential structures, the Commission is in the process of developing mandatory provisions in the 2010 edition of California Green Building Standards Transportation, energy efficiency, and water reductions measures implemented by the state as outlined in CARB's Scoping Plan would reduce Project-related GHG emissions. (Id.). Implementation of transportation, water, and energy efficiency measures of CARB's Scoping Plan would reduce emissions by 39 percent, or 3,863 MTons of GHG in year 2020 from BAU. (EIR Table 5.16-7). The Project would be consistent with the statewide emissions reduction strategies outlined in the Scoping Plan. (Id.). Therefore, impacts associated with consistency with plans to reduce GHG emissions are considered less than significant, and no mitigation is required.

17. Forest Resources.

a. Conflict with Applicable Plan.

Potential Significant Impact:

Whether the Project would conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).

Finding:

Potential impacts from the Project on Forest Resources are discussed in detail in Section 5.17 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project site is not considered timberland or

zoned timber production. Although resources within the Project site qualify as forest land per California Resources Code Section 12220 would be impacted by Project implementation, this impact is less than significant and, therefore, no mitigation is required.

Facts in Support of the Finding: The drainages in the northern (Cable Creek) and southern portions (Meyers Creek) of the Project site contain native tree species that exhibit the characteristics of forest lands. Implementation of the Project would develop single-family residences and result in the removal of 220 native species trees on the project site. Therefore, the Project could conflict with Project site's ability to continue to be designated as forest land. (EIR at 5.17-4).

> The Project site was previously been used for agriculture, and a previous landowner grew eucalyptus trees to be used as windrows for crop protection, with a secondary use as firewood. (Id.). Despite the presence of the eucalyptus trees, the site does not include timberland as defined by PRC Section 4526, which would require the project site to be capable of growing "a crop of trees of any commercial species used to produce lumber and other forest products." (Id.). Per Section 895.1 of Title 14 of the California Code of Regulations ("CCR"), "commercial species" is defined as "those species found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past." (EIR at 5.17-4). The commercial species list for the Southern Forest District is shown at EIR Table 5.17-1. Although eucalyptus trees are included in group B, the Project site does not have any naturally occurring trees of species that are included in group A. (EIR Table 5.3-3). Therefore, per this definition, the Project site does not meet the definition of timberland. Implementation of the Project would not conflict with or cause a rezoning of any designated timberland areas. (EIR at 5.17-5). The Project site is in the Verdemont community of unincorporated San Bernardino County and in the City of San Bernardino's sphere of influence ("SOI"). (Id.). The Project site is not currently zoned for timberland production per CPRC 51104. The site is currently subject to County of San Bernardino's General Plan and Zoning Code. As shown in Figure 4.6 of the County's General Plan, "Land Use Designations," the northern portion of the approximately 160 acres, is designated as private unincorporated land within the San Bernardino National

Forest. (*Id.*). The southern portion of the site, approximately 190.6 acres, is designated Rural Living (RL-5), which allows up to one dwelling unit per five acres. Since the Project site is within the City of San Bernardino's SOI, the entire project site is currently prezoned by the City as Residential Estate (RE), allowing one dwelling unit per acre. Therefore, implementation of the Project would not conflict with or cause a rezoning of any timberland production zone. (*Id.*). Impacts would be less than significant, and no mitigation is required.

B. <u>Potentially Significant Impacts Which Can Be Mitigated Below a Level of Significance and Mitigation Measures.</u>

- 1. **Biological Resources.**
 - a. Candidate, Sensitive or Special Status Species.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Finding:

Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the proposed Project would involve the loss or modification of approximately 265.2 acres of natural habitat and the wildlife species. These activities could potentially impact special stats plant and animal species, critical habitat designated by the Fish and Wildlife Service; and indirect impacts to sensitive plant and animal habitats could also occur. However, these impacts can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-1 to 3-5 and 3-13. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-1 Prior to the issuance of grading permits, preconstruction surveys within the proposed impact areas for Plummer's mariposa lily shall be conducted in the appropriate blooming period by a qualified biologist. The appropriate blooming period is defined as occurring within the months of April, May, and June, or as indicated by positive verification of blooming at a documented reference location. Surveys must only be conducted during a year of at least average precipitation, as determined by official precipitation records. The surveys should positively identify and quantify all individuals on or in the immediate vicinity of the proposed impact areas. Any individuals confirmed within the project

impact area shall be considered for possible salvage and relocation into suitable receptor sites located onsite within preserved areas, if feasible. Any individuals confirmed in the immediate vicinity of a proposed impact area shall be flagged and appropriately fenced off from construction zones to prevent inadvertent impacts. Individuals confirmed within areas proposed for preservation onsite shall be properly recorded and avoided during any revegetation or other efforts anticipated in the long-term during project operation. All observations shall be accurately reported to the California Natural Diversity Database, the California Native Plant Survey, the Consortium of California Herbarium, and/or other herbarium or sensitive species databases as determined by the qualified biologist. This measure shall be implemented to the satisfaction of the Community Development Director.

- 3-2 To mitigate for impacts to unoccupied critical habitat of the federally endangered San Bernardino kangaroo rat, the project applicant shall acquire offsite permanent mitigation lands of like habitat quality as determined by the US Fish and Wildlife Service (USFWS) during the Section 7 consultation process. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). This measure does not preclude the imposition of additional mitigation requirements that may be initiated by the USFWS during the Section 7 consultation process. This measure shall be implemented to the satisfaction of the Community Development Director.
- 3-3 To mitigate for potential impacts to hydrological processes and subsequent degradation of habitat for the federally endangered San Bernardino kangaroo rat and other sensitive species, all roadway crossings or other improvements proposed within critical habitat for the species shall be designed in such a manner as to not substantially alter the natural flow regimes through impacted sensitive habitat areas. These designs shall include, but shall not necessarily be limited to, the installation of appropriate culverts and stream crossings that allow for natural flow and uninhibited downstream hydrological processes. Design of these improvements shall be undertaken in consultation with the US Fish and Wildlife Service and other responsible agencies. This measure shall be implemented to the satisfaction of the Community Development Director prior to the issuance of grading permits.
- Any hiking and equestrian trails or other facilities developed within Cable Creek or other riparian areas on the site shall be designed to comply with provisions in the General Plan. These requirements shall include, but not necessarily be limited to: 1) no ground disturbance may take place within 50 feet of the ordinary high-water mark of the associated stream channel; 2) erosion, sedimentation, and runoff from the proposed improvements must be minimized by the implementation of appropriate best management practices, the installation of appropriate runoff diversions, and/or the planting of native vegetation; 3) Vegetation removal will be minimized to the maximum extent possible; and

- 4) appropriate signage shall be installed in at least five locations alongside these facilities to educate users as to the importance of riparian ecosystems, the species that rely upon them, and the importance of avoiding unnecessary impacts and disturbance. This measure shall be implemented to the satisfaction of the Community Development Director. [This measure also provides mitigation for Impact 5.3-4 as related to impacts to wildlife corridors. See Mitigation Measure 3-9]
- 3-5 The applicant shall prepare a signage and a buyer awareness program to be implemented to inform homeowners of the proximity to sensitive wildlife areas. The purpose of this program shall be to (1) prevent wildlife from being attracted to the housing development and (2) prevent household pets from preying on and harassing the local sensitive species. Materials and literature provided to the residents shall address the implications and dangers of living adjacent to natural open space areas. To prevent wildlife from being attracted to the project site, the materials shall provide information on homeowner's benefits and responsibilities associated with living close to natural wildlife habitats. Specific responsibilities of homeowners shall be described in these materials and be included in the Homeowners Association (HOA) Covenants, Codes, & Restrictions (CC&R). These measures shall include, but not necessarily be limited to, the following:
 - The storage and disposal of ALL food or refuse that is edible by or attractive to wildlife shall be placed in Wildlife-Resistant Refuse Enclosures and Containers. These containers shall meet applicable standards of testing by the Living With Wildlife Foundation and be bear resistant for 60 minutes so long as they are able to meet the City of San Bernardino's Refuse and Recycling Division's restrictions for pick-up and onsite sizing. Examples of Wildlife-Resistant Refuse Enclosures and Containers are provided by the Living with Wildlife Foundation (http://www.lwwf.org/).
 - The project applicant shall coordinate with the City of San Bernardino Refuse and Recycling Division to ensure all refuse facilities conform to their sizing and pick-up requirements. All refuse containers shall be designed to be consistent with the City of San Bernardino Refuse and Recycling Division restrictions.
 - With the exception of birdfeeders, no person shall intentionally feed or knowingly leave or store any refuse, food product, pet food, or other product edible by wildlife on any premises in a manner which would constitute a lure, attraction, or enticement of wildlife on property within the development
 - Birdfeeders must be suspended on a cable or other device so as to be inaccessible to bears and other wildlife, and the area below the feeders must be kept free from seed debris. If a wild animal gains access to a birdfeeder, the condition allowing access must be corrected or the birdfeeder removed.

• To limit the amount of time refuse is on the curb, trash should be set out and brought back inside between specified hours on pick-up day (to be detailed in the proposed or future HOA CC&Rs).

To prevent the disturbance of wildlife (and sensitive species) by domestic pets, the program shall inform residents of the impacts their pets have on local animals. Catowners shall be informed of measures to keep their pets within their property boundaries and dog-owners shall keep their dogs on a leash while outside (except within designated dog parks). These measures would also serve to lessen the likelihood of domestic pets being preyed upon by wild predators.

The buyer awareness materials will be included in a sales disclosure statement and in the Homeowners Association (HOA) CC&Rs. A copy of the buyer awareness materials shall be approved by the Community Development Director and available to residents upon request.

Significant tree resources that are removed from the site during project development shall 3-13 be replaced at a 1:1 ratio or at the exchange ratios specific below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. For California black walnut (Juglans californica var. californica), all specimens of the species shall be regarded as significant, regardless of size or height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. For purposes of replacement ratios, the following exchange ratios shall be used: 1) one 36-inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent to one replacement tree; 3) 10 five-gallon trees are equivalent to one replacement tree; and 4) 15 one-gallon trees are equivalent to one replacement tree.

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and

relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

Approximately 100 to 300 Plummer's mariposa lily plants and approximately 350 to 600 individual California black walnut trees of varying ages would be impacted by Project development. Both are listed as sensitive by the California Native Plant Society ("CNPS"). Impacts to USFWSdesignated critical habitat for San Bernardino kangaroo rat ("SBKR") would also occur, as would impacts to Los Angeles pocket mouse. Potential impacts to least Bell's vireo ("LBV") and southwestern willow flycatcher ("SWF") are also present. (EIR at 5.3-45). No plant species listed as either threatened or endangered under the Federal Endangered Species Act ("FESA") or the California Endangered Species Act ("CESA") is known to occur on the Project site. This finding is based on numerous focused surveys and habitat assessments conducted on the site since 1998. Since no federal- or state-listed species occurs on the site, there would be no impact to these species from Project development. (Id.). Although numerous biological inventories have been conducted on the Project site over the past ten years and the site's biological resources values have been well established, the applicant is aware that habitat assessments and focused surveys need to be updated. As such, pre-clearance surveys will be conducted for each of the federally and state listed species that have a potential to occur onsite, including sensitive plant surveys following the CDFG's November 2009 guidance for special status native plant populations and natural communities.

Special Status Plant Species: Two plant species listed as sensitive by the CNPS have been documented to occur on the Project site. (EIR at 5.3-45). Plummer's mariposa lily has been previously observed within unconfirmed areas of the Project site during at least two surveys. There is suitable habitat on the site and it can be assumed that the species is present. It is not known, however, if the recorded occurrences were in an area of the site that is proposed for development. (EIR at 5.3-46). Potential impacts to this non-listed CNPS List 1B.2 species is not anticipated to be significant due to the relative abundance of this species on a regional scale. According to the CNPS listing guidelines, this species is known from 21 to 80 occurrences throughout

its range, interpreted as anywhere between 3,000 to 10,000 individuals, or 10,000 to 50,000 occupied acres. The Project would result in the removal of an estimated 100 to 300 individuals. This represents a small portion of the total known population and any impacts would not jeopardize the existence of this species or elevate its sensitivity or listing status under the CNPS, California Natural Diversity Database ("CNDDB"), global and state heritage rankings, the FESA, or CESA. (Id.). Despite the fact that Plummer's mariposa lily is not specifically protected under state law, mitigation imposed during the Section 1602 permitting process would likely be required at some level for this species. For this reason, Mitigation Measure 3-1 will be incorporated to identify specimens that are located within the Project impact area. These specimens should be avoided or relocated as feasible. Adherence to these requirements would lessen the Project's impact in this regard to less than significant levels. (*Id.*).

California black walnut is also present on the site, and potential impacts to this nonlisted CNPS List 4.2 species are not anticipated to be significant due to the relative abundance of this species on a regional scale. (Id.). According to the CNPS listing guidelines, this species is known from at least 21 to 80 occurrences throughout its range, which is interpreted as anywhere between 3,000 to 10,000 individuals that are known, or 10,000 to 50,000 occupied acres. The Project would result in the removal of approximately 350 to 600 individuals of varying ages. This represents a small portion of the total known population. (Id.). These impacts would not jeopardize the existence of this species or elevate its sensitivity or status under the CNPS, CNDDB global and state heritage rankings, the FESA, or CESA. While California black walnut is not specifically protected under state law, mitigation initiated during the Section 1602 permitting process would likely be required at some level for this species. For this reason, Mitigation Measure 3-13 is required to salvage and relocate healthy specimens, and/or to plant new specimens within areas to be preserved onsite, which would lessen the Project's impact in this regard to less than significant levels.

Special Status Wildlife Species: Numerous small mammal trapping sessions have been conducted on the Project site over the last 11 years, but none of the survey efforts have

revealed the presence of any federal- or state-listed small mammal species. (Id.). Even though portions of the site are within designated critical habitat for SBKR, it appears that the species is absent from the site. This is likely due to the separation of the site from existing SBKR populations by the I-215 freeway, other roadways, a railroad, and residential and commercial development. The Riverside Alluvial Fan Sage Scrub ("RAFSS") habitat on the site is suitable for SBKR, but there appears to be lack of effective linkage with adjacent populations. Regardless, since portions of the site are within designated critical habitat for the species, consultation with the USFWS under Section 7 of FESA would be required. Mitigation requirements derived from this consultation would serve to lessen the Project's potential impacts to SBKR. (Id.). In anticipation of those agency requirements, Mitigation Measures 3-2 and 3-3 are required to reduce the Project's impacts in this regard to less than significant levels, by requiring the adoption of BMPs to avoid direct and indirect impacts to remaining habitat areas, and also imposes specific design requirements to lessen additional impacts to offsite areas and to provide for the continued movement of animals through the area. Mitigation Measure 3-1 also requires the purchase and permanent preservation of offsite mitigation lands and/or the payment of in-lieu fees, and that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition. (EIR at **5.3-47**). Mitigation ratios for offsite habitat purchases are typically based on a number of factors, including the quality of the habitat to be replaced and whether or not the impacted area is actually occupied by the species in question. In the case of this Project, the onsite RAFSS habitat that would support SBKR is of good quality, but has been determined through repeated surveys to not be occupied by SBKR. Accordingly, the prescribed mitigation for the loss of unoccupied SBKR critical habitat for this project is set at a ratio 1:1 (one acre replaced for every one acre impacted). The Project applicant has identified several hundred acres of potential mitigation lands containing suitable RAFSS habitat along the alluvial fans of the San Bernardino Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication management would ensure the long-term conservation status of this sensitive habitat type in the San Bernardino Valley. It can therefore be concluded that the prescribed

mitigation is feasible, and would mitigate the Project's impacts in this regard to less than significant levels. (*Id.*).

Two California Species of Special Concern ("SSCs") are known to occur on the Project site. Both San Diego pocket mouse and Los Angeles pocket mouse have been captured during each of the survey efforts on the site. Potential impacts to San Diego pocket mouse are not typically considered significant under CEQA because this species is widespread and abundant on a local and regional level. (Id.). Impacts to Los Angeles pocket mouse, however, could be considered potentially significant since the preferred habitat of the species is narrow and the species is not known to be locally or regionally abundant. The status of SSC, however, does not afford any specific legal protections, and therefore this impact can be considered less than significant. Nevertheless, the potential adverse impact to Los Angeles pocket mouse could be of concern to regulatory agencies such as CDFG. (Id.). It is likely that CDFG would impose some level of mitigation during the Section 1602 permitting process to account for this impact. Because Los Angeles pocket mouse generally occurs in the same area as the SBKR's designated critical habitat, mitigation required by the USFWS during the Section 7 process and as discussed in the paragraphs above would serve as mitigation for Los Angeles pocket mouse as well. For that reason, mitigation specific to Los Angeles pocket mouse is not recommended. Rather, it is recommended that Mitigation Measures 3-2 and 3-3 for SBKR implemented in order to lessen the Project's impact to both SBKR and Los Angeles pocket mouse to less than significant levels. (Id.).

Birds: Based on repeated negative findings for coastal California gnatcatcher ("CAGN") during numerous survey efforts, as well as the site's recent exclusion from designated critical habitat, it is reasonable to assume that the species does not occur upon the Project site. (*Id.*). The riparian areas within Cable Creek provide suitable habitat for the SWF, though focused surveys conducted in 2007 returned negative findings. However, LBV was observed along Cable Creek in 2007. It is therefore possible that the species could be present farther east of this location within Cable Creek. (**EIR at 5.3-48**). Individual Take Permits ("ITPs") will be acquired to offset potential impacts to LBV, which is a federally and state listed species. Separate

ITPs will be acquired from CDFG, through a 2081 ITP application, and from USFWS, through a Section 7 consultation. Mitigation under these permits will be adequately funded and will ensure that the Project does not jeopardize the continued existence of the species. Direct development of the riparian areas of Cable Creek is not proposed as part of the Project's development. No homes or other structures would be located within the riparian areas that would be most likely to contain LBV and SWF. However, the ITP will also provide BMPs to avoid indirect impacts to the species. An evaluation of the adequacy of the existing CEQA documentation to cover any unanticipated minimization and mitigation measures included in the final ITPs will be made when the permits are issued. If additional CEQA documentation is required for review by CDFG to comply with its duties as a Responsible Agency under CEQA, the subsequent documentation will be prepared at that time.

In addition, the hiking/equestrian trail that is planned for this area could impact LBV and SWF if they are present and if the trail is not designed thoughtfully with the aim of avoiding impacts to these species. (*Id.*). For that reason, Mitigation Measure 3-4 will be incorporated to assure that the trail's design, construction, and use would not impact the creek bottom in a manner that could create a significant impact to these species. Implementation of Mitigation Measure 3-4 would reduce the level of this potentially significant impact to less than significant levels. (*Id.*).

Reptiles and Amphibians: No federal- or state-listed reptile species has ever been observed on the Project site, and none is expected to occur. (Id.). With regard to amphibians, habitat assessments conducted over the last 11 years have concluded that marginally suitable habitat for arroyo southwestern toad and mountain yellow-legged frog is present along Cable Creek. Neither of these species, however, has been detected during both general habitat assessment surveys or focused surveys conducted in the area. (Id.). Based on these findings, it is likely that neither species is present on the Project site. Furthermore, direct development of the riparian stretches of Cable Creek is not proposed as part of the Project's development. Mitigation Measure 3-4 for the proposed hiking/equestrian trail would also lessen the Project's potential impacts in this regard to less than significant levels. (*Id.*).

Indirect Impacts to Special Status Species: Since the Project site would be surrounded on three sides by existing wild areas that are known to provide suitable habitat for a number of animal species, it can be assumed that wild animals would continue to be present in these adjacent wild areas following Project development. (Id.). These animals would come into contact with the proposed development at the wildland-urban interface ("WUI") and in surrounding areas. The introduction of domestic animals would also potentially impact sensitive wildlife species in the area, as well as more common wildlife species. Domestic cats, for instance, are particularly adept at preying on wild animals such as birds, small mammals, and reptiles. Domestic cats tend to be several times as abundant in WUI areas as all other mid-sized wild predators combined, including bobcats and foxes. In some contexts, cat predation may supersede habitat loss as a primary threat to birds' survival. Other domestic animals, such as unrestrained dogs, can harass wildlife and can thus deny wild animals from using otherwise suitable habitat. (EIR at 5.3-49). However, implementation of Mitigation Measure 3-5 will reduce this potentially significant impact to less than significant levels.

b. <u>Riparian Plant or Other Sensitive Natural Communities.</u>

Potential Significant Impact:

The EIR evaluated and concluded that the Project could have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Finding:

Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that development of the Project would result in impacts to six riparian plant communities totaling 26.4 acres. Also, 168.4 acres of Riversidean sage scrub, a sensitive nonriparian plant community, would be impacted, as well as portions of the Project site within USFWS-designated habitat for the SBKR. This impact is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-6 to 3-8. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 3-6 To mitigate impacts to 168.4 acres of Riversidean sage scrub (RSS) and 26.4 acres of riparian plant communities, the project applicant shall do one of the following, or a combination thereof, prior to the issuance of grading permits: 1) acquire offsite permanent mitigation lands of like habitat as determined by the California Department of Fish and Game (CDFG); and/or 2) pay appropriate in-lieu fees to an appropriate permanent mitigation land bank as determined by CDFG. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions, such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands for riparian habitat shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). Mitigation lands for RSS shall be acquired at a replacement ration of 1:3 (one acre replaced for every three acres impacted). This measure shall be implemented to the satisfaction of the Community Development Director.
- 3-7 All real property sold within the development shall contain within the real estate contract appropriate Covenants, Codes, and Restrictions (CC&Rs) to require only the use of approved plants on any and all parcels within the development. Approved plants are defined as those listed in the Fire Protection Plan (Firesafe Planning Solutions 2008) and incorporated into the Spring Trails Specific Plan. All plants classified as "invasive" or "noxious" by the US Department of Agriculture Natural Resource Conservation Service (NRCS) shall be specifically prohibited from use in any part of the development, unless specifically authorized within the Fire Protection Plan or the Specific Plan. Enforcement shall be instituted through the project's Homeowner's Association (HOA) and specific enforcement measures shall be provided within the HOA's charter. Enforcement measures may include, but not necessarily be limited to, the imposition of fines, liens, property-owner reimbursed removal of unauthorized plants, and/or other mechanisms. This measure must be implemented prior to the sale of the first residential lot and shall be implemented to the satisfaction of the Community Development Director.
- 3-8 Prior to the issuance of grading permits, the developer or his designee shall submit to the City a noxious weed control plan prepared by a qualified specialist that shall be implemented during construction of the project. The plan shall contain specific measures to be adopted to lessen or eliminate the inadvertent introduction of noxious weeds onto the site or surrounding areas. At a minimum, the plan shall incorporate each of the following requirements: 1) all construction equipment used on the site shall be thoroughly washed prior to transport to the project site; 2) cleaning and washing of equipment includes washing and/or steam cleaning of tires, undercarriages, frames, and other parts of the equipment where mud, dirt, and other debris could be located; 3) offsite cleaning areas shall be clearly identified; and 4) straw bales and other erosion control products shall be certified as "weed free". The plan shall be reviewed by a qualified third party with expertise in the field of noxious weed control. Other control measures may be added by that specialist as deemed appropriate. Following approval of the plan, the plan shall be implemented throughout the construction phase of the project and overseen by a

qualified specialist at monthly intervals. During monitoring, the specialist shall have the authority to require corrective measures to assure the success of the plan. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

The Project would result in impacts to Riversidean Sage Scrub (RSS) and six riparian plant communities. The Project could also have indirect impacts on surrounding undeveloped lands. Portions of the site are located within USFWS-designated critical habitat for the SBKR. (EIR at 5.3-49). The seven riparian plant communities found on the Project site are considered sensitive plant communities by CDFG, USFWS, and CNPS. Six of these communities would be impacted by the Project. In addition, the RSS found on the site is considered a sensitive plant community, even though it is not a riparian community. (EIR Table 5.3-5).

Riversidean Sage Scrub: The Project would remove nearly all of the 168.4 acres of the RSS located on the site. CDFG regards RSS as a sensitive community. Therefore, the loss of 168.4 acres of RSS would be a significant impact. If the Project site contained listed species that were dependent upon RSS for their continued viability, then the RSS on the site could be considered of high value and the mitigation required would therefore be greater. (EIR at **5.3-49).** However, no listed species dependent upon RSS have been detected on the site. This conclusion is based on over 11 years of general habitat assessment work and numerous focused surveys. While a number of California Species of Special Concern (SSC) have been observed within the RSS areas of the site, these species are not afforded specific legal protection as are formally listed species. (EIR at 5.3-50). Further, RSS remains relatively abundant throughout San Bernardino and Riverside Counties, with many thousands of acres still remaining. Notwithstanding, the loss of 168.4 acres of RSS habitat is expected to displace or adversely impact some of the SSC that could occur on the Project site. However, the applicant will purchase and permanently protect RSS habitat that is biologically equivalent or superior to the 168.4 acres of onsite RSS habitat, and will provide suitable habitat for many of these species. (Final EIR at 3-5). Specifically, Mitigation Measure 3-6 provides for the purchase of offsite mitigation lands and/or the payment of in lieu fees to appropriately offset the Project's impact to RSS. (Id.). Mitigation Measure 3-6 also requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition, either through direct purchase or the payment of fees. The Project applicant has identified several hundred acres of potential mitigation lands containing suitable RSS habitat along the alluvial fans of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. (*Id.*). This dedication and management would ensure the long-term conservation status of this sensitive habitat type in the San Bernardino Valley. It can therefore be concluded that the prescribed mitigation is feasible, and would thus mitigate the Project's impacts in this regard to less than significant levels.

Riparian Plant Communities: Seven riparian plant communities are present on the site, and six of these would be impacted by Project development. (EIR Table 5.3-5). The 25.4 acres of southern sycamore-alder riparian woodland ("SSARW") present on the site are located along the upper reaches of Cable Creek and are outside of the Project footprint. Therefore, they would not be impacted by the proposed development. (EIR at 5.3-50). Each of the remaining six communities, totaling 26.4 acres, that would be impacted by the project represent valuable habitat and are considered high priority for conservation by CDFG, USFWS, and CNPS. Loss of these communities would represent a significant impact. Riversidean alluvial fan sage scrub is one of these riparian communities. (Id.). Besides the direct impacts associated with Project development, indirect impacts to offsite areas of RAFSS could also result from downstream impacts to the community from the secondary access road proposed across Cable Creek. The roadway could interrupt the stream flows and the occasional scourings that are required to maintain the longterm viability of RAFSS. If these processes are interrupted, RAFSS typically begins to convert to other community types that do not offer the same habitat characteristics. (*Id.*). This is especially relevant since the secondary access road areas are located in USFWS-designated critical habitat for SBKR. SBKR require the fluvial conditions that are present in properly functioning RAFFS habitat, so both RAFSS and SBKR are related in the type of conditions they require for their long-term viability. Therefore, the possible indirect loss of additional RAFSS habitat would represent a further significant impact.

Based on the Project's anticipated direct and indirect impacts on Corps, RWQCB, and CDFG jurisdictional areas, the Project applicant would be required to acquire a number of wetland disturbance permits prior to Project implementation. These permits would include a Section 404 permit from the Corps, a Section 401 permit from the RWOCB, and a Section 1602 permit from CDFG. (Id.). In addition, consultation with the USFWS under Section 7 of the FESA would be required, because portions of the Project site are within unoccupied critical habitat for SBKR. Each of these agencies would impose mitigation measures to offset the loss of jurisdictional and habitat areas. In anticipation of these agency requirements, mitigation is recommended in this EIR to reduce the Project's impacts in this regard to less than significant levels. (Id.). Mitigation Measure 3-6 includes measures relating to the adoption of BMPs to avoid direct and indirect impacts to remaining riparian areas and Project design requirements to lessen impacts to offsite areas, and also requires the purchase of offsite mitigation lands and/or the payment of in-lieu fees. The mitigation further requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition, either through direct purchase or the payment of fees. (EIR at **5.3-51**). The Project applicant has identified areas of potential mitigation lands containing suitable riparian habitat along the alluvial fans and foothills of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication and management would ensure the long-term conservation status of these sensitive habitat types in the San Bernardino Valley. (Id.). It can therefore be concluded that Mitigation Measure 3-6 is feasible, and would mitigate the Project's impacts to riparian habitats to less than significant levels. Mitigation for impacts to RAFSS habitat has already been discussed above in regards to mitigation for unoccupied critical habitat for SBKR. Since the unoccupied SBKR habitat that would be impacted by the Project is composed exclusively of RAFFS, Mitigation Measure 3-2 (which is prescribed for unoccupied SBKR habitat) would also serve to mitigate for impacts to RAFFS. (Id.). It can therefore be concluded that impacts on the Project site associated with RAFFS would be mitigated to less than significant levels.

Invasive Plant Impacts: The Project site represents good quality habitat and a diverse mosaic of plant communities, and is unusual for its relative lack of invasive plant species. (EIR at 5.3-51). Unlike other areas along the front range of the San Bernardino Mountains, the Project site has not converted to large areas of nonnative grassland. Only 11.4 acres of the Project site, or about 3 percent, has converted to this community type. The areas immediately surrounding the site, particularly in the San Bernardino National Forest, are also relatively unaffected by type conversion. The placement of a residential community into an area of native vegetation represents a potential impact to these surrounding natural areas. Nonnative species can be inadvertently introduced into native habitats in a number of ways, including: 1) the use of invasive species within the landscaping palette; 2) After construction has finished, residents can unknowingly introduce invasive species by using them for landscaping purposes on their properties, or 3) seeds or other invasive plant parts can be inadvertently imported onto the site during construction activities. (Id.). The first of these potential impacts can be avoided or mitigated through the selection of an appropriate plant palette that does not include species identified as invasive or otherwise undesirable. The proposed plant palette for the Project contains no federal- or state-listed invasive plants. (See EIR Appendix G). One species within the proposed plant palette (Aptenia cordifolia) was determined to be potentially invasive based on the list contained in *Invasive* Plants of California Wildlands (Bossard et al. 2000). However, the palette specifically prohibits the use of Aptenia cordifolia in areas adjacent to wildlands. Rather, planned uses for the species are restricted to interior portions of the site. Since the species spreads vegetatively rather than through seed dispersal, use of the species within interior portions of the development would pose minimal risk in regards to establishment within wildland areas. (EIR at 5.3-52). Mitigation Measure 3-7 will be incorporated to place restrictions on homeowners through the use the covenants, codes, and restrictions, which will be regulated through the homeowner's association to prohibit the use of known invasive plants. (Id.). By restricting the use of recognized invasive species by homeowners, inadvertent introduction of invasive species can be avoided. Mitigation Measure 3-8 will impose controls on activities during the construction process that could result in the transport of invasive species onto the site on vehicles and

construction equipment, including the thorough washing of vehicles and equipment before they reach the site. Straw bales, erosion control products, and other potential invasive plant nexuses must be certified "weed free", in addition to a number of other requirements. (*Id.*). Implementation of Mitigation Measures 3-7 to 3-8 will reduce impacts in this area to less than significant levels.

c. Jurisdictional Areas and Riparian Habitats.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Finding:

Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-3, 3-6 and 3-11. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 3-3 To mitigate for potential impacts to hydrological processes and subsequent degradation of habitat for the federally endangered San Bernardino kangaroo rat and other sensitive species, all roadway crossings or other improvements proposed within critical habitat for the species shall be designed in such a manner as to not substantially alter the natural flow regimes through impacted sensitive habitat areas. These designs shall include, but shall not necessarily be limited to, the installation of appropriate culverts and stream crossings that allow for natural flow and uninhibited downstream hydrological processes. Design of these improvements shall be undertaken in consultation with the US Fish and Wildlife Service and other responsible agencies. This measure shall be implemented to the satisfaction of the Community Development Director prior to the issuance of grading permits.
- 3-6 To mitigate impacts to 168.4 acres of Riversidean sage scrub (RSS) and 26.4 acres of riparian plant communities, the project applicant shall do one of the following, or a combination thereof, prior to the issuance of grading permits: 1) acquire offsite permanent mitigation lands of like habitat as determined by the California Department of Fish and Game (CDFG); and/or 2) pay appropriate in-lieu fees to an appropriate

permanent mitigation land bank as determined by CDFG. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions, such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands for riparian habitat shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). Mitigation lands for RSS shall be acquired at a replacement ration of 1:3 (one acre replaced for every three acres impacted). This measure shall be implemented to the satisfaction of the Community Development Director.

3-11 Two known wildlife corridors are present on the project site and may be impacted by the proposed project unless mitigation is incorporated: 1) the unnamed tributary of Cable Creek that flows in an east-to-west direction in the northern third of the project site (referred to here as the Northern Corridor); and 2) the outwash of Cable Creek adjacent to the Interstate 215 freeway that is proposed to be crossed by the secondary access road (referred to here as the Southern Corridor). For these corridors, the following must occur:

Northern Corridor: 1) Native vegetation within this corridor must be restored, enhanced and maintained to the maximum extent allowed by the Fire Protection Plan; 2) riparian vegetation that provides high-quality foraging opportunities, cover, and other habitat values shall be the preferred vegetation type in this area, unless specifically prohibited by the Fire Protection Plan; 3) this area shall be the preferred location for the planting of replacement native trees as outlined in the tree replacement requirements of Mitigation Measure 3-11, unless specifically prohibited by the Fire Protection Plan; 4) the corridor shall be maintained free of fences, walls, or other obstructions; 5) any lighting associated with the project in this area, including street lights and residential lights, shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas; 6) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 7) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.

Southern Corridor: 1) Any bridge, culvert, or other road crossing structure shall be designed in such a manner as to allow for the maintenance of natural flow through the structure and downstream of the structure, as conditioned by the US Fish and Wildlife Service during the Section 7 permitting process; 2) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 3) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.

These measures shall be incorporated into site development plans and must be reviewed and approved prior to the issuance of grading permits. This measure does not preclude the requirement of additional mitigation that may be initiated by the US Fish and Wildlife Service, the US Army Corps of Engineers, the Regional Water Quality Control Board, or the California Department of Fish and Game during the regulatory permitting process. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

The Project would impact areas under the jurisdiction of the Corps, RWQCB, and CDFG. The Project applicant would be required to apply for relevant regulatory permits related to such impacts. The jurisdictional delineations prepared for the Project site determined that 15.85 acres are subject to U.S. Army Corps jurisdiction, and 26.65 acres are subject to CDFG jurisdiction. Impacts to U.S. Army Corps jurisdictional waters are limited to 10.56 acres, and 12.76 acres of CDFG jurisdictional areas. (EIR Appendix D8). Approximately 6.2 acres of the identified jurisdictional areas are in a potential seasonal wetland in the southern third of the site near the San Andreas Fault (EIR Figure 5.3-3), which is accounted for in all of the above acreage calculations. All 6.2 acres will be lost due to development of the Project. (These 6.2 acres of seasonal wetland was identified as a "problem area" because while hydrophytic vegetation and wetland hydrology were present, no apparent hydric soil indicators were present during the delineation. The approximate boundary or this potential seasonal wetland was therefore delineated based primarily on vegetation and hydrology criterion. A subsequent study of the seasonal wetland system will be conducted prior to the permitting process to verify that the feature is indeed a wetland system and to provide the additional data needed on current condition and function of the wetlands for determining wetland mitigation. With the completion of the draft 401 permit, the applicant will confer with the Water Quality Control Board regarding the adequacy of the existing CEQA documentation, and if warranted, subsequent CEQA documentation will be prepared. (Id.).

The wetlands quantities listed consider all of the identified jurisdictional areas located within the Project development footprint and consider all grading and slopes proposed for development. (EIR at 5.3-52). The Project applicant would be required to acquire a number of wetlands permits prior to Project implementation. These permits would include a

Section 404 permit from the Corps, a Section 401 permit from the RWQCB, and a Section 1602 permit from CDFG. A Habitat Mitigation and Monitoring Plan will be prepared as part of the Section 404 permit. (EIR at 5.3-53). Since the Project would impact more than 0.5 acres of Corps jurisdictional areas, the Project would be required to obtain a Section 404 Individual Permit rather than apply for clearance under the Nationwide Permit. Consultations with the USFWS under Section 7 of the ESA would also be required, as portions of the Project site are within critical habitat for SBKR. Each of these agencies would impose mitigation measures to offset the loss of jurisdictional and habitat areas. (EIR at 5.3-53). In anticipation of those agency requirements, Mitigation Measures 3-3, 3-6 and 3-11 are recommended to reduce the Project's impacts in this regard to less than significant levels. (Id.). The mitigation requires the adoption of BMPs to avoid direct and indirect impacts to remaining habitat areas, and also imposes specific design requirements to lessen additional impacts to offsite areas and to provide for the continued movement of animals through the area. The mitigation also requires the purchase of offsite mitigation lands and/or the payment of in-lieu fees. Finally, the mitigation also requires that the applicant demonstrate that suitable mitigation lands have been identified and are available for acquisition. (Id.). The Project applicant has identified areas of potential riparian mitigation lands containing suitable riparian habitat along the alluvial fans and foothills of the San Bernardino and San Gabriel Mountains. These lands are available for purchase and dedication to an appropriate conservation management organization. This dedication management would ensure the long-term conservation status of these sensitive habitat types in the San Bernardino Valley. (Id.). All mitigation for impacts to CDFG jurisdictional water will be biologically equivalent or superior in terms of value and function to offset the impacts to CDFG jurisdictional water including seasonal wetland, drainages and springs. The final requirements for mitigation will result from the 1602 Streambed Alteration Permit application process. As stated above, the City and the applicant will confer with CDFG once a draft 1602 permit is available, regarding the adequacy of the CEQA evaluation and to determine if additional CEQA documentation is needed. It can therefore be concluded that Mitigation Measures 3-3, 3-6 and 3-11 are feasible, and would thus mitigate the Project's impacts to federallyprotected wetlands and riparian habitats to less than significant levels.

d. Wildlife Corridors.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Finding:

Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to affect wildlife movement and wildlife nursery sites is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-9 to 3-12. Raptor foraging habitat and nesting birds would not be affected. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 3-9 Implementation of Mitigation Measure 3-4 to mitigate potential impacts to sensitive species in Cable Creek shall also be applied to Impact 5.3-4.
- 3-10 With regard to the protection of nesting birds, one of the following must occur: 1) Construction should occur outside of the avian nesting season (approximately February 15 through August 31); or 2) If construction must occur during the nesting season, then a preconstruction nesting bird survey of the site shall be conducted by a qualified biologist no more than 14 days prior to construction activities. If active nests are found onsite, then they must be avoided by an appropriate buffer until any young birds have fledged and the nest has completed its cycle, as determined by a qualified biologist. If construction occurs outside of the avian nesting period, then construction may commence without further impediment, commensurate with other regulatory and mitigation requirements. This measure shall be implemented to the satisfaction of the Community Development Director.
- 3-11 Two known wildlife corridors are present on the project site and may be impacted by the proposed project unless mitigation is incorporated: 1) the unnamed tributary of Cable Creek that flows in an east-to-west direction in the northern third of the project site (referred to here as the Northern Corridor); and 2) the outwash of Cable Creek adjacent to the Interstate 215 freeway that is proposed to be crossed by the secondary access road (referred to here as the Southern Corridor). For these corridors, the following must occur:

Northern Corridor: 1) Native vegetation within this corridor must be restored, enhanced and maintained to the maximum extent allowed by the Fire Protection Plan; 2) riparian

vegetation that provides high-quality foraging opportunities, cover, and other habitat values shall be the preferred vegetation type in this area, unless specifically prohibited by the Fire Protection Plan; 3) this area shall be the preferred location for the planting of replacement native trees as outlined in the tree replacement requirements of Mitigation Measure 3-11, unless specifically prohibited by the Fire Protection Plan; 4) the corridor shall be maintained free of fences, walls, or other obstructions; 5) any lighting associated with the project in this area, including street lights and residential lights, shall be of the minimum output required and shall be down-shielded to prevent excessive light bleed into adjacent areas; 6) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 7) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.

Southern Corridor: 1) Any bridge, culvert, or other road crossing structure shall be designed in such a manner as to allow for the maintenance of natural flow through the structure and downstream of the structure, as conditioned by the US Fish and Wildlife Service during the Section 7 permitting process; 2) any road crossings, bridges, culverts, etc., shall be constructed with soft bottoms with an openness ratio of at least 0.9 (openness ratio=height x width/length); and 3) additional recommendations as outlined in the report entitled "A Linkage Design for the San Gabriel-San Bernardino Connection" (South Coast Missing Linkages Project 2004) may be incorporated as feasible and appropriate.

These measures shall be incorporated into site development plans and must be reviewed and approved prior to the issuance of grading permits. This measure does not preclude the requirement of additional mitigation that may be initiated by the US Fish and Wildlife Service, the US Army Corps of Engineers, the Regional Water Quality Control Board, or the California Department of Fish and Game during the regulatory permitting process. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

The Project would result in impacts to an area that is used by a number of species for nursery sites, foraging, and movement. The Project site also provides habitat for nesting birds and marginally suitable habitat for foraging raptors. (EIR at 5.3-53). There is substantial evidence to indicate that the Project site serves as a corridor for a wide variety of wildlife species. Such areas are usually considered significant when they are determined to be of regional importance or otherwise contribute to regional conservation goals. The Project site can be considered to be composed of two principal parts in regard to wildlife movement. The first component is Cable Creek, which serves as an obvious corridor since it contains perennial water, adequate cover and food resources, and allows for

the unimpeded movement of animals between higher and lower elevations. The riparian areas of Cable Creek are not planned for development, so the use of this corridor by wildlife would not be significantly impacted as a result of the proposed Project. (Id.). The exception to this is at the southern end of the site, where the outwash of Cable Creek would be crossed by the secondary access road. This roadway and associated culverts and drainage improvements could create a barrier to wildlife where currently no barrier exists. However, the roadway would be relatively narrow and can be designed in such a manner so that wildlife movement is not substantially impeded. In addition, the roadway would be constructed in USFWSdesignated critical habitat for SBKR. (Id.). Furthermore, as part of the consultation process, USFWS would impose mitigation aimed at reducing the impact of the roadway on SBKR. These requirements would likely result in a positive benefit for other wildlife species as well. Therefore, mitigation required as part of this process would reduce the Project's impact to wildlife movement within Cable Creek to less than significant levels. (EIR at 5.3-54).

In anticipation of these agency requirements, Mitigation Measures 3-9 and 3-12 will be incorporated to reduce the Project's impacts in this regard to less than significant levels, and include specific design requirements aimed at allowing the unrestricted movement of wildlife within the lower portion of Cable Creek. (Id.). With implementation of these measures, the Project's impact in regard to the secondary access road crossing at Cable Creek would be less than significant. The second component relating to wildlife movement deals with wildlife movement across the site in an east-to- west direction and vice-versa. While the Cable Creek corridor on the western side of the site provides movement along a relatively narrow corridor in a north-to-south direction, the Project site itself provides lateral movements through a much wider area and across the base of the mountain front. (Id.). This impact could be considered significant, because the Project would effectively create a substantial barrier to wildlife movement across a large area. This potential impact can be mitigated by retaining and/or improving existing areas on the Project site that are conducive to wildlife movement. The large tributary that crosses the northern third of the site provides the most effective avenue for wildlife movement across the site. (EIR Figure 5.3-2). This is due to the fact that the

areas on both sides of the property at this point are essentially natural in composition and therefore allow animals to move across the site without having to navigate substantial human-made barriers. The tributary also affords movement into and out of Cable Creek and thus to areas both to the north and south of the site. Other portions of the Project area, especially the southern two-thirds of the site, do not offer these benefits. Those areas are somewhat blocked on the west by existing development, and they do not contain streams or other features that would be attractive to wildlife in terms of movement. (EIR at 5.3-54). Retaining and/or improving this corridor would represent the greatest benefit to wildlife in terms of lateral movement across the site. The tributary offers specific characteristics, such as cover and foraging resources which make it especially suitable for wildlife movement. (*Id.*).

In response to EIR comments received from CDFG, a barrier will also be constructed that will isolate Cable Creek from the development of the Project, and ensure that the biological integrity of Cable Creek as riparian habitat and a wildlife corridor is maintained. Care will be taken in selecting the barrier in an effort to preclude creating an attractive nuisance that could attract domestic dogs and cats and other small mammals that constitute a food source for top predators. (EIR at 5.3-61). The barrier will be installed at the outer limits of the California Walnut Woodland that surrounds Cable Creek at its interface with the RSS Habitat on the hillsides above the canvon bottom. This will provide a buffer of approximately 300 feet inside the barrier fence that will be located on either side of Cable Creek. This combination of a barrier and buffer should protect the natural resources associated with the use of Cable Creek as well as the wildlife movement corridor that found in association with Cable Creek. The applicant also evaluated the possibility of not developing north of Cable Creek and constructing a barrier on the south side of Cable Creek, isolating the riparian, RSS and chaparral habitats north of Cable Creek from the development. However, this would result in the loss of 24 estate lots from the development, and would not be economically viable as the result of the substantial infrastructure that is required for development of the site, The project requires substantial infrastructure costs in terms of utilities, fire suppression, and roadways, in addition to the amenities included in the overall Specific Plan. Specifically, the project must acquire

and develop both primary and secondary access roads, water tanks for fire suppression, utilities including water, sewer and electricity, as well as include fire protection and fire barriers at substantial cost to the project. These costs are in addition to mitigation requirements and the acquisition of mitigation lands. The infrastructure requirements create a substantial burden on the project and decrease the "per lot" ratio of return substantially with the elimination of each lot. Elimination of the 24 lots does not reduce the overall burdens of infrastructure costs and mitigation requirements for the Project, but reduces the rate of return by 9%.

In sum, with implementation of the barrier and Mitigation Measures 3-9 to 3-12, the Project's impact to wildlife corridors would be less than significant.

Wildlife Nursery Sites: There is substantial evidence to indicate that the site provides habitat that is suitable for use as a wildlife nursery site. (Id.). Based on a number of observations over the years, the use of the site as a nursery site by mule deer is reasonably well established. Other species may utilize the site for this purpose as well, but this has not been observed or confirmed. Regardless, development of the Project site would disallow its continued use as a nursery site by mule deer. In determining whether or not the loss of this nursery site would constitute a significant impact, the species making use of the site must be considered. If a sensitive or listed species were known to use the area as a nursery site, then the loss of the site would be more problematic than if it were used by more common species. For this site, no sensitive or listed species has been observed using the site for nursery purposes. Mule deer are the only species that have been positively confirmed to use the area for this purpose, though it is likely that a number of other species, such as small mammals and birds, use the site for this purpose as well. None of these species, however, is a listed or sensitive species. (EIR at 5.3-55). Mule deer is a common species that is not regionally or locally threatened or endangered. The species occurs in great quantities throughout the region and western North America. Statewide, CDFG considers mule deer to be common and abundant. In 2008, CDFG issued 237,083 deer hunting tags statewide and an estimated 29,612 animals were harvested. In Deer Hunt Zone D14, (the CDFG management zone in

which the Project is located), CDFG and USFS consider mule deer populations to be stable or slightly declining. It is therefore reasonable to conclude that mule deer populations within the San Bernardino Mountains will be stable or perhaps even increase over the next several years. (Id.). CDFG manages mule deer through a number of means, the most well-known of which is hunting. Hunting is used as a tool to control species populations and to avoid overstocking within particular areas. The proposed Project site is located within CDFG Deer Hunt Zone D14, which is a zone that covers all of the San Bernardino Mountains portion of the SBNF as well as some peripheral areas. For at least the last decade, CDFG has maintained a hunt tag quota of 3,000 for Zone D14. This overall stability in CDFG's management of mule deer in the San Bernardino Mountains is consistent with the agency's determination that the mule deer population in the area is relatively stable. (Id.). Considering the overall abundance and the relative stability of mule deer populations in the area, it is reasonable to conclude that the loss of the nursery area on the Project site would be unlikely to result in anything but a negligible decline in the overall population of mule deer in the region, or even in this portion of the San Bernardino Mountains. The Project site is surrounded on three sides by the SBNF, which provides substantial open space opportunities for use as alternative nursery sites by mule deer. In addition, the Project would continue to maintain Cable Creek as an undisturbed perennial water source and wildlife corridor. Since a lack of perennial water is a major limiting factor in the maintenance of mule deer populations, the conservation of this watercourse would provide a substantial benefit to mule deer. Accordingly, the loss of this nursery site for mule deer would be less than significant. However, to avoid direct impacts to mule deer during the fawning season, Mitigation Measure 3-12 is recommended to lessen the potential for impacts to mule deer during initial grubbing and vegetation clearing, and includes specific requirements for scheduling vegetation clearing outside of the mule deer fawning season. (*Id.*).

Nesting Birds: The Project site provides suitable habitat for a wide variety of nesting bird species. (**EIR at 5.3-56**). Breeding season typically runs from mid-February through late August. Ideally, ground-disturbing activities should take place outside of the breeding season, and doing so would reduce the Project's impact to nesting birds to less

than significant levels. (*Id.*). If this is not possible and it is necessary to conduct ground-disturbing activities during the breeding season, then appropriate pre-construction surveys should be initiated in accordance with Mitigation Measure 3-10 to determine the presence or absence of nesting birds prior to construction. (*Id.*). Compliance with Mitigation Measure 3-10 would reduce the Project's impact to less than significant.

Raptor Foraging Habitat: The Project site lacks expansive grassland habitat and is for the most part dominated by dense Riversidean sage scrub and chaparral. (*Id.*). These habitats do not provide particularly favorable conditions for foraging raptors due to the lack of prey visibility. It is estimated that suitable raptor foraging habitat is restricted to 12.5 acres of open grassland habitat. It can therefore be concluded that the site provides only marginally suitable foraging habitat for raptors and that these species would be more likely to rely on other areas for the majority of their foraging. Accordingly, the Project would not result in a significant impact to raptor foraging habitat. (EIR at 5.3-56).

e. <u>Conflict with Local Policy, Ordinance or Habitat Conservation</u> Plan.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Finding:

Impacts related to Biological Resources are discussed in detail at Section 5.3 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the potential for the Project to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or to conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan is potentially significant, but can be mitigated to a less-than-significant level through implementation of Mitigation Measures 3-13 to 3-14. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-13 Significant tree resources that are removed from the site during project development shall be replaced at a 1:1 ratio or at the exchange ratios specific below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. For California black walnut (Juglans californica var. californica), all specimens of the species shall be regarded as significant, regardless of size or height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. For purposes of replacement ratios, the following exchange ratios shall be used: 1) one 36inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent to one replacement tree; 3) 10 five-gallon trees are equivalent to one replacement tree; and 4) 15 one-gallon trees are equivalent to one replacement tree.

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Community Development Director.

3-14 Prior to the commencement of ground-disturbing activities, the developer shall retain the services of qualified specialists, approved by the City, to oversee the long-term effectiveness of the biological resources mitigation required in this EIR. When appropriate, the services of these specialists may be combined so long as the person(s) so employed possess the requisite training and skills necessary to effectively carry out their duties to professional standards. Those specialists shall conduct reviews of the project site for a minimum of five years, as measured from the day of beginning of initial ground disturbance. Reviews shall be conducted, as applicable, on a monthly basis for the first year following initiation, on a quarterly basis during the second and third years, and on an annual basis during the fourth and fifth years. The intensity of monitoring may be increased or the monitoring period extended if the City or relevant Responsible Agency (i.e., CDFG, USFWS, RWQCB, etc.) determines that conditions on the ground warrant

such action. The qualified specialists to be retained and the nature of their duties are as follows:

Biologist: A qualified biologist shall monitor the effectiveness of Mitigation Measures 3-1, 3-2, 3-4, 3-6, 3-10, 3-11, 3-12, and 3-14.

Noxious/Invasive Plant Control Specialist: A person who is qualified in the field of noxious plant management and control shall monitor the effectiveness of Mitigation Measures 3-7 and 3-8.

Arborist: A certified arborist shall monitor the effectiveness of Mitigation Measure 3-13.

Hydrologist/Stormwater Control Specialist: A qualified hydrologist and/or stormwater control specialist shall monitor the effectiveness of Mitigation Measures 3-3, 3-4, and 3-6.

Following each monitoring session, these specialists shall file brief reports with the Community Development Director concerning the effectiveness of the prescribed mitigation. The specialist shall identify and call out any corrective actions required to assure that the purposes of the mitigation are being effectively pursued. The developer shall comply with any corrective measures so prescribed. Monitoring may cease if the qualified specialist determines that the terms of the mitigation have been satisfactorily implemented and that further monitoring is no longer required. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

The City of San Bernardino has adopted a tree ordinance that regulates the removal and replacement of native and nonnative trees that are impacted by development. City General Plan policies and goals would also apply to the site. (EIR at 5.3-56). Development of the Project would result in the removal of approximately 2,400 trees. The majority of native trees are located within and around Cable Creek or in the northern portion of the site, and are not within the development footprint. (See EIR Table **5.3-3; Figure 5.1-1**). These trees would not be impacted by the Project. Of the approximately 2,400 trees within the development footprint, only about 220 of these (less than 1 percent) are native species, mostly walnut and sycamore. Impacts to California Walnut Woodland will be limited to 2.1 acres as the Project is currently proposed, and there are sufficient acres of California Walnut Woodland in the area to adequately mitigate for the loss of the 2.1 acres of this sensitive habitat. The majority of the trees requiring removal are part of a remnant eucalyptus plantation (approximately 2,170 trees). The remaining nonnative trees that would be removed consist of approximately

10 ornamental nonnative trees. (**EIR at 5.3-56**). Eucalyptus presents a specific problem for this site because they are nonnative and present a severe fire hazard. A great many of the trees are in poor condition and were classified as hazard trees in the arborist reports within the EIR. Eucalyptus trees are extremely flammable and in many areas are considered nuisance species. The Fire Protection Plan prepared for the Project mandates that all eucalyptus on the site be removed. These trees were originally planted as part of a cultivated eucalyptus plantation, primarily for the purpose of fuel wood production. Since tree plantations are specifically exempted from the mitigation requirements of the City of San Bernardino Tree Ordinance, replacement of these trees is not required. (EIR at 5.3-57). While eucalyptus can provide suitable nesting locations for raptors and other birds, their marginal biological value must be weighed against the hazards they present to public safety and their ability to carry wildfire to developed areas and surrounding wildlands. Based on these considerations, the removal of the eucalyptus on the Project site can be considered an overall benefit to the area, and therefore a less than significant impact.

Conversely, native trees provide specific natural resource value in that they provide nesting habitat for raptors and cover and foraging habitat for other avian species, and they are important components of the natural ecosystem. (Id.) The trees are also aesthetically pleasing and therefore constitute an important resource in this regard. The City's Tree Ordinance requires that "significant" trees be mitigated. In determining what constitutes a significant tree, the initial arborist report prepared for the site determined that healthy, structurally sound, native and ornamental trees over 20 feet in height be considered significant. Approximately 220 trees on the site met these criteria during the 1998 tree inventory. The removal of these trees during Project development would be considered a potentially significant impact, and thus subject to the mitigation requirements of the City's Tree Ordinance. (Id.) Since the initial inventory of trees on the site is over 12 years old and the exact count of significant trees may have changed, Mitigation Measure 3-13 is incorporated to require an updated inventory of tree resources within the Project footprint. Mitigation Measure 3-13 requires that specific management recommendations contained in the arborist reports be implemented. These

recommendations include protocols for removal and relocation of native trees, tree protection during construction, and the preservation of specific trees on the Project site. Performance measures are provided to mandate replacement ratios and the types and sizes of specimens required to meet the terms of the mitigation. Specifically, all trees will be replaced at a 1:1 ratio, with a minimum of 220 trees replaced. All tree replacement will be done in compliance with recommendations set forth in the two arborist reports prepared for the Project, and as directed by the City's Heritage Tree Ordinance. Measures are also included to mandate improvements to tree resources in specific areas of the site. (Id.) Implementation of Mitigation Measure 3-13 would comply with the City of San Bernardino Tree Ordinance and would reduce the Project's impacts in this regard to less than significant levels.

City of San Bernardino General Plan: The City's General Plan provides a number of goals and policies directed toward the conservation of biological resources. The goals and policies generally center around three principal areas: 1) General conservation goals and special requirements for development within Biological Resource Management Areas ("BRMAs") (Goal 12.1); 2) Protection of riparian areas (Goal 12.2); and 3) The conservation of open space and other priority areas (Goal 12.3).

General Plan Goal 12.1 contains policies that require developments to be designed in a manner that is sensitive to unique biological resources, and it also prescribes specific conditions for developments proposed within BRMAs. According to Figure NRC-2 of the General Plan, the project site is located within a BRMA. To be consistent with the General Plan, projects in BRMAs must submit biological resource assessments and other information that identifies the proposed project's impacts on sensitive biological resources. (EIR at 5.3-57). The Spring Trails Project site has been the subject of numerous technical studies over the last decade. As such, the Project is consistent with this requirement. Projects within BRMAs are required to identify mitigation measures to eliminate significant adverse impacts to sensitive biological resources. (Id.). As discussed above, a number of mitigation measures have been identified for the Project, and upon implementation of these measures no significant impacts remain. Therefore,

the Project is consistent in this regard as well. Projects within BRMAs are required to define a plan to monitor the effectiveness of prescribed mitigation. The establishment of such a monitoring program is prescribed as Mitigation Measure 3-14 for this Project, which includes requirements for annual surveys for a minimum of five years after project development, actions to be taken if certain performance measures are not met, and methods for overseeing the monitoring program. (EIR at 5.3-58). With implementation of Mitigation Measure 3-14, the Project is consistent with this policy of the General Plan. Finally, the policies within Goal 12.1 require that projects consider and discuss the restoration of significant habitats. While the General Plan is not particularly clear on this issue, it appears that the intent of the policy is to provide for the restoration of habitats that have been degraded or otherwise historically altered through human activity. This policy does not particularly apply to this Project, since the bulk of the habitat on the site is intact and is not degraded. (Id.). Regardless of the policy's intent, the Project as designed and mitigated would improve specific areas of habitat within the Project area. Most notably, the mitigation prescribed for wildlife corridor conservation also includes requirements to improve habitats in those areas. Improvements include the planting and maintenance of additional native vegetation to enhance wildlife foraging and movement areas. In addition, the most significant habitat on the Project site, the riparian areas of Cable Creek, would be preserved and would not be impacted by the Project's development. Finally, the Project applicant would be required to purchase offsite mitigation lands or pay in-lieu fees for the permanent preservation of sensitive wildlife habitat within the region. (Id.). Based on these considerations, it is thus reasonable to conclude that the Project meets and exceeds the overall goals of the policy.

General Plan Goal 12.2 contains policies that pertain to the conservation of riparian resources. The goal also contains directives on what activities are specifically allowed to occur within riparian areas. (*Id.*). The General Plan specifies that development and grading within 50 feet of riparian corridors is prohibited unless no feasible alternative exists. In the case of the Spring Trails Project, the riparian corridor of Cable Creek lies outside of the Project footprint. (*Id.*). In regard to the hiking and equestrian trail that is planned for this area, Mitigation

Measure 3-4 (discussed above) imposes specific restrictions on the trail's proximity to the creek as well as other design requirements to protect riparian resources. Two other riparian corridors on the site would be spanned by roadways. However, Mitigation Measure 3-11 for these bridges and/or culverts will minimize impacts to riparian areas, and requires the enhancement of the large area of riparian vegetation that crosses the northern third of the site. These enhancements would allow for the onsite conservation of this area and provide opportunities for wildlife movement within this corridor. (*Id.*). Based on each of these mitigation requirements, together with other Project design features, the Project would be in compliance with all General Plan policies relating to the conservation of riparian areas.

General Plan Goal 12.3 provides directives as to types of habitats that are considered a high priority for long-term preservation. The goal specifically calls out the City's desire to preserve the riparian corridor of Cable Creek. Since the Project would permanently conserve the Cable Creek corridor, the Project is consistent with the General Plan in this regard. (Id.). The plan also specifies other high priority habitat types, including endangered species habitat, alluvial scrub vegetation, riparian vegetation, and native walnut woodlands. The Spring Trails Project would provide for the conservation of each of these resource types, either through onsite conservation and/or enhancement, or through the purchase and dedication of offsite mitigation lands. (EIR at 5.3-59). Therefore, it can be determined that the Project is consistent with the General Plan in this regard. In sum, incorporation of Mitigation Measures 3-13 to 3-14 will reduce impacts in this area to less than significant levels.

2. Cultural Resources.

a. Archeological Resources.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5.

Finding:

Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant but can be mitigated to a less

than significant level through the implementation of Mitigation Measures 4-1 to 4-3. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 4-1 Preconstruction archaeological testing by a qualified archaeologist is required to evaluate the significance of historic Cable Canyon Ranch. A qualified archaeologist must be present for grubbing, devegetation, and demolition of the spring, remnant stone structure, and fence to protect resources that may be revealed by these activities. Subsequent to vegetation removal but before construction, the archaeologist will perform controlled mechanical excavation inside and outside the house area to locate features present below the ground surface. Once located, the archaeologist should develop a formal treatment plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include formal evaluation and significance assessment of each feature and the project catalog and be filed with the City, the San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.
- 4-2 If testing determines that the Cable Canyon Ranch complex meets significance criteria, then preconstruction archaeological data recovery excavations by a qualified archaeologist is required to mitigate the adverse impacts of construction on historic Cable Canyon Ranch. The archaeologist should develop a formal data recovery plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include the project catalog and be filed with the City, the San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.
- 4-3 Construction grading in and around the Cable Canyon Ranch complex must be monitored by a qualified archaeologist to ensure that any subsurface features or refuse deposits that were not located during previous phases of archaeological work are found and evaluated. The City should refuse to issue a final occupancy permit until all mitigation is demonstrated to have been performed, including curation of the project documents and artifacts.

Facts in Support of the Finding:

Eight (8) historical archeological resources were recorded within the Project area. (EIR at 5.4-12). A spring reported to have associated water features was noted in earlier

surveys, but obscured by vegetation in recent surveys. Most of the resources do not meet significance criteria under CEQA. (EIR Table 5.4-1). However, some sites have potential to have subsurface components that would yield information new to history. These sites require further investigation. Should those investigations yield CRHReligible archaeological materials, then destruction of those resources as a result of Project construction would be a significant impact. The potentially significant resources are expected subsurface privies and trash features associated with Cable Canyon Ranch, in addition to both surface and possibly subsurface water features associated with the Cable Canyon Ranch spring. (EIR at 5.4-12). Mitigation through archaeological data recovery as prescribed by Mitigation Measures 4-1 to 4-3 would reduce impacts in this area to less than significant.

b. <u>Paleontological Resources of Unique Geological Feature</u>.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Finding:

Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measure 4-4. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

4-4 Cultural resources sensitivity training is required for all earth-moving personnel. This training will review the types of archaeological and paleontological resources that might be found, along with laws for the protection of resources. In the event of an unanticipated discovery, all work must halt within a 30-foot radius of the find. Work may not continue until the find has been evaluated by a qualified archaeologist or paleontologist, depending on the nature of the discovery. All discoveries require scientific samples and documentation, including a final report.

Facts in Support of the Finding:

According to the Cogstone Study (**EIR Appendix E**), there are several sedimentary formations that are old enough to contain the remains of extinct Pleistocene animals; however, these sediments are so coarse that they are not conducive to the preservation of significant fossil resources. (**EIR at 5.4-13**). Additionally, the survey found

no signs of any paleontological resources within the Project area. However, an unanticipated discovery of paleontological resources during grading and excavation of the site could occur and result in paleontological resource impacts if not mitigated. Therefore, Mitigation Measure 4-4 will be incorporated to require cultural resources training for all earth-moving personnel, and will reduce impacts in this area to a less than significant level.

c. Disturbance of Human Remains.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could disturb human remains, including those interred outside of formal cemeteries.

Finding:

Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measures 4-5 and 4-6. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 4-5 The applicant shall implement one of the mitigation measures outlined below to address anomalies found at the presumed location of the Meyers Family Cemetery. The applicant shall consult with the Meyers family descendants in the selection of the appropriate mitigation options for the Meyers Family Cemetery in conjunction with the proposed development. It shall be a high priority to implement an option that most closely meets the desires of the family to the extent feasible under the final approved development and grading plans. In the event the final development and grading permits do not require grading or other disturbance of the anomaly sites, one of the following mitigation measures shall be implemented:
 - 1. The burial site anomalies/remains shall remain undisturbed. This can be accomplished either by complete avoidance of the project area or alternatively by "capping" the site. Capping the site would involve scraping existing vegetation and providing up to two feet of compacted fill material over the site. No activity under this option shall excavate lower than one foot below grade to remove existing vegetation or soil. Replacement vegetation may be placed for future open space such as a park. Plans to cap the site shall be prepared and reviewed/approved by a certified archaeologist prior to the disturbance of the cemetery site surface. In addition, a covenant in the deed shall restrict any future excavation within 25 feet of the anomalies.

- 2. The applicant shall coordinate with the Meyers family to facilitate excavation of the anomalies to determine if they represent coffins and, if so, to coordinate reburial at a private or public cemetery to be determined by the family. Under this option, preconstruction archaeological testing by a qualified archaeologist is required. The archaeological testing must consist of mechanical excavation of overburden and hand excavation near the anomalies to determine if they represent coffins. The excavation shall occur under the supervision of a certified archaeologist and a Meyers family representative. If the anomalies are demonstrated not to contain coffins, no further work will be required. If coffins are present, the family shall determine the desired deposition. This may include transfer of the undisturbed coffins for reburial or option 3 below. The applicant shall be responsible for the transport of relocating the remains for the family. If desired by the family, the applicant shall also be responsible for funding a family memorial plaque near to the original burial site. In the event the site is not avoided as part of the final development and grading permits, and testing demonstrates that coffins are, in fact, present, the applicant shall implement option 2 or option 3 below:
- 3. A qualified archaeologist shall develop a formal treatment plan (plan of work including research questions to be answered). The excavation team shall include a qualified osteologist. Excavation may include mechanical excavation of overburden and hand excavation of human skeletal materials. The treatment plan should include an agreement with the Meyers family as to the disposition of any human skeletal remains. A final report shall include formal evaluation and the project catalog and be filed with the City and the San Bernardino Archaeological Information Center. The site record should also be updated.
- 4-6 If human remains are discovered at any time, the applicant shall follow guidelines addressed in California Health and Safety Code Section 7050.5. This requires that work in the vicinity must halt and the county coroner must be notified immediately. If the remains are determined to be Native American, the coroner will contact the Native American Heritage Commission. All discoveries require verification and documentation, including a final report.

Facts in Support of the Finding:

The Native American Heritage Commission was contacted, and no sacred land was identified on the Project site. (EIR at 5.4-13). However, the Meyer Family Cemetery site has been located using geophysical investigation, and two graves appear to be present. It is unknown whether the rectangular areas represent intact graves or removal excavations. Human skeletal remains are considered significant under CEQA for potential to yield information new to history, and the Project site requires further investigation. (Id.). Should those investigations yield CRHR-eligible archaeological materials, any destruction of those resources as a result of Project construction would be

a significant impact. Thus, mitigation through archaeological data recovery as prescribed by Mitigation Measures 4-5 and 4-6 will be incorporated in order to reduce impacts to less than significant.

d. <u>Cumulative Impacts</u>.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could result in cumulative impacts to Cultural Resources.

Finding:

Impacts related to Cultural Resources are discussed in detail at Section 5.4 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measures 4-1 to 4-6, as discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing potentially significant cumulative impacts to a less than significant level:

Facts in Support of the Finding:

Future construction projects in the City of San Bernardino are required to undergo environmental review. (EIR at **5.4-14**). If there is a potential for significant impacts on cultural or paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. (Id.). Neither the Project nor cumulative development in accordance with the City's General Plan is expected to result in significant impacts to cultural or paleontological resources, provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are unique archaeological or historical resources and appropriate mitigation is implemented prior to grading. (Id.). Implementation of the appropriate mitigation measures would reduce cumulative impacts to a less than significant level.

3. Geology and Soils.

a. Exposure of People or Structures to Potential Adverse Effects.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could expose people or structures to potential adverse effects from rupture of a known earthquake fault, strong ground shaking, or seismic-related ground failure such as liquefaction and settlement.

Finding:

Impacts related to Geology and Soils are discussed in detail at Section 5.5 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, but can be mitigated to a less than significant level through the implementation of Mitigation Measures 5-1 to 5-3. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 5-1 Prior to recordation of final maps, additional fault studies shall be conducted to the satisfaction of the geotechnical consultant of record on the project and the City Engineer. These studies shall include:
 - 1. Trenching across Splay E to locate the splay and gauge its activity in order to determine the required width of setbacks from the splay.
 - 2. A trench across Splay A in the western part of the site to confirm the location of the splay in that part of the site and to aid in determining the width of required setbacks from the splay.
 - 3. A trench between Splays A and B in the central part of the site. If the geotechnical consultant recommends expanded or modified setbacks from faults based on the findings of such additional studies, then the project will be required to comply with such setbacks, and any lots that would not be developable according to the development standards of the Specific Plan will be eliminated prior to recordation of TTM 15576 or the associated phase of TTM 15576.
- 5-2 Prior to recordation of final maps, a detailed design-level geotechnical investigation report shall be prepared and submitted with engineering grading plans to further evaluate liquefaction, seismic settlement, lateral spreading, subsidence, collapsible soils, corrosive soils, slope stability including earthquake-induced landslides, and other geotechnical constraints and provide site-specific recommendations to address such conditions, if determined necessary. The geotechnical reports shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. The project will be required to comply with any recommendations that are made in the report of such investigation.
- 5-3 For each phase of the project, at the completion of grading and before project construction begins, final geotechnical testing for corrosive soils and expansive soils shall be conducted. A final geotechnical report for the relevant phase shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. Such report shall contain recommendations to address corrosive soils and expansive soils, as determined necessary. The project will be required to comply with any recommendations that are made in the report of such investigation.

Facts in Support of the Finding:

Five splays, or lineaments, of the San Andreas Fault have been identified onsite. Four of these splays are within Alquist-Priolo Fault Zones. (EIR 5.5-22). Fault trenching studies onsite found evidence that three lineaments, A, B, and C, are active splays of the fault. The onsite segments of Lineaments A, B, and C are within an Alquist-Priolo Earthquake Fault Zone that covers much of the southern half of the site. The fourth lineament, lineament E, is within a second Alquist-Priolo Earthquake Fault Zone near the northwest corner of the site and part of the fifth lineament, lineament D, partially runs through the eastern edge of the Project site, not in an Alquist-Priolo Fault Zone. (EIR Figure 5.5-3). Lineaments E and D are not thought to be active fault splays. Setbacks extending 50 feet from each side of the three active lineaments have been designated so that no structures would be built in the setbacks. Pursuant to Mitigation Measure 5-1, additional investigation will be conducted to confirm findings in the geotechnical studies prepared for the Project, and trenching on the western part of Lineament A where trenching studies were not done previously in 1995. In addition, setbacks recommended by the Project geotechnical consultant would be incorporated project design; compliance with recommendations would be required conditions of approval by the City of San Bernardino.

The San Andreas Fault passes through the Project site, and several other faults in the region could potentially generate strong ground shaking at the site. (**EIR at 5.5-23**). The intensity of ground shaking used for the purpose of structural design is derived from the California Building Code ("CBC"), which contains seismic safety requirements for structures that will be adhered to for this Project. Seismic safety provisions in the CBC are developed with the intent that most structures would remain standing during and after an earthquake so that occupants would be able to evacuate, although many structures would be expected to be substantially damaged in a strong earthquake and would require repairs before they would be habitable again. (*Id.*).

The potential for liquefaction on most of the Project site is considered to be low due to older alluvial/colluvial soils underlying the bulk of the site, plus the depth of groundwater, which is thought to be more than 50 feet below ground surface under most of the site. (*Id.*) There are

two limited areas of the site that are or may be susceptible to liquefaction: the lower parts of the Cable Canyon and Meyers Canyon drainages in the southern part of the site; and an isolated part of the eastern part of the site along the northeast side of the San Andreas Fault, where groundwater was found at 20 feet bgs in two borings. (Id.) The site plan almost entirely avoids placing homes over recent alluvium in the Cable Canyon and Meyers Canyon drainages. The geotechnical feasibility study for the Project recommends removal of loose or soft earth materials and undocumented fill to a depth of two to five feet below existing grades or two feet below the bottom of proposed footing depths, whichever is greater. (EIR at 5.5-24). Deeper removals are anticipated in isolated areas of the site, including the areas susceptible to liquefaction. Additionally, the Project site is not within a liquefaction hazard zone identified in the City of San Bernardino's General Plan. (Id.)

The subsurface soils under most of the site are relatively dense and thus are not expected to be prone to substantial seismic settlement. (*Id.*) Near-surface soils may be settlement prone; however, near-surface soils under the sites of homes, roads, and other improvements would be removed and replaced with compacted fill. Seismic settlement may pose a hazard where loose soils have been found near the San Andreas Fault. (*Id.*) However, development in this area would be limited to nonstructural improvements, and settlement-prone soils may be overexcavated to limit seismic settlement. In sum, incorporation of Mitigation Measures 5-1 to 5-3 will reduce impacts from rupture of a known earthquake fault, strong ground shaking, or seismic-related ground failure such as liquefaction and settlement to less than significant levels.

4. Hazards and Hazardous Materials.

a. Risk of Fire.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could result in exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to the urbanized areas or where residences are intermixed with wildlands.

Finding: Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs

with the City finding that this impact is potentially significant, because the Project site is in a very high fire hazard zone and could expose structures and/or residents to fire danger. Two lots (Lots 30 and 233) would not have sufficient space for fuel modification. However, this impact can be mitigated to a less than significant level through the implementation of Mitigation Measures 6-1 to 6-7. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 6-1 The Fire Protection Plan shall be approved by the City of San Bernardino Fire Department (now County Fire) prior to commencement of grading. The Fire Marshal shall have the authority to modify, increase, or reduce the necessary size and location of any of the recommended Fire Management Zones and setbacks, based on a lot-by-lot inspection at time of grading. A minimum of 170 feet of fuel modification plus enhanced structural treatments listed in the Fire Protection Plan are needed to provide a safe buffer between the wildland and the structures.
- 6-2 Prior to introduction of combustible materials on any lot, the developer or builder shall clear all flammable vegetation, including weeds to four inches in height or below (leave enough site. The builder shall maintain each site in this condition until the homeowner takes responsibility and installs irrigation and fire-resistive landscaping as approved by the Homeowners Association. All landscaping must be in compliance with the guidelines in the approved Fire Protection Plan. All manufactured slopes, internal common areas, and open spaces shall comply with the criteria set forth in the Fire Protection Plan and shall not have any vegetation of the type prohibited in this plan (undesirable plant list).
- 6-3 The Homeowners Association shall assure that all fuel modification on private lots is in accordance with the requirements in the plan.
- 6-4 An annual inspection of the property for compliance with the approved plan shall be done by the Homeowners Association with a written letter of compliance sent to the San Bernardino Fire Department. Every five years, an approved Wildland Fire Protection consultant funded by the HOA shall inspect the site and a report shall be submitted to the San Bernardino Fire Department.

Onsite Roadway Vegetation

6-5 Vegetation shall be modified and/or cleared, either by the Landscape Maintenance District or the Homeowners Association on each side of any onsite road in accordance with the approved Fire Protection Plan.

SCE Easement

6-6 If the project is built with the Southern California Edison 115 kV transmission lines remaining aboveground, all flammable vegetation within the SCE overhead electric line easement shall be removed, on an ongoing basis, except for that needed for erosion control and soil stability.

Lots 30 and 233

- 6-7 Development of Lots 30 and 233 shall only occur when the following conditions are met. No development shall occur without the review and approval of the San Bernardino Fire Chief.
 - that will remain within the Spring Trails property. An irrigated "Zone A" shall be a non-combustible setback zone within the pad area between the residential structure and the wildland urban interface area, traditionally the furthest portion of the pad. "Zone B" shall be a landscaped irrigated zone beyond "Zone A" and terminating at the project boundary, with non-combustible construction which will act as a "heat-sink" from an impending wild fire. "Zone C" shall extend offsite as fuel modification. "Zone C" will be a temporary off-site fuel modification until the adjoining property is, or will be, developed. If this is the scenario, an easement will be required for maintenance of the "Zone C." If the adjoining property is developed prior to the development of the Spring Trails project, then the off-site fuel modification will not be required for Lots 30 and 233. The total fuel modification distance for lots 30 and 233 will be a minimum of 170 feet.
 - For Lot 30, Zone A shall have a minimum/maximum distance of 20 feet, Zone B shall have a minimum distance of 88 feet and a maximum distance of 113 feet, and Zone C shall have a minimum distance of 37 feet and a maximum distance of 62 feet (a total of 15,469 square feet).
 - For lot 233, Zone A shall have a minimum/maximum distance of 20 feet, Zone B shall have a minimum distance of 68 feet and a maximum distance of 112 feet in width, and Zone C shall have a minimum distance of 43 feet and a maximum distance of 80 feet (a total of approximately 20,706 square feet).

Facts in Support of the Finding:

The high fire risk associated with the natural features and conditions of the site causes the proposed development to be at a high fire risk and the impacts would be potentially significant. (**EIR at 5.6-14**). The entire Spring Trails Project site is in a very high fire hazard severity zone as identified in the California Fire Plan. (**EIR at 5.6-10**). The City's General Plan also identifies areas of very high and high fire hazards in the areas immediately adjacent to the

Project site. Since the Project site has not yet been annexed to the City, the portions of the fire hazard zones that would lie across the Project site and the adjacent 26.4-acre area are not indicated in the General Plan. (*Id.*) Periodic wildfire is a normal part of the environment in those areas along the front of the San Bernardino and San Gabriel mountains and in the adjacent San Bernardino National Forest, which surround the northern, western, and eastern portions of the site. (*Id.*)

A fire risk analysis for the Project was performed (EIR Appendix G), which concluded that due to the steep terrain, highly flammable chaparral vegetation of the foothills of the San Bernardino Mountains, and exposure to high-velocity winds, the site has high susceptibility to fire. (EIR at 5.6-10). Construction of the Project would expose future residents and structures to potentially dangerous wildfire(s) from the wildland to the northeast, northwest, and/or the southwest. The northeast exposure is a mix of chaparral and a few larger trees with a topography that is primarily upslope from the structures, with only a small amount level or downslope. This area is at risk for fire mainly when a northeast (Santa Ana) wind passes. The topography and fuel would otherwise drive fires away from the Project area. (*Id.*) The southeast exposure also consists of mixed chaparral. However, it has no real northern aspects to the topography that would increase fuel loading, and also has no wind shelter. (EIR at 5.6-11). Additionally, this area does not tend to have the old-growth, closedcanopy fuel type found in the other areas adjacent to the Project site. Areas within this exposure immediately to the east of the project site that may contain fuels are either in the drainage bottom or would be graded and replanted with appropriate vegetation. Fuels that would remain after Project development would be mostly in the downstream drainage of Meyers Canyon and outside of the fuel modification zones that would be created. (Id.) A northeast wind event would take fire away from the structures in this area. The only potential wind-driven fire in this area that would pose a significant risk would be from a heatgenerated onshore wind. While these winds may prevail in this area, they tend to be less intense and generally higher in moisture content. The southwest exposure runs across a combination of developed and open, undeveloped land. Fires originating offsite in this area would be fueled by mixed native/nonnative grass and shrublands. The fire

would approach the Project site from the southwest and could spread and intensify if it reached the tree canopies under future conditions if vegetation is not managed. (Id.) Compliance with current City standards for weed abatement and brush clearance should keep this area safe. The southwest exposure only presents fire issues during a southwest wind event, which, like the southeast exposure, tends to be less intense and generally higher in moisture content. The northwest exposure is the most significant risk to the Project. During a northeast wind, the Cable Creek drainage and Cable Canyon Creek will channel winds and fire down to the area below the Project site. (Id.) This drainage is deep and full of native and nonnative vegetation that has survived through all of the recorded fire history because it tends to receive natural irrigation year-round. However, the vegetation on the sides of the drainage is primarily northern mixed chaparral and Riversidian sage scrub, both of which provide substantial fuel beds. (Id.) In addition to the topography and vegetation of the area, two prevailing wind events common to the area also contribute to the fire risk. The Santa Ana winds and winds produced by the thermal heating in the Mojave Desert would both be channeled by canyons in the area, increasing and concentrating the effects of these winds. (Id.)

Fire risk factors were modeled to predict possible wildland fire behavior that could occur at the Project site based on characteristic features, including topography, vegetation, and weather. (EIR at 5.6-11). The worst-case scenario is a fire with Santa Ana winds reaching 70 miles per hour and a combination of dead and live fuels that would cause the hottest, fastest-moving fire. (EIR Tables 5.6-1; 5.6-2). The maximum anticipated flame lengths would approximately 100.3 feet. (Id.) This type of fire occurs in the fall in chaparral vegetation, with approximately 16 tons per acre, at 6 to 10 feet in depth, producing 8,000 British thermal units per pound (BTU/lb) of fuel. Additionally, under worst-case scenario conditions, fire would spread at a rate of 40 feet per second (27.2 miles per hour), and spotting distances would reach approximately 1.4 miles. (EIR at 5.6-12).

Fuel Modification Plan: The Project site has a combination of high risk (number of ignitions), high hazard (intensity of fire), and high value (proposed development), requiring significant mitigation measures in order to reduce

fire risk. (*Id.*) A fuel modification zone would be required to reduce impacts of fire on the Project. Fuel modification areas are designed to gradually reduce fire intensity and flame lengths from advancing fire by placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other on the perimeter of all structures and adjacent open space areas. (*Id.*) Three fuel modification zones have been established within the fuel modification area:

- o Fuel Modification Zone A (flat): Noncombustible construction This applies to the 20 to 35 feet of the flat area setback zone near noncombustible construction only. Fuel Modification Zone A should be maintained by the homeowner or the HOA. At no time should the Fuel Modification Zone A be less than 20 feet.
- o Fuel Modification Zone B (wet zone): 100 percent removal of undesirable plant species. This applies to the first 50 to 200 feet from Fuel Modification Zone A. Fuel Modification Zone B shall be permanently irrigated; fully landscaped with approved droughttolerant, deep-rooted, moisture-retentive material such as container shrub material; or hydroseeded per a plant list approved by the SBFD. All undesirable plants must be removed. A complete list of undesirable plant species is supplied in the Spring Trails Fire Protection Plan. Hand-seeding of bare areas may need to be performed six months after the hydroseeding establishment period. Fuel Modification Zone B would be maintained by the homeowner, HOA, or landscape maintenance district (LMD) as appropriate.
- o Fuel Modification Zone C (dry zone): 50 percent thinning of native shrubs. The area 40 to 185 feet from a structure would be Fuel Modification Zone C. This zone would be a non-irrigated area and would require the removal of all flammable undesirable species as listed in the Spring Trails Fire Protection Plan. Specimen trees should be retained as directed by the owner's representative but must be thinned a minimum of 50 percent. This zone also requires the removal of all low-hanging foliage within three times the height of the understory shrubs or 10 feet, whichever is greater, along with dead or broken branches. All accumulated plant debris on the ground would be removed. Fuel

Modification Zone C area should be maintained by the LMD.

(See EIR Figures 5.6-1; Figure 5.6-2).

Additionally, buildings not on the wildland interface/fuel modification zones would be set back from the adjacent property lines or any natural area adjacent to the homes by a 25- to 50-foot building setback. This zone would have no combustible construction allowed within it. (**EIR at 5.6-13**).

Systems Approach: The concept behind this and most other fuel modification plans is to create a fuel modification zone in which the fire is systematically deprived of available fuel to reduce the size of the flame and the amount of heat that would be generated. (Id.) The maximum flame length of 100 feet is achieved at the junction of the wildland and Fuel Modification Zone C. For this reason, Fuel Modification Zone C is a minimum of 100 feet in width (measured on the flat plane not less than 100 feet regardless of the slope). Fuel Modification Zone C would have 50 percent of the available fuel that was in the wildland. (Id.) It would also have little to no dead materials or fine fuels. This would reduce flame lengths to a manageable size. When the flame front arrives at the junction of Fuel Modification Zones B and C, it should be reduced by 50 percent. Fuel Modification Zone B is a minimum of 50 feet in width and it is irrigated. The combination of the distance and the heat sink effect of the moist vegetation should keep flames from reaching the Fuel Modification Zone A/B junction. In the event that they do, however, a minimum 20-foot setback zone (Fuel Modification Zone A) is established with no combustible construction being allowed in this fuel modification zone at any time. Additionally, advanced construction features would be used to prevent convection or radiant heat from igniting the structure. (Id.) In areas where fuels, topography, slope, and aspect align, additional depth has been added to the fuel modification zones. This occurs on the upper portions of the project, where vegetation is below the structures, and on the east side of the project, where canyon winds may be channeled and thus intensified. (Id.) The final area for an increased fuel modification zone is on the east side of the project, located on the only cul-de-sac

where total alignment can occur. (EIR at 5.6-14; Figures 5.6-1; 5.6-2).

Construction Phasing Management Plan: All vegetation management would be done on private lots prior to work beginning on those lots and prior to any combustible construction materials being brought onsite. (EIR at 5.6-14). Vegetation management in all common areas, parks, construction sites, medians, planters, roadsides, etc., would be done as required in this plan at the start of the construction phase and continued throughout the Project. (Id.) Adequate fuel breaks acceptable to the San Bernardino Fire Department would be created around all grading, materials storage areas, laydown areas, site work, and other construction activities in areas adjacent to the vegetation. (Id.)

Public Education: In addition to the built-in fuel modification zones and construction techniques, the active participation of the homeowners is necessary to adequately protect Spring Trails. (*Id.*) Accordingly, the Specific Plan requires the following:

The fire threat, fuel modification zone requirements, maintenance responsibilities, protection plans, approved plant palette, list of unacceptable plants, preventative measures, and evacuation routes shall be disclosed to potential homebuyers prior to the sale of any residence and readily available to homeowners upon request. (Id.)

The HOA would sponsor annual clinics conducted by fire professionals to educate residents on the fire threat, fuel modification zone requirements, maintenance responsibilities, protection plans, landscaping requirements, preventative measures, and evacuation routes. (*Id.*)

With the implementation of Mitigation Measures 6-1 to 6-7, impacts from wildfire risk will be reduced to less than significant.

b. <u>High Winds</u>.

Potential Significant Impact:

The EIR evaluated and concluded that the Project could result in exposure of people or structures to a significant risk of loss, injury, or death involving high winds.

Finding:

Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, because the Project site is in a very high fire hazard zone and could expose structures and/or residents to fire danger. Two lots (Lots 30 and 233) would not have sufficient space for fuel modification. However, this impact can be mitigated to a less than significant level through the implementation of Mitigation Measures 6-8 and 6-9. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 6-8 The development of Spring Trails shall follow development guidelines outlined in the San Bernardino General Plan for high wind areas (Policies 10.10.1 through 10.10.8). The building plans must be approved by the building official.
 - o Policy 10.10.1: Ensure that buildings are constructed and sited to withstand wind hazards.
 - o Policy 10.10.2: Require that development in the High Wind Hazard Area, as designated in Figure S-8 [of the San Bernardino General Plan], be designed and constructed to withstand extreme wind velocities.
 - Policy 10.10.3: Periodically review the structural design requirements for wind in the Building Code to reflect wind conditions and property damage experienced as well as advances to current construction technology.
 - Policy 10.10.4: Require that structures be sited to prevent adverse funneling of wind onsite and on adjacent properties.
 - Policy 10.10.5: Require that multi-story residential, commercial, and industrial buildings be designed to prevent wind tunnel effects around their base and in passageways.
 - Policy 10.10.6: Construct public infrastructure (lighting poles, street lights, bridges, etc.) to withstand extreme wind velocities in High Wind Hazard areas.
 - Policy 10.10.7: Maintain police, fire, medical, and other pertinent programs to respond to wind-caused emergencies.
 - o Policy 10.10.8: Initiate a review of the wind hazard potential as it applies to various parts of the City and, if merited, tailor the design standards accordingly.
- 6-9 Implementation of Mitigation Measure 2-1 (Section 5-2, Air Quality) would reduce construction-related wind-blown dust impacts.

Facts in Support of the Finding:

The Project would construct residential homes in an area exposed to high winds. Although the City of San Bernardino General Plan has not officially designated the Project site in the High Wind Area because they are not within the City limits, its location falls in line with areas along the foothills that have been designated in this area. (EIR at 5.6-14). Areas exposed to high winds can

potentially experience health and safety issues related, but not limited, to air quality, soil erosion, motor-vehicle accidents due to decreased visibility, wind-driven property damage, and exacerbation of fire hazards. (Id.) Projectrelated construction activities, particularly during site preparation such as grading, could potentially expose soils to wind erosion. This creates potential for windblown dust and soil to migrate offsite, adversely affecting adjacent properties during periods of high wind conditions. Furthermore, windblown dust, particularly during Santa Ana wind conditions, could reduce visibility along I-215, a heavily traveled highway approximately 0.7 mile southwest of the site, affecting travel and increasing the probability of motor-vehicle accidents. In addition to reduced visibility, high winds could also result in property damage and harm to surrounding residences from wind-driven debris picked up from loose onsite construction materials. (Id.) Winds would not only have the potential to impact the surrounding area during Project development, but also the proposed residences and land uses onsite. (EIR at 5.6-21). Winds have been measured and have the potential to reach in excess of 90 to 100 miles per hour. Winds at these speeds could potentially cause damage to the homes and land uses proposed on the Project site. Damage could be caused to roofs, fences, windows, and landscaping. Moreover, high winds are a main contributing factor for the high fire risk hazard in the area. (Id.) Santa Ana wind conditions significantly increase the fire hazard in the area when combined with the fuels present due to the low moisture content and low relative humidity. (Id.) Implementation of Mitigation Measures 6-8 and 6-9 will reduce impacts related to high winds to less than significant levels.

c. Hazardous Emissions.

Potential Significant Impact:

The EIR evaluated and concluded that if the Project is built within the Southern California Edison 115 kV transmission lines remaining aboveground, the lines would potentially expose construction workers and residents to hazards of electric shock and/or electric and magnetic fields.

Finding:

Impacts related to Hazards and Hazardous Materials are discussed in detail at Section 5.6 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, but can be mitigated to a less than significant level through the implementation of Mitigation Measure 6-10. This mitigation measure is adopted and incorporated into the

Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 6-10 If the project is built with the Southern California Edison 115 kV transmission lines remaining aboveground, the development plans shall be drawn to accommodate SCE safety measures including:
 - Operators of construction equipment with overhead lift capability, cranes, backhoes, and similar equipment shall abide by state safety clearances and undergo SCE-approved safety training, as needed, before operating the equipment onsite.
 - Near residences, a safety strip meeting SCE standards shall be required beside the SCE right-of-way.
 - Easements shall be employed as needed to prevent damage to the towers, shield residents from harm, and guarantee SCE maintenance access.

Facts in Support of the Finding:

The Preferred Development Plan assumes that the SCE overhead electric lines that traverse the western portion of the site would be located above-ground. (FEIR Figure **3-8**). While consideration that the overhead electric lines may be undergrounded in considered in the Alternative Development Plan, undergrounding the size of SCE lines in question here is not currently feasible. The Preferred plan accommodates the lines above ground as proposed for the (FEIR Figure 3-8 and 3-8a). The Preferred site. Development Plan for Spring Trails is the same as the alternative plan in every respect, except for the treatment of the land beneath the aboveground electric lines and the number of residential lots. (Figure 3-8 and 3-8a). In the Preferred Development Plan, underneath the central portion of the electric line easement, the land use is designated as Open Space-Controlled. The northern portion of the electric line easement is designated as residential; however, development is not permitted within the electric line easement. (Id.). The SCE easement will be landscaped in accordance with the approved Fire Protection Plan for Spring Trails. If permitted by SCE, a park and/or equestrian/pedestrian trail may be located under the electric lines as a permitted use; however, they are not assumed in the design of the Preferred Development Plan. (Id.). The Preferred Development Plan and the Alternative Development Plan with underground electric lines presents potential hazards related to proximity to future residential uses:

- Although SCE makes provision for earthquakes in the design and construction of overhead transmission lines, extreme seismic shaking and earth rupture on the San Andreas fault may snap lines or topple towers, resulting in live power to the ground.
- During construction, accidental contact with the towers or wires is possible.
- Resident youths may be tempted to play on or climb the towers.
- Residents may be exposed to electric and magnetic fields (EMF). (*Id.*).

These lines would pose both construction and operational risks to workers or residents on the site. Contact with the wires by an elevated excavator arm, raised bucket, or other equipment designed for overhead work would have potentially fatal consequences. There is also the risk that residents may be tempted to climb on or vandalize the supporting towers. Though slight, the risk of electrical shock because of such activity does exist. Worker and residents would also be susceptible to electromagnetic fields (EMFs) because of the location of the lines on the project site. The SCE easement does not cross into the adjacent 26.4-acre area. (Id.). The Alternative Project proposes to relocate the 115 kV lines underground prior to site development; therefore, the risks associated with electrical shock and physical contact with the lines would be eliminated. If the 115kV lines cannot be relocated underground, then the Project would be built to accommodate the overhead electric lines, as described above. (FEIR at 3.3, Figure 3-8 and 3-8a). The concern with proximity to electric transmission lines is exposure of residents to electric and magnetic fields (EMFs). Since EMF emission is not reduced when transmission lines are undergrounded, this would be a concern in both development scenarios. (Id.). Over the past 30 years researchers have studied the potential effects of EMF exposure both nationally and internationally in an effort to determine whether EMF exposure is carcinogenic. EMFs are everywhere in modern society, and there is no evidence that living near electric transmission lines is any more detrimental to human health than living in a modern house. (Id.). Notwithstanding, Mitigation Measure 6-10 will be

incorporated to ensure that impacts related to the potential presence of overhead electric lines will be less than significant.

5. Land Use and Planning.

a. <u>Conflict with Habitat Conservation Plan.</u>

Potential Significant Impact:

The EIR evaluated and concluded that the Project could conflict with the adopted U.S. Fish and Wildlife Service San Bernardino Kangaroo Rat Critical Habitat.

Finding:

Impacts related to Land Use and Planning are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant but can be mitigated to a less than significant level through the implementation of Mitigation Measure 3-2. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

3-2 To mitigate for impacts to unoccupied critical habitat of the federally endangered San Bernardino kangaroo rat, the project applicant shall acquire offsite permanent mitigation lands of like habitat quality as determined by the US Fish and Wildlife Service (USFWS) during the Section 7 consultation process. Mitigation lands must be acquired prior to the issuance of grading permits, and shall incorporate appropriate long-term management provisions such as deed restrictions, endowments, and/or other management mechanisms to provide for the long-term conservation of the habitat. Potential properties include, but are not limited to, those managed by San Bernardino County Special Districts located in the Glen Helen, Rialto, and Rancho Cucamonga areas. Mitigation lands shall be acquired at a replacement ratio of 1:1 (one acre replaced for every one acre impacted). This measure does not preclude the imposition of additional mitigation requirements that may be initiated by the USFWS during the Section 7 consultation process. This measure shall be implemented to the satisfaction of the Community Development Director.

Facts in Support of the Finding:

Approximately 3.9 acres of habitat for this federally endangered species would be modified, which conflicts with the policies of the USFWS-designated critical habitat. (EIR at 5.8-47). No San Bernardino kangaroo rats have been observed on the Project site, but development of the area must follow the policies of the habitat plan. Portions of the secondary access road alignment at the southern end of the site are located within USFWS-designated critical habitat for the San Bernardino kangaroo rat (see EIR Figure 5.3-4). Even though repeated surveys in the area have been negative for the presence of the San Bernardino

kangaroo rat, the presence of critical habitat requires consultation with the USFWS under Section 7 of Federal Endangered Species Act. The USFWS would impose mitigation to offset these impacts. (EIR at 5.8-47). In anticipation of those agency-imposed requirements, and as discussed previously, Mitigation Measure 3-2 has been incorporated into the Project to reduce the Project's impacts in this regard to less than significant levels.

6. **Public Services.**

a. Fire Protection and Emergency Services.

Potential Significant Impact:

The EIR evaluated and concluded that development of the Project could result in a substantial adverse physical impact associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.

Finding:

Impacts to Public Services are discussed in detail at Section 5.12 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, as the Project will introduce 304 residences (reduced to 215 residences) and about 711 residents into a very high fire hazard severity zone in the San Bernardino County Fire services area, thereby increasing the requirement for fire protection facilities and personnel. However, this impact can be mitigated to a less than significant level through implementation of Mitigation Measure 12-1. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

12-1 Prior to issuance of building permits, the developer shall participate on a fair-share basis in funding the continued operation and maintenance of the Verdemont Fire Station. A one-time fair-share contribution equivalent to the Community Facilities District Number 1033 "in-lieu fee" established by Resolution Number 2004-107 of the Mayor and Common Council would mitigate the long-term impact of the project on emergency services of the Fire Department. As an alternative, an irrevocable agreement to annex the project site to Community Facilities District Number 1033 would satisfy this obligation.

Facts in Support of the Finding:

The Project would include 304 homes (reduced to 215 units), four parks, and roadways for site and internal access to the roughly 350-acre Project site. The Project is expected to add about 711 residents to the site. (EIR at 5.12-3).

Therefore, Project development is expected to result in an increase in calls for San Bernardino Fire Department ("SBFD") fire and emergency medical services. At Project completion, SBFD response time to emergency calls to the farthest part of the site from the Verdemont Fire Station is expected to be 12 to 13 minutes. This is seven to eight minutes more than the standard SBFD response time of five minutes. After a reduction in staff from four to three firefighters, staffing at the station was recently restored to four firefighters. The addition of the Spring Trails development to the area served by the Verdemont Fire Station may result in increased demand on emergency fire services. (Id.). To offset the additional demand caused by new development projects, the City requires a fair-share contribution from new developments to help fund ongoing operation and maintenance of the Verdemont Fire Station. (EIR at 5.12-4). The response force (three fire engines, one aerial ladder truck, and a chief officer with a minimum of fifteen personnel) needed to effectively combat a structure fire would need to be capable of being assembled at points within the Project site. The third engine and aerial ladder truck to complete an effective response would come from a station farther away: from Fire Station 227 at 282 West 40th Street (6.75 miles from Project entrance) or from SBCoFD Station 2 in Devore (3.75 miles from project entrance). San Bernardino County Fire Department Station 2 has daily staffing of three full-time firefighters supplemented by a company of paid call firefighters as needed, and is equipped with one type 1 (structure) engine, one type 3 (wildland) engine, and one type 5 patrol vehicle. (Id.). While the San Bernardino County station is physically closer, additional time and effort would be required to coordinate with the County, which could delay the response. Either would come with a minimum of three firefighters. The aerial ladder truck, with four firefighters, would come from Fire Station 224 located at 2641 E Street (7.85 miles from Project entrance. (EIR Figure 5.12-1). A fire battalion chief would also be dispatched.

In the event of a major wildfire on or threatening the site, additional firefighting resources would be brought to the area. Other City fire stations would respond as needed. (EIR at 5.12-4). The SBFD has five type 3 (wildland) engines, which are deployed at Fire Stations 225, 226, 227, 228, and 323. The three closest fire stations to this Project have wildland engines. In addition, there is a county/CAL

FIRE station nearby in Lytle Creek (Fire Station 20) and a new county fire station will be built as part of a new development in the southern Lytle Creek area, south of the Glen Helen Regional Park in Devore. (*Id.*). The new station is dependent on development in the area and may be delayed with changes in the housing market. Vegetation fires result in a multiagency response, which would include CAL FIRE and the USFS. A fire protection/fuel modification plan has been required for the Project. (EIR **Appendix G**). The fire plan is designed to reduce the risks related to the high fire potential of the site. Topography, vegetative, weather, and structural components were used to analyze the setting and provide measures for reducing risks. It also meets the fire safety standards of the Foothill Fire Zone Overlay District (FF District) Standards (Chapter 15.10 of the San Bernardino Municipal Code), Building Safety Enhancement Area Building Standards (Chapter 15.11 Municipal Code), City of San Bernardino Development Code (Chapter 19.15), and City Fire Code (Chapter 15.16). The fire protection plan divides the Project site into three zones, Fuel Modification Zone A (flat, noncombustible construction), Fuel Modification Zone B (wet zone, 100 percent removal of undesirable plant species), and Fuel Modification Zone C (dry zone, 50 percent thinning of the native shrubs). (EIR Figures 5.6-1and 5.6-2). The fire protection plan also includes vegetation management guidelines, the allowed and undesirable plant palettes, planting maintenance and spacing guidelines, a construction management plan, infrastructure/structural features construction and requirements, and a compliance matrix to be used by the developer, residents, and the homeowners association of Spring Trails to reduce fire risks. The minimum fire flow required for this project is 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) pressure for a minimum duration of four hours. Fire hydrants are required at a spacing of no more than 300 feet. (EIR at 5.12-4). Water for fire flow would be provided by expanding and improving the offsite water system, and by onsite reservoirs and transmission lines. (EIR Figures 3-10 and 3-11). The Project would use infrastructure at pressure zones at elevations of 2,100 feet, 2,300 feet, 2,500 feet, 2,700 feet, and 3,000 feet. The Project site falls in the 2,300, 2,500, 2,700, and 3,000 zones. Fire-flow storage required for each of the three onsite pressure zones is 360,000 gallons. (EIR at 5.12-7). Project water system improvements would be

sized to provide required fire flow in addition to meeting project water demands. Pumping stations would be designed with 100 percent redundancy in the event that one or more of the pumping units fails, and equipped with onsite generators that can operate in a blackout or emergency condition. (*Id*.). Implementation of Mitigation Measure 12-1 will reduce impacts to fire protection and emergency services to a less than significant level.

7. Traffic and Circulation.

a. Substantial Increase in Traffic.

Potential Significant Impact:

The EIR evaluated and concluded that development of the Project could cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

Finding:

Impacts to Traffic and Circulation are discussed in detail at Section 5.8 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, because the Project would generate 3,149 average daily trips, 247 morning peak hour, and 333 evening peak hour trips to the Project area, thereby contributing to existing and future unacceptable levels of service at the Palm Avenue/I-215 ramps intersections and at the Palm Avenue/Kendall Drive intersection. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measures 14-1 to 14-4. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

- 14-1 If at the time combustible materials are placed on the project site the Palm Avenue/Kendall Drive intersection has not been improved, the project shall be responsible for funding and constructing the dual westbound left turn lane intersection improvements at Palm Avenue/ Kendall Drive. All improvements to this intersection must be completed to the satisfaction of the Director of Public Works/Civil Engineering prior to issuance of occupancy permits.
- 14-2 The easterly (primary) project access road between Little League Drive and the project site shall be constructed and paved to meet the City of San Bernardino Fire Department's minimum standards prior to placement of combustible materials on the project site. The access road shall be designed and constructed to meet the City of San Bernardino Public Works/Engineering Division's design standards prior to issuance of occupancy permits.

Concurrently, the segment of Little League Drive north of Meyers Road shall be improved to Public Works Department design standards.

- 14-3 The westerly (secondary) project access road shall be constructed and paved to meet the City of San Bernardino Fire Department's minimum standards prior to placement of combustible materials on the project site. The access road shall be designed and constructed to meet the City of San Bernardino Public Works/Engineering Division's design standards prior to the issuance of occupancy permits.
- 14-4 Prior to the issuance of grading permits, the project applicant shall prepare a construction traffic plan that shall be approved by the City of San Bernardino Public Works/Engineering Division. The construction traffic plan shall:
 - Prohibit project construction traffic from using the Kendall Drive/Palm Avenue intersection during the morning peak hour (7:00 AM and 9:00 AM) and the evening peak hour (4:00 PM and 6:00 PM)
 - Establish truck haul routes on the appropriate transportation facilities.
 - Provide Traffic Control Plans (for detours and temporary road closures) that meet the minimum Caltrans, City, and County criteria.
 - *Minimize offsite road closures during the peak hours.*
 - *Keep all construction-related traffic onsite at all times.*

Facts in Support of the Finding:

The City of San Bernardino has an acceptable intersection Level of Service ("LOS") standard of D or better. All area intersections are currently operating at an acceptable LOS. (**EIR Table 5.14-2**).

Operational Phase: Spring Trails would include the development of 304 single-family detached houses (reduced to 215 units), with the final phase of construction to be completed by year 2013. (**EIR at 5.14-42**). The analysis in this report quantifies the impacts of 329 single-family units, and therefore slightly overstates the actual impact anticipated for the 304-unit (now 215-unit) single-family residential development. The traffic generated by Spring Trails would increase the number of trips on local roadways and freeways, thereby worsening the LOS on these systems. (*Id.*). The following intersections would operate at unacceptable levels of service during AM and PM peak hours:

- o I-215 northbound ramps and Palm Avenue;
- o I-215 southbound ramps and Palm Avenue;
- o Palm Avenue and Kendall Drive

Without roadway improvements, these Project area intersections would have unacceptable levels of service (E or worse). (EIR at 5.14-43). However, interchange improvements to the Palm Avenue and I-215 ramps intersection are included in the SANBAG Nexus Study funded by the City of San Bernardino Regional Circulation System Fee. (Id.). These improvements would improve the LOS to B during morning peak hour traffic on the northbound ramp, to D during evening peak hour traffic on the northbound ramp, and to C during both morning and evening peak hour traffic on southbound ramps. Development impact fees paid by the Project applicant would contribute to the Regional Circulation System Fee. Improvements to the Palm Avenue/Kendall Drive intersection are not included in a City plan or program. (*Id.*). If the necessary improvements to this intersection are not in place at the time the Spring Trails Project is completed, a significant impact would result.

Construction Phase: Construction traffic would contribute to deficiencies at the Palm Avenue/I-215 northbound and southbound ramps intersections during morning and evening peak hours (7:00 to 9:00 AM and 4:00 to 6:00 PM respectively), resulting in a significant impact. (*Id.*). However, implementation of Mitigation Measures 14-1 to 14-4 will reduce impacts to less than significant during both the operational and construction phases of the Project.

8. Utilities and Service Systems.

a. Construction of New Water or Wastewater Treatment Facilities.

Potential Significant Impact:

The EIR evaluated and concluded that development of the Project would require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; and would not have sufficient water supplies available to serve the project from existing entitlements and resources, and new and/or expanded entitlements would be needed.

Finding:

Impacts to Utilities and Service Systems are discussed in detail at Section 5.15 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, because the Project would use 529 acre-feet of water per year ("AFY"), 79 AFY more than the 2005 Urban Water Management Plan ("UWMP") projections, thus increasing water demand on the San Bernardino Basin, and requiring the construction of additional water distribution infrastructure, including reservoirs, pump stations, and water mainlines that are not part of a Capital Improvements Plan. Note that water demand and wastewater generation will be less than discussed in this finding based on reducing the size of the project from 307 units to 215 units. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measure 15-1. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

15-1 Completion of the Phase II Verdemont water delivery infrastructure improvements shall be verified by the SBMWD prior to issuance of occupancy permits for Spring Trails. The offsite improvements as shown in Table 5.15-13, include the east reservoir, east pump station, and east 20-inch transmission main. The project applicant shall contribute fair-share funding for the improvements through development impact fees or through an alternate financial arrangement with the SBMWD. A funding and phasing program for the improvements shall be in-place (e.g., Capital Improvements Program) or negotiated with the project applicant prior to issuance of building permits.

Facts in Support of the Finding:

Although the Project site would be designated as Residential Low in the General Plan, water demand for the Project site is based on average density over the entire Project site area (350 acres). Considering the overall Spring Trails development of 304 residential dwelling units on 350 acres of land (note this has been reduced to 215 units at this time), the average parcel size for the entire development is estimated at 0.87 units per acre. (EIR at 5.15-12). Proposed development plans indicate that individual parcels would range in size from 10,000 to over 600,000 square feet, averaging 27,337 square feet or 0.62 acres. Hence, this development would fall under the Residential Estate category with an average water demand of 0.93 gpm per acre. (Id.). Based on a total development of 353 acres, rather than 85 percent buildout under the existing General Plan, the average annual water demand is estimated at 328 gpm, or 529 afy. (EIR Table 5.15-10). The assumptions made by the City's General Plan for residential land uses of the Project site were used in determining water demand in the 2005 UWMP. (EIR Table 5.15-8). The UWMP assumes a demand of 450 afy for the Project site. The

projected water demands of the Spring Trails Project are higher by 79 afy (17.5 percent). (EIR Table 5.15-11). The two projected water demands assume that buildout of the site under either the Spring Trails or General Plan projection would occur at the same time. (EIR at 5.15-13). Maximum daily demand flows can be used to determine the amount of onsite water storage needed for the Project. During days of high demand and peak hours, the water demand for the site would increase. Between average days and high demand days, the gpm rate would increase by a factor of 1.73, resulting in a total rate of 568 gpm on high demand days. Between high demand days and peak hours, the gpm rate would increase by a factor of 2, resulting in a peak hour demand rate of 1,136 gpm. (Id.).

Spring Trails would require the construction of new water supply infrastructure. SBMWD has begun planning for infrastructure expansion in the Verdemont area that would accommodate Spring Trails. This expansion, Verdemont infrastructure improvements, would occur in two phases and is needed to serve the 2,300- foot pressure zone. These improvements were analyzed environmental impacts in 2007. A mitigated negative declaration was approved by the SBMWD Board of Water Commissioners in April of 2007. Funding for these improvements was approved by the City, is included in SBMWD's Capital Improvements Program, and is incorporated into the 2009-2010 City budget. (EIR at 5.15-14).

The second phase for the Verdemont infrastructure improvements would connect the 2,100-foot pressure zone to the 2,300-foot pressure zone and is necessary to bring water supply to the Spring Trails site. These improvements would be required for supplying water and maintaining appropriate water storage for the Spring Trails project. Currently, there is no funding planned for these improvements. (EIR at 5.15-15). In addition to the proposed Verdemont infrastructure improvements, the **Trails** plan includes onsite infrastructure improvements to be completed by the developer. (EIR Figure 3-10). The onsite improvements would need to be constructed and funded by the developer prior to the development of the site. (EIR at 5.15-15). The pipelines within the development are considered distribution lines for all practical purposes. The pipelines that connect pump

stations to the reservoirs would be a minimum of 20 inches in diameter. (*Id.*). All looping lines would be 12 inches in diameter and other distribution pipelines would be 8 inches in diameter. The Phase I and Phase II improvements would need to be included in the SBMWD Capital Improvements Plan (CIP) and incorporated into the City's budget. Phase I improvements were included in the 2009–2010 City Budget, but the Phase II improvements were not. (*Id.*). Funding for the offsite improvements in the CIP would come from developer impact fees, which would be paid in part (fair share) by the developer. The existing and planned infrastructure would have enough capacity to support the Project. (*Id.*).

Fire flow for Spring Trails would need to meet a requirement of 1,500 gpm with a four-hour duration, as indicated by the San Bernardino Fire Department. SBMWD would be able to meet this demand once the proposed infrastructure in the 2,300-foot zone is completed. The same pipelines that would supply the site with domestic water would also be used for fire suppression through connections with fire hydrants. (EIR at 5.15-16).

2009 was the third consecutive drought year for California, and the impacts were seen through changes to water allocations of SWP water. (Id.). In April 2011, CDWR increased water allocations to 80 percent of the requested amounts. SBVMWD, the SWP contractor for the San Bernardino Valley, is included on this list of contractors and should receive 82,080 acre-feet in 2011, 80 percent of its entitlement. Projected SWP reliability throughout future years is uncertain. (*Id.*). Ultimate contract amounts total 4.2 million afy, but yearly deliveries are only a fraction of this amount. SBMWD and other water agencies reliant on some portion of SWP water should reduce their dependence on this source of water and focus on alternative technologies, conservation efforts, and storage activities to guarantee water supply in the future. The BHG Basin is the most important source of water for the SBMWD. Approximately 1.5 million acre-feet of groundwater in the basin is extractable. (Id.). In 2008, the cumulative change in groundwater storage since 1934 was a negative 354,595 acre-feet. (EIR Table 5.15-2). The last year the basin had a positive cumulative change was 1998 (74,083 afy). The increasing urban growth in the San Bernardino Valley would only create a greater demand on the BHG Basin

water supply; water levels are most likely to continue dropping unless greater conservation efforts are enforced. (EIR at 5.15-17).

Spring Trails Specific Plan includes a number of design guidelines and practices that would improve onsite water conservation. (*Id.*). Some of these guidelines and practices include:

- Required diversion of stormwater runoff into onsite detention basins to enable recharge;
- Recommended collection of rainwater and additional stormwater runoff by diverting runoff to pervious surfaces or bioswales to reduce unnecessary runoff;
- Required use of high efficiency, xeriscape irrigation systems to reduce the amount of water devoted to landscaped areas;
- Includes bubbler irrigation and low-angle, low-flow nozzles on spray heads;
- Required installation of properly programmed EvapoTranspiration-based controllers on homeowners' properties with the appropriate information for the homeowners;
- Required installation of motion sensors and other similar irrigation technology to ensure that landscaping is watered only as needed;
- Required planting of plant species that are drought tolerant, heat resistant, and hardy;
- Prohibition of the use of large turf areas in landscaping by substituting water-conserving native groundcovers or perennial grasses, shrubs, and trees;
- Recommended construction of trails with pervious materials such as earth or decomposed granite;
- Required grouping of plants with similar water requirements together, a technique known as hydrozoning;
- Recommended mulching of planting beds and apply compost and environmentally friendly fertilizers to promote healthy topsoil, maximize plant growth, reduce plant replacement, and reduce the need for longer or more frequent irrigation run times.

The following practices are recommended for buildings:

- Required installation of water-efficient faucets and appliances in residences;
- Required installation of sensor-operated faucets in nonresidential buildings;
- Recommended use of toilets that use less than 1.6 gallons per flush, waterless urinals in nonresidential buildings, and faucets and showerheads that use less than 2.5 gallons per minute.

The implementation of these practices would help to reduce the amount of water by reducing the water used by each residence and through controlling water loss in public areas by using water-smart landscaping and reclamation techniques. (EIR at 5.15-18).

In sum, the required funding by the Applicant of the Phase II Verdemont infrastructure improvements prior to issuance of occupancy permits, as required by Mitigation Measure 15-1, will reduce impacts in this area to less than significant.

9. Forest Resources.

a. Loss of Forest Land.

Potential Significant Impact:

The EIR evaluated and concluded that development of the Project would result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Finding:

Impacts to Forest Resources are discussed in detail at Section 5.17 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that this impact is potentially significant, because the Project would remove 220 native trees, requiring replacement of trees per the City's tree ordinance. However, these impacts can be mitigated to a less than significant level through implementation of Mitigation Measure 3-13 for Biological Resources, as described above. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level:

Facts in Support of the Finding:

Implementation of the Project would involve the removal of approximately 2,400 trees within the development

footprint. Approximately 220 of these are native species and 2,170 are eucalyptus. (EIR at 5.17-5). The areas of Cable Creek, Cable Canyon, and Meyer Creek contain the majority of native trees and are considered forest land. (EIR Table 5.3-3). However, the Project would be required to comply with the City's Tree Ordinance, which would require replacement of any removed native trees. (EIR at **5.17-5**). Native species of trees within this affected area would have the potential to be impacted by development from direct removal of forest resources and indirectly from forest resources removed as a result of fuel modification activities. Areas within Fuel Modification Zone B would require removal of all undesirable plant species, while areas within Zone A would require a 50 percent thinning of native species. (EIR at 5.17-6). The City's Tree Ordinance requires that "significant" trees be mitigated. determining what constitutes a significant tree, the initial arborist report prepared for the Project determined that healthy, structurally sound native and ornamental trees over 20 feet in height would be considered significant. (Id.). Approximately 220 trees on the site met these criteria during the 1998 tree inventory. Thus, the removal of these trees during Project development would be considered a potentially significant impact and thus subject to the requirements of the City's Tree Ordinance. To ensure that removed native trees are adequately replaced and to comply with the City's Tree Ordinance, impacts to forest resources are considered potentially significant without incorporation of Mitigation Measure 3-13. (Id.).

Eucalyptus trees present a particular problem for this site because they are nonnative and a severe fire hazard. (*Id.*). Eucalyptus can also be considered an invasive species. They were formerly included on List A of invasive species by the California Exotic Pest Plant Council (CalEPPC). List A of the Exotic Pest Plants of Greatest Ecological Concern in California consists of the most invasive wildland pest plants, documented as aggressive invaders that displace natives and disrupt natural habitats. The list highlights the nonnative plants that are serious problems in wildlands such as national forests. (Id.). The Project site shares its northern border with the San Bernardino National Forests and the eucalyptus trees are a potential threat to native plant communities in the national forest. The 1999 CalEPPC exotic pest plant list was updated by the California Invasive Plant Council in 2006, and the status of blue gum eucalyptus changed to "moderate." The USDA Forest Service identifies the blue gum eucalyptus as highly flammable and recommends the tree not be planted near homes and other structures. (Id.). Lastly, Section 12220(g) of the PRC defines "forest land" as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. (EIR at **5.17-7**). The land where the eucalyptus trees are currently located cannot be identified as forest land because it cannot and has not supported 10 percent native tree cover. Furthermore, Section 4793(f) of the PRC defines "forest land conservation measures" as measures designed to protect, maintain, or enhance the forest resource system, including soil and watershed values, diversity of forest species, and protection of a forest stand from fire. (Id.). These measures include thinning, shaded fuel breaks, and other land treatments or forest resource improvement projects consistent with PRC Section 4794. Based on these considerations, the removal of the eucalyptus from the Project site can be considered an overall benefit in protecting the adjacent native forest stands from fire and in maintaining a diversity of native species; therefore, it is a less than significant impact to forest resources. With incorporation of Mitigation Measure 3-13, impacts to native trees will also be less than significant.

C. <u>Impacts Analyzed in the EIR and Determined to be Significant and Unavoidable.</u>

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, based upon information in the EIR and in the administrative record. These impacts are considered significant and unavoidable despite the imposed mitigation measures, which will reduce impacts to the extent feasible.

1. **Air Quality.**

a. <u>Conflict With Air Quality Plan-Construction</u>.

Potentially Significant Impact:

The EIR concluded that the Project will conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan ("AQMP") because construction-related air pollutant emissions would exceed the SCAQMD regional and local emission thresholds.

Finding:

Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Mitigation measures applied for short-term construction activities of the Project would lessen impacts from construction-related air pollutant emissions. However, based on the entire record, the Commission concurs with the City finding that this conflict with the SCAQMD Air Quality Management Plan is potentially significant and cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to conflict with or obstruct implementation of the SCAQMD Air Quality Management Plan remains significant and unavoidable. The following mitigation measures will mitigate impacts to Air Quality to the extent feasible:

- 2-1 Ongoing during grading and construction, the construction contractor shall implement the following measures in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District Rule 403 to further reduce PM₁₀ and PM_{2.5} emissions. To assure compliance, the City shall verify that these measures have been implemented during normal construction site inspections:
 - During all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering as quickly as possible. This would achieve a minimum control efficiency for PM₁₀ of 5 percent.
 - During all construction activities, the construction contractor shall sweep streets with Rule 1186–compliant, PM₁₀-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
 - During active debris removal and grading, the construction contractor shall suspend grading operations when wind speeds exceed 25 miles per hour. This would achieve an emissions control efficiency of 98 percent for PM_{10} under worst-case wind conditions.
 - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other suitable means. This would achieve a control efficiency for PM₁₀ of 91 percent.
 - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day. This would achieve an emissions reduction control efficiency for PM_{10} of 61 percent.

- During active debris removal, the construction contractor shall apply water to disturbed soils at the end of each day. This would achieve an emissions control efficiency for PM_{10} of 10 percent.
- During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour. This would achieve a control efficiency for PM₁₀ of 57 percent.
- The construction contractor shall apply chemical soil stabilizers to reduce wind erosion. This would achieve a control efficiency of up to 80 percent.
- 2-2 During all grading activities, the daily area disturbed shall be limited to a maximum of 35 acres.
- 2-3 Ongoing during grading and construction, the construction contractor shall implement the following measures to further reduce construction exhaust emissions of NOx. To assure compliance, the City shall verify that these measures have been implemented during normal construction site inspections:
 - The Project Applicant shall specify in the construction bid that construction contractors are required to use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.
 - The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.
 - The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes.

Facts in Support of the Finding:

There are two key indicators of a project's consistency with an AQMP: 1) Whether the project would result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of the AAQS or interim emission reductions in the AQMP; and 2) Whether the project would exceed the assumptions in the AQMP. The AQMP strategy is, in part, based on projections from local general plans. (EIR at 5.2-12). Long-term emissions from the Project would not exceed the SCAQMD thresholds for regional emissions (EIR Table 5.2-8) and would therefore not contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the AQMP. Therefore, the

Project's operation-related emissions result in a less than significant air quality impact. Thus, the Project would be consistent with the AQMP under the first indicator with regard to long-term emissions. (*Id.*). However, with respect to short-term emissions, this Project would not be consistent with the AQMP under the first indicator, because short-term construction emissions of NOx, PM₁₀, and PM_{2.5} associated with the project would exceed the SCAQMD regional and localized significance thresholds, which are the basis for determining if a project would cumulatively contribute to the regional nonattainment designations of the South Coast Air Basin. (See EIR Table 5.2-7). The South Coast Air Basin is designated by the state and EPA as nonattainment for O^3 , PM_{10} , and $PM_{2.5}$. (EIR at 5.2-12). The Project would be considered consistent with the AQMP under the second indicator, because the proposed development under the Spring Trails Specific Plan is consistent with the City of San Bernardino General Plan, and thus would not exceed the assumptions in the AOMP. which is based in part, on local general plan projections. (EIR at 5.2-14). However, since both indicators would not be met, both Project and cumulative level impacts are considered significant and unavoidable, due to the Project's inconsistency with the AQMP.

b. <u>Cumulatively Considerable Increase of Criteria Pollutant-Construction.</u>

Potentially Significant Impact:

The EIR concluded that the Project's construction activities will result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

Finding:

Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project will generate short-term emissions that exceed SCAQMD's regional significance thresholds for NOx, PM₁₀, and PM_{2.5}, and would significantly contribute to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM₁₀ and PM_{2.5}). Fugitive dust mitigation measures applied for short-term construction activities of the Project would lessen impacts from construction-related air pollutant emissions. However, based on the entire record, the Commission concurs with the City finding that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment remains significant and unavoidable. Mitigation

Measures 2-1 to 2-3 (listed above) will mitigate Air Quality impacts related to criteria pollutants to the extent feasible.

Facts in Support of the Finding:

Construction activities produce combustion emissions from various sources, such as onsite heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Grading activities produce fugitive dust emissions (PM₁₀ and PM_{2.5}) from soil-disturbing activities. (EIR at 5.2-15). Exhaust emissions from construction activities onsite would vary daily as construction activity levels change. Construction activities associated with new development occurring in the Project area would temporarily increase localized PM₁₀, PM_{2.5}, VOC, NOx, and CO concentrations in the Project vicinity and regional emissions within the South Coast Air Basin. (Id.). The primary source of construction-related CO, SOx, VOC, and NOx emissions is gasolineand diesel-powered heavy-duty construction equipment. Primary sources of PM₁₀ and PM_{2.5} emissions would be clearing activities, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces. In addition, architectural coating operations can also generate substantial VOC emissions. Project-related construction air pollutant emissions would occur from construction of the Project. Emissions from construction activities were calculated on a daily basis and were compared to the SCAQMD's maximum daily regional emissions thresholds, which revealed that grading activities would result in air pollutant emissions that exceed the SCAQMD regional significance thresholds for NOx, PM₁₀, and PM_{2.5}. (EIR Table 5.2-7). All other analyzed pollutants were found to be less than the SCAQMD's significance thresholds. The primary source of NOx emissions would be from construction equipment exhaust during grading operations. NOx is a precursor to both the formation of O^3 and particulate matter (PM₁₀ and PM_{2.5}). The primary sources of PM₁₀ and PM_{2.5} would be fugitive dust during grading and clearing during these operations. Emissions of PM₁₀ and PM_{2.5} that exceed the SCAQMD's significance threshold would significantly contribute to the particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the South Coast Air Basin. Consequently, emissions of NOx, PM₁₀, and PM_{2.5} that exceed the SCAQMD regional significance thresholds would significantly contribute to the O³ and particulate

matter (PM₁₀ and PM_{2.5}) nonattainment designations of the South Coast Air Basin. (**EIR at 5.2-15**). Both Project and cumulative level impacts would be significant relative to the Project's consistency with the SCAQMD's regional significance thresholds for NOx, PM₁₀, and PM_{2.5}, and the Project's contribution to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM₁₀ and PM_{2.5}).

Mitigation Measures 2-1 and 2-2 would reduce PM₁₀ and PM_{2.5} emissions from Project-related construction activities to below the SCAQMD regional thresholds. Similarly, Mitigation Measure 2-3 would reduce NOx emissions during construction activities by approximately 31 percent or approximately 149 pounds per day. (EIR at 5.2-30). However, NOx emissions from Project-related construction activities would continue to exceed the SCAQMD regional thresholds. (EIR Table 5.2-13). Consequently, Project and cumulative level impacts would remain significant and unavoidable.

c. <u>Exposure of Sensitive Receptors-Construction</u>.

Potential Significant Impact:

The EIR concluded that the Project's construction activities will expose sensitive receptors to substantial pollutant concentrations.

Finding:

Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project's construction activities could expose offsite sensitive receptors to substantial pollutant concentrations of PM₁₀ and could expose the existing onsite receptor to substantial pollutant concentrations of both PM₁₀ and PM_{2.5}. Based on the entire record, the Commission concurs with the City finding that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project's construction activities to expose sensitive receptors to substantial pollutant concentrations remains significant and unavoidable. Mitigation Measures 2-1 to 2-3 (listed above) will reduce the concentration of air pollutants at nearby sensitive land uses to the extent feasible.

Facts in Support of the Finding:

Project emissions would exceed the screening level criteria for LSTs of NOx, PM₁₀ and PM_{2.5} during Project-related grading activities. (**EIR Table 5.2-9**). The maximum emissions of CO from Project-related construction activities would not exceed the LST screening level criterion, and would therefore not result in substantial CO

pollutant concentrations at nearby sensitive receptors. (EIR at 5.2-16).

Because emissions of NOX, PM₁₀, and PM_{2.5} would exceed the LST screening level criteria for a five-acre site during grading operations, concentrations generated by Projectrelated construction activities during grading were modeled at nearby sensitive receptors surrounding the site. (EIR at **5.2-17**). The maximum concentrations for NOx, PM₁₀, and PM_{2.5} would occur during the overlap of mass grading and trenching operations. (See EIR Figures 5.2-1 through **5.2-3**). The highest concentration of NOx offsite is 120 μg/m3. (EIR Figure 5.2-1). However, the offsite areas that would be exposed to this concentration level do not have sensitive receptors. (EIR at **5.2-18**). concentration, when converted to parts per million (ppm), would result in a concentration level of approximately 0.1 ppm. At the highest concentration, construction-related emissions of NOx would not exceed the LST of 0.18 ppm. Additionally, areas with elevated NOx concentrations would occur primarily in the southern portion of the Project site and therefore the existing onsite residence would not be exposed to elevated levels of NOx. Therefore, Projectrelated construction activities would not expose off- and onsite sensitive receptors to substantial pollutant concentrations of NOx. (Id.).

The concentration of PM_{2.5} would be below the LSTs at the surrounding offsite receptors, but would exceed the LSTs at the existing onsite receptor. (**EIR Figure 5.2-3**). In addition, construction activities would generate substantial concentrations of PM₁₀ at the existing onsite residence and the surrounding offsite receptors. (**EIR Figure 5.2-2**). Consequently, the Project would expose sensitive receptors to substantial concentrations of PM₁₀ and PM_{2.5} during grading activities, with Project level impacts being potentially significant.

Mitigation Measures 2-1 through 2-3 would reduce regional construction emissions and therefore reduce localized concentrations of air pollutant emissions during construction activities. With the implementation of mitigation, construction emissions of NOX would be reduced to below the LST screening level criteria; however, PM₁₀ and PM_{2.5} would continue to exceed the LST screening level criteria. (EIR Table 5.2-14).

Implementation of Mitigation Measures 2-1 and 2-2 would reduce the concentration of PM₁₀ and PM_{2.5} at the existing sensitive receptors. (**EIR Figures 5.2-4 and 5.2-5**). The concentration of PM_{2.5} would fall below the AAQS, and therefore localized air quality impacts from construction-related PM_{2.5} would be reduced to less than significant. The concentration of PM₁₀ would also be reduced to below the AAQS at the offsite receptors. However, concentrations of PM₁₀ would continue to exceed the AAQS at the existing onsite receptor. Consequently, even with incorporation of mitigation measures, PM₁₀ generated during grading activities would continue to exceed the AAQS, and therefore generate substantial concentrations of air pollutants at sensitive receptors, resulting in a significant and unavoidable Project-level impact for PM₁₀.

d. <u>Cumulative Impacts-Construction</u>.

Potential Significant Impact:

The EIR concluded that the Project's contribution to cumulative construction-related air quality impacts would be significant.

Finding:

Impacts related to Air Quality are discussed in detail in Section 5.2 of the Draft EIR. Specifically, the Project's contribution to cumulative construction-related air quality impacts would be significant. Based on the entire record, the Commission concurs with the City finding that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to contribute to cumulative construction-related air quality impacts remains significant and unavoidable. Mitigation Measures 2-1 to 2-3 (listed above) will reduce the concentration of air pollutants at nearby sensitive land uses to the extent feasible.

Facts in Support of the Finding:

The South Coast Air Basin is in nonattainment for O³ and particulate matter (PM_{10} and $PM_{2.5}$). (EIR at 5.2-27). Construction of cumulative Projects will further degrade the regional and local air quality. Air quality will be temporarily impacted during construction activities. Mitigation Measures 2-1 to 2-3 would assist in mitigating these cumulative impacts, and can be applied to all similar projects. However, cumulative even implementation of mitigation measures, Project-related construction emissions would still exceed the SCAQMD significance thresholds for NOx, PM₁₀ and PM₂₅, and cumulative emissions would result in greater exceedances. Therefore, the Project's contribution to cumulative

construction-related air quality impacts will remain significant and unavoidable. (*Id.*).

2. **Noise.**

a. <u>Substantial Temporary or Periodic Increase in Ambient Noise</u>.

Significant Unavoidable Impact:

The EIR concluded that the Project will cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Finding:

Impacts related to Noise are discussed in detail in Section 5.10 of the Draft EIR. Mitigation measures applied for construction activities of the Project would lessen noise impacts. However, based on the entire record, the Commission concurs with the City finding that construction activities will substantially elevate the ambient noise environment at noise-sensitive uses for a substantial period of time, and cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project remains significant and unavoidable. The following mitigation measures will mitigate construction noise impacts to the extent feasible:

- 10-1 The construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.
- 10-2 The construction contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- 10-3 The construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from offsite residential receptor locations as is feasible.
- 10-4 Construction activities, including haul trucks and deliveries, shall be limited to between 7:00 AM to 7:00 PM Monday through Saturdays, except on federal holidays.
- 10-5 The project applicant shall post a sign, clearly visible onsite, with a contact name and telephone number of the project applicant's authorized representative to respond in the event of a noise complaint.
- 10-6 The construction contractor shall install temporary sound blankets at least six feet in height along the boundaries of the onsite residence.

Facts in Support of the Finding:

Two types of short-term noise impacts could occur during construction: First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads; and/or short-term noise impacts could occur during site preparation, grading, and/or physical construction. (EIR at 5.10-30). Mitigation Measures 10-1 through 10-6 would reduce noise generated by construction activities to the extent feasible. However, due to the number of soil haul trips that would be required, amount of heavy construction equipment needed, and duration of construction activities, this impact would remain significant and unavoidable. (*Id.*).

The transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. Even though there would be a relatively high single-event noise exposure potential with passing trucks, the expected number of workers and trucks is small relative to the background traffic. Truck trips would be spread throughout the workday. (Id.). Therefore, these impacts are less than significant at noise receptors along the construction routes. However, the number of truck trips associated with soil haul operations would be high, and would increase the number of trucks on the local roadways during construction of the access roads due to amount of soil that would be transported. While truck trips associated with soil haul operations would last for only a three-month period, as shown in the table, soil haul trips would substantially increase the ambient noise environment along the roadway. (EIR Table 5.10-11). Consequently, truck trips associated with soil haul operations would result in significant noise impacts for the noise-sensitive uses along the roadway during grading activities. (EIR at 5.10-30).

Onsite project-related construction noise would generate noise levels ranging from 45 dBA Leq to 91 dBA Leq at the surrounding noise-sensitive receptors and between 73 dBA Leq to 80 dBA Leq at the existing onsite residence. (EIR Table 5.10-12). Average noise levels would be lower than maximum noise levels, and would range from 38 dBA Leq to 70 dBA Leq at the nearby offsite noise-sensitive receptors and 53 dBA Leq to 60 dBA Leq at the existing onsite residence. (EIR Table 5.10-13). Roadway-related construction noise would generate noise levels ranging from 50 dBA Leq to 88 dBA Leq at the surrounding noise-sensitive receptors. (EIR Table 5.10-14). Average noise

levels of each construction phase would be lower than maximum noise levels, and would range from 45 dBA Leq to 65 dBA Leg at the nearby noise-sensitive receptors. (EIR Table 5.10-15). Construction activities would elevate ambient noise levels during the daytime at the residences surrounding the Project site and the proposed access roadways. (EIR at 5.10-35). The City allows for noise from construction activities, but limits it to the least noisesensitive portions of the day. The Project would comply with the City's Municipal Code, as specified in Section 8.54.070. Construction activities would not occur in the evening or late-night hours when people are more sensitive to noise. (Id.). While maximum construction-generated noise would substantially increase the ambient noise environment, average construction-generated noise levels (i.e., noise levels that would be experienced by noisesensitive receptors the majority of the time) would be much lower. Construction of the offsite portions of the access roads would last approximately three to six months; however, overall project-related construction activities would take approximately three years to complete. (Id.). Because of the extended duration of construction activities and intensity of noise produced from heavy construction continuously, equipment running project-related construction activities would result in significant noise impacts at the surrounding existing residential uses.

3. Traffic.

a. Exceed Level of Service Standard.

Significant Unavoidable Impact:

The EIR concluded that the Project will exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Finding:

Impacts related to Traffic are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that Project-related trip generation in combination with existing and proposed cumulative development would result in designated roads and/or highways exceeding the San Bernardino Association of Governments' Congestion Management Plan ("CMP") service standards. No funding program is currently available for the proposed Caltrans/SANBAG I-215 and I-15 freeway mainline improvements, and no mitigation measures are available to reduce this impact. Accordingly, the potential for the Project to exceed, either individually or cumulatively, a level of service standard established by the county congestion

management agency for designated roads or highways remains significant and unavoidable.

Facts in Support of the Finding:

The traffic analysis for Spring Trails was completed in accordance with the definition of deficiency of the San Bernardino County CMP. (EIR at 5.14-43). For freeway facilities, the definition of deficiency is based on maintaining a level of service standard of LOS E or better, except where an existing LOS F is already identified. There are two roadways identified in the CMP that would be impacted by project traffic:

- o I-215 freeway
- o I-15 freeway

Four segments of these two freeways are expected to have an LOS of F during morning peak hours with or without the Project in year 2035, and six segments are expected to have an LOS of F during evening peak hours with or without the Project in year 2035. (EIR Table 5.14-5). All of these segments, except the northbound and southbound segments of I-15 between Sierra Avenue and Glen Helen Parkway, are included in the Caltrans improvement plans for the Devore interchange. (EIR at 5.14-43). With improvements, four of these freeway segments would operate at acceptable levels. However, the following freeway segments would continue to operate at an unacceptable LOS for year 2035 with improvements:

- o The I-215 freeway segment between Palm Avenue and Devore Road (northbound and southbound);
- The I-215 freeway segment between Devore Road and I-15 (northbound) • The I-15 freeway segment between Glen Helen Parkway and Sierra Avenue (northbound and southbound); and
- The I-15 freeway segment between I-215 and Glen Helen Parkway (northbound) (EIR Table 5.14-8).

Spring Trails would generate traffic that would contribute to the unacceptable levels of service on these freeway segments. Additionally, mainline improvements to the I-15 and I-215 in the Project area are not included in a fee program at this time. (**EIR at 5.14-44**). As a result, these impacts are significant and unavoidable, and cannot be mitigated.

b. <u>Cumulative Impacts</u>.

Significant Unavoidable Impact: The EIR concluded that the Project will result in

cumulatively significant traffic impacts.

Finding:

Impacts related to Traffic are discussed in detail in Section 5.14 of the Draft EIR. Based on the entire record, the Commission concurs with the City finding that the Project will result in cumulatively significant traffic impacts. No funding program is currently available for the proposed Caltrans/SANBAG I-215 and I-15 freeway mainline improvements which would mitigate this impact, which will remain significant and unavoidable.

Facts in Support of the Finding:

The Project would result in both Project-specific and cumulative potentially significant traffic impacts. (**EIR at 5.14-44**). The local roadways would experience growth in average daily trips as a result of not only this Project, but other growth in the area. Recommended intersection and freeway segment improvements would improve cumulative traffic conditions based upon the East Valley Traffic Model and Project-specific projections. (*Id.*). However, since some of these improvements are not funded at this time, cumulative impacts would be significant and unavoidable.

4. Greenhouse Gas Emissions.

a. Generation of Greenhouse Gas Emissions.

Significant Unavoidable Impact:

The EIR concluded that the Project will generate greenhouse gas ("GHG") emissions, either directly or indirectly, that may have a significant impact on the environment.

Finding:

Impacts related to GHG emissions are discussed in detail in Section 5.16 of the Draft EIR. Mitigation measures applied during both construction and operations of the Project would reduce GHG emissions to the extent feasible. However, based on the entire record, the Commission concurs with the City finding that Project-related GHG emissions would significantly cumulatively contribute to global climate change in California, and that this impact cannot be reduced to a less-than-significant level through implementation of mitigation measures. Accordingly, the potential for the Project to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment remains significant and unavoidable. The following mitigation measures will mitigate impacts from GHG emissions to the extent feasible:

Construction

- Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses recycled materials for at least 5 percent of construction materials. Recycled materials may include salvaged, reused, and recycled content materials. Recycled and/or salvaged building materials shall be shown on building plans submitted to the City.
- Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses 20 percent locally manufactured and produced building materials, which are defined as materials manufactured or produced within 500 miles of the project.
- 16-3 Prior to the issuance of building permits, applicants for Spring Trails shall prepare a construction waste management plan to reduce construction debris and material by diverting at least 50 percent of the total of all project-related nonhazardous construction and debris from landfills to recycling or reuse operations (based on the C&D requirements of Section 6-3.602 of the City of Ontario Municipal Code). The construction waste management plan shall identify the amount of construction debris by type that would be generated and the maximum weight of each material type that can feasibly be diverted from landfills.
- Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that the project uses insulation with at least 75 percent recycled content, such as cellulose, newspaper, or recycled cotton.
- Applicants for new development proposals in Spring Trails shall require the construction contractor to provide carpooling for workers to and from the work site on days that construction activities require 200 or more workers. These requirements shall be demonstrated to the Development Services Director prior to the issuance of grading permits and shall be noted on the grading plan cover sheet and discussed at all pregrade meetings.

Operation

Energy Efficiency

16-6 Prior to the issuance of a building permit, residential development plans shall be required to demonstrate that the overall project exceeds 2008 Building and Energy Efficiency Standards (Title 24) for energy efficiency by 15 percent. Design strategies to meet this standard may include maximizing solar orientation for daylighting and passive heating/cooling, installing appropriate shading devices and landscaping, and utilizing natural ventilation. Other techniques include installing insulation (high R value) and radiant heat barriers, compact fluorescent and/or light emitting diode bulbs, low-e window glazing or double-paned windows, energy-efficient appliances (e.g., Energy Star appliances), cool roofs, and cool pavement.

16-7 Applicants shall provide all homeowners with information regarding energyefficiency rebate programs offered by utility providers and government agencies.

Water Conservation and Efficiency

- Applicants for new developments in Spring Trails shall submit evidence to the satisfaction of the Development Services Director that all toilets, urinals, sinks, showers, and other water fixtures installed onsite shall be ultra-low-flow water fixtures that exceed the Uniform Plumbing Code. Examples are: 1.28 average gallons per flush high efficiency toilets, 2 gallon per minute (gpm) efficient bathroom faucets, 2.2 gpm efficient kitchen faucets, and 2.2 gpm efficient shower heads.
- Mulch planting beds and apply compost and environmentally friendly fertilizers to promote healthy topsoil, maximize plant growth, and reduce plant replacement in the Spring Trails community parks and landscaping. This also reduces the need for longer or more frequent irrigation run times.

Forest Resources

3-12 Significant tree resources that are removed from the site during project development shall be replaced at a 1:1 ratio or at the exchange ratios specified below. Significant tree resources are defined as any native or nonnative ornamental tree—excluding species of the Eucalyptus genus—that is healthy, structurally sound, and over 20 feet in height. Prior to the issuance of grading permits, a certified arborist shall conduct an inventory of all significant trees within the development footprint. This inventory shall be used to determine the number and types of significant trees that will be impacted and the subsequent replacement quantities. The number of replacement trees shall be, at a minimum, 220 trees. Should the aforementioned inventory determine that a greater number of significant trees will be impacted, then that quantity shall be used in determining replacement quantities. The following exchange ratios shall be used: 1) one 36-inch box tree is equivalent to one replacement tree; 2) five 15-gallon trees are equivalent to one replacement tree; 3) ten 5-gallon trees are equivalent to one replacement tree; and 4) fifteen one-gallon trees are equivalent to one replacement tree.

During the development of the project, the project applicant shall incorporate the recommendations as set forth in the project arborist report (Integrated Urban Forestry 1998). A certified arborist shall be retained at the developer's expense to oversee the implementation of these requirements and to specify other requirements as deemed appropriate. The measures to be followed include, but are not limited to, specified protocols for the following: 1) the removal of nonnative trees from the site; 2) the removal and transplantation, when feasible, of structurally sound and healthy native trees to other areas of the project site; 3) the installation of tree protection barriers on all trees to be preserved that are within the reach of vehicles and equipment; 4) tree protection training of construction personnel by a certified arborist; 5) irrigation of trees where the natural water supply is interrupted or diminished or where protected trees may require additional water to endure

construction-induced stresses; 6) subsequent replacement of any trees that are damaged or have not survived transplantation and relocation; and 7) implementation of the tree replacement plan, as outlined in the first paragraph of this measure. This measure shall be implemented to the satisfaction of the Development Services Director.

Facts in Support of the Finding:

The proposed Project is not a regionally significant project pursuant to SCAG's Intergovernmental Review criteria and the CEQA Guidelines. The development contemplated by the Spring Trails Specific Plan would contribute to global climate change through direct emissions of GHG from onsite area sources, offsite energy production required for onsite activities and water use, and vehicle trips generated by the Project. (EIR at 5.16-10). Construction activities would consume fuel and result in the generation of GHG emissions. Construction of the Project is anticipated to commence year 2012, until the anticipated completion year 2015. Construction-related GHG emissions would cease upon completion of the construction phase of individual development projects. Emissions from construction activities were calculated on an annual basis based on the construction phasing and equipment list provided by the applicant. (EIR Table 3-4). Construction emissions associated with the Project are amortized based on a 30-year project lifetime and included in the Project's GHG emissions inventory. (EIR Table 5.16-3). Fossil fuels used by construction equipment would generate GHG emissions. To reduce these, California has adopted a low carbon fuel standard. The low carbon fuel standard would reduce the carbon content of fuel of both gasoline and diesel fuel, thereby reducing GHG emissions from fuel from construction equipment by 10 percent. (EIR at 5.16-11). The standard went into effect in year 2010 and requires transportation fuel sold in California to have a 10 percent reduction in average carbon intensity by year 2020. The compliance path of the 10 percent reduction target would be incremental and would be "back-loaded"—that is, more reductions would be required in the last five years than the first five years. (Id.). Construction activities would commence after 2010 and would therefore incrementally benefit from this statewide GHG reduction requirement. However, due to the scale of the development activities associated with the Project, emissions would be potentially significant without implementation cumulatively mitigation measures to reduce carbon emissions. (*Id.*).

Approximately 220 native trees within the boundaries of the Project site meet the definition of forest resource. The loss of these forest resources would remove carbon sinks as the forest land is converted to new development associated with the Spring Trails Specific Plan. (Id.). Trees and other vegetation remove CO2 emissions through photosynthesis process by uptake of CO2 and emission of oxygen. The current inventory (2002-2004) in California shows forests as a carbon sink of 4.7 MM Tons of CO2e. However, carbon sequestration has declined since 1990 and BAU for 2020 assumes no net emissions from forest resources. (Id.). Loss of forest resources to development increases GHG emissions levels as less carbon is sequestered (i.e., stored as plant material). Additionally, wildfires also contribute to GHG emissions. Removal of the 220 native trees would result in a loss of forest resources and therefore a loss of potential carbon sequestration. These trees are required to be replaced in accordance with the City's Municipal Code Section 19.28.090. Mitigation Measure 5.3-11 requires that these trees are replaced at a 1:1 ratio (or at the exchange ratios specified in the mitigation measure). Because the trees would be replaced, the carbon sequestration loss from these forest resources is considered nominal and no significant impact would occur; this sector is not included in the GHG emissions inventory. (EIR at 5.6-12).

For the operations phase, the Project's GHG emissions are separated into emission sources for the applicable GHG emissions Sectors established by CARB. (Id.).Transportation Sector emissions are produced from vehicular travel to and from the Project site. Electricity Sector sources are indirect GHG emissions from the energy (purchased energy and energy from water use) that is produced offsite. Recycling and Waste Sector includes emissions associated with waste disposal generated by the Project. (Id.). Area sources (Commercial and Residential Sector emissions sources) are owned or controlled by the project (e.g., natural gas combustion, boilers, and furnaces) and produced onsite. The emissions estimates for the Project do not take into account the GHG emission reductions associated with changes to the Building and Energy Efficiency standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, California low carbon-content fuel legislation, changes in the Corporate Average Fuel

Economy (CAFE) standards (Pavley), and other early action measures in the Scoping Plan to reduce GHG emissions. (EIR Table 5.16-4). Hence, the emissions inventory represents the project's BAU emission scenario. The largest source of emissions is from the Transportation Sector. While development patterns can influence travel behavior and travel modes, these emissions are indirect sources of GHG, not directly controlled by applicants for new development in the proposed Spring Trails Specific Plan. (EIR at 5.6-12). Project-related Electricity Sector emissions (water and purchased energy) represent the second largest proportion of emissions associated with the project due to the anticipated average square footage of the single-family dwellings units that would be developed on each lot. Average lot size would be approximately 27,337 square feet (0.6 acre), with the largest lot at 13.9 acres and the smallest lot at 10,800 square feet (0.2 acre). (Id.). These two sectors are followed by area sources associated with the Commercial and Residential Sector and Recycling and Waste. These direct sources of emissions can be controlled by new development by ensuring that structures are built efficiently to reduce demand on energy use, that nonpotable/recycled water is used where available to reduce demand of potable water use, and that recycling is available onsite to decrease the amount of waste sent to landfills. (*Id*.).

The Project would generate a net increase of approximately 9,748 MTons of GHG per year or 9.4 MTons per service population based on a net increase of 1,035 people. (EIR Table 5.16-4). There is currently no threshold adopted by SCAQMD for development projects that defines at which point GHG emissions generated by a project becomes significant. However, SCAQMD's Working Group for a GHG Significance Threshold has proposed a threshold of 3,000 MTons. Consequently, the total increase in GHG emissions onsite from the Project is considered to be substantial in the absence of mitigation. In order to determine whether GHG emissions associated with the Project are significant, a consistency analysis with transportation and nontransportation GHG reduction strategies was conducted. (EIR at 5.16-13).

Almost half of the increase in GHG emissions due to the Project is from transportation sources. The Project is inconsistent with several transportation strategies aimed at reducing vehicle miles traveled (VMT) by incorporating mixed-use or locating within ½ mile of services and transit. (EIR Table 5.16-5). Therefore, the Project's transportation sources are considered to substantially contribute to GHG emissions in California. The Project's non-transportation sector GHG emissions would potentially significantly contribute to the State's GHG emissions inventory. (EIR Table 5.16-4). Even with implementation of mitigation, this impact will remain significant and unavoidable.

D. Additional Topics Required by CEQA.

1. Significant Irreversible Environmental Effects.

CEQA mandates that any significant irreversible environmental changes that would be involved in the Project be addressed as part of the EIR process. (CEQA Guidelines 15126(c)). An impact would fall into this category if: the project would involve a large commitment of nonrenewable resources; the primary and secondary impacts of the project would generally commit future generations to similar uses; the project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or the proposed consumption of resources is not justified.

In the case of the proposed Project, implementation would involve a long-term irreversible change to the existing environmental conditions, resulting in the following significant irreversible environmental effects:

- Implementation of the Project would include construction activities that would entail the commitment of nonrenewable and/or slowly renewable energy resources, human resources, and natural resources such as lumber and other forest products, sand and gravel, asphalt, steel, copper, lead, other metals, and water.
- An increased commitment of social services and public maintenance services (e.g., police, fire, schools, libraries, and sewer and water services) would also be required. The energy and social service commitments would be long-term obligations in view of the low likelihood of returning the land to its original condition once it has been developed.
- An increase in Project-related vehicle trips would accompany Project-related population growth. Over the long term, emissions associated with such vehicle trips would continue to contribute to the South Coast Air Basin's nonattainment designation for ozone (O3) and particulate matter (PM2.5 and PM10).
- Project-generated vehicle trips would increase emissions of greenhouse gases (GHG) to levels that are above the California Air Resource Board thresholds for both buildout year 2013 and future year 2030. Vehicle-related GHG emissions would cause significant and unavoidable impacts.

The Commission concurs with the preceding findings regarding Significant Irreversible Environmental Effects.

2. **Growth Inducing Impacts.**

CEQA requires a discussion of ways in which a project could be growth-inducing. The CEQA Guidelines, specifically Section 15126.2(d), identify a project as growth-inducing if it fosters economic or population growth, or the construction of additional housing either directly (such as by proposing new homes and businesses, or indirectly (such as through extension of roads or other infrastructure) in the surrounding environment. Impacts related to growth inducement would also be realized if a project provides infrastructure or service capacity which accommodates growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The Spring Trails Project would be built in an area that presently does not have any public infrastructure such as water and wastewater pipelines; onsite roads; or electrical, natural gas, or telecommunication utilities. The 304-unit residential development plan (now reduced to 215 units) would require the expansion of these public infrastructure services. The surrounding community of Devore has limited infrastructure to support the expansion of these services. For example, the water and wastewater infrastructure must be expanded in the community of Devore before it can be expanded to the Spring Trails site. Roadway improvements, electrical service, natural gas service, and telecommunication systems must be expanded in the area connecting the project to existing development as well.

The expansion of onsite infrastructure for Spring Trails would not itself induce growth in the area, since it would be used solely by residences in Spring Trails, but the expansion of infrastructure in the community of Devore may cause indirect growth, such as on the 26.4-acre County area adjacent to the Project site. Additional development in Devore could be supported by the expansion of infrastructure in this area, allowing for development that would not otherwise be supported. The expansion of infrastructure in Devore is being completed to serve the Spring Trails development and other development in the area, so the Project is not the sole reason for the expansion. However, the approval of the Spring Trails development would guarantee the completion of all required infrastructure improvements in the surrounding area and on the Project site, since these expansions are necessary for project operation.

The public services that would serve the Spring Trails Project, including police, fire protection, school, and library services, would require varying degrees of expansion. The San Bernardino County Fire Protection District (County Fire) would service the site during a fire emergency. The nearest fire station (232) would increase its staffing levels from three to four to service the site. Any expansion of police services would be financed through the law enforcement developer fees charged to the Project applicant. According to the San Bernardino Police Department, the Spring Trails Project would cause a slight increase in police service calls.

The Project is anticipated to generate 101 elementary school students, 52 middle school students and 59 high school students, based upon the estimated population growth resulting from the additional residential units. (FEIR at pg. 3-22). The Project will be required to pay school impact fees to the San Bernardino City Unified School District pursuant to Education Code Section 17620 and Government Code Section 65995 to offset the additional students entering the District. Payment of fees to a school district, under Senate Bill 50, is considered full mitigation for a project's impacts on public schools. (DEIR at 5.12-12). Furthermore, the nearest high school (Cajon High School) and the nearest middle school to the Project (Cesar Chavez Middle School) have more than sufficient additional capacity for any new students generated by the Project. It should be noted that the nearest high school (North Verdemont Elementary School) has capacity for an additional 82 students. (DEIR at 5.12-11).

The Project will also be required to pay additional fees for library services. The Project will add an estimated 711 persons upon full build-out. (FEIR at3-23). A library system is considered adequate if the system can provide two volumes per persons. Because the library system is well established, with the additional population anticipated from the Project, the library would only be required to add an additional 26 items to remain adequate. The City's Library Facilities Fee of \$596.63 per residential unit is sufficient to supply the additional items and maintain a less than significant impact on libraries (DEIR at 5.12-13).

The fees that are required to be paid as part of the Project are sufficient to meet Project demands and any additional impacts that are placed on services, including the services of fire, police, library, and school facilities. The fees would be applied to all existing and future development in the area and thus benefit not just the Project, but the overall community through expanded and increased services. The increase in services for the area may encourage other development in the area and act as an inducement to future growth.

Spring Trails includes residential development that would provide housing for employees of the San Bernardino area. The City of San Bernardino is considered to be jobs-rich, with a projected jobs-to-housing balance of 2.00 in 2035 (without project). Jobs in the City of San Bernardino are expected to grow from 81,115 jobs in 2000 to 157,088 jobs in 2035. With the proposed Project, the jobs-to-housing balance would be 1.99 in 2035. This would create a more balanced jobs-to-housing ratio. The Project would not create a need for additional housing, nor would it create a demand for jobs.

The approval of Spring Trails would require the approval of discretionary actions that may set precedents for future projects with similar characteristics. Spring Trails would require approval of: A General Plan Amendment (GPA–02-09) to approve the annexation of the site and change the site's land use designation; a Development Code Amendment (DCA 12-10) to recognize the Spring Trails Specific Plan as a Special Purpose District; a Specific Plan (SP 10-01); a Tentative Tract Map (TTM 15576); and a Development Agreement with the City. The approval of these actions changes the existing restrictions on growth set by the general plan and zoning laws, which may encourage growth of a similar manner in the areas surrounding Spring Trails or other undeveloped areas near or in the City of San Bernardino.

If additional development were allowed in the vicinity of the project, it would cause additional environmental impacts. However, future projects would need to complete environmental review, and discretionary approval would need to be given to projects following review by the Common Council. Spring Trails would not change the existing protocol for project approval, and would not provide precedents or make it more likely for other projects to gain approval of similar applications.

Based on the foregoing, the Project should not result in unforeseen nor unmitigable growth-inducing impacts. The Commission concurs with the preceding findings regarding Growth Inducing Impacts.

E. Project Alternatives.

Section 21100 of the Public Resources Code and Section 15126 of the State CEQA Guidelines require an EIR to identify and discuss a No Project/No Development Alternative as well as a reasonable range of alternatives to the proposed Project that would feasibly attain most of the basic Project objectives, and would avoid or substantially lessen any of the significant environmental impacts.

"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian" (*CEQA Guidelines*, Section 15021(d)).

The EIR analyzed the following four (4) alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.D above. The No Project alternative is presented consistent with the requirements of the CEQA Guidelines §15126.6. The remaining alternatives were selected based on their ability to fulfill the basic Project Objectives and their capability for reducing significant impacts of the proposal. Alternatives selected for evaluation are described below.

1. No Project/No Development Alternative.

For the purposes of the DEIR Alternatives Analysis, the No Project Alternative is considered to be equivalent to a "No Build" scenario. That is, if the Project or some similar development proposal is not implemented on the subject site, there are no other known or probable scenarios for the subject property, in which case the site would likely remain in its current state for the foreseeable future, and no discretionary approvals would be required.

The No Project/No Development Alternative would preserve the existing physical conditions of the Project site. It assumes there would be no development of any type nor would development occur under existing land use designation parameters. This alternative would preserve the site for open space and would preclude the development of the site under the City or County General Plan land use designations. The low-density residential development and Spring Trails Specific Plan would not be implemented, and supporting infrastructure (i.e., roads and

utility infrastructure) would not be built. With this alternative, the site would remain open for future land use proposals.

The No Project/No Development Alternative would avoid impacts related to air quality, biological resources, cultural resources, geological resources, greenhouse gas emissions, hazards (wind, hazardous materials), hydrology and water quality, land use and planning, noise, public services, transportation and traffic, and utilities and service systems. Compared to the proposed Project, impacts would be similar for mineral resources. It would not reduce impacts to hazards directly related to fire since the site would remain undeveloped. The groves of eucalyptus trees represent a high fire hazard for the site. This project would not extend water improvements to the project site that would benefit firefighting for the site and also benefit surrounding residences. Overall, this alternative would reduce environmental impacts relative to the proposed Project and would reduce the following significant impacts of the proposed Project to less than significant:

- Air Quality (construction-related pollutant emissions)
- Greenhouse Gas Emissions (traffic-related greenhouse gas emissions)
- Noise (construction-related noise near sensitive receptors)
- Transportation and Traffic (project's contribution to CMP freeway segment unacceptable level of service)

The No Project/No Development Alternative would not achieve the Project Objective of developing the Site as envisioned by the City's 2005 General Plan (Objective 1). The site is designated for residential development and is included in the City's General Plan Housing The City has a limited base of available high-quality, low density residential development based upon a review of the MLS listings for the City as well as under General Plan designation areas for low density residential development. Such high-quality, low density housing is desirable to attract and retain top quality candidates for positions at the University and other institutions. According to the City of San Bernardino Housing Element Adopted June 20, 2011, approximately one-third of the City's housing stock is between 30 and 49 years old, with an additional 35.3 percent over 50 years old. (Pages 3-25 and 3-26). Only 2,720 housing units were constructed between the years of 2000-2005, during the height of the housing boom. (Housing Element Adopted June 20, 2011, Table H-12). The household composition of the City shows that 82% of the City's households are moderate to very-low income, while only 18% are above moderate income. (Id. Chart 4, pg. 3-17). There are few other proposed single-family residential developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan. Such a need is identified generally in Housing Element policy 3.1.1, which states: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, identifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

Nor would the alternative provide any of the amenities of the proposed Project, and thus would not be able to meet Objectives 2, 3, 4 and 5. Housing Element policy 3.1.1 further

encourages the development of a variety of housing, including high-quality, low-density housing, stating: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." City does not have a large variety of high-quality, low-density housing and the proposed project would provide additional variety as anticipated in the Housing Element Policy 3.1.1. The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, identifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

In addition, the site in its current state does not provide access for community recreational uses and does not provide access to hiking or equestrian trails, despite its proximity to the San Bernardino National Forest. The Proposed Project provides additional recreational opportunities for the community, such as public and private parks, equestrian trails, and hiking trails.

Project Objectives 2, 4, 5, 6, and 8 would be met under the No Project/No Development Alternative. Although the No Project/No Development Alternative would not include the construction of roadways, it would not interfere with the existing roadway system in the area and would essentially meet Objective 2 because it would not interfere with the surrounding community. The No Project/No Development Alternative would be consistent with land use policies of the surrounding San Bernardino National Forest (Objective 5). Since the Project site would be undeveloped, it would not be required to meet land use development policies of the SBNF, and it would be consistent with SBNF land use plans. Since the No Project/No Development Alternative precludes development of the site, it would not create a development footprint and would maintain open space, allowing it to meet Objective 6. Objective 7 would also be met, because the No Project/No Development Alternative would avoid all significant environmental impacts of construction and long-term improvements of the proposed Project.

Finding:

Based on the entire record, the Commission concurs with the City finding that the No Project/No Development Alternative would not fully meet the basic Project Objectives. Accordingly, the Commission concurs with the City rejection of the No Project/No Development Alternative.

2. No Project/Existing County General Plan Alternative.

Under the No Project/Existing County General Plan Alternative, the Project site would not be annexed to the City of San Bernardino, and it would be developed in accordance with the land use designations and related overlay constraints included in the County of San Bernardino General Plan and Zoning Ordinance. The general plan (2007) designates the southern portion of the project site (approximately 190.6 acres) as Residential Estate (RL-5), with a minimum lot size of five acres, and the northern portion (approximately 160 acres) as private unincorporated land in the San Bernardino National Forest.

Site grading and home construction would be limited to the RL-5 portion of the site (the approximately 190.6-acre southern half). With a minimum lot size of five acres, a maximum of 38 homes could be developed, resulting in a gross density of 0.20 units/acres for the 190.6 acres.

Earthwork would be substantially reduced for this alternative. Only a portion of each five-acre lot for each residential unit developed under the County General Plan would be graded. The size of the graded area would depend on the individual house size and amount of driveway/access road needed to serve the house.

This alternative assumes that primary access would be provided from the existing Meyers Road, and secondary or emergency access could be provided by Martin Ranch Road. The development of new roads would not be required to provide access to the 38 homes. Development would most likely be concentrated within the area of fewest constraints, primarily the area characterized with slopes less than 15 percent.

The No Project/Existing County General Plan Alternative would comply with County development restrictions, including zoning overlay areas for Fire Safety, Geological Hazards, and Open Space. According to the San Bernardino County Hazards Overlay Map, the southern portion of the project site is within Fire Safety Area 3 (FS3), which covers areas generally south of FS1 (the northern portion of the site, which is within the San Bernardino National Forest) and areas within the wildland-urban interface. As outlined in Section 82.13.030, "Fire Safety Areas," of the San Bernardino County Municipal Code, FS1 includes areas in the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading, contributing to high fire hazard conditions. FS3 includes lands just to the south of the mountain FS1 area. These lands are primarily within the wildland-urban interface of the Valley Region and consist of varying terrain, from relatively flat to steeply sloping hillside areas. Development in FS3 is prone to wildfire primarily because of its proximity to FS1 zones. FS3 areas are also subject to Santa Ana wind conditions that have the potential to dramatically spread wildland fires. The Geological Hazards Overlay Zone map also shows the site in landslide and earthquake fault zones.

The No Project/Existing General Plan Alternative would reduce impacts related to air quality, biological resources, cultural resources, geological resources, greenhouse gas emissions, hazards, hydrology and water quality, noise, public services, transportation and traffic, and utilities and service systems (solid waste and wastewater). Compared to the proposed Project, impacts would be similar, although slightly reduced, for land use and planning, mineral resources, and population and housing. Utility and service impacts directly related to population-based demand factors (water supply, solid waste generation, and wastewater generation) would be substantially reduced for this alternative in comparison to the proposed Project. The infrastructure to serve the project site under the No Project/Existing County General Plan Alternative would not be guaranteed, however, as the City would not have jurisdiction over the site. The 38 units under this alternative, however, would be unlikely able to amortize the major infrastructure upgrades—particularly for domestic water delivery and storage—that would be required to adequately provide water and fire flow requirements to the Project. (DEIR 7.5.18, page 7-17).

Similarly, it would not provide the benefit to other area residents associated with these improvements under the proposed Project. Overall, this alternative would reduce environmental

impacts relative to the proposed Project and would reduce the following significant impacts of the proposed Project to less than significant:

- Air Quality (construction-related pollutant emissions)
- Greenhouse Gas Emissions (traffic-related greenhouse gas emissions)
- Transportation and Traffic (project's contribution to CMP freeway segment unacceptable level of service)

The No Project/Existing General Plan Alternative, the City could not ensure that the Project would achieve Objective 1 as it would have no control or oversight over the development of the lots. The Project site is located within the City's sphere of influence and is designated in the City's 2005 General Plan as Residential Estates that entail lots of 1 acre per residence. If the site is constructed under the County General Plan, it would not be annexed to the City and would be consistent with the County land use designation consisting of 5-acre residential lots. A Specific Plan would not be required for the build-out of the 38 lots and therefore the design criteria and guidelines included in the Specific Plan setting forth strict guidelines to ensure "high quality design" (Specific Plan, page 4-1) would not be implemented as part of the Project. Nor would the landscaping, sidewalk and other criteria that are implemented as part of the Specific Plan to "integrate areas of development with open space areas in a manner that provides a natural transition between the two elements" (*Id.*) be required under the County Code.

The Proposed Project includes 304 lots (now reduced to 215 lots) that will average one acre per lot throughout the development by clustering the lots and ensuring substantial open space is preserved. The extent to which the No Project/Existing General Plan Alternative could achieve Objectives Nos. 2, 3 and 4 would be largely dependent on the potential financial return on 38 homes and the ability to fund amenities (including hiking, equestrian, and bicycles trails) and required infrastructure to assure a high-quality development. The additional requirements for parks found within the City's Code would not be required, and hiking, equestrian and bicycle trails would not be required under the County's General Plan and thus may not be considered as part of the overall development.

The cost to construct Project access roadways, site grading, and infrastructure and building construction would be partially financed through or balanced by the property sales on the Project site. It is uncertain whether Objective 8 could be achieved and a reasonable return on investment achieved. Since the No Project/Existing General Plan Alternative would have fewer residential units, the total construction and operation costs may not be offset by the property sales, and this Project Objective would not be met. The inclusion of fewer amenities would offset some of the cost for roadways, water, sewer, fire control and other required improvements for the Project, but would lessen the benefit of the Project to the surrounding community. Furthermore, the City would not benefit from the development through the collection of Development Impact Fees, Library Fees, and infrastructure improvements that would be paid under the proposed Project. Instead, the County would be the recipient of any such fees and the beneficiary of any property tax increases resulting from the improvements. It is also unlikely that Objective 2 could be achieved under the No Project/Existing General Plan Alternative, because the description and analysis above assumed that this alternative would be served by existing Project-area access roads. Access via Meyers Road is opposed by the surrounding

community, and would be perceived as not preserving the integrity of the Verdemont community.

Project objective Nos. 4 through 7 could be achieved under the No Project/Existing General Plan Alternative. Development would be avoided in the San Bernardino National Forest and increase the buffer between forest-owned land and developed areas relative to the proposed Project. It would maximize open space and would be designed to respect natural conditions, including wildland fires, flooding, and seismic hazards (Objectives 5 and 6). Construction-related measures to mitigate noise and air quality impacts as well as long-term operational mitigation measures of the proposed Project could be assumed to also apply to this alternative, thereby achieving Project Objective No. 7.

Finding:

Based on the entire record, the Commission concurs with the City finding that the No Project/Existing General Plan Alternative would not fully meet the basic Project Objectives. The Commission concurs with the City and therefore rejects the No Project/Existing General Plan Alternative.

3. Alternative Site Plan.

A conceptual Alternative Site Plan was developed to evaluate the potential to modify the proposed Project to minimize or eliminate the significant impacts of the project (construction-related air quality and noise impacts). Since this alternative also reduces the number of housing units, it was also intended to reduce long-term operational, significant unavoidable greenhouse gas emission (GHG) impacts. The approach taken to reduce these impacts was to prepare a concept that would reduce the size of the area graded and the corresponding volume of earthwork. Based on the opportunity to reduce the development footprint, another objective of this alternative was to minimize other environmental impacts to the extent possible.

This conceptual site design would have a total onsite development footprint of 137.6 acres (123.8 graded acres and 13.8 acres of fuel modification area), a reduction of 43 percent from the proposed Project's onsite development area of 241.5 acres. Assuming the same development density as the proposed Project (1.27 du/ac), this alternative would yield 175 single-family homes. This results in a slightly greater percentage of a 46% overall reduction in the number of houses.

Onsite circulation would remain essentially the same, with the exception of some road adjustments on the western portion of the site and the removal of one of two roads that connect the northern quarter of the site with the reservoir tank. Project access would remain the same as with the proposed project. The primary access road would enter the site on the southeast as an extension of Verdemont Drive, and the secondary access road would enter the site from the southwest and connect to the frontage road along I-215.

The Alternative Site Plan would reduce, but not eliminate the short-term air quality and noise impacts. It would have similar greenhouse gas emission impacts as the proposed Project, and would be inconsistent with the transportation strategies of reducing VMT. Cultural Resources, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, and

Population and Housing impacts would also be similar. All other impacts (aesthetics, biological resources, geology and soils, hydrology and water quality, public services, recreation, transportation and traffic, utilities and service systems, and forest resources) would be lessened in comparison to the proposed Project.

The Alternative Site Plan has the potential to attain most of the proposed Project's objectives, but would not fully realize the anticipated development of infrastructure and high-quality housing needs of the City.

The 43% reduction in the number of units and reduction in overall project scope would impact the ability to achieve Project objectives 2, 3 and 8 as the overall construction of infrastructure and payment of fees would also be reduced by the same approximate percentage. The current project design includes an approximate 30% reduction of units due to further evaluation of fault hazards on the site. From the economic standpoint of the City, the proposed Project, as opposed to the alternative, will pay substantial fees that will benefit the City, including Development Impact Fees, School Fees, Library Fees permitting fees, public services fees, and related development fees that provide additional benefit both to the community by increasing the funding and services available, but also to the City. For example, the Project will be required to pay additional fees to support police services in the amount of \$183,506.18 and to pay library fees in the amount of \$181,375.52, The Project provides additional property taxes that will also contribute to public services. These fees are outlined in the findings and further identified in the EIR. The Project will also provide the opportunity for construction jobs in the community for a substantial period of time, depending on how quickly the proposed Project is built out.

The 43% reduction in units also makes it infeasible from the developer's standpoint to create an attractive, viable project and realize a reasonable return on investment as stated in Objective 8. The developer has indicated that the 30% reduction in the number of units can result in a sustainable project over the long-term. Although the overall fees that will be paid to the City will be reduced, the Project still requires substantial infrastructure costs in terms of utilities, fire suppression, and roadways, in addition to the amenities included in the overall Specific Plan. Under this Alternative, the cost per residence increases substantially with the reduction in the overall number of units, resulting in a 37% increase in cost per unit to construct while the potential sale price for each unit would remain steady. With fewer units, the cost to provide and construct infrastructure in addition to the proposed residential units would not be balanced by project revenues. The Project as proposed includes major infrastructure improvements, including the construction of two offsite access roads, extension of domestic water service and three water reservoirs, and extension of sewer service to the site. These infrastructure improvements are necessary in order to implement and adequately manage the wildfire managements plan and buffer areas, as well as to service the proposed residential units under both this Alternative as well as the proposed Project. Both the proposed Project and the Alternative Site Plan would also include and require costly mitigation programs, including a comprehensive tree replacement program. These costs are not reduced proportionately with the reduction of the number of units as the infrastructure is still necessary for the remaining development. The financial viability of this alternative is infeasible considering these costs.

Finding:

Based on the entire record, the Commission concurs with the City finding that the Alternative Site Plan Alternative would not fully meet the basic Project Objectives. The Commission concurs with the City and therefore rejects the Alternative Site Plan Alternative.

4. Reduced Daily Grading Alternative.

The Reduced Daily Grading Alternative was defined and evaluated for its potential to reduce air quality impacts. The air quality impacts of the proposed project pertain to the emission of NOX from construction activities at a local and regional level. The primary source of NOX emissions is vehicle emissions, particularly heavy construction equipment. The Reduced Daily Grading Alternative assumes that both the number of acres graded per day and the number of construction vehicles onsite per day would be reduced by 75 percent. This would make the grading phase approximately four times as long as would be under the proposed Project.

The Reduced Daily Grading Alternative would grade the project site over a period of 12 months rather than 3 months. The 12-month schedule would likely be extended even more due to rainy season interruptions. All of the listed equipment would be reduced from eight to two, with the exception of the water trucks. Site development after grading would be the same as the proposed Project, and other project characteristics would be the same. The total number of units built would be 304 (now reduced to 215 units), and site access and circulation would be the same as under the proposed Project.

The Reduced Daily Grading Alternative would substantially reduce construction-related air quality impacts. Daily NO_X emissions would be reduced from 740 to 181 pounds per day, but would still exceed the significance threshold of 100 pounds per day. Impacts to noise and traffic during construction would be worsened by the Reduced Daily Grading Alternative because of the extended construction period. Hydrology and water quality impacts would also be worse, because sediment runoff would increase during the longer construction period. Other construction-related impacts would be similar to the proposed Project, and long-term operational impacts would be the same as for the proposed Project.

The Reduced Daily Grading Alternative would implement the same proposed site plan and Specific Plan as the proposed Project, and would attain most the proposed Project objectives. Extending the construction grading activities over a year, however, could jeopardize the economic viability of the Project and a reasonable return on investment for both the City and the developer (Objective 8). This Alternative would require a greater dedication of the City's resources to verify permit requirements for a longer period of time. The payment of development fees would also be extended as such fees would only be required as certain stages of development would be met. Furthermore, the number of jobs for construction workers would decrease. From the developer's standpoint, the length of time necessary to complete the grading would greatly exceed any cost savings as well as limit the number of jobs created as a result of the project build-out as the grading schedule, equipment mix, and workers included in the proposed Project description are based on typical construction activities. The extended schedule would likely result in costly inefficiencies. Under the mitigation requirements for the Project,

timing of grading and construction affects the potential biological impacts resulting from the project, as is identified in the EIR.

Where construction schedules must be drawn out, other phases must be delayed and the potential for repeated studies and other requirements increases. This increases costs to both the City and the developer as greater resources from both will be required, makes effective construction phasing and planning difficult, and the extended construction period would also limit the Project's ability to minimize environmental impacts associated with construction of improvements (Objective 7).

Finding:

Based on the entire record, the Commission concurs with the City finding that the Reduced Daily Grading Alternative would not fully meet the basic Project Objectives. The Commission concurs with the City and therefore rejects the Reduced Daily Grading Alternative.

5. Environmentally Superior Alternative.

Section 15126.6(e)(2) of the State *CEQA Guidelines* requires the identification of the environmentally superior alternative. The No Project/No Development and the No Project/Existing General Plan alternatives would be the environmentally superior alternatives of the Project alternatives evaluated. The elimination or substantial reduction of units developed and natural area disturbed would reduce environmental impacts. Neither of these alternatives would result in any significant, unavoidable impacts.

The State *CEQA Guidelines* also require the identification of another environmentally superior alternative if the No Project Alternative is the environmentally superior alternative. Of the remaining project alternatives, Alternative 3 – Alternative Site Plan Alternative is considered environmentally superior. The Commission concurs with this finding and given the reduction in total units to 215 units, the project that can be developed, if LAFCO 3188A is approved, would be consistent with this finding.

The Alternative Site Plan Alternative would eliminate 129 lots and reduce site development by 43%. This would, in turn, reduce each of the significant, unavoidable impacts identified for the project as proposed, including short-term, construction-related air quality and noise impacts and long-term greenhouse gas emission impacts. The overall reduction of the development footprint and anticipated reduction in earthwork quantities would reduce, but not eliminate the significant air quality and noise impacts. Although it would reduce greenhouse gas emissions by approximately 43 percent, it would still emit a substantial amount of greenhouse gases and would have similar impacts. The Alternative Site Plan would be able to meet the majority of the project objectives. The Alternative Site Plan would also reduce a number of impacts, but not all, that were identified as potentially significant in this DEIR but have been reduced to less than significant. Specifically, the Alternative Site Plan would reduce aesthetic, biological, geology and soils, hydrology and water quality, public services, recreation, transportation and traffic, utilities, and forest resource impacts. However, the Alternative Site Plan Alternative is not financially feasible based upon the additional burden placed upon the Project to develop infrastructure, including water and sewer capacity, to provide protective

measures, water towers, buffer zones and infrastructure for wildfire protection, and the implementation of recreational and trail uses. The cost per residence increases substantially with the reduction in the overall number of units, resulting in a 37% increase in cost per unit to construct while the potential sale price for each unit would remain steady. With fewer units, the cost to provide and construct infrastructure in addition to the proposed residential units would not be balanced by project revenues. These features benefit the community as a whole and provide protection from fire, floods and landslides to existing residents. They add substantial cost to the project that the Alternative Site Plan Alternative does not support economically.

F. Statement of Overriding Considerations.

The San Bernardino County Local Agency Formation Commission adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

- 1) Air Quality;
- 2) Noise;
- 3) Traffic and Transportation; and
- 4) Greenhouse Gas Emissions.

This section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts, and to determine whether the impacts are acceptably overridden by the Project benefits. If the Commission finds that the previously stated major project benefits outweigh the unavoidable significant adverse environmental impacts noted above, the Commission may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

The City's findings, concurred in by the Commission, set forth in the preceding sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed three alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above, and the Commission makes the following finding:

Finding:

Having considered the unavoidable adverse impacts of the Project, the Commission hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Commission finds that economic, social and other considerations of the Project related to provision of housing outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated

impacts are described below. In making this finding, the Commission has balanced the benefits of the Project against its unavoidable environmental impacts, and has indicated its willingness to accept those effects.

The Commission further finds that the Project's benefits are substantial and override each unavoidable impact of the Project. These benefits include substantial infrastructure that the Project will directly and indirectly, through funding mechanisms, provide. These benefits include the following, which are laid out in greater detail in the findings:

- The water supply system for the area will be augmented to provide water to the new residents, but will also provide improved service to those existing residents in the area currently on City water.
- Three onsite reservoirs will be constructed to provide better service and fire protection to the area.
- Offsite improvements to the water supply system include a series of pump stations and transmission lines within the Verdemont community.
- Improved fuel modification zones will provide protection to both the proposed community as well as to the existing structures in the area.
- Project would be required to pay development impacts fees for law enforcement, schools, library, fire, traffic and other related fees that will supplement the City's funds and provide the necessary public services to the Project.
- Traffic improvements, including dual left turn lanes at the intersection of Palm Avenue and Kendall Drive.

In particular, the Project scope includes substantial infrastructure improvements for water storage and delivery systems that will not only serve the Project itself, but also benefit the larger community. The additional water storage and delivery systems will provide for more effective wildfire controls for existing residents as well as the proposed Project given the additional safety and setback measures that are incorporated into the Project. The water infrastructure will also provide a source potable water for existing residents as well as a water source for firefighting personnel in the event of a wildfire. The Project components related to fire hazards and safety, including construction, buffer zones, and other features will also provide additional benefits to those residents already located in the area as a means of preventing the spread of any wildfires through the area.

Storm drainage improvements will also provide additional benefits related to the existing flood and erosion conditions prevalent in the area. The area and existing residents have faced historical issues with flooding, landslides and wildfires which will be substantially improved with the implementation of the proposed Project. Funding mechanisms and impact fees that will be generated as part of the project will assist in roadway improvements and as well general fund contributions through property tax that can assist in funding necessary police, fire and safety services for the area.

From an economic standpoint, the project will pay substantial fees that will benefit the City, including Development Impact Fees, School Fees, Library Fees permitting fees, public services fees, and related development fees that provide additional benefit both to the community

by increasing the funding and services available, but also to the City. For example, the Project will be required to pay additional fees to support police services in the amount of \$183,506.18 and to pay library fees in the amount of \$181,375.52, The Project provides additional property taxes that will also contribute to public services. These fees are outlined in the findings and further identified in the EIR. The Project will also provide the opportunity for construction jobs in the community for a substantial period of time, depending on how quickly the proposed Project is built out. The Project provides additional social benefits to the community and City as well. The Project will dedicate more than 245 acres of permanent open space, including natural open space, controlled open space and parks, on site. The parks that are proposed as part of the Project will include shade structures, tot lots, gardens, observation points, and other related features and offer opportunities for the community that are not currently present in the area. The Project also provides an interconnected trail system that would include community trails for bicycle and pedestrian use, equestrian trails, and hiking trails. These proposed trails would substantially increase the recreational opportunities currently available in the City.

Furthermore, the City has a limited base of available high-quality, low density residential development based upon a review of the MLS listings for the City as well as under General Plan designation areas for low density residential development. Such high-quality, low density housing is desirable to attract and retain top quality candidates for positions at the University and other institutions. According to the City of San Bernardino Housing Element Adopted June 20, 2011, approximately one-third of the City's housing stock is between 30 and 49 years old, with an additional 35.3 percent over 50 years old. (Pages 3-25 and 3-26). Only 2,720 housing units were constructed between the years of 2000-2005, during the height of the housing boom. (Housing Element Adopted June 20, 2011, Table H-12). The household composition of the City shows that 82% of the City's households are moderate to very-low income, while only 18% are above Moderate income. (Id. Chart 4, pg. 3-17). There are few other proposed developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan. Such a need is identified generally in Housing Element policy 3.1.1, which states: "Provide adequate sites to accommodate the production of a variety of housing types through land use designation, zoning, specific plans, and overlay districts." The Verdemont Heights Area Plan, found on page 2-75 of the General Plan Land Use Element and in which this Project site is located, further discusses strategy to meet the Housing Element policy 3.1.1, identifying in strategy 4 on page 2-83 to "Promote the development of higher end housing."

Additional benefits are as follows:

1. Findings Related to Traffic and Transportation Impacts.

a. Increased Traffic.

There are two roadways identified in the CMP that would be impacted by Project traffic: I-215 freeway and I-15 freeway. Four segments of these two freeways are expected to have an LOS of F during morning peak hours with or without the project in year 2035, and six segments are expected to have an LOS of F during evening peak hours with or without the Project in year 2035. All of these segments, except the northbound and southbound segments of I-15 between

Sierra Avenue and Glen Helen Parkway, are included in the Caltrans improvement plans for the Devore interchange.

With improvements, two of these freeway segments would operate at acceptable levels. However, six freeway segments would continue to operate at an unacceptable LOS for year 2035:

- The I-215 freeway segment between Palm Avenue and Devore Road (northbound and southbound)
- The I-215 freeway segment between Devore Road and I-15 (northbound)
- The I-15 freeway segment between Glen Helen Parkway and Sierra Avenue (northbound and southbound).
- The I-15 freeway segment between I-215 and Glen Helen Parkway (northbound).

Spring Trails would generate traffic that would contribute to the unacceptable levels of service on these freeway segments. Additionally, mainline improvements to the I-15 and I-215 in the Project area are not included in a fee program at this time. There are no feasible mitigation measures to reduce the significant impacts, which will remain significant and unavoidable. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by the Project benefits described in Section II.D of this document, as well as the local and regional benefits that will be realized under the Development Agreement, described in Section II.B of this document. The Commission concurs with the preceding findings.

b. Cumulative Impacts.

Development of the Project will contribute incrementally to Traffic and Transportation impacts that are cumulatively considerable, significant, and unavoidable when considered within the context of traffic that will be generated by other known or probable developments, as discussed above. This is a cumulatively considerable impact that cannot be mitigated to a less than significant level. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by Project benefits described in Sections II.B and II.D of this document. The Commission concurs with the preceding finding.

2. Findings Related to Air Quality Impacts.

a. Construction Emissions.

The Project is not consistent with the applicable air quality management plan because construction-related air pollutant emissions would exceed the SCAQMD's regional and localized emission thresholds. Mitigation measures used to control construction and operational emissions would reduce Project and cumulative level impacts, but they would remain significant and unavoidable.

Construction activities associated with the proposed Project would generate short-term emissions that exceed SCAQMD'S regional significance thresholds for NOx, PM₁₀, and PM_{2.5},

and would significantly contribute to the nonattainment designations of the South Coast Air Basin for ozone and particulate matter (PM₁₀ and PM_{2.5}). Construction activities associated with grading operations could expose sensitive receptors to substantial pollutant concentrations of PM₁₀ at the existing onsite residence and the surrounding offsite residences. Mitigation measures would reduce the Project's construction-related impacts, but the project- and cumulative-level impacts would remain significant and unavoidable.

However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by Project benefits described in Sections II.B and II.D of this document. The Commission concurs with the preceding finding.

b. <u>Cumulative Impacts</u>.

The South Coast Air Basin is in nonattainment for O³ and particulate matter (PM₁₀ and PM_{2.5}). Construction of cumulative projects will further degrade the regional and local air quality. Air quality will be temporarily impacted during construction activities. Even with the implementation of mitigation measures, Project-related construction emissions would still exceed the SCAQMD significance thresholds for NOx, PM₁₀ and PM_{2.5}, and cumulative emissions would result in greater exceedances. These are cumulatively considerable air quality impacts which cannot be mitigated to a less-than-significant level. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document. The Commission concurs with the preceding finding.

3. Findings Related to Noise Impacts.

Project-related construction activities would result in temporary noise increases at the existing onsite residence and surrounding noise-sensitive receptors due to the length of the construction period, that is, approximately three years. Mitigation would reduce the Project's impact on local sensitive receptors, but this impact would remain significant and unavoidable. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document. The Commission concurs with the preceding finding.

4. Findings Related to Greenhouse Gas Emissions.

Project-related construction activities would generate 5,660 metric tons (MTon) of CO2e and operational activity would generate about 9,559 MTons of CO2e. Mitigation measures would reduce GHG emissions from construction activities, area sources, energy use, and waste and recycling activities to levels that are less than significant; however, the vehicle GHG emissions would not be reduced to less-than-significant levels, and Project-generated vehicle emissions of GHG would create significant and unavoidable impacts. However, benefits obtained from the Project are sufficient to justify approval of the Project, and these impacts are overridden by the Project benefits described in Sections II.B and II.D of this document. The Commission concurs with the preceding finding.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable."

The Project benefits include substantial infrastructure that the Project will directly and indirectly, through funding mechanisms, provide. In particular, the Project scope includes substantial infrastructure improvements for water storage and delivery systems that will not only serve the Project itself, but also benefit the larger community. The additional water storage and delivery systems will provide for more effective wildfire controls for existing residents as well as the proposed Project given the additional safety and setback measures that are incorporated into the Project. The water infrastructure will also provide a source potable water for existing residents as well as a water source for firefighting personnel in the event of a wildfire. The Project components related to fire hazards and safety, including construction, buffer zones, and other features will also provide additional benefits to those residents already located in the area as a means of preventing the spread of any wildfires through the area.

Storm drainage improvements will also provide additional benefits related to the existing flood and erosion conditions prevalent in the area. The area and existing residents have face historical issues with flooding, landslides and wildfires which will be substantially improved with the implementation of the proposed Project. Funding mechanisms and impact fees that will be generated as part of the project will assist in roadway improvements and as well general fund contributions through property tax that can assist in funding necessary police, fire and safety services for the area.

The proposed Project will also provide additional recreational sources for the community, creating hiking, equestrian and biking trails throughout the site and connecting an area that currently does not offer such sources of recreation to the residents of the City.

Furthermore, a base of high-quality low-density residential development is important for the ability of the City's institutions to hire and retain top quality candidates for positions at the University and other institutions. There are few other proposed developments within the City at this time and thus the proposed Project will fill a residential need within the City as is envisioned within the City's General Plan.

In addition to the safety, recreational, social and housing features that the project will provide, the Project will offer employment during the construction phases and provide revenue from the additional property taxes that the Project will generate. The Project will be required to pay additional fees to support police services in the amount of \$183,506.18, pay schools fees, pay library fees in the amount of \$181,375.52, improvement existing roadways and provide additional access points that otherwise may not occur, as well as pay other City development

fees. The payment of fees and additional services benefit both the Project and the surrounding community.

As the CEQA Responsible Agency for the proposed Project, the Commission has reviewed the Project description and the Project alternatives as presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, the Commission finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. The Commission also finds that a reasonable range of alternatives was considered in the EIR and this document, Section IV.E above, and finds that approval of LAFCO 3188A is appropriate.

The City has identified economic and social benefits, important policy objectives and local and regional benefits that will result from approval of the Development Agreement, as discussed in Sections II.B and II.D above, which result from implementing the Project. The Commission concurs with this finding. The Commission has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. The Commission finds that the substantial social and economic benefits that will result from the Project override the unavoidable environmental effects of the Project.

V. **APPROVING THE PROJECT**

Based on the entire record before the San Bernardino County Local Agency Formation Commission, including the Findings and all written and evidence presented, the Commission hereby approves LAFCO 3188A with the finding that the City will implement all the mitigation measures and the Mitigation Monitoring and Reporting Program.

VI. REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the Clerk of the County of San Bernardino Board within five (5) working days of final Project approval.

VII. REGARDING CONTENTS AND CUSTODIAN OF RECORD

The documents and materials that constitute the record for the Commission's actions related to the Complete FEIR are located at the Local Agency Formation Commission for San Bernardino County, 1170 West 3rd Street, Unit 150, San Bernardino, California 92415-0490. The custodian for these records is the San Bernardino County LAFCO. This information is provided in compliance with Public Resources Code section 21081.6.

ENVIRONMENTAL DOCUMENTS RELATED TO THE CITY OF SAN BERNARDINO'S APPROVAL OF THE SPRING TRAILS SPECIFIC PLAN

- Notice of Determination
- Spring Trials Specific Plan Resolution
- Spring Trials Specific Plan Ordinance
- Spring Trials Specific Plan Facts, Findings and Statement of Overriding Considerations
- Spring Trials Specific Plan Mitigation Monitoring Program
- Spring Trials Specific Plan Final Environmental Impact Report
- Spring Trials Specific Plan Draft Environmental Impact Report
 - o Appendix A Initial Study and Notice of Preparation
 - Appendix B Comments on the Initial Study and Notice of Preparation
 - o Appendix C Air Quality Modeling Result
 - Appendix D1 Arborist Report (Integrated Urban Forestry 1998)
 - Appendix D2 General Biological Assessment (MBA 2007)
 - Appendix D3 Least Bell's Vireo & Southwestern Willow Flycatcher Focused Survey (MBA 2007)
 - Appendix D4 Updated Arborist Report (MBA 2007)
 - Appendix D5 Habitat Assessment Report (MBA 2008)
 - Appendix D6 General Biological Resources Assessment Update (NRA 2004)
 - Appendix D7 Jurisdictional Delineation for the Access Roads (PBS&J 2011)
 - Appendix D8 Jurisdictional Delineation for the Project Site (PBS&J 2009)
 - Appendix D9 San Bernardino Kangaroo Rat Survey Report (PBS&J 2009)
 - Appendix D10 Rare Plant Survey Report
 - Appendix D11 Biological Resources Review (PBS&J 2009)
 - Appendix D12 Biological Resources Assessment (compiled) (PBS&J 2011)
 - Appendix D13 Biological Resources Assessment (PCR 1999)
 - Appendix D14 San Bernardino Kangaroo Rat Survey Report (SCD 2002)
 - Appendix D15 Biological Report Update (WLB 2002)
 - Appendix D16 Coastal California Gnatcatcher Survey (WLB 2002)
 - Appendix D17 Biological Report for the Access Roads (WLB 2002)
 - Appendix E Archaeological and Paleontological Resources Assessment
 - Appendix F1 Geotechnical Report (Kleinfelder 2000)
 - Appendix F2 Seismic Design Parameters (Leighton and Associates 2009)
 - Appendix G Spring Trails Fire Protection Plan
 - Appendix H1 Precise Fuel Modification Sheet 1 (on CD only)
 - Appendix H2 Precise Fuel Modification Sheet 2 (on CD only)
 - Appendix I1 Preliminary Water Quality Management Plan
 - Appendix I2 Hydrologic and Water Quality Report
 - Appendix J Noise Monitoring Results
 - Appendix K Traffic Impact Analysis
 - Appendix L Sewer Capacity Study

Draft Resolution No. 3291 Attachment 4

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3188A

HEARING DATE: OCTOBER 16, 2019

RESOLUTION NO. 3291

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3188A - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF SAN BERNARDINO AND TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT ZONE FP-5 SAN BERNARDINO, AND DETACHMENT FROM COUNTY SERVICE AREA 70 (SPRING TRAILS SPECIFIC PLAN). The reorganization area encompasses approximately 350 acres, which is generally located north of the Verdemont neighborhood, east of the community of Devore and northeasterly of the I-215 Freeway. The area is bordered by parcel lines on the north and east, a combination of parcel lines and the centerline of West Meyers Road (existing City of San Bernardino boundary) on the south, and parcel lines (portion of existing City of San Bernardino boundary) on the west, within the City of San Bernardino's existing sphere of influence.

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

WHEREAS, an application for the proposed reorganization in 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 originally called for August 21, 2019 and continued to October 16, 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 support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing.

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

DETERMINATIONS:

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

CONDITIONS:

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

<u>Condition No. 2.</u> The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3188A.

<u>Condition No. 3.</u> All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of San Bernardino (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 City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A (a copy of which is attached as Exhibit B). A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.

<u>Condition No. 5.</u> The City of San Bernardino 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.

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

<u>Condition No. 7.</u> The date of issuance of the Certification of Completion shall be the effective date of the reorganization.

SECTION 2. The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.

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).

SECTION 4. <u>DETERMINATIONS.</u> The following determinations are required to be provided by Commission policy and Government Code Section 56668:

- 1. The reorganization area is legally uninhabited containing four (4) registered voters as certified by the Registrar of Voters as of July 22, 2019.
- 2. The County Assessor's Office has determined that the total assessed valuation of land within the reorganization area is \$1,978,576 as of August 9, 2019, broken down as: \$1,876,890 (land) and \$101,686 (improvements).
- 3. The reorganization area is within the sphere of influence assigned the City of San Bernardino.
- 4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *The Sun*, 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. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to:

- landowners (2) and registered voters (4) within the reorganization area (totaling 6 notices); and,
- landowners (84) and registered voters (96) surrounding the reorganization area 1,350 feet from the exterior boundary of the proposal area (totaling 180 notices).

Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.

- 6. The City of San Bernardino pre-zoned the reorganization area through its approval of the Spring Trails Specific Plan with the following underlying specific pan zone designations: Residential (Estate), Open Space, and Parks. These zoning designations are consistent with the City's General Plan and are generally compatible with the surrounding land uses in the area. The City's pre-zone designations will remain in effect for a minimum of two years following annexation unless specific actions are taken by the City Council.
- 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 3188A is in close proximity with the I-215 Freeway, which is part of the RTP-SCS's highway improvement (expansion/rehabilitation) program adding high-occupancy vehicle (HOV) lanes between the I-210 and the I-15 Freeways for completion by 2035.
- 8. The City of San Bernardino adopted an updated Local Hazard Mitigation Plan (LHMP) in October 2016 (Resolution No. 2016-209), which was developed by County Fire, the City's fire service provider. Said LHMP includes the Spring Trails project as one its potential residential development. County Fire also has its Multi-Jurisdictional Hazard Mitigation Plan approved by FEMA in July 2017.
- 9. A Complete Final Environmental Impact Report (EIR) was prepared and certified as adequate by the City of San Bernardino for its approval of the Spring Trails Specific Plan (SCH No. 2009111086). The Commission, its staff, and its Environmental Consultant have independently reviewed the City's Complete Final EIR and found it to be adequate for the reorganization decision.

The Commission certifies that it has reviewed and considered the City's Complete Final EIR and the effects outlined therein, and as referenced in the Facts, Findings and Statement of Overriding Considerations, prior to reaching a decision on the project. By considering the Complete Final EIR adopted by the City of San Bernardino and adopting the revised Facts, Findings and Statement of Overriding Considerations for the proposal, the Commission is reconfirming its position regarding the adequacy of the City's Complete Final EIR and originally-approved Statement of Overriding Considerations in light of the reduced Project scope, for purposes of its approval of LAFCO 3188A as a Responsible Agency under CEQA.

The Commission hereby acknowledges the mitigation measures and mitigation monitoring and reporting program contained in the City's Complete Final EIR and finds that no additional feasible alternatives or mitigation measures will be adopted by the Commission. The Commission finds that all changes, alterations, and mitigation measures are within the responsibility and jurisdiction of the City and other agencies, and not the Commission. The Commission finds that it is the responsibility of the City to oversee and implement these measures and the mitigation monitoring and reporting program.

The Commission hereby adopts the Facts, Findings and Statement of Overriding Considerations regarding the environmental effects of the reorganization (a copy of which is attached as Exhibit C). The Commission finds that all feasible changes or alterations have been incorporated into the project; that these changes are the responsibility of the City and other agencies identified in the Facts, Findings and Statement of Overriding Considerations and the City's Complete Final EIR; and that specific economic, social or other considerations make infeasible adoption of the alternatives identified in the City's Complete Final EIR.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a Responsible Agency, also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the fees were the responsibility of the City of San Bernardino as a CEQA Lead Agency.

- 10. The reorganization area is served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, San Bernardino Valley Municipal Water District, San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5 (fire protection and emergency medical response), and County Service Area 70 (multi-function unincorporated County-wide).
 - County Service Area 70 will be detached and its sphere of influence reduced upon successful completion of this proposal. None of the other agencies will be directly affected by the completion of this proposal as they are regional in nature.
- 11. The City of San Bernardino has submitted a plan for the extension of municipal services to the study area as required by Government Code Section 56653, which indicate that the City of San Bernardino can, at a minimum, maintain the existing level of service delivery and can improve the level and range of services currently available in the area.
 - The certified Plan for Service and Fiscal Impact Analysis have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Plan for Service and the Fiscal Impact Analysis conform to those adopted standards and requirements.
- 12. The reorganization proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.

However, approval of this proposal will create an island of unincorporated territory that will be totally-surrounded by the City of San Bernardino. LAFCO 3188A cannot be expanded to include the unincorporated island without the risk of termination due to known registered voter protest within the island area.

- 13. The reorganization area can benefit from the availability and extension of municipal services from the City of San Bernardino and its Municipal Water Department as evidenced by the Plan for Service certified by the City and its Municipal Water Department.
- 14. This proposal will assist the City of San Bernardino's ability to achieve its fair share of the regional housing needs as it proposes to build the addition of 215 single-family residential units.
- 15. With respect to environmental justice, which is the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services, the following demographic and income profile was generated using ESRI's Community Analyst for the City of San Bernardino and the reorganization and adjacent unincorporated areas (2019 data):

Demographic and Income	City of	Reorganization
Comparison	San Bernardino	Area and
	(%)	Adjacent
		Unincorporated
		Area (%)
Race and Ethnicity		
African American Alone	13.5 %	7.0 %
 American Indian Alone 	1.3 %	0.9 %
Asian Alone	4.2 %	4.3 %
 Pacific Islander Alone 	0.4 %	0.3 %
 Hispanic Origin (Any Race) 	68.3 %	37.9 %
Median Household Income	\$43,515	\$104,564

Through future development, the reorganization area will benefit from the extension of services and facilities from the City and, at the same time, the approval of the reorganization proposal will not result in the unfair treatment of any person based on race, culture or income.

- 16. The County of San Bernardino (for itself and on behalf of the San Bernardino County Fire Protection District) and the City of San Bernardino have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this reorganization. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
- 17. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 5. The primary reason for this reorganization is to receive municipal services from the City for the proposed Spring Trails Specific Plan. The Commission recognizes that the area is difficult to develop due to constraints, among others, of being on an active fault line and located in a fire hazard area with slopes and high winds. The Commission

staff emphasizes the importance of the mitigation measures being implemented to minimize or reduce the impacts to the extent feasible.

SECTION 6. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the City of San Bernardino through the reorganization. The regular County assessment rolls are utilized by the City of San Bernardino.

SECTION 7. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

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

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

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

AYES:	COMMISSIONERS:	
NOES:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	
******	* * * * * * * * * * * * * * * * * * *	* * * * *
STATE O	F CALIFORNIA)) ss.
COUNTY	OF SAN BERNARDINO	,
Commission for be a full, true, a the members pr	r San Bernardino County nd correct copy of the a	ecutive Officer of the Local Agency Formation y, California, do hereby certify this record to ction taken by said Commission by vote of ars in the Official Minutes of said Commission 19.
DATED:		
		SAMUEL MARTINEZ
		Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490 (909) 388-0480 • Fax (909) 388-0481 lafco@lafco.sbcounty.gov www.sbclafco.org

DATE: OCTOBER 9, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

MICHAEL TUERPE, Project Manager

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10 - LAFCO 3234: SERVICE REVIEW FOR THE

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions elated to LAFCO 3234:

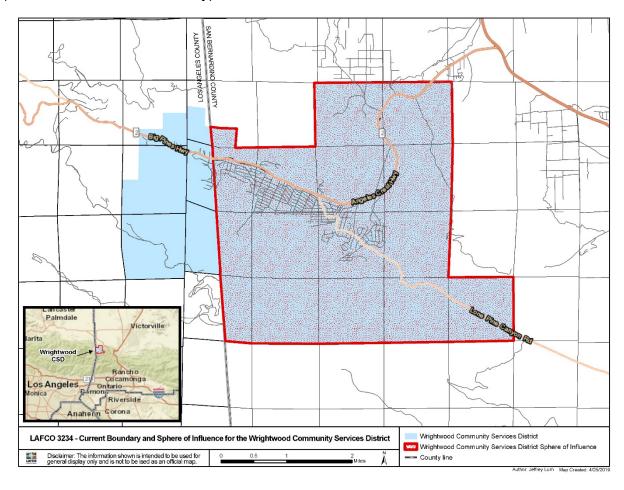
- 1. For environmental review, certify that the service review is statutorily exempt from environmental review, and direct the Executive Officer to file the Notice of Exemption within five (5) days.
- 2. Accept and file the Service Review for the Wrightwood Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
- 3. Adopt LAFCO Resolution No. 3288 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

BACKGROUND:

The community of Wrightwood is a small, unincorporated mountain community located in the Swarthout Valley in the eastern San Gabriel Mountains. The community is located in both San Bernardino and Los Angeles Counties, with San Bernardino as the principal county. The community has a population of approximately 4,978 residents (2018).

On November 3, 2015, the Board of Supervisors for San Bernardino County initiated the formation of a community services district to provide for a single, multi-purpose special district for the Wrightwood community in both Los Angeles and San Bernardino Counties (LAFCO 3202). The Wrightwood Community Services District ("Wrightwood CSD", "CSD" or

"District") formation was approved by LAFCO on July 11, 2016 with the following functions and services as active powers: street lighting, parks and recreation, sold waste and recycling, and planning and engineering for wastewater service. Subsequently, the CSD formation was approved by Wrightwood voters on March 7, 2017 with an effective date of July 1, 2017. A map of the Wrightwood CSD and its coterminous sphere of influence (within San Bernardino County) is shown below:



Sphere Establishment within San Bernardino County

In the past, the Commission has generally established a sphere of influence for a newly formed agency within one year of its formation pursuant to the statutory direction identified in Government Code Section 56426.5(b). However, Section 56430(e) requires that the Commission, in conjunction with establishing a sphere of influence, also conduct a service review.

Since its formation, the Wrightwood CSD has been addressing fiscal related issues. In order to have a better understanding of the District's finances, the Commission, in April 2018, directed LAFCO staff to defer the service review

Purpose of a Service Review

A service review is a comprehensive review to inform LAFCO, local agencies, and the community about the provision of municipal services. Service reviews attempt to describe and analyze information about service providers and to identify opportunities for increased effectiveness and efficiencies of service delivery. The service review can work in conjunction with a sphere of influence determination and may also guide (not require) LAFCO to take other actions under its authority. LAFCO, local agencies and the community may then use the service review to consider potential proposals to LAFCO (i.e. annexations, consolidations).

until July 2019. In July 2018, the Commission moved forward with the establishment of a sphere for the District in advance of the service review, approving LAFCO 3227 which established a coterminous sphere of influence with the District's boundaries (San Bernardino County portion of the District only). A copy of the LAFCO 3227 staff report is included as Attachment 2.

Los Angeles LAFCO

As referenced above, the Wrightwood CSD includes lands within both San Bernardino and Los Angeles Counties. San Bernardino is the "principal county". This determination is made based upon the County which contains the "greater portion of the entire assessed value" of taxable properties within the area.

In November 2011, San Bernardino LAFCO and Los Angeles LAFCO entered into a Memorandum of Understanding for exchange of principal county status for sphere of influence matters that cross county boundaries to the county where the sphere of influence territory is located. Los Angeles LAFCO expressed its intention to utilize the provisions of this MOU to address the proposed establishment of the Wrightwood CSD sphere in Los Angeles County following San Bernardino LAFCO's completion of this service review.

Because most of the service review-related data for Wrightwood is difficult to separate out for the San Bernardino and Los Angeles County portions of the community, it was agreed that San Bernardino LAFCO would play the lead role in completing the service review for the entire Wrightwood community. Accordingly, this service review has been drafted in close coordination with Los Angeles LAFCO staff, and their input and review have been important to its completion.

LOCATION:

The community of Wrightwood is generally located east and west of the Los Angeles/San Bernardino County line. The territory is generally east of Big Pines, south of the Phelan Pinon Hills community, and west and north of parcel lines. Highway 2 traverses the community in a general east/west direction.

The Wrightwood CSD comprises a total of approximately 16.98 square miles (10,866 acres). Of this, the San Bernardino County portion includes 13.75 square miles (8,802 acres), and the Los Angeles County portion includes 3.23 square miles (2,064 acres).

SERVICE REVIEW DETERMINATIONS:

Government Code Section 56430 requires that the Commission evaluate six determinations when conducting a service review and provide a written statement for each. The following provides an analysis of each of the six determinations.

<u>Determination I.</u> Growth and Population Projections for the Affected Area

Wrightwood is a small, isolated community essentially nestled in a valley surrounded by forest lands. The total land area of the Wrightwood CSD comprises approximately 17 square miles (10,886 acres).

Within the San Bernardino County portion of the community, approximately 70 percent of the land is forest lands, 25 percent residential (both single family and multi-family) and five percent commercial. Land use planning and development entitlements within the San Bernardino County portion of the community are administered through the County of San Bernardino. According to the County's Land Use Service Department, the current General Plan land use designations are: Special Development Residential (SD-RES), Multiple Residential (RM), Single Residential (RS), Single Residential – 10,000 sq. ft. min. (RS-10M), Service Commercial (CS), General Commercial (CG), Neighborhood Commercial (CN), Floodway (FW), and Resource Conservation (RC). No territory is designated for agricultural land use.

Within the Los Angeles County portion of the community, approximately 61 percent of the land is forest lands, 21 percent rural residential, 17 percent rural commercial, and less than 1 percent designated for public use. Land use planning and development entitlements within the Los Angeles County portion of the community are administered through the Los Angeles County Department of Regional Planning. According to the LA County General Plan 2035, the current land use designations are: Rural Commercial (CR), National Forest (OS-NF), Public and Semi-Public (P), Rural Land 10 (RL 10), and Rural Land 20 (RL-20). No territory is designated for agricultural land use.

Population growth over the next five years is expected to be minimal. The CSD's 2018 population is estimated to be 4,978. In 2023, the CSD is projected to have a population of 5,145, an increase of 167 residents (0.66 percent) between 2018 and 2023.¹

Determination II.

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

No disadvantaged unincorporated communities (per the definition in Government Code Section 56033.5) are located within or contiguous to the Wrightwood CSD sphere of influence. No further analysis is required.

Determination III.

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

The Wrightwood CSD currently provides street lighting, park and recreation and solid waste disposal (through a contract with CR&R Waste and Recycling Services. The District has been providing these services for two years with a level determined by its finances. The

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¹ Source: U.S. Census Bureau and ESRI forecasts.

District is authorized to provide wastewater services but is limited to planning and engineering services only.

Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. As a result, all development in this area requires Onsite Wastewater Treatment Systems ("OWTS" – septic tanks or package treatment plants). In response to the formation of the Wrightwood CSD in 2016 (LAFCO 3202), the Lahontan Water Board provided information on the community's wastewater issues.²

These are septic tanks for solids removal followed by sub-surface disposal, typically a seepage pit.³ The Lahontan Water Board has long desired that some form of common sewerage be implemented in Wrightwood to deal with problems that periodically arise. Options include centralized or de-centralized sewer collection, treatment, disposal, and OWTS maintenance.

OWTS failures have occurred in the older sections of Wrightwood with a high density of small lots. Failures have also occurred in years with elevated precipitation when shallow groundwater rises to the surface. Many underdeveloped lots do not meet the Water Board's minimum lot size for installing an OWTS.

The requirement for sewering is not locally made – it is a requirement which may be imposed by a regional regulatory agency. The approval of LAFCO 3202 in 2017 authorized the CSD the function of wastewater (limited to planning of a regional sewer entity.) Recently formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency.

From LAFCO staff's perspective, for the CSD to take on an additional service at this time, especially one as complex and labor intensive as sewer, would be extremely challenging in the near term. However, the lack of a sanitary sewer system in Wrightwood is a core infrastructure deficiency and should remain a high level community concern.

The CSD is positioned to play a key role in coordinating with the Lahontan Board and representing the Wrightwood community on this issue. LAFCO staff encourages both parties to have ongoing communication and continue to inform the Wrightwood community on important sewer and water quality related issues. Should the CSD, at some point in the future, desire to actively provide wastewater collection and treatment service, it would be required to return to San Bernardino LAFCO for approval under the provisions outlined in Government Code Section 56824.10 et seq.

Additionally, roughly two and half miles to the west of the Wrightwood CSD in Los Angeles County is the Mountain High ski area, which has two wastewater treatment plants. The Lahontan Regional Board identified that an additional opportunity may be for a single

² Lahontan Water Board. Jehiel Cass for Mike Plaziak. Letter dated June 30, 2016.

³ A drilled or dug excavation three to six feet in diameter. It is also gravel filled but has a hollow core with a minimum depth below the inlet and receives effluent discharge for dispersal from a septic tank or other OTWS treatment unit.

system to encompass the Wrightwood community and Mountain High Resort. From LAFCO's staff view, a single sewer collection and treatment system for the entire Wrightwood/Mountain High Resort area has the potential to provide a long-term solution to the large community's sewer needs. The viability of this option should be explored in any sewer planning efforts for this area.

<u>Determination IV.</u> Financial ability of agencies to provide services

The Wrightwood CSD is a nascent agency. Therefore, historical record is not the measure of fiscal health; rather, it is that of its current financial condition. In this case, the agency's financial ability to provide services is measured as of the end of the most recent fiscal year – June 30, 2019. A copy of the audit for FY 2018-19 is included as Attachment #3.

In a one-year comparison:

- Property tax revenues increased 7.0%.
- The increase in revenues resulted in an increase in cash and investments. This, coupled with a decrease in liabilities, results in a better liquidity position.
- Cash and cash equivalents (business-type funds) increased by 55.6%.
- Fund balance for Governmental Activities (parks and streetlights) decreased from \$45,311 to \$28,158.
- Cash and cash equivalents for Enterprise Activities increased from \$136,317 to \$212,066.

This service review does issue a few notes of caution. The most recent audit shows a marked increase in salaries and benefits as well as services and supplies. Should the District grow and these expenditures increase as well, the District should ensure that sufficient, sustainable revenues are able to fund the District's activities.

<u>Determination V.</u> <u>Status of, and opportunities for, shared facilities</u>

As noted previously, the Wrightwood community is a small, isolated community surrounded by forest lands. This community's size and location severely limit opportunities for the CSD to share facilities with other agencies.

As mentioned in Determination III, a potential opportunity exists in the future to form a single wastewater collection and treatment system to encompass the Wrightwood and Mountain High communities. This option may involve sharing treatment capacity at the two wastewater treatment plants currently serving the Mountain High ski area. The viability of this option should be explored in any future sewer planning efforts for this area.

Determination VI.

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

Accountability for Community Service Needs

The Wrightwood CSD has a website that includes the names, email addresses and terms of the Board of Directors, a direct, standalone link to meeting agendas on its opening page, brief descriptions of CSD services, a calendar of community events and meetings, and Board adopted ordinances and resolutions. The website is electronically searchable. Meeting agendas are posted on the website at least 72 hours in advance of meetings. Agendas, staff reports, meeting minutes and audio recordings of Board meetings in 2019 are also available.

However, financial information (budgets, audits, and compensation) are not currently posted on the website. This information should be added to the website in the near future to increase agency transparency and accountability.

Governmental Structure and Operational Efficiencies

The Wrightwood Community Services District is governed by a five-member Board of Directors, elected at-large, by Wrightwood residents. Board members serve four-year, staggered terms. The current Board membership is shown in the table below.

Wrightwood CSD Board of Directors				
Board Member	Title	Term Expiration		
Wes Zuber	President	2020		
Leo Hordyk	Vice-President	2022		
Chuck Franklin	Director	2020		
Natalie Lopiccolo	Director	2020		
Michelle Schneider	Director	2022		

The Board meets the first Tuesday of every month at 6:30 p.m. in the Community Building located at 1275 Highway 2 in Wrightwood. Meeting agendas are posted at least 72 hours prior to the Board meetings in the Community Building, the Old Fire Station, the Hardware Store and on the CSD's website.

Just formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency. No additional governmental structure opportunities have been identified.

However, Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. The approval of the LAFCO 3202 in July 2017 authorized the CSD to provide wastewater services but specifically limited that service to planning and engineering services only. Should, in the future, a decision be made by the Lahontan Regional Water Quality Control Board to require municipal level sewer service in Wrightwood, the District is well positioned to play a key role in coordinating with the

Lahontan Board and representing the Wrightwood community on this issue. Should sewer service be required, the District may also be the logical long-term wastewater collection and treatment provider for the community.

REVIEW OF CONDITIONS OF APPROVAL FROM CSD FORMATION:

This service review also provides an opportunity to review key LAFCO conditions of approval applied to the Wrightwood CSD formation (LAFCO 3202):

Condition (summary)	Status
LAFCO Resolution 3227, Condition 11 (summary): Requires the Wrightwood CSD, as successor agency, to maintain any funds transferred from County Service Area 56 to the CSD for public use or purpose in separate accounts in accordance with Government Code Section 57462.	All funds from the former CSA 56 are marked for public use.
LAFCO Resolution 3227, Condition 14 (summary): Requires the Wrightwood CSD, as successor agency, to continue to pay the installment payments required for the development of the community's Skate Park and other improvements.	The CSD continues to pay the installment payments. The last payment occurs in 2020.

Additionally, due to the formation of the CSD (LAFCO 3202) the CSD was responsible for the election costs. To repay these costs, the CSD entered into an agreement with the San Bernardino County Registrar of Voters (ROV) for the repayment of costs related to services provided by the ROV to conduct the CSD's special formation election. The total costs advanced by the ROV was \$63,500. The note payable is to be repaid in six annual payments of \$10,584. There is no interest on the note payable.

ADDITIONAL DETERMINATIONS:

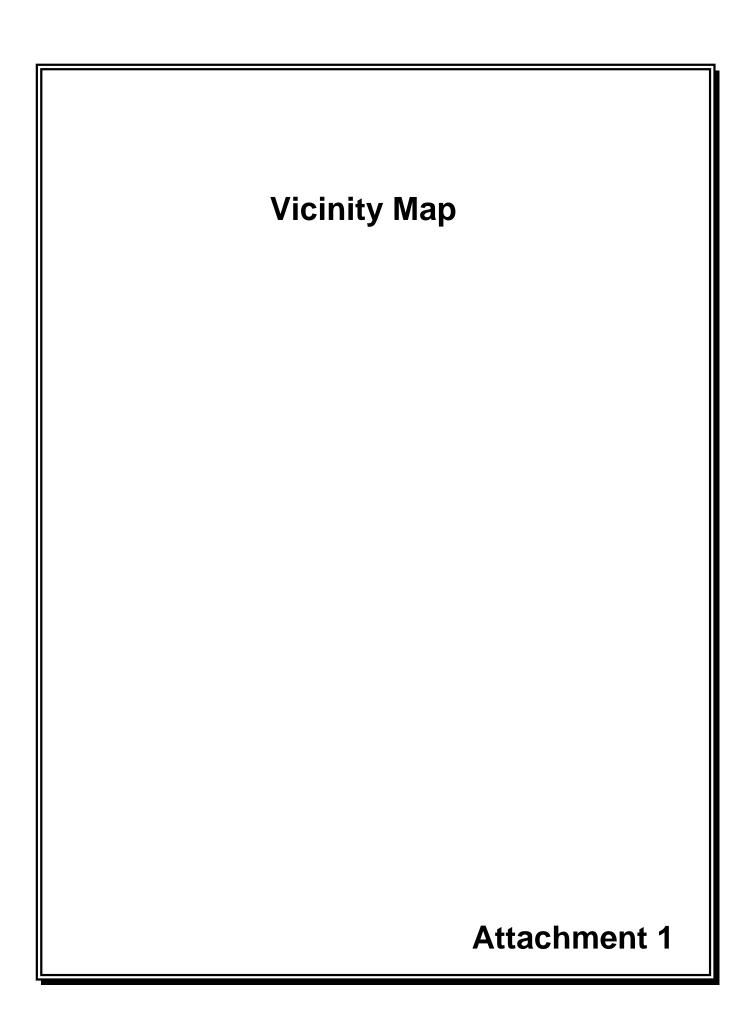
- 1. The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated his recommendation that LAFCO 3234 is statutorily exempt from the California Environmental Quality Act (CEQA). The recommendation is based on the finding that the service review is not judged to pose any adverse changes to the physical environment; therefore, the service review is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). A copy of Mr. Dodson's analysis is included as Attachment #4 to this report.
- 2. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page advertisement in *The Mountaineer*, a newspaper of general circulation in the area.
- 3. Individual notices were provided to all affected and interested agencies, County departments and those individuals and agencies requesting special notice.
- 4. The Commission will review and consider comments in making its determinations.

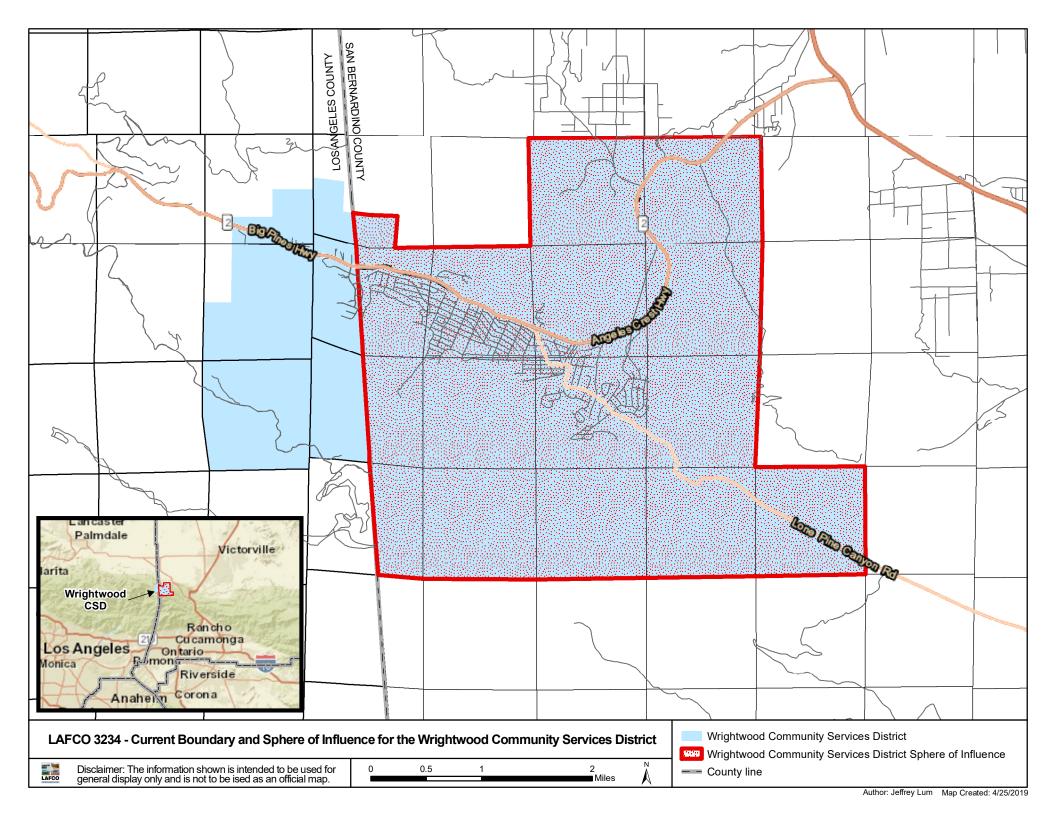
RECOMMENDATION:

Staff recommends that the Commission take the actions outlined on Page 1.

Attachments:

- 1. Vicinity Map
- 2. Staff Report for LAFCO 3227 from July 2018
- 3. Audit for FY 2018-19
- 4. <u>Environmental Recommendation from Commission's Environmental Consultant,</u> Tom Dodson of Tom Dodson and Associates
- 5. Draft LAFCO Resolution No. 3288





Staff Report for LAFCO 3227 from July 2018

Attachment 2

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: JULY 11, 2018

FROM: SAMUEL MARTINEZ, Executive Officer

MICHAEL TUERPE, Project Manager

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8 - LAFCO 3227 - Sphere of Influence

Establishment for the Wrightwood Community Services District

(within San Bernardino County)

INITIATED BY:

Local Agency Formation Commission for San Bernardino County

RECOMMENDATION:

Staff recommends that the Commission take the following actions related to the sphere of influence establishment for the Wrightwood Community Services District:

- 1. Certify that LAFCO 3227 is statutorily exempt from environmental review, and direct the Executive Officer to file a Notice of Exemption within five (5) days;
- 2. Confirm the authorized functions and services of the Wrightwood Community Services District as identified within the Commission's adopted "Rules and Regulations Affecting Special Districts";
- 3. Approve the sphere of influence establishment for the Wrightwood Community Services District as conterminous with the District's boundaries (San Bernardino County portion of the District only) as outlined in this report; and
- 4. Adopt LAFCO Resolution No. 3271 reflecting the Commission's determinations and findings for the sphere of influence establishment as identified.

BACKGROUND:

The community of Wrightwood is a small mountain community located in the Swarthout Valley in the eastern San Gabriel Mountains. At present, the community is located in Los Angeles and San Bernardino Counties and has population of approximately 4,510 residents (2012-2016 American Community Survey data). Wrightwood is generally located east of Big Pine, south of the Phelan-Piñon Hills Community Services District, and west and north of parcel lines. Highway 2 traverses the community in a general east/west direction.

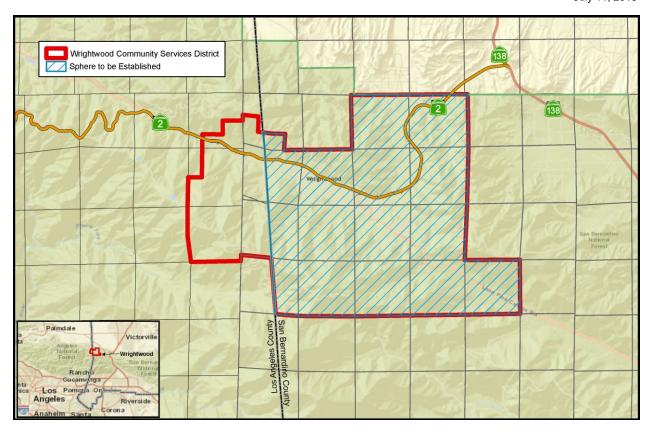
CSD Formation

On November 3, 2015, the Board of Supervisors for San Bernardino County initiated the formation of a community services district to provide for a single, multi-purpose special district to govern the Wrightwood community in both Los Angeles and San Bernardino Counties (LAFCO 3202). The Wrightwood Community Services District ("Wrightwood CSD" or "District") formation was approved by LAFCO on July 11, 2016 with the following functions and services as active powers: street lighting, parks and recreation, sold waste and recycling, and planning and engineering for wastewater service. Subsequently, the CSD formation was approved by Wrightwood voters on March 7, 2017 with an effective date of July 1, 2017.

Sphere Establishment within San Bernardino County

In the past, the Commission has generally established a sphere of influence for a newly formed agency within one year of its formation pursuant to the statutory direction identified in Government Code Section 56426.5(b). However, Section 56430(e) requires that the Commission, in conjunction with establishing a sphere of influence, also conduct a service review. Since its formation, the Wrightwood CSD has been addressing fiscal related issues. In order to have a better understanding of the District's finances, the Commission in April 2018, directed LAFCO staff to defer the service review until June 2019, while moving forward to establish the District's sphere of influence.

For new agencies, it has been the practice of the Commission to establish a sphere of influence coterminous with the agency's boundaries. This fulfills its requirement of establishing a sphere of influence for the newly formed agency within one year of its formation without obligating the agency to plan for the extension of its range of services beyond its existing boundaries. In this case, because the Wrightwood CSD's boundary extends beyond San Bernardino County into Los Angeles County, the sphere of influence establishment being proposed only addresses the Wrightwood CSD boundary within San Bernardino County (as shown on the map below). Therefore, LAFCO 3227 proposes to establish a sphere of influence for the Wrightwood CSD that is coterminous with its boundary in San Bernardino County.



Sphere Establishment within Los Angeles County

In November 2011 San Bernardino LAFCO and Los Angeles LAFCO entered into a Memorandum of Understanding for exchange of principal county status for sphere of influence matters that cross county boundaries to the county where the sphere of influence territory is located. Los Angeles LAFCO expressed its intention to utilize the provisions of this MOU to address the proposed establishment of the Wrightwood CSD sphere in Los Angeles County following San Bernardino LAFCO's completion of LAFCO 3227.

SPHERE OF INFLUENCE DETERMINATIONS:

The following address the mandatory factors as outlined in Government Code Section 56425:

1. The present and planned land uses in the area including agricultural and open space lands:

The land area proposed to be included in the sphere of influence of the Wrightwood CSD (San Bernardino County portion only) comprises 8,801 acres. The Wrightwood community is essentially nestled in a valley surrounded by forest lands. Within the subject territory, approximately 70 percent of the land is forest lands, 25 percent residential (both single family and multi-family) and five percent commercial. Currently, there are approximately 2,650 residential units.

Land use planning and development entitlements within the Wrightwood CSD sphere of influence area under consideration are administered through the County of San Bernardino. According to the County's Land Use Services Department, the current County General Plan Land Use Designations for the sphere establishment area are: Special Development Residential (SD-RES), Multiple Residential (RM), Single Residential (RS), Single Residential – 10,000 sq. ft. min. (RS-10M), Service Commercial (CS), General Commercial (CG), Neighborhood Commercial (CN), Floodway (FW), and Resource Conservation (RC).

No agricultural land uses are designated within the subject sphere of influence territory.

According to the County's Land Use Services Department, there are not any known special land use concerns within the subject area.

Because a sphere of influence is a planning tool only, no land use changes are anticipated as a result of the proposed sphere establishment.

2. The present and probable need for public facilities and services in the area:

Present Need

The Wrightwood CSD currently provides street lighting, park and recreation and solid waste disposal (through a contract with CR&R Waste and Recycling Services). The District has been providing these services for one year with a level determined by its finances.

The District is also authorized to provide wastewater services, but is limited to planning and engineering services only.

Probable Need

Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. As a result, all development in this area requires Onsite Wastewater Treatment Systems ("OWTS" - septic tanks, package plants). By 2020, the developed area is anticipated to increase to 68% of the total service area, with 3,024 dwelling units. By 2050, the proportion of area developed is anticipated to grow to 88%, with 3,581 dwelling units.

In response to the formation of the Wrightwood Community Services District in 2016 (LAFCO 3202), the Lahontan Water Board provided information on the community's wastewater circumstance¹:

¹ Lahontan Water Board. Jehiel Cass for Mike Plaziak. Letter dated 30 June 2016.

AGENDA ITEM # 8 - LAFCO 3227 SPHERE OF INFLUENCE ESTABLISHMENT WRIGHTWOOD COMMUNITY SERVICES DISTRICT July 11, 2018

These are septic tanks for solids removal followed by sub-surface disposal, typically a seepage pit². The Lahontan Water Board has long desired that some form of common sewerage be implemented in Wrightwood to deal with problems that periodically arise. Options include centralized or de-centralized sewer collection, treatment, and disposal, and OWTS maintenance.

OWTS failures have occurred in the older sections of Wrightwood with a high density of small lots. Failures have also occurred in years with elevated precipitation when shallow groundwater rises to the surface. Many underdeveloped lots do not meet the Water Board's minimum lot size for installing an OWTS.

The requirement for sewering is not locally made - it is a requirement which may be imposed by a regional regulatory agency. The approval of LAFCO 3202 in 2017 authorized the CSD the function of wastewater (limited to planning of a regional sewer entity).

Just formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency. From LAFCO staff's perspective, for the CSD to take on an additional service at this time, especially one as complex and labor intensive as sewer, would be extremely challenging in the near term. However, the lack of a sanitary sewer system in Wrightwood is a core infrastructure deficiency and should remain a high level community concern.

The CSD is positioned to play a key role in coordinating with the Lahontan Board and representing the Wrightwood community on this issue. LAFCO staff encourages both parties to have ongoing communication and continue to inform the Wrightwood community on important sewer and water quality related issues. Should the CSD, at some point in the future, desire to actively provide wastewater collection and treatment service, it would be required to return to San Bernardino LAFCO for approval under the provisions outlined in Government Code Section 56824.10 et seq.

Additionally, roughly two and half miles to the west of the Wrightwood CSD in Los Angeles County is the Mountain High Ski Area, which has two wastewater treatment plants. The Lahontan Regional Board identified that an additional opportunity may be for a single system to encompass the Wrightwood and Mountain High communities. From LAFCO's staff view, a single sewer collection and treatment system for the entire Wrightwood/Mountain High area has the potential to provide a long-term solution to the larger community's sewer needs. The viability of this option should be explored in any sewer planning efforts for this area.

² A drilled or dug excavation three to six feet in diameter. It is also gravel filled but has a hollow core with a minimum depth below the inlet of feet and receives effluent discharge for dispersal from a septic tank or other OWTS treatment unit.

3. The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide:

The Wrightwood CSD is able to adequately provide its authorized services: street lighting, park and recreation, solid waste disposal (through a contract with CR&R Waste and Recycling Services), and planning and engineering for wastewater services. No expansion of services will result from this proposed sphere of influence establishment.

In the event the Lahontan Regional Water Quality Control Board issues an order prohibiting wastewater discharge in the area, the District (given its wastewater planning function) will be the logical entity to ultimately provide wastewater collection and treatment services. This will require the District to return to LAFCO in order to activate its collection and treatment services under its wastewater function.

4. The existence of any social or economic communities of interest as determined by the Commission to be relevant to the agency:

The Wrightwood community is a small, isolated mountain community located in the Angeles National Forest. As referenced earlier in this report, the community includes territory in both San Bernardino and Los Angeles Counties. Although this report addresses the establishment of a sphere of influence for the San Bernardino County portion of the Wrightwood CSD, formation of the CSD has provided a single, unifying form of governance which considers the social and economic interests of the entire Wrightwood community.

Services of the Agency:

Government Code Section 56425(i) requires that when adopting, amending, or updating a sphere of influence for a special district, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of those services. At present, the Commission's Policy and Procedure Manual "Chapter 3 Listing of Special Districts within San Bernardino LAFCO -- Authorized Functions and Services" identifies the following services for the Wrightwood Community Services District:

Streetlighting – Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements (§61100(g)).

Park and Recreation – Acquire, construct, improve, maintain and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code (§61100(f)).

Solid Waste and Recycling -- Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000) and consistent with Section 41821.2 of the Public Resources Code (§61100c).

Wastewater – Planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality Control Board in the same manner as a sanitary district, formed pursuant to Sanitary District Act of 1923 Division 6 (commencing with Section 6400) of the Health and Safety Code (§61100b).

LAFCO staff recommends that the Commission confirm the authorized functions and services of the Wrightwood Community Services District as identified above.

ADDITIONAL DETERMINATIONS:

- 1. The Commission is the lead agency for review of the potential environmental consequences of the sphere of influence establishment. LAFCO staff has provided the Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, with the application materials for review. Mr. Dodson has indicated that the determination of a sphere establishment, which is a planning boundary, does not cause modification to the physical environment. Therefore, his recommendation is that the sphere establishment is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3).
- 2. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page advertisement in *The Mountaineer*, a newspaper of general circulation in the area.
- 3. Individual notices were provided to all affected and interested agencies, County departments and those individuals and agencies requesting special notice.

CONCLUSION:

The Wrightwood CSD was officially formed on July 1, 2017. In the past, the Commission's past practice has been to establish a coterminous sphere of influence for new agencies within one year of formation (pursuant to the statutory direction identified in Government Code Section 56426.5(b)) in conjunction with completion of a service review (Government Code Section 56430(e). To allow additional time for the Wrightwood CSD to stabilize its finances, the Commission deferred completion of the service review until July 2019.

Consistent with the Commission's past practices, staff recommends approval of a coterminous sphere of influence for the San Bernardino County portion of the Wrightwood CSD. A coterminous sphere, for this newly formed agency, will allow the District to focus its efforts within its current boundaries at this point in time.

Attachments:

- 1. Vicinity Map and Map of Proposed Sphere Establishment
- 2. Wrightwood CSD Application for Sphere of Influence Establishment
- 3. Staff Report for LAFCO 3202 from July 2016
- 4. Letter from Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates dated July 9, 2018
- 5. Draft LAFCO Resolution No. 3271

Audit for FY 2018-19 Attachment 3





WRIGHTWOOD COMMUNITY SERVICES DISTRICT TABLE OF CONTENTS June 30, 2019 and 2018

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INDEPENDENT AUDITORS' REPORT

Board of Directors Wrightwood Community Services District

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of Wrightwood Community Services District, (the District), as of and for the years ended June 30, 2019 and 2018, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and the State Controller's *Minimum Audit Requirements for California Special Districts*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

Board of Directors
Wrightwood Community Services District

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position governmental activities, business-type activities, and each major fund of the District as of June 30, 2019 and 2018, and the respective changes in financial position, and where applicable, cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Management has omitted Management's Discussion and Analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Board of Directors Wrightwood Community Services District

Accounting principles generally accepted in the United States of America require that the budgetary comparison information on page 27 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated August 5, 2019, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

August 5, 2019

Riverside, California

Eadie and Payre HP

WRIGHTWOOD COMMUNITY SERVICES DISTRICT STATEMENT OF NET POSITION June 30, 2019

	ernmental ctivities	iness-Type activities	Total
Assets			
Cash and cash equivalents	\$ 31,320	\$ 212,066	\$ 243,386
Accounts and other receivables, net	2,948	7,933	10,881
Prepaid expenses	7,819	718	8,537
Capital assets, net of			
accumulated depreciation	 579,711	 _1,832	581,543
Total assets	 621,798	 222,549	844,347
Liabilities			
Accounts payables and accrued expenses	4,840	20,126	24,966
Accrued salaries and benefits	5,021	2,721	7,742
Customer deposits	4,068	-	4,068
Current portion of notes payable	32,158	5,292	37,450
Long-term portion of notes payable	15,875	 15,875	 31,750
Total liabilities	61,962	44,014	 105,976
Net position			
Net investment in capital assets	552,845	1,832	554,677
Unrestricted	6,991	 176,703	 183,694
Total net position	\$ 559,836	\$ 178,535	\$ 738,371

WRIGHTWOOD COMMUNITY SERVICES DISTRICT STATEMENT OF NET POSITION June 30, 2018

	Governmental Activities				iness-Type ctivities	 Total
Assets						
Cash and cash equivalents	\$	45,403	\$ 136,317	\$ 181,720		
Accounts receivable, net		4,634	2,691	7,325		
Prepaid expenses		6,070	2,602	8,672		
Capital assets, net of						
accumulated depreciation		602,339	1,572	603,911		
Total assets		658,446	143,182	801,628		
Liabilities						
Accounts payables and accrued expenses		7,614	27,989	35,603		
Accrued salaries and benefits		3,182	1,364	4,546		
Current portion of notes payable		37,083	10,583	47,666		
Long-term portion of notes payable		48,033	21,167	69,200		
Total liabilities	<u>-</u>	95,912	61,103	157,015		
Net position						
Net investment in capital assets		548,973	1,572	550,545		
Unrestricted		13,561	80,507	94,068		
Total net position	\$	562,534	\$ 82,079	\$ 644,613		

WRIGHTWOOD COMMUNITY SERVICES DISTRICT STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2019

	Governmental Activities	Business-Type Activities	Total
Expenses			
Solid waste disposal fees	\$ -	\$ 125,349	\$ 125,349
Professional services	32,742	31,889	64,631
Salaries and benefits	55,277	33,711	88,988
Recreation fees	7,750	-	7,750
Maintenance	24,025	111	24,136
Utilities	15,457	1,134	16,591
Insurance	6,589	4,387	10,976
Office expenses	7,679	16,169	23,848
Depreciation expense	27,495	890	28,385
Interest expense	500		500
Total expenses	177,514	213,640	391,154
Program revenues			
Special assessments	-	227,842	227,842
Franchise fees	-	82,254	82,254
Rental revenue	15,737	-	15,737
Recreation charges	19,100		19,100
Total program expenses	34,837	310,096	344,933
Net program revenues (expenses)	(142,677)	96,456	(46,221)
General revenues			
Property taxes	139,979	<u> </u>	139,979
Total general revenues	139,979		139,979
Changes in net position	(2,698)	96,456	93,758
Net position at beginning of year	562,534	82,079	644,613
Net position at end of year	\$ 559,836	<u>\$ 178,535</u>	\$ 738,371

WRIGHTWOOD COMMUNITY SERVICES DISTRICT STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2018

	Governmental Activities	Business-Type Activities	Total
Expenses			
Solid waste disposal fees	\$ -	\$ 113,585	\$ 113,585
Professional services	34,680	29,962	64,642
Salaries and benefits	24,830	19,135	43,965
Recreation fees	1,092	-	1,092
Maintenance	19,281	1,353	20,634
Utilities	17,246	1,692	18,938
Insurance	5,587	1,518	7,105
Office expenses	3,231	5,045	8,276
Election costs	31,750	31,750	63,500
Depreciation expense	26,743	524	27,267
Interest expense	688		688
Total expenses	165,128	204,564	369,692
Program revenues			
Special assessments	-	225,641	225,641
Franchise fees	-	61,002	61,002
Rental revenue	17,266	-	17,266
Recreation charges	5,011		5,011
Total program expenses	22,277	286,643	308,920
Net program revenues (expenses)	(142,851)	82,079	(60,772)
General revenues			
Property taxes	130,212		130,212
Total general revenues	130,212	-	130,212
Special items			
Special item	575,173		575,173
Change in net position	562,534	82,079	644,613
Net position at beginning of year		_	
Net position at end of year	<u>\$ 562,534</u>	\$ 82,079	<u>\$ 644,613</u>

WRIGHTWOOD COMMUNITY SERVICES DISTRICT BALANCE SHEET GOVERNMENTAL FUNDS - PARKS & STREETLIGHTS June 30, 2019 and 2018

	2019		2018		
Assets					
Cash and cash equivalents	\$	31,320	\$	45,403	
Accounts and other receivables, net		2,948		4,634	
Prepaid expenses		7,819		6,070	
Total assets	\$	42,087	\$	56,107	
Liabilities and Fund Balances					
Liabilities					
Accounts payables and accrued expenses	\$	4,840	\$	7,614	
Accrued salaries and benefits		5,021		3,182	
Customer deposits		4,068		-	
Total liabilities		13,929		10,796	
Fund balance					
Nonspendable - prepaid expenses		7,819		6,070	
Unassigned		20,339		39,241	
Total fund balance		28,158		45,311	
Total liabilities and fund balance	<u>\$</u>	42,087	\$	56,107	

WRIGHTWOOD COMMUNITY SERVICES DISTRICT RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHE TO THE GOVERNMENT-WIDE STATEMENT OF NET POSITION June 30, 2019 and 2018

	2019		2018		
Fund balances of governmental funds	\$	28,158	\$	45,311	
Amounts reported for governmental activities in the Statement of Net Position are different because:					
Capital assets net of depreciation have not been included as financial resources in governmental fund activity.		579,711		602,339	
Long-term debt has not been included as a liability in governmental fund activity:					
Notes payable		(48,033)		(85,116)	
Net position of governmental activities	\$	559,836	\$	562,534	

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE: GOVERNMENTAL FUNDS - PARKS & STREETLIGHTS

For the Years Ended June 30, 2019 and 2018

	2019			2018
Revenues				_
Property taxes	\$	139,979	\$	130,212
Rental revenue		15,737		17,266
Recreation charges		19,100		<u>5,011</u>
Total operating revenue		174,816		152,489
Expenditures				
Current				
Professional services		32,742		34,680
Salaries and benefits		55,277		24,830
Recreation fees		7,750		1,092
Maintenance		24,025		19,281
Utilities		15,457		17,246
Insurance		6,589		5,587
Office expenses		7,679		3,231
Capital outlay		4,867		-
Debt service				
Principal and interest expense		37,583		27,000
Total expenditures		<u> 191,969</u>		132,947
Excess of revenues				
over (under) expenditures		(17,153)		19,542
Special Item				
Special item				25,769
Net change in fund balances		(17,153)		45,311
Fund balance, beginning of year		45,311		
Fund balance, end of year	\$	28,158	\$	45,311

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES TO THE GOVERNMENT-WIDE STATEMENT OF ACTIVITIES For the Years Ended June 30, 2019 and 2018

	2019	 2018
Net change in fund balances - total governmental funds	\$ (17,153)	\$ 45,311
Amounts reported for governmental activities in		
the Statement of Activities are different because:		
When capital assets that are to be used in governmental activities are purchased or constructed, the resources expended for those assets are reported as expenditures in governmental funds. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. As a result, fund balance decreases by the amount of financial resources expended, whereas net assets decreased by the amount of depreciation expense charged for the year, net of disposals. Capital outlay	4,867	_
Depreciation expense	(27,495)	(26,743)
In the statement of activities, only interest on long term notes payable is reported. However, in the governmental funds, principal payments decrease financial resources. Thus the change in net assets differs from the change in fund balance by the principal, as well as, issuance of debt. Debt service principal payments	37,083	26,312
Election costs financed by issuance of note payable are not reported in the governmental funds. Election costs	-	(31,750)
Special item related to the transfer of capital assets and the related long-term debt from the County of San Bernardino that has not been included in governmental fund activity. Special item	<u>-</u>	549,404
Changes in net position of governmental activities	\$ (2,698)	\$ 562,534

WRIGHTWOOD COMMUNITY SERVICES DISTRICT STATEMENT OF NET POSITION PROPRIETARY FUNDS (ENTERPRISE)

June 30, 2019 and 2018

	2019		2018	
Assets				
Current Assets				
Cash and cash equivalents	\$	212,066	\$	136,317
Accounts receivable, net		7,933		2,691
Prepaid expenses		718		2,602
Total Current Assets		220,717		141,610
Non Current Assets				
Capital Assets				
Equipment		3,246		2,096
Less accumulated depreciation		(1,41 <u>4</u>)		(524)
Total Non Current Assets		1,832		1,572
Total Assets	\$	222,549	\$	143,182
Liabilities				
Current Liabilities				
Accounts payable and accrued expenses	\$	20,126	\$	27,989
Accrued salaries and benefits		2,721		1,364
Current portion of notes payable		5,292		10,583
Total Current Liabilities		28,139		39,936
Noncurrent Liabilities				
Notes payable		15,87 <u>5</u>		21,167
Total liabilities		44,014		61,103
Net position				
Net investment in capital assets		1,832		1,572
Unrestricted		176,703		80,507
Total net position		178,535		82,079
Total liabilities and net position	\$	222,549	\$	143,182

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION PROPRIETARY FUNDS (ENTERPRISE)

For the Years Ended June 30, 2019 and 2018

	2019		2018	
Operating Revenue	<u> </u>			
Special assessments	\$	227,842	\$	225,641
Franchise fees		82,254		61,002
Total operating revenue		310,096		286,643
Operating Expenses				
Solid waste disposal fees		125,349		113,585
Professional services		31,889		29,962
Salaries and benefits		33,711		19,135
Maintenance		111		1,353
Utilities		1,134		1,692
Insurance		4,387		1,518
Office expenses		16,169		5,045
Depreciation		890		524
Total operating expenses		213,640		172,814
Operating income		96,456		113,829
Non-Operating Expenses				
Election Costs		<u>-</u>		31,750
Change in net position		96,456		82,079
Net position at beginning of year		82,079		
Net position at end of year	\$	178,535	\$	82,079

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

STATEMENT OF CASH FLOWS PROPRIETARY FUNDS (ENTERPRISE) For the Years Ended June 30, 2019 and 2018

	2019		2018	
Cash Flows from Operating Activities				
Receipts from customers and others	\$	304,854	\$	283,952
Payments to vendors for materials and services		(185,018)		(127,768)
Payments to employees for salaries and benefits		(32,354)		(17,771)
Net cash provided by operating activities		87,482		138,413
Cash Flows from Capital and Related Financing Activities				
Purchase of capital assets		(1,150)		(2,096)
Net cash flows used by capital activities		<u>(1,150</u>)		(2,096)
Cash Flows from Noncapital Financing Activities				
Principal payments on notes payable		(10,583)		
Net cash flows used by financing activities		(10,583)		
Net increase in cash and cash equivalents		75,749		136,317
Cash and cash equivalents-Beginning of Year		136,317		
Cash and cash equivalents-End of Year	\$	212,066	\$	136,317
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities				
Operating income	\$	96,456	\$	113,829
Adjustments to reconcile operating income to net cash provided by operating activities:		900		50 4
Depreciation		890		524
Change in Assets and Liabilities				
(Increase) Decrease in accounts receivable		(5,242)		(2,691)
(Increase) Decrease in prepaid expense		1,884		(2,602)
Increase (Decrease) in accounts payable		(7,863)		27,989
Increase (Decrease) in accrued salaries and benefits		1,357		1,364
Net cash provided by operating activities	\$	87,482	\$	138,413

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization and Operations of the Reporting Entity

The Wrightwood Community Services District (District) was established by an action of the LAFCO for San Bernardino County which was a reorganization that included the formation of Wrightwood Community Services District and the dissolution of County Service Area 56.

The District was formed to provide the following services:

<u>Street Lighting</u> - Acquire, construct, improve, maintain and operate street lighting and landscaping on public property, public right-of-ways, and public easements.

<u>Park and Recreation</u> - Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law of the Public Resources Code.

<u>Solid Waste and Recycling</u> - Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30, and consistent with Section 41821.2 of the Public Resources Code.

<u>Wastewater (Currently inactive)</u> - Planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality Control Board in the same manner as a sanitary district, formed pursuant to Sanitary District Act of 1923 Division 6 of the Health and Safety Code.

Government-wide and fund financial statements

The government-wide financial statements (e.g., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of the reporting entity. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the expenses of a given function or segment are offset by program revenues. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

<u>Measurement focus, basis of accounting, and financial statements presentation</u> (continued)

Separate financial statements are provided from governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Currently, the District does not have fiduciary fund types. Major individual governmental funds are reported as separate columns in the fund financial statements.

The government-wide financial statements are reported using the *economic resources* measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible with the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes are considered to be susceptible to accrual and have been recognized as revenues in the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

Parks & Streetlights Fund - provides park and recreation services along with one community center and one senior center for the community of Wrightwood. Additionally, accounts for financial resources to provide and maintain streetlights and landscaping on public property within the community of Wrightwood.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Measurement focus, basis of accounting, and financial statements presentation

Proprietary funds are accounted for using the "economic resources" measurement focus and the accrual basis of accounting. Accordingly, all assets and liabilities (whether current or noncurrent) are included on the statement of net position. The statement of revenues, expenses and changes in net position presents increases (revenues) and decreases (expenses) in total net position. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred. In these funds, receivables have been recorded as revenue and provisions have been made for uncollectible amounts.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the proprietary funds are charges to customers for sales and services. Operating expenses for the proprietary funds include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

The District reports the following major proprietary funds:

Solid Waste Fund – accounts for the funds received and expended for the District's solid waste and recycling services.

The accounting policies of the District conform to generally accepted accounting principles as applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Amounts reported as *program revenues* include 1) charges to customers or applicants for goods, services, or privileges provided 2) operating grants and contribution, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as *general revenues* rather than as program revenues. Likewise, general revenues include all taxes.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, and then unrestricted resources as they are needed.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Use of estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Cash and Cash Equivalents

Cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from date of acquisition.

Interfund receivables and payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (e.g., the current portion of interfund loans) or :advances to/from other funds" (e.g., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds" Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances". The District does not have any interfund receivables or payables at June 30, 2019.

Property and Special Assessment Taxes

Secured property taxes and special assessment are levied in two equal installments, November 1 and February 1. They become delinquent with penalties on December 10 and April 10, respectively. The lien date is January 1 of each year. Unsecured property taxes are due on March 1 and become delinquent with penalties on August 31.

Accounts receivable

No allowance for uncollectibles was recorded at June 30, 2019 and 2018, based on management's expectation that all accounts receivable will be collected.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Inventories and prepaid items

Inventories, if any, are valued at cost using the first-in/first-out method. The costs of governmental fund-type inventories are recorded as expenditures when consumed rather than when purchased. Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital assets

Capital assets, which include land, improvements to land, structure and improvements, and equipment, are reported in the applicable governmental column in the government-wide financial statements. Capital assets are defined by the District as assets with have an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation in accordance with GASB Statement No. 72.

The cost of normal maintenance and repairs that do not add to the value of the assets or materially extend assets' lives are not capitalized. Major outlays for capital assets and improvement are capitalized as projects are constructed.

Depreciable capital assets of the government are depreciated using the straight-line method over the following estimated useful lives:

Assets	<u>Years</u>
Improvements to land	20-45
Structure and improvements	45
Equipment	3-15

Fund Equity

The District implemented GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. This statement provides more clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balance more transparent. The following classification describes the relative strength of the spending constraints placed on the purpose for which the resources can be used:

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Fund Equity (continued)

- Nonspendable Fund Balance: Amounts cannot be spent because they are: (a) not in spendable form or (b) legally or contractually required to be maintained intact. Due to the nature or form of the resources, they generally cannot be expected to be converted into cash.
- Restricted Fund Balance: Amounts are restricted by external parties, i.e., creditors, grantors, contributors, or laws/regulations of other governments or restricted by law through constitutional provision or enabling legislation.
- Committed Fund Balance: Amounts can only be used for a specific purpose pursuant
 to constraints imposed by formal action of the District's highest level of decision making
 authority (the board of Directors). The formal action must occur prior to the end of the
 reporting period, however, the amount may be determined in the subsequent period.
 These are self-imposed limitations on available resources. These committed amounts
 cannot be used for any other purpose unless the District removes or changes the
 specified use by taking the same level of action it employed to previously commit those
 amounts. These committed amounts would be approved and adopted by formal action
 of the Board.
- Assigned Fund Balance: Amounts are constrained by the District's intent to be used for specific purposes that are neither restricted nor committed. The intent will be expressed by the body or official to which the governing body has delegated the authority.
- Unassigned Fund Balance: The unassigned fund balance has net resources in excess
 of what can properly be classified in one of the four categories already described.

When both restricted and unrestricted resources are available for use when expenditure is incurred, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed. It is the District's policy to consider committed amounts as being reduced first, followed by assigned amounts, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Long-Term Debt and Interest Payable

In the Government-Wide Financial Statements, long-term debt and other long-term obligations are reported as liabilities in the appropriate activities. In the Fund Financial Statements, with the exception of advances from other funds, long-term liabilities are not presented. Consequently, long term debt is shown as a reconciling item in the Reconciliation of the Governmental Funds Balance Sheet to the Government-Wide Statement of Net Position.

In the Government-Wide Financial Statements, interest payable on long-term debt is recognized as the liability is incurred for governmental activities and business-type activities. In the Fund Financial Statements, only propriety fund types recognize the interest payable when the liability is incurred.

Net Position Flow Assumption

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

In the Government-Wide Financial Statements, net position are classified in the following categories:

- Net Investment in Capital Assets consists of capital assets net of accumulated depreciation and reduced by outstanding debt that attributed to the acquisition, construction, or improvement of the assets.
- Restricted Net Position is restricted by external creditors, grantors, contributors, laws or regulations of other governments.
- Unrestricted Net Position is all net position that does not meet the definition of "net investment in capital assets" or "restricted net position."

2. CASH AND CASH EQUIVALENTS

The District at times maintains deposits with financial institutions in excess of federal depository insurance limits. California law requires banks and savings and loan institutions to pledge government securities with a market value of 110 percent of the District's cash on deposit or first trust deed mortgage notes with a market value of 150 percent of the deposit as collateral for these deposits. Under California law, this collateral is held in a separate investment pool by another institution in the District's name and places it ahead of general creditors of the institution.

At June 30, 2019 and 2018, the carrying amount of the District's deposits were \$243,386 and \$181,720, respectively, and the bank balances were \$259,091 and \$182,282, respectively. The District has cash in financial institutions insured by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000, and the remaining balance is collateralized in accordance with the California Government Code.

3. CAPITAL ASSETS

Capital asset activity for the years ended June 30, 2019 and 2018, was as follows:

2019 Governmental Activities:

	Beginning Balance	Additions	Deletions	Ending Balance
Capital assets, not being depreciated:				
Land	\$ 185,000	\$ -	\$ -	\$ 185,000
Total capital assets, not being depreciated	185,000			185,000
Capital assets, being depreciated:				
Improvements to land	523,634	-	-	523,634
Structures and improvements	166,016	-	-	166,016
Furniture and Equipment		4,867		4,867
Total capital assets, being depreciated	689,650	4,867		694,517
Less accumulated depreciation for:				
Improvements to land	(158,495)	(23,717)	-	(182,212)
Structures and improvements	(113,816)	(2,967)	-	(116,783)
Furniture and equipment		(811)		(811)
Total accumulated depreciation	(272,311)	(27,495)	-	(299,806)
Total capital assets, being depreciated, net	417,339	(22,628)		394,711
Total capital assets, net	\$ 602,339	\$ (22,628)	\$ -	\$ 579,711

3. CAPITAL ASSETS (Continued)

2019	Busine	ess-Type	Activities:
------	--------	----------	-------------

2019 Business-Type Activities:				
	Beginning			Ending
	Balance	Additions	Deletions	Balance
Capital assets, being depreciated:				
Equipment	\$ 2,096	<u>\$ 1,150</u>	\$ -	\$ 3,246
Less accumulated depreciation for:				
Equipment	(524)			(1,414)
Total capital assets, being depreciated, net	\$ 1,572	<u>\$ 260</u>	<u> </u>	\$ 1,832
2018 Governmental Activities:				
	Beginning			Ending
	Balance	Additions	Deletions	Balance
Capital assets, not being depreciated:				
Land	<u>\$</u> _	\$ 185,000	\$ -	\$ 185,000
Total capital assets, not being depreciated Capital assets, being depreciated:		185,000		185,000
Improvements to land	_	523,634	-	523,634
Structures and improvements	-	166,016	-	166,016
Furniture and Equipment				
Total capital assets, being depreciated		689,650		689,650
Less accumulated depreciation for:				
Improvements to land	-	(158,495)		(158,495)
Structures and improvements	-	(113,816)	-	(113,816)
Furniture and equipment Total accumulated depreciation		(272 211)		(272 211)
Total capital assets, being depreciated, net		(272,311) 417,339		<u>(272,311)</u> 417,339
•	Φ.		Φ.	
Total capital assets, net	\$ -	\$ 602,339	\$ -	\$ 602,339
2018 Business-Type Activities:				
7.	Beginning			Ending
	Balance	Additions	Deletions	Balance
Capital assets, being depreciated:				
Equipment	\$ -	\$ 2,096	\$ -	\$ 2,096
Less accumulated depreciation for:				
Equipment .		(524)		(524)
Total capital assets, being depreciated, net	<u> </u>	\$ 1,572	<u>\$</u>	\$ 1,572

WRIGHTWOOD COMMUNITY SERVICES DISTRICT NOTES TO FINANCIAL STATEMENTS June 30, 2019 and 2018

4. NOTES PAYABLE

Prior to the reorganization of CSA 56 Wrightwood into the District, the CSA's County's Revolving Fund entered into an agreement with CSA 56 Wrightwood under government code 26909 to provide funding for specific capital projects. The County's Revolving Fund advanced the amount of \$200,000 to cover cost of this project. The note payable was to be repaid in 7 years beginning with a payment of \$42,000 during the year ending June 30, 2014, followed by six annual payments of \$27,000 including interest. Interest is calculated at the rate of the County pool funds. Upon the reorganization, the note payable was transferred to the District with the same terms intact.

The District entered into an agreement with the San Bernardino County Registrar of Voters (SBCRV) for the repayment of costs related to services provided by SBCRV to conduct the District's special formation election. The total amount of the costs advanced by SBCRV was \$63,500. The note payable is to be repaid in six annual payments of \$10,584. There is no interest on the note payable.

The note payable balances reported in the Statement of Net Position at June 30, 2019 and 2018 were as follows:

	Principal Balance 7/1/2018	Additions	Retirements	Principal Balance 6/30/2019	Amounts Due Within One Year	
District Revolving SBC Registrar of Voters	\$ 53,366 63,500 \$ 116,866	\$ - - \$ -	\$ (26,500) (21,166) \$ (47,666)	\$ 26,866 42,334 \$ 69,200	\$ 26,866 10,584 \$ 37,450	
	Principal Balance 7/1/2017	Additions	Retirements	Principal Balance 6/30/2018	Amounts Due Within One Year	
District Revolving SBC Registrar of Voters	\$ -	\$ 79,678 63,500 \$ 143,178	\$ (26,312) - \$ (26,312)	\$ 53,366 63,500 \$ 116,866	\$ 26,500 21,166 \$ 47,666	

WRIGHTWOOD COMMUNITY SERVICES DISTRICT NOTES TO FINANCIAL STATEMENTS June 30, 2019 and 2018

4. NOTES PAYABLE (Continued)

Debt services requirements to maturity for the notes payable as of June 30, 2019 are as follows:

	GOVERNMENTAL		В	USINESS-TYPE	GOVERNMENTAL				
	PRINCIPAL		PRINCIPAL			INTEREST	TOTAL		
2020	\$	32,158	\$	5,292	\$	135	\$	37,585	
2021		5,292		5,292		-		10,584	
2022		5,292		5,292		-		10,584	
2023		5,291		5,291		<u> </u>		10,582	
TOTALS	\$	48,033	\$	21,167	\$	135	\$	69,335	

5. SPECIAL ITEM

The District was established on July 1, 2017, by an action of the LAFCO for San Bernardino County which was a reorganization that included the formation of Wrightwood Community Services District and the dissolution of County Service Area 56. As a part of the reorganization, County Service Area 56 was to transfer its remainder cash, real and personal property and any liabilities related to said property to the District. The cash, property and related liabilities transferred to the District as of June 30, 2018 are as follows:

	AMOUNT
Cash	\$ 25,769
Capital Assets	629,082
District Revolving Loan	(79,678)
	\$ 575,173

6. RISK MANAGEMENT

The District is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors or omissions; injuries to employees; and natural disasters. As a result, the District participates in a public entity risk pool provided by the Special District Risk Management Authority (SDRMA) which provides coverage for property/liability claims and workers' compensation claims. Upon joining the SDRMA, the District signed a participation agreement which outlines the rights and responsibilities of both the SDRMA and the District. The agreement states that for premiums paid by the District, the SDRMA will assume financial responsibility for the District's losses up to the maximum amount of insurance purchased, minus the District's deductible amounts. The SDRMA provides this insurance coverage through a pooled, self-insurance mechanism which includes reinsurance purchased by the SDRMA to protect against large, catastrophic claims above the losses the SDRMA retains internally for payment from the pooled contributions of its members.

WRIGHTWOOD COMMUNITY SERVICES DISTRICT NOTES TO FINANCIAL STATEMENTS June 30, 2019 and 2018

7. CONTINGENCIES

As of June 30, 2019, in the opinion of the District, there are no outstanding matters which would have a significant effect of the financial position of the District.

8. SUBSEQUENT EVENTS

Management has evaluated subsequent events through August 5, 2019, which is the date the financial statements were available to be issued. No events occurred through this date requiring disclosure.

REQUIRED SUPPLEMENTARY INFORMATION

REQUIRED SUPPLEMENTARY INFORMATION BUDGETARY COMPARISON SCHEDULE-GENERAL For the Year Ended June 30, 2019

							Fina	ances with al Budget
		<u>Budgeted</u>	Amo					ositive
Davianuas	<u>(</u>	<u>Original</u>		<u>Final</u>		<u>Actual</u>	<u>(N</u>	<u>egative)</u>
Revenues	•	404.044	•	404.044	•	400.070	•	40.005
Property taxes	\$	121,014	\$	121,014	\$	139,979	\$	18,965
Rental revenue		15,000		15,000		15,737		737
Recreation charges		3,140		3,140		19,100		15,960
Total revenues		139,154		139,154		174,816		35,662
Expenditures								
Current								
Professional services		22,200		22,200		32,742		(10,542)
Salaries and benefits		44,140		44,140		55,277		(11,137)
Recreation fees		7,500		7,500		7,750		(250)
Maintenance		43,000		43,000		24,025		18,975
Utilities		12,900		12,900		15,457		(2,557)
Insurance		6,409		6,409		6,589		(180)
Office expenses		13,743		13,743		7,679		6,064
Capital outlay		-		-		4,867		(4,867)
Principal and interest expense		27,000		27,000		37,583		(10,583)
Total expenditures		176,892		176,892		191,969		(15,077)
Excess of revenues								
over (under) expenditures		(37,738)		(37,738)		(17,153)		20,585
Net change in fund balance		(37,738)		(37,738)		(17,153)		20,585
Fund balance, beginning						45,311		
Fund balance, ending					\$	28,158		

Environmental Recommendation from Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates

Attachment 4

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405 Tel: (909) 882-3612 ★ Fax: (909) 882-7015 ★ Email: tda@tdaenv.com



October 7, 2019

Mr. Samuel Martinez Local Agency Formation Commission 1170 W. Third Street, Unit 150 San Bernardino, CA 92415-0490

Dear Sam:

The Local Agency Formation Commission (LAFCO) is considering LAFCO 3234, a service review for the Wrightwood Community Services District (District). The District's study area encompasses approximately 17 square miles along the Angeles Crest Highway (State Route 2) east and west of the Los Angeles and San Bernardino County line. The area is located east of the unincorporated community of Big Pines and west of State Route 138 in the Angeles National Forest, which is the area generally identified as the community of Wrightwood.

The LAFCO Staff has requested that the LAFCO 3234 undergo review under the California Environmental Quality Act (CEQA) even though these reviews are only received and filed by the Commissioners. Service reviews consist of an action that has no potential to modify the physical environment. Only when specific actions are considered by the Commission in the future are actual decisions considered that could have potential effects on the physical environment.

Therefore, after careful review of LAFCO 3234, I am recommending that the Commission consider the adoption of a "Common Sense" Statutory Exemption. I recommend that the Commission find that a Statutory Exemption (as defined in CEQA) applies to LAFCO 3234 under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "A project is exempt from CEQA if: the activity is covered by the common Sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3234, Service Review for the Wrightwood Community Services District.

Based on this review of the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the upcoming Service Review for the Wrightwood Community Services District does not constitute a project under CEQA and adoption of the common sense exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice the LAFCO 3234, Service Review for the Wrightwood Community Services District, as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline (2019) sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

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

Sincerely,

Tom Dodson

TD/cmc

LA-982/LAFCO 3224 NOE Memo

Draft LAFCO Resolution No. 3288

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 3234

HEARING DATE: OCTOBER 16, 2019

RESOLUTION NO. 3288

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3234 – SERVICE REVIEW FOR THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT

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

WHEREAS, a service review mandated by Government Code 56430 has been conducted by the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 <u>et seq.)</u>; 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, a public hearing by this Commission was called for October 16, 2019 at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and.

WHEREAS, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the service review, in evidence presented at the hearing; and,

WHEREAS, at this hearing, this Commission certified that the service review is statutorily exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on October 16, 2019. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

WHEREAS, the determinations required by Government Code Section 56430 and local

Commission policy are included in the report prepared and submitted to the Commission dated October 9, 2019 and was recommended for acceptance and filing by the Commission on October 16, 2019, a complete copy the service review is on file in the LAFCO office.

WHEREAS, the following determinations are made in conformance with Government Code Section 56430 and local Commission policy:

<u>Determination I.</u> Growth and Population Projections for the Affected Area

Wrightwood is a small, isolated community essentially nestled in a valley surrounded by forest lands. The total land area of the Wrightwood CSD comprises approximately 17 square miles (10,886 acres). Population growth over the next five years is expected to be minimal. The CSD's 2018 population is estimated to be 4,978. In 2023, the CSD is projected to have a population of 5,145, an increase of 167 residents (0.66 percent) between 2018 and 2023.

Within the San Bernardino County portion of the community, approximately 70 percent of the land is forest lands, 25 percent residential (both single family and multi-family) and five percent commercial. Land use planning and development entitlements within the San Bernardino County portion of the community are administered through the County of San Bernardino. According to the County's Land Use Service Department, the current General Plan land use designations are: Special Development Residential (SD-RES), Multiple Residential (RM), Single Residential (RS), Single Residential – 10,000 sq. ft. min. (RS-10M), Service Commercial (CS), General Commercial (CG), Neighborhood Commercial (CN), Floodway (FW), and Resource Conservation (RC). No territory is designated for agricultural land use.

Within the Los Angeles County portion of the community, approximately 61 percent of the land is forest lands, 21 percent rural residential, 17 percent rural commercial, and less than 1 percent designated for public use. Land use planning and development entitlements within the Los Angeles County portion of the community are administered through the Los Angeles County Department of Regional Planning. According to the LA County General Plan 2035, the current land use designations are: Rural Commercial (CR), National Forest (OS-NF), Public and Semi-Public (P), Rural Land 10 (RL 10), and Rural Land 20 (RL-20). No territory is designated for agricultural land use.

Determination II.

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

No disadvantaged unincorporated communities (per the definition in Government Code Section 56033.5) are located within or contiguous to the Wrightwood CSD sphere of influence.

Determination III.

<u>Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies ...</u>

The Wrightwood CSD currently provides street lighting, park and recreation and solid waste disposal (through a contract with CR&R Waste and Recycling Services. The District has been providing these services for two years with a level determined by its finances. The District is

authorized to provide wastewater services but is limited to planning and engineering services only.

Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. As a result, all development in this area requires Onsite Wastewater Treatment Systems ("OWTS" – septic tanks or package treatment plants). In response to the formation of the Wrightwood CSD in 2016 (LAFCO 3202), the Lahontan Water Board provided information on the community's wastewater issues.

These are septic tanks for solids removal followed by sub-surface disposal, typically a seepage pit. The Lahontan Water Board has long desired that some form of common sewerage be implemented in Wrightwood to deal with problems that periodically arise. Options include centralized or de-centralized sewer collection, treatment, disposal, and OWTS maintenance.

OWTS failures have occurred in the older sections of Wrightwood with a high density of small lots. Failures have also occurred in years with elevated precipitation when shallow groundwater rises to the surface. Many underdeveloped lots do not meet the Water Board's minimum lot size for installing an OWTS.

The requirement for sewering is not locally made – it is a requirement which may be imposed by a regional regulatory agency. The approval of LAFCO 3202 in 2017 authorized the CSD the function of wastewater (limited to planning of a regional sewer entity.) Recently formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency.

The Commission determines that if the CSD were to take on an additional service at this time, especially one as complex and labor intensive as sewer, it would be extremely challenging in the near term. However, the lack of a sanitary sewer system in Wrightwood is a core infrastructure deficiency and should remain a high level community concern.

The CSD is positioned to play a key role in coordinating with the Lahontan Board and representing the Wrightwood community on this issue. The Commission encourages both parties to have ongoing communication and continue to inform the Wrightwood community on important sewer and water quality related issues. Should the CSD, at some point in the future, desire to actively provide wastewater collection and treatment service, it would be required to return to San Bernardino LAFCO for approval under the provisions outlined in Government Code Section 56824.10 et seq.

Additionally, roughly two and half miles to the west of the Wrightwood CSD in Los Angeles County is the Mountain High ski area, which has two wastewater treatment plants. The Lahontan Regional Board identified that an additional opportunity may be for a single system to encompass the Wrightwood community and Mountain High resort. From the Commission's view, a single sewer collection and treatment system for the entire Wrightwood/Mountain High Resort area has the potential to provide a long-term solution to the large community's sewer needs. The viability of this option should be explored in any sewer planning efforts for this area.

<u>Determination IV.</u> Financial ability of agencies to provide services

The Wrightwood CSD is a nascent agency. Therefore, historical record is not the measure of fiscal health; rather, it is that of its current financial condition. In this case, the agency's financial ability to provide services is measured as of the end of the most recent fiscal year – June 30, 2019.

In a one-year comparison:

- Property tax revenues increased 7.0%.
- The increase in revenues resulted in an increase in cash and investments. This, coupled with a decrease in liabilities, results in a better liquidity position.
- Cash and cash equivalents (business-type funds) increased by 55.6%.
- Fund balance for Governmental Activities (parks and streetlights) decreased from \$45,311 to \$28,158.
- Cash and cash equivalents for Enterprise Activities increased from \$136,317 to \$212,066.

This service review does issue a few notes of caution. The most recent audit shows a marked increase in salaries and benefits as well as services and supplies. Should the District grow and these expenditures increase as well, the District should ensure that sufficient, sustainable revenues are able to fund the District's activities.

<u>Determination V.</u> Status of, and opportunities for, shared facilities

As noted previously, the Wrightwood community is a small, isolated community surrounded by forest lands. This community's size and location severely limit opportunities for the CSD to share facilities with other agencies.

As mentioned in Determination III, a potential opportunity exists in the future to form a single wastewater collection and treatment system to encompass the Wrightwood and Mountain High communities. This option may involve sharing treatment capacity at the two wastewater treatment plants currently serving the Mountain High ski area. The viability of this option should be explored in any future sewer planning efforts for this area.

Determination VI.

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

Accountability for Community Service Needs

The Wrightwood CSD has a website that includes the names, email addresses and terms of the Board of Directors, a direct, standalone link to meeting agendas on its opening page, brief

descriptions of CSD services, a calendar of community events and meetings, and Board adopted ordinances and resolutions. The website is electronically searchable. Meeting agendas are posted on the website at least 72 hours in advance of meetings. Agendas, staff reports, meeting minutes and audio recordings of Board meetings in 2019 are also available.

However, financial information (budgets, audits, and compensation) are not currently posted on the website. This information should be added to the website in the near future to increase agency transparency and accountability.

Governmental Structure and Operational Efficiencies

The Wrightwood Community Services District is governed by a five-member Board of Directors, elected at-large, by Wrightwood residents. Board members serve four-year, staggered terms. The current Board membership is shown in the table below.

Wrightwood CSD Board of Directors										
Board Member	Title	Term Expiration								
Wes Zuber	President	2020								
Leo Hordyk	Vice-President	2022								
Chuck Franklin	Director	2020								
Natalie Lopiccolo	Director	2020								
Michelle Schneider	Director	2022								

The Board meets the first Tuesday of every month at 6:30 p.m. in the Community Building located at 1275 Highway 2 in Wrightwood. Meeting agendas are posted at least 72 hours prior to the Board meetings in the Community Building, the Old Fire Station, the Hardware Store and on the CSD's website.

Just formed in July 2017, the Wrightwood CSD is in its infancy and continues to work through the administrative, budgetary and service challenges common of any newly formed agency. No additional governmental structure opportunities have been identified.

However, Wrightwood is located at an elevation of approximately 6,000 feet above sea level and has no municipal sewer services. The approval of the LAFCO 3202 in July 2017 authorized the CSD to provide wastewater services but specifically limited that service to planning and engineering services only. Should, in the future, a decision be made by the Lahontan Regional Water Quality Control Board to require municipal level sewer service in Wrightwood, the District is well positioned to play a key role in coordinating with the Lahontan Board and representing the Wrightwood community on this issue. Should sewer service be required, the District may also be the logical long-term wastewater collection and treatment provider for the community.

REVIEW OF CONDITIONS OF APPROVAL FROM CSD FORMATION:

This service review also provides an opportunity to review key LAFCO conditions of approval applied to the Wrightwood CSD formation (LAFCO 3202):

Condition (summary)	Status
LAFCO Resolution 3227, Condition 11 (summary):	All funds from the
Requires the Wrightwood CSD, as successor agency, to	former CSA 56 are
maintain any funds transferred from County Service	marked for public use.
Area 56 to the CSD for public use or purpose in	-
separate accounts in accordance with Government	
Code Section 57462.	
LAFCO Resolution 3227, Condition 14 (summary):	The CSD continues to
Requires the Wrightwood CSD, as successor agency, to	pay the installment
continue to pay the installment payments required for	payments. The last
the development of the community's Skate Park and	payment occurs in
other improvements.	2020.

Additionally, due to the formation of the CSD (LAFCO 3202) the CSD was responsible for the election costs. To repay these costs, the CSD entered into an agreement with the San Bernardino County Registrar of Voters (ROV) for the repayment of costs related to services provided by the ROV to conduct the CSD's special formation election. The total costs advanced by the ROV was \$63,500. The note payable is to be repaid in six annual payments of \$10,584. There is no interest on the note payable.

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

- As required by State Law, notice of the hearing was provided through publication in a
 newspaper of general circulation within the area, the *Mountaineer*. Individual notice
 was not provided as allowed under Government Code Section 56157 as such mailing
 would include more than 1,000 individual notices. As outlined in State Law and
 Commission Policy, in-lieu of individual notice the notice of hearing publication was
 provided through an eighth page legal ad.
- As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall accept and file the Service Review for Wrightwood Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 as presented at the hearing.

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)	
Commission for San Bernardino County, Cull, true, and correct copy of the action ta	fficer of the Local Agency Formation California, do hereby certify this record to be a ken by said Commission, by vote of the the Official Minutes of said Commission at its
DATED:	
SA	MUEL MARTINEZ
Ex	ecutive 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: OCTOBER 9, 2019

FROM: SAMUEL MARTINEZ, Executive Officer

MICHAEL TUERPE, Project Manager

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: First Quarter Financial Review for Period

July 1 through September 30, 2019

RECOMMENDATION:

Staff recommends that the Commission note receipt of this report and file.

BACKGROUND:

The first quarter of Fiscal Year 2019-20 has concluded and staff is presenting the Commission with its first financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (Attachment #1) showing the line item expenditures and receipts during the period.

FIRST QUARTER REVIEW:

The following narrative provides a discussion of expenditures and reserves, revenues received, an update on special project activities, and a breakdown of the fund balance at the end of the quarter.

Expenditures and Reserves

Expenditures are comprised of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the first quarter, total expenditures are at 26% of Approved Budget authority. No request is being presented, at this time, by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

1. Salaries and Benefits (1000 series)

A. First Quarter Activity

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$209,333 through the first quarter, representing 25% of Approved Budget authority – on par for one quarter.

B. Anticipated Activity

The remainder of the year is anticipated to maintain the adopted budget.

2. Services and Supplies (2000 and 5000 series)

A. First Quarter Activity

For the first quarter, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$121,979, or 28% of Approved Budget authority. The first quarter includes full-year and one-time payments. Payments that are typical to the first quarter that have taken place include: California Association of LAFCOs (CALAFCO) membership, the CALAFCO Annual conference (registration), the Commission's property and liability insurance, and the annual payment to SBCERA for GASB 68 processing. These one-time and full-year expenditures are generally on target for the fiscal year.

The first quarter included unanticipated or unbudgeted legal activity totaling \$8.860, which is outlined below. However, LAFCO is indemnified by the applicants for this matter, and the reimbursements received have been deposited. At this time staff is not recommending any budget adjustments; rather, as a part of the mid-year financial review staff will recommend the appropriate budget adjustments (an increase in revenues with a corresponding increase in expenditures).

Legal Counsel charges from litigation of two cases regarding LAFCO 3216: City of Upland annexation to San Bernardino County Fire Protection District et al filed by the San Antonio Heights Property Owners Association. LAFCO is indemnified by the City of Upland and County Fire for these cases. Payments made through the first quarter total \$5,740.

B. Second Quarter Anticipated Expenditures

Anticipated activities for the second quarter include significant expenditures, identified as:

- Full-year payments for the annual financial audit (\$11,268). This is the fourth year of a four-year contract with the firm Davis Farr LLP.
- Subscription to the County Street Network (\$10,500) for maintenance of digital mapping.
- Governance Training Program, a total cost not to exceed \$5,000. An update
 of the project is discussed later in this report.
- CALAFCO Annual conference expenses (hotel and travel for two staff and seven Commissioners).
- Significant payments for the processing of proposals and countywide fire service review (legal costs, advertising and mailing) are anticipated.

C. Status of Ongoing Commission-approved Projects

The following provides an update on expenditures and progress on projects approved by the Commission.

Governance Training Program:

The Commission is continuing its efforts to provide governance training for special districts, as well as other levels of government, within the County. As a part of this year's budget, staff developed an education program in coordination with CALAFCO and California Special Districts Association (CSDA) – see chart below. The budget allocates \$5,000 total for payments to CALAFCO or CSDA, per the agreed upon cost.

Governance Training Program Fiscal Year 2018-19								
Training Session	Collaboration	Date						
Peeling Back the Layers: Understanding Pension and OPEB Obligations	California Special Districts Association with BB&K	December 12, 2019 Cucamonga Valley WD						
LAFCO 101	CALAFCO	February/March 2020						

3. Reserves (6000 series)

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts during the first quarter.

Revenues

Revenues through First-Quarter

The Commission has received 88% of Adopted Budget revenues through the first quarter. The items below outline the revenue activity:

- Interest (Account 8500) Interest rates have steady increased over the past two years, albeit still providing a minimal cash amount. \$4,027 in interest revenue was earned from the Commission's cash in the County Treasury reflecting the final quarter of Fiscal Year 2018-19 cash. The bulk of LAFCO's revenues are received during the first quarter of the fiscal year through receipt of its annual apportionment. However, it is anticipated that the annual interest rate will remain low for the balance of the year providing limited resources.
- Apportionment (Account 8842) 100% of the mandatory apportionment payments from the County, cities, and independent special districts billed by the County Auditor have been received.
- <u>Fees and Deposits (Accounts 9545 9800)</u> Through the first quarter, the Fees and Deposits series of accounts have received 16% of its budgeted revenue (\$28,105). This amount is made up of a combination of application fees, service contract filing fees and legal cost recovery.
- Carryover from Prior Year (Account 9970)

Prior Year Contingency and Reserve funds have been carried forward, \$296,704.

2. Proposal Activity

The figure below identifies the number of proposals and service contracts received through the first quarter. The figure identifies that two proposals and three service contracts were received in the first quarter. Attachment #2 to this staff report includes a chart showing the yearly comparison of proposal, service review, and completed service review activity.

		Through September			
Activity	Budget	No.	% of Budget		
Proposals - Agency/LO/RV initiated	11	2	18%		
Proposals - Commission initiated	0				
Service Contracts - Commission approval	2	1	50%		
Service Contracts - Commission approval for exemption	0				
Service Contracts - Admin (E.O.) approval	4	2	50%		
Protest Hearing Deposits	9		0%		

The second quarter anticipates the receipt of two annexations, one encompassing over 4,000 acres.

In the first quarter, the Commission completed the service review for Wrightwood Community Services District. The *Countywide Service Review for Fire/Emergency Medical Services/Ambulance/Dispatch* is anticipated for presentation in either December or January.

Fund Balance

As of September 30, the Commission's cash in the County Treasury was \$1,088,570. A breakdown of this amount is shown below. As shown, the Commission is anticipated to contribute its Net Pension Liability Reserve amount of \$42,500 to SBCERA in June 2020 to reduce its net pension liability.

August 31, 2019 Balance							
Cash Balance is composed of the following:							
Committed (constrained to specific purposes)							
Net Pension Liability Reserve (Account 6010) scheduled June 2020 payment to SBCERA	42,500						
Compensated Absences Reserve (Account 6030)	110,146						
Assigned (intended for specific purposes)							
Contingency (Account 6000) \$673 used to balance 18-19 budget	49,327						
General Reserve (Account 6025)	150,000						
Budgeted Expenditures							
Budgeted Revenues (shown as negative)	(193,040)						

CONCLUSION:

For the first quarter, expenditures are on track, all of the apportionment receipts were received, and proposal activity is slightly less than on par for one quarter.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment:

Spreadsheet of First-Quarter Expenditures, Reserves, and Revenues

ACCT.	ACCOUNT NAME	A	CTUAL		FINAL	JULY	AUGI	JST	SEPT		THRU	% THRU
#		YE	AR-END	ı	BUDGET	3 pay dates					1ST	1ST
		F	/ 18-19		FY 19-20					C	QUARTER	QUARTER
				26 l	Pay Periods							
	SALARIES AND BENEFITS											
1010	Earnable Compensation	\$	503,704	\$	492,781	\$ 52,380.61	\$ 35	,778.33	\$ 36,928.33	\$	125,087	25.4%
1030	Auto and Cell Phone Allowances		19,269		9,135	1,684.62		700.00	700.00		3,085	33.8%
1035	Overtime											
1045	Termination Payment											
1110	General Member Retirement		173,050		189,146	20,197.03	13	,750.60	14,187.83		48,135	25.4%
1130	Survivors Benefits		179		176	20.30		13.50	13.50		47	26.8%
1135	Retirement Subsidy (no longer active)		1,995									
1200	Medical Premium Subsidy		53,970		53,799	6,236.03	4	,388.50	4,388.50		15,013	27.9%
1205	Long-Term Disability		1,068		1,141	123.84		85.02	85.02	294	25.8%	
1207	Vision Care Insurance		782		782	89.85		59.90	59.90		210	26.8%
1215	Dental Insurance Subsidy		1,230		1,235	142.32		95.44	95.44		333	27.0%
1222	Short-Term Disability		4,990		5,316	592.59		432.70	432.70		1,458	27.4%
1225	Social Security Medicare		6,277		5,917	637.82		430.56	430.57		1,499	25.3%
1235	Workers' Compensation		3,019		5,074							0.0%
1240	Life Insurance & Medical Trust Fund		9,251		10,735	1,085.36		744.08	744.08		2,574	24.0%
1305	Medical Reimbursement Plan		3,900		6,516	450.00		300.00	300.00		1,050	16.1%
1310	Annuitant Employee Medical (no longer active)		3,774									
1314	457/401a Contribution		2,695		3,275	318.18		218.48	218.48		755	23.1%
1315	401k Contribution		35,173		38,040	4,126.26	2	,833.36	2,833.36		9,793	25.7%
	TOTAL SALARIES & BENEFITS	\$	824,325	\$	823,068	\$ 88,084.81	\$ 59	,830.47	\$ 61,417.71	\$	209,333	25.4%
	Staffing (Full time equivalent units)		5.25		5.0							
	SERVICES AND SUPPLIES											
	General Services & Supplies											
2031	Payroll System Services			\$	826		\$	63.50	\$ 63.50		127	15.4%
2035	Communications											
2037	COMNET Charge (ISF)	\$	3,593		3,434			286.20	286.20		572	16.7%
2040	Relocation Charges - Phone Service		-									
2041	Phone Service/Outside Company		8,644		8,400	1,491.76		745.88			2,238	26.6%
2043	Electronic Equipment Maintenance		92		-							
2075	Membership Dues		10,303		11,753	10,376.00					10,376	88.3%
2076	Tuition Reimbursement		-		1,000							0.0%

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END	FINAL BUDGET	JULY 3 pay dates	AUGUST	SEPT	THRU 1ST	% THRU 1ST
		FY 18-19	FY 19-20	buy unite			QUARTER	QUARTER
			26 Pay Periods					
2080	Publications	2,723	3,163	658.16	466.72		1,125	35.6%
2085	Legal Notices	21,188	18,750		800.80	160.00	961	5.1%
2090	Building Expense	6,466	7,000	1,305.50	490.00	490.00	2,286	32.7%
2115	Computer Software	3,054	3,054					0.0%
2125	Inventoriable Equipment		-					
2130	Moving Expenses							
2180	Electricity	3,576	6,000	732.71	633.76	682.23	2,049	34.1%
2182	Electricity	-						
2195	Reimbursement Services and Supplies							
2245	Other Insurance	14,285	14,238	12,683.49			12,683	89.1%
2305	General Office Expense	4,918	4,850	1,283.15	192.00	21.65	1,497	30.9%
2308	Credit Card Clearing Account	(1,276)	-	(2,266.27)	1,642.07		(624)	
2309	Visa Temp Card						-	
2310	Postage - Direct Charge	7,121	6,116	18.42	335.86	250.48	605	9.9%
2315	Records Storage	808	900	490.09	64.37	64.37	619	68.8%
2316	Surplus Handling							
2323	Reproduction Services	162	-					
2335	Temporary Services	699	-					
	Consultant & Special Services:							
2400	Legal Counsel	94,182	46,300	5,627.49	-	6,364.85	11,992	25.9%
2405	Auditing	8,000	11,268					0.0%
2410	Data Processing		11,252	938.00	938.00	938.00	2,814	25.0%
2414	Application Development Maint.	12,851	2,000					0.0%
2415	COWCAP	10,109	13,328			3,332.03	3,332	25.0%
2416	Enterprise Printing		31	3.00	3.00	3.00	9	29.0%
2418	Enterprise Data Storage		8,457	705.00	705.00	705.00	2,115	25.0%
2420	Wireless Device Access	300	286		23.83	23.83	48	16.7%
2421	Desktop Support Services	17,417	16,762		1,396.80	1,396.80	2,794	16.7%
2424	Environmental Consultant	10,605	14,200	2,175.00	1,580.00		3,755	26.4%
2444	Security Services	480	468		123.00		123	26.3%
2445	Other Professional Services	96,029	80,826	9,046.86	7,265.80	6,125.00	22,438	27.8%
2449	Outside Legal (Litigation & Special Counsel)	3,216	-			4,114.50	4,115	
2450	Application Development Support		-					•
2460	GIMS Charges	13,518	16,500					0.0%

ACCT.	ACCOUNT NAME	YI	ACTUAL EAR-END FY 18-19		FINAL BUDGET FY 19-20	;	JULY 3 pay dates	AUGUST	SEPT	Q	THRU 1ST UARTER	% THRU 1ST QUARTER
				26	Pay Periods							
	Lease/Purchases:											
2895	Rent/Lease Equipment (copier)		5,289		4,800		884.38	405.72	413.40		1,704	35.5%
2905	Office/Hearing Chamber Rental		99,052		100,928		23,911.23	405.00	405.00		24,721	24.5%
	Travel Related Expenses:											
2940	Private Mileage		4,952		3,436		459.77	252.71	358.27		1,071	31.2%
	Conference/Training		5,231		4,740			4,410.00	000.2.		4,410	93.0%
2942	,		5,886		7,990		1,059.11	1,110100	557.24		1,616	20.2%
	Meals		456		1,200		148.00		100.00		248	20.7%
	Car Rental		-		-				700700			
	Air Travel		1,011		2,200							0.0%
2946	Other Travel		122		825		114.00		29.00		143	17.3%
	Other:											
5012	Services Out (Staples)		283		600				19.97		20	3.3%
	TOTAL SERVICES & SUPPLIES	\$	475,345	\$	437,882	\$	71,844.85	\$ 23,230.02	\$ 26,904.32	\$	121,979	27.9%
TOTAL	EXPENDITURES	\$	1,299,670	\$	1,260,950	\$	159,929.66	\$ 83,060.49	\$ 88,322.03	\$	331,312	26.3%
	RESERVES											
6000	Contingency (Assigned)			\$	49,327							
6010	Net Pension Liability Reserve (Committed)				42,500							
6025	General Reserve (Assigned)				150,000							
6030	Compensated Absences Reserve (Committed)				110,146							
TOTAI	CONTINGENCIES & RESERVES	\$	-	\$	351,973	\$	-	\$ -	\$ -	\$	-	0%
TOTA	AL APPROPRIATION	\$	1,299,670	\$	1,612,923	\$	159,929.66	\$ 83,060.49	\$ 88,322.03	\$	331,312	20.5%

ACCT #	ACCOUNT NAME		ACTUAL YEAR-END FY 18-19		FINAL BUDGET FY 19-20			JULY		AUGUST		SEPT		THRU 1ST QUARTER	% THRU 1ST QUARTER
	CONTRIBUTION REVENUES														
	Use of Money:		10.101	_			_								
8500	Interest	\$	16,191		\$	16,000	\$	4,026.55					\$	4,027	25.2%
	Mandatory Contribution from Governments:														
8842	Local Government For FY 2019-20 apportionment to County, Cities, and Independent Special Districts (\$363,499 total for each category)		1,105,497		1,	090,497		363,499.00				726,998.00		1,090,497	100.0%
	Fees and Deposits (Current Services):														
	Individual Notice		8,916			14,300		700.00		1,000.00				1,700	11.9%
9555	Legal Services		70,067			28,000		3,884.59		2,837.74		1,399.16		8,121	29.0%
9595	Protest Hearing		3,000			10,800				-					
9655	GIMS Fees		825			10,945									
9660	Environmental		10,619			14,900		1,000.00		1,000.00				2,000	13.4%
9800	LAFCO Fees		69,389			98,795		7,000.00		8,512.00		772.00		16,284	16.5%
	Total Fees and Deposits		162,816			177,740		12,584.59		13,349.74		2,171.16		28,105	15.8%
	TOTAL CONTRIBUTION REVENUES		1,284,504		1,	284,237		380,110.14		13,349.74		729,169.16		1,122,629	87.4%
	OTHER REVENUES														
9910	Prior Year Activity (refunds, collections)	\$	(373)		\$	_									
	Miscellaneous Revenues		265			-						549.66		550	
9970	Carryover of Open Proposals/Projects		(50)			31,982									0.0%
9970	Carryover from Prior Year, Assigned		50			-									
9973	Stale-dated Checks		1,000												
9990	SBCERA contributions		(184,963)												
	TOTAL OTHER REVENUES		(184,071)			31,982		-		-		549.66		550	1.7%
TOTAL	REVENUES	\$	1,100,433		\$ 1,	316,219	\$	380,110.14	\$	13,349.74	\$	729,719	\$	1,123,179	85.3%
	RESERVES FROM PRIOR YEAR														
9970	Contingency (Assigned)	\$	57,783		\$	49,327	+	49,327						49,327	100.0%
	Net Pension Liability Reserve (Committed)	Ψ	148,450	+	Ψ	10,021		70,021					\vdash	70,021	100.070
	General Reserve (Assigned)		200,000			150,000		150,000						150,000	100.0%
	Compensated Absences Reserve (Committed)		89,708			97,377		97,377						97,377	100.0%
	L RESERVES FROM PRIOR YEAR	\$	495,941		\$	296,704	\$	296,703.55	\$	-	\$	=	\$	296,704	100.0%